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## The Limits of Entrapment: The Negotiations on EU Reduction Targets, 2007-11

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**The Limits of Entrapment: The Negotiations on EU Reduction Targets 2007-11**

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*Abstract*

*In 2007, the EU decided to cut the greenhouse gas emissions by 20/30 per cent, something which was considered a proof of the EU's willingness to take on high targets independently of others. In the period 2009-11, the EU was debating but could not reach an agreement on stepping up to a 30 per cent reduction target. This raises the question: why did the EU go from being capable of adopting high targets independently of others to being incapable of agreeing whether it should increase its mitigation effort? It is argued that whereas actors sceptical of a high target could be rhetorically entrapped in 2007, such entrapment was impossible in the 2009-11 period. The lack of entrapment can be explained in terms of changes in the international and socio-economic contexts, which led to changes in the policy processes and the normative environment, which again made effective entrapment impossible.*

When the European Council decided in 2007 to unilaterally and unconditionally cut greenhouse gas emissions by 20 per cent by 2020[1] or by 30 per cent if other states would take on comparable targets, it was considered proof of the EU's willingness to take on high targets independently of others. The reduction target was set at a time when the other major developed emitters had not announced any targets and there was reason to believe that the US would not do so. The EU was seen as a directional leader[2] in international climate change politics and the decision was seen as an example of the EU's capacity for reaching agreements beyond the lowest common denominator. Current EU climate change is another story; debates over stepping up to a 30 per cent target or adopting an energy efficiency target which would generate a 25 per cent reduction have come to nought. At the June 2011 Environment Council, the Environment Ministers could not even agree on endorsing the

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[1] Compared to 1990 levels.
[2] Directional leadership is one of several kinds of leadership, and is characterized by setting a good example including some kind of sacrifice in order to influence the negotiations (Andresen & Agrawala 2002).

EU Commission's 'Roadmap for moving to a competitive low-carbon economy in 2050' due to Polish objections. Observers agree that the EU's capacity for directional leadership by taking on high reduction targets has been severely diminished.

This raises the question of why the EU went from being capable of adopting high targets independently of others to being incapable of agreeing whether it should increase its mitigation effort or not. After all there was a higher risk in 2007 of being the only actor taking on a reduction target. The question is answered by describing the role of what is known as entrapment in the processes which have led to two different outcomes, the 2007 decision and the lack of a unfinished decision on a step-up.

The EU leadership on climate change has been explained in various ways in the academic literature (Schreurs and Tiberghien 2007; Oberthür and Kelly 2008; Oberthür and Dupont 2011; Van Schaik and Schunz 2012). Many of these explanations have focused on the empirical side without drawing much on the theoretical literature about EU negotiations (Elgström and Jönsson 2005; Thomas 2009) or about policy-making more generally (Kingdon 2003). Two recent exceptions are van Schaik & Schunz (2012) and John Vogler (2009) who explain EU climate policy (especially reduction targets) in terms of norm-based action and entrapment. Drawing on both Vogler's argument that EU climate policy has been characterized by entrapment and on the broader literature on rhetorical action (Schimmelfennig 2001; Thomas 2009) and agenda-setting (Kingdon 2003; Pralle 2009), I have studied whether the adoption of the 2007 target was characterized by entrapment and why such entrapment has since been impossible. Entrapment should be understood as an ideal type describing a process in which actors find it difficult to argue against a given policy because the arguments in favour of the policy refer to norms which are difficult to question (Schimmelfennig 2001: 73; Thomas 2009: 345-346). The actors may be entrapped by previous commitments to the norms or

due to less legitimate arguments (compared to arguments based on these norms) both of which can possibly result in public shaming.

What is analyzed therefore is whether John Vogler is right in arguing that the setting of the 20/30 per cent target is the result of entrapment and, if this is the case, whether and how changes in the context and policy processes made such entrapment possible in 2007 and impossible in the period 2009-11.

In the subsequent section, the article addresses the academic literature on the EU climate policy and leadership, especially the drivers of such leadership. It is argued that the roles of norms and interests cannot be reduced to a question of norm- and interest-based action, but that it is necessary to look at explanations in terms of entrapment based on norm-based arguments and how such entrapment may be shaped by the international and the socio-economic context and the policy process. In the following section, a process-tracing of the adoption of the 2007 target reveals that entrapment took place at the level of the European Council. This is followed by a section analyzing the step-up discussions in 2009-11, which shows that in this case entrapment was not possible due to changes in the socio-economic and international contexts, which again influenced the policy processes by influencing agendas, framing and to some degree the involvement of 'economic actors'.

**State of the Art: Explaining EU Leadership**

Much has been written on the EU's willingness to act as a directional climate leader and on the factors driving this willingness (Harris 2007; Wurzel and Connelly 2011). The literature has focused on the EU's setting of reduction targets in relation to the Kyoto Protocol (Ringius 1999) and the post-Kyoto period – the 20/30 target – (Schreurs and Tiberghien 2007) as well as on the EU's

attempts to influence the global negotiations. More current literature (see contributions to Oberthür and Pallemaerts 2011; Wurzel and Connelly 2011) has picked up on the question of why, in recent years, this willingness seems to have diminished, yet without providing the same comprehensive analysis of the absence of willingness as the one found in the literature addressing its presence.[3] However, explanations of the presence of EU willingness to take on high reduction targets indirectly point to factors that may have changed and thus help explain the later absence of such willingness. It is also informative therefore to look at instances where decision-making procedures did not result in the EU taking on a high reduction target, such as 2009-11.

Whereas much of the literature has explained EU climate policy without drawing upon theoretical debates, a recent article by Louise van Schaik and Simon Schunz (2012) provides a coherent overview of different driving factors and groups them according to whether they can be characterized as norm- or interest-driven action.

Regarding norm-driven action, van Schaik & Schunz (2012) argue that the EU has predominantly been acting according to the norms of sustainable development and of adherence to the precautionary principle and climate science (see also Manners 2002; Lightfoot and Burchell 2005; Scheipers and Sicurelli 2007).

Yet, van Schaik & Schunz as well as others have also emphasized the role of interests both as limiting normative aspirations and as a complement to norms. According to van Schaik & Schunz, three types of interests have driven EU climate policy – climate security, economic interests and the EU's interest in gaining popularity. Firstly, climate change as a security issue is most relevant to this article in terms of energy security; limiting exposure to rising oil prices and minimizing dependence

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[3] Although COP17 & 18 in Durban and Doha have been described as successes for the EU, the EU leadership in these two cases was rather entrepreneurial or instrumental leadership (Andresen & Agrawala 2002) promoting particular solutions in the negotiations rather than directional leadership based on unilateral targets.

on actors in Russia and the Middle East (van Schaik & Schunz 2012: 176-177; Oberthür & Kelley 2008). Secondly, EU leadership as a way of gaining public support for EU integration, especially after the French & Dutch referendums had rejected the European Constitution (Lacasta, Dessai et al. 2007; Oberthür and Dupont 2011: 87-88). By adopting ambitious climate change policies, the EU (especially the Commission) could construct an image of itself as being green and thus improve its popularity as climate policy enjoys significant support among the European public. Thirdly, the definition of climate change as an economic opportunity, a definition pointing to two important arguments (Jacobs 2012) – the argument that the costs of action (mitigation) are lower than the costs of inaction (adapting to climate change), and the argument that climate change mitigation constitutes an economic opportunity rather than an economic threat. The former argument is (according to van Schaik & Schunz) based on the climate change economics, particularly the Stern Review (2006). The latter argument is based on the paradigm of ecological modernization (Oberthür and Dupont 2011), according to which greenhouse gas mitigation does not (necessarily) constitute a net cost to society as the economic advantages in terms of energy efficiency, 'green jobs' etc. outweigh the costs. However, this causal claim is much disputed by those arguing that the environment and the economy are two competing objectives and that there is an inevitable trade-off between them (Hoffman and Ventresca 1999: 1370-1371). Usually this means that the economy takes top priority (Scrase and Ockwell 2010: 2228). In my view, the difference between the former and the latter perspectives is that the former defines mitigation as a cost which only makes sense in order to avoid climate change, whereas the latter defines mitigation as creating a benefit (and should consequently be implemented even if it was not for climate change).

As the theoretical literature on the roles of norms, interests and institutions has developed beyond the norms/interests distinction to include notions such as entrapment, I find it relevant for this paper. This literature has described normative or ideational structures as constraining and enabling

5

action (Schimmelfennig 2001; see also Müller 2004). According to Krebs & Jackson (2007), a crucial part of the political decision-making process is the argument between actors over the right course of action, an argument in which the actors put forward justifications for their positions with the aim of either persuading them or making it difficult for them to argue against the policy proposed. Such justifications include references to norms. Thus, norms can play a role as constituting a part of the normative environment constraining and enabling which policies actors can argue in favour of.

Particularly relevant is the concept of (rhetorical) **entrapment**; actors who seek policies not in line with the dominant norms find it difficult to argue against these norms and subsequently also against arguments for a given policy based on references to these norms (Schimmelfennig 2001: 73; Thomas 2009: 345-346). They are entrapped by their previous commitments to the norms which means that if they engage in norm-inconsistent behaviour they run the risk of being publically *shamed* for their hypocrisy (committing to the norms in one situation, rejecting them in another). This way, the norms legitimize and empower the actors whose preferences are in line with the norms. Drawing on policy-making literature, I argue that the saliency of norms depends among others on the framing of the topic at hand (Pralle 2009: 782-783; Schön & Rein 1994), previous commitments to norms, and on the policy forum (Princen 2009: 9-10). Effective entrapment requires that the topic is placed on the 'decision agenda' (the agenda of the decision-making body) of the polity, thus entrapment at 'lower' levels is not effective in terms of changing policy.

John Vogler (2009) has argued that the EU climate policy was characterized by entrapment both in the case of the Kyoto Protocol targets and of the post-Kyoto target. In both cases, the combination of the uncontested nature of the normative frame (the importance of acting against climate change), significant public attention and 'external conditions strengthening the relevance of the EU's original

bid for climate leadership' made it hard for so-called 'laggards' or 'sceptics'[4] to argue against comparatively high reduction targets (Vogler 2009: 486-487). Although Vogler's argument provides a convincing account of how divergent interests were overcome by references to a European norm, it does not explain why the entrapment has apparently ceased to function.

The focus is on exploring the role of entrapment in the **EU debates regarding reduction targets**, and identifying the factors which have played a role in making entrapment effective or non-effective. The intention is to analyze the reduction target debates in order to identify whether the actors' interaction in the normative environment in 2007 can be characterized as entrapment and if so identify the factors that made entrapment possible in 2007 but not in 2009. The concept of entrapment is used to focus on how references to norms and interests have been employed in arguments for different policies. For this reason I have analyzed the preferences of the various actors regarding climate policy, how they framed climate policy and its consequences (regarding framing, see Schön & Rein 1994), how these different framings have been constrained and enabled by the different normative environments, and how this influence from the environment in the end influenced the possibility for agreement. The normative environment of a policy debate is constituted by the different policy forums and their salient norms and the wider context. The framings have included references to established norms as well as to the interests of that actor or the EU as a whole. Crucially it is much harder to be entrapped by particular framings of interests than by particular framings of norms. However, even in discussions of interests an actor may be trapped by the difficulty of arguing for national interests rather than European interests. Consequently, rather than talking about norm-driven or interest-driven action, it makes more sense to talk about norm-based and interest-based framings of climate policy. The analysis will draw on van Schaik &

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[4] I use the term 'sceptic' rather than 'laggard' as it has less negative connotations.

Schunz's classification of the different norms and interests at play in EU climate policy, but treat them as **frames** rather than independently existing factors.

Furthermore, I have grouped various factors from the literature on EU climate policy – which can have played a role in bringing about rhetorical entrapment – together under the headings of context and process.

Firstly, the context, which I divide into the international and the socio-economic context. The international context is mainly about the situation in the global negotiations, the lack of US leadership (Lightfoot and Burchell 2005; Vogler and Bretherton 2006). More recently, John Vogler (2011: 34-35) has argued that the EU's reduced capacity to agree on ambitious reduction targets should be seen in the light of EU's diminishing importance in the global climate negotiations vis-à-vis China and the US. The socio-economic context includes the role of the crisis. On a general note, Daniel Kelemen (2010) has argued that normative action is dependent upon the socio-economic context (including the crisis) which thus defines the possibilities for taking on high reduction targets. The role of the crisis points to the wider body of literature on the relationship between environmental policy and economic priorities described above.

Secondly, the policy processes through which the EU has addressed the debate over reduction targets. Although this issue has been relatively underdeveloped in the EU climate policy literature, studies have analyzed the influence of the institutional set-up processing EU policy (Costa 2008), and the EU's multi-level institutional set-up (Schreurs and Tiberghien 2007; Jordan et al. 2012) on climate policy. I find that the decision-making processes and the institutional set-up within which they take place are important as the different Council constellations are characterized by different norms and degrees of power, and because different actors have been involved in the policy processes both within the Commission and the national governments.

**Empirical Material**

In order to answer these two questions, I have relied on process-tracing of the negotiations leading to the adoption of the 20/30 per cent target in 2007 and the unsuccessful (in terms of reaching an agreement) negotiations concerning a step-up beyond the 20 per cent target in the period 2009-11. Attention has been paid to the arguments used by the different actors. As the arguments used within the EU institutions, especially the Council, are rarely publically available, a combination of key informant interviews and official documents have been used to identify the arguments being used and their context. The key informants are all senior civil servants from the Commission, Denmark, France, Hungary, Germany, Italy, Poland, Sweden and the UK who have been closely involved in the negotiations. The informants have been requested to explain the course of events, the positions and arguments of the important actors as well as other important factors influencing the processes. In this way, the possibility of new and unexpected explanations has been kept open. In terms of actors, the focus has not been on the role of member states, but on actors within the member states and the Commission, including ministries and Directorates-Generals. The official documents have been analyzed in order to check if they contain the framings one would expect on the basis of the interviews. Specific attention has been paid to important actors such as the big member states and the Council Presidencies.

**Adopting the 20/30 Target**

The EU's high profile on reduction targets dates back to 1997 – prior to the Kyoto Conference of the Parties – when the EU adopted the conditional offer of reducing by 15 per cent compared to

1990 levels by 2010 (Ringius 1999). In Kyoto, the EU ended up with one of the highest Kyoto targets, 8 per cent reduction by 2008-12 compared to 1990. In 2005, the EU played a crucial role in getting Russia to ratify the Kyoto Protocol which then entered into force.

By 2005 the EU had already started to debate what should happen after the expiry of the first Kyoto Protocol commitment period in 2012. The debate was scientific and regarded how much emissions should be reduced in order to prevent dangerous climate change. The scientific findings which became the basis of the 25-40 per cent target for developed countries in the September 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change (2007) already provided the basis for the debate within the EU. In terms of international context, similar issues were discussed within the UNFCCC negotiations, in which the parties started discussing the post-Kyoto reduction targets in 2005, but without any countries putting forward reduction targets.

In the autumn of 2006, the debate focused on the EU's reduction target for the post-2012 commitment period. Some member states, especially the UK (UK Government 2006), started calling for an ambitious reduction target. At the same time, the German government prepared for its Presidency in the first half of 2007, and the Commission – specifically DG Environment – drafted its Communication 'Limiting Global Climate Change to two degrees Celsius – The way ahead for 2020 and beyond' (2007). The German government preferred a 30 per cent target. Within the Commission there were substantial discussions about whether the Communication should recommend a 20 or a 30 per cent target, and to which degree the target should be unilateral or conditional upon what targets other major emitters would adopt. On the one hand, there was the desire to create an incentive for others to adopt ambitious targets, on the other there was a fear that adopting a split target would mean being stuck with the 20 per cent target forever (Interview D).

Furthermore, the discussion in the Council started to crystallize around the two options of 20 and 30 per cent.

In order to discuss the most important issues on the agenda during the Presidency, on 9 January 2007, Barroso met with Merkel in Berlin. They agreed that both the Commission and the Presidency should push for a quick adoption of a split 20/30 target at the March European Council. The following day the Commission published the 'Limiting Global Climate Change to two degrees Celsius' Communication, which included a recommendation of the 20/30 per cent target as well as 20 per cent targets for the share of renewable energy and for improving energy efficiency (both for 2020)[5].

Both Merkel and Barroso actively pushed for the target, and the German Chancellor and her Environment Minister and civil servants held several meetings with their respective counterparts from other member states to convince them and to lay the ground for later entrapment. Merkel was Environment Minister during COP3 in Kyoto and hence had an interest in climate change. Barroso saw climate change as a potential motor for European integration, in crisis following the rejection of the European Constitution at the French and Dutch referenda in 2005, and as a way of strengthening the role of Europe on the global scene and of the Commission on the European scene (Interview G).

From the interviews it appears that the most important factor pushing towards an ambitious target was the desire to act as a leader and influence the global negotiations. As one informant expressed it: 'I think it is a kind of the question of political leadership – and to say that we really want to pick up the ball and run with it. We cannot on one side, in our political statements, say "climate change is

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[5] The Renewable Energy and Energy Efficiency targets are not addressed here as they were adopted for intra-EU reasons.

very important" and then on the other hand hold back and don't do anything. We need to "walk the talk" and I think it was one of the things that was very important at that time.' (Interview D). This indicates that the EU as a whole was entrapped by previous commitments to act as a leader on the international stage. Such entrapment made it harder for sceptics to argue against the 20/30 target.

The sceptical member states included first and foremost Poland and Italy, but also new member states such as the Czech Republic. However, Poland never succeeded in creating a common Eastern European front, mainly because the other Eastern European member states prioritized being part of the 'in-group' over fighting for their position (Interview A). These member states did not as such question the idea of fighting climate change, but rather the wisdom of taking on a high target when other countries have not done so. They argued that this would lead to a significant loss of European competitiveness and to so-called carbon leakage (relocation of production to countries without mitigation policies).

The pushers argued for EU leadership in two ways. Firstly (and most importantly) that it was necessary to move the UNFCCC negotiations forward (Interview A). It is difficult to distinguish sharply between the normative and interest-based elements of this argument, the pushers argued for an ambitious global effort partly as normatively right and partly as being in the EU's long-term interests. No matter what, the argument was based on a fundamental causal claim regarding the international context, that adopting an ambitious target (possibly including a conditional high-range target as bait) would inject badly needed momentum into the global negotiations. This claim was very much disputed by the sceptics who – following an interest-based line of arguing – maintained that the EU risked being the only actor taking on an ambitious target, which would make little difference regarding climate change while damaging European competitiveness.

The second argument (which in 2007 according to informants was less important) was that it would be in Europe's economic interest to be first in transforming to a low carbon society and thus concerned the economic context. This argument was countered by the argument put forward by the sceptics that cutting emissions would be more expensive than not doing so, and this extra cost would be borne by the European consumers and industry. If there was a great benefit in using renewable energy or increasing energy efficiency, the producers did not need a reduction target.

The sceptics also expressed their concerns in normative terms, namely by referring to solidarity, that the poorest (i.e. the Eastern European) member states should not bear an unfair share of the burden. An important element of this argument was that the Eastern European Member states were in a different situation emission-wise than the Western ones as their emissions had dropped significantly after 1990 due to the restructuring of their production system. Consequently, most of them had emissions below their base year, and hence they thought that meeting the 2020 target would not require significant further reductions of their emissions (Interview H), something which may have influenced the eventual Polish acceptance of the 20/30 target. The Eastern European member states were also in a different situation legally speaking, as they were classified as 'economies in transition' in the United Nations Framework Convention on Climate Change, unlike the other EU member states, which are classified as industrialized countries and should provide financial and technical support to inter alia economies in transition (UNFCCC 1992).

In other words, it is difficult to argue that the pushers were norm-driven and the sceptics interest-driven. But it was more difficult for the sceptics to argue against the pushers, as the pushers' arguments were more in line with previous EU commitments to climate change. The saliency of the leadership norm made it possible to entrap actors by framing an ambitious climate policy in terms of such leadership. An important factor was the short time that the Council had to negotiate the target,

the Commission Communication was published 10 January, and 21 February the Environment Council adopted a set of conclusions endorsing the 20/30 per cent target. Consequently there was little time to analyze the economic impact of the 20/30 per cent target. As one informant put it 'I don't think there was a total political or technical discussion on those targets, in any capital, to be honest. I think it was a political decision, certainly there was a big political pressure to adopt this target from the Commission …I don't think that the member states had the adequate time to explore, understand, assess the effects of this target, and so, my point of view, as an economist, would have been to reverse the process and have a total impact evaluation with some results and proposals to the EC. Instead we had the target set up, and then, after one year the impact evaluation that had to justify these targets' (Interview C). Although there was a rather brief impact assessment made by the Commission accompanying the Communication which argued that the reduction targets could have a significant negative impact on EU GDP (up to a 2.8 per cent loss), there was little time to discuss the Impact Assessment in Council Working Groups or in the national capitals (Interview C).

For decisions of such a magnitude, it is usual that the national governments carry out an analysis of the national economic costs and benefits. Such impact assessments often involve potential veto actors in non-environmental institutions within the government, such as Ministries of Finance, Economics or Industry, or from industry. The lack of time meant that the process, in the words of the informant, became political rather than technical, or characterized by political concerns such as being shamed publically or in small in-camera settings rather than subject to technical analysis involving actors more likely to be opposed to the 20/30 per cent target. The impact of the 'economic' ministries was also limited by the early involvement of state leaders and their cabinets; it is common for a Ministry of Finance to overrule a Ministry of the Environment, but it cannot overrule the cabinet of the Prime Minister/President, which combined with the pressure from most

14

of the European publics who demanded action made it difficult to argue against the 20/30 per cent target.

The limited time to discuss the target among civil servants, combined with the importance of the subject, meant that there was no agreement when the Environment Council met on 21 February. It took a long day of negotiations before an agreement was reached. The sceptics, mainly Poland and Italy, were finally brought on board after a lot of pressure and after provisions were added; one addressing the burden-sharing concerns of Poland and other new member states, another addressing carbon leakage. These two provisions were sufficiently vaguely worded to be open for interpretation and in this way avoid determining future decisions. Importantly, the conditions for moving to the 30 per cent target were specified as 'provided that other developed countries commit themselves to comparable emission reductions and economically more advanced developing countries to contributing adequately according to their responsibilities and respective capabilities' (Council of the European Union 2007) without defining the exact meaning of these criteria.

The European Council should take the final decision on the 20/30 target at its 8-9 March 2007 meeting; the decision was considered too important to leave to Environment Ministries. In the period between the Environment Council and the European Council, attempts were made to re-open the agreement by some of the sceptics. It is arguable whether the agreement reached by the Environment Council would have lasted had it not been confirmed by their superiors less than two weeks later.

At the European Council there was a debate over the target, but this ended with an endorsement of the Environment Conclusions (except for minor changes). The personal roles of the state leaders, including very personal commitments from Merkel, Blair and Chirac, should not be underestimated in such in-camera settings (Interview G). In such a setting, it is difficult to be the one objecting to

something that the others agree upon. In the words of one informant: 'Who could take the responsibility to say: 'no, I don't want these targets'? Honestly. It was very hard in the EC to say something like that.' (Interview C). Arguably the personal dynamics of not wanting to be the one 'going against the stream' may have mattered more than the more normative entrapment of having difficulties arguing against previous commitments to European norms.  The saliency of the leadership norm is evident especially in the Conclusions of the European Council which started out by underlining 'the leading role of the EU in international climate protection' (European Council 2007).

The agreement on the 20/30 per cent target can be characterized as being significantly 'above' the lowest common denominator, or more precisely, what the potential veto actors Poland and Italy wanted. It is possible to argue that for both Poland and Italy not having an agreement would have been preferable to the 20/30 target[6], but that they could not use their veto power because of entrapment. Entrapment in the European Council is more effective than in the Environment Council, as the entrapment of an Environment Minister can always be recalled by her/his Prime Minister or President.

## 2009-11: Negotiating to go beyond 20 per cent

The 2008 EU climate change and energy package transformed the 20 per cent reduction target and the 20 per cent renewable energy target into EU legislation. The package was adopted by the European Council (following the unusual pattern of the European Council deciding environmental and energy policy) after a year of intense negotiations. Crucially, the package confirmed that the 20

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[6] Not reaching an agreement would not preclude the EU from later adopting a reduction target in connection with the UNFCCC negotiations.

per cent target was not an empty commitment and distributed the burden of meeting the target between the member states. According to the Commission Impact Assessment, most new member states would benefit from the distribution of the reduction efforts (as they could trade emissions allowances, renewable certificates, etc.), yet the new member states argued that they would face significant costs. The member states were entrapped by their commitments to the 2020 targets, which they did not dare to challenge (Bocquillon 2012). The fear that prolonged negotiations would damage the EU's position going into COP15 (as its directional leadership would be less credible) added to the sense urgency and induced the French Presidency to seek a solution within its term (Szarka 2011).

The EU reduction target resurfaced – due to the international context – in the run-up to COP15 in Copenhagen as the EU started debating whether and under what circumstances it would step up to the 30 per cent target. The 30 per cent target was discussed in the context of the Environment Council and the European Council without entering into crucial negotiations. Whereas the member states agreed that the offers from other states did not meet the criteria for the step-up, they could not agree on whether the EU – in order to move the negotiations forward[7] – should move to 30 per cent in spite of this. The UK wanted a step-up to 30 per cent before COP15, but most other member states preferred to defer the decision to COP15 to increase the pressure on other states.

During COP15, the discussion of the 30 per cent target was predominantly restricted to the level of the state leaders and their senior advisors. The Commission, which feared that the discussions would lead to a complete reopening of the package, initiated two pledging rounds – firstly in connection with the 3-4 December European Council in Brussels, secondly at the European Council meeting in Copenhagen – in which the different state leaders were asked how many megatons of

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[7] Besides the reduction target, the member states debated whether to use the EU contribution to climate financing to move the negations forward.

CO₂e reduction they could provide in order for the EU to meet the 30 per cent target. This 'passing the hat around' did not reach a conclusion, nor did the more vital discussions among the most important leaders. A small circle of leaders – Barroso, Merkel, Brown, Sarkozy, the Polish Prime Minister Tusk, Spanish Prime Minister Zapatero and Swedish Prime Minister (and President of the Council) Reinfeldt – met during the last couple of days of the conference, but were deeply divided. Brown, Sarkozy and Zapatero supported going to 30 per cent in order to move the gridlocked negotiations forward (mirroring previous leadership arguments aimed at entrapment), whereas Merkel argued that the US should increase their offer before the EU should step up, Tusk was opposed to the step-up, as were Barroso and Reinfeldt (Interview E). The Polish position was – and would be for the following years – that Poland was not as such opposed to moving to 30 per cent, but could not accept that this would be done by taking allowances out of the market for the period 2013-2020. Poland was willing to discuss a 30 per cent target by 2020 if it could be met by a combination of means such as absorption of greenhouse gasses in forests and surplus allowances from the first Kyoto Protocol commitment period (Poland has a significant amount of such allowances). In the end, the step-up discussions were overtaken by events in the global negotiations – the final day of hectic negotiations – and never came to a conclusion (and hence entrapment was never effective).

After COP15, the debate resurfaced in May 2010 when the newly created DG Climate Action published its Communication 'Analysis of options to move beyond 20 per cent greenhouse gas emission reductions and assessing the risk of carbon leakage' (European Commission 2010). Early drafts pushed explicitly for a move to 30 per cent, but when the draft Communication went into Interservice (a procedure in which other DGs comment on draft texts), the Communication's stance regarding the step-up became neutral. The opposition within the Commission primarily came from DG Energy, DG Industry and the Office of the President of the Commission (Interview F).

The early version of the draft employed arguments for going to 30 per cent which have been used since. Firstly that the crisis has made it much cheaper to meet both the 20 and 30 per cent targets, meaning that the 30 per cent reduction target will not cost much more than people thought the 20 per cent would cost when the package was adopted (European Commission 2010). Meeting the 20 per cent target would require little effort compared to what was estimated just two years before. Secondly, and more importantly, that increasing the reduction commitment would create green jobs (especially through increased competitiveness in low-carbon industries) as well as significant co-benefits in terms of improved air quality (reducing the costs of such pollution) and reduced oil and gas import bills. Importantly, the arguments of the proponents of a step-up have changed from the need to influence the negotiations to the domestic benefits (and from the international context to the economic context); it is in the **interest** of the EU to increase its mitigation effort irrespective of what others do.

In the spring of 2011, the Commission's 2050 Roadmap for a Low-Carbon Economy (European Commission 2011) and Proposal for an Energy Efficiency Directive (European Commission 2011) both provoked talks about moving to a 25 per cent target for *domestic* EU emissions in 2020. This is a target for domestic emissions unlike the 20 and 30 per cent targets which partly can be met by buying offsets. The 25 per cent domestic target is comparable to the 30 per cent target in terms of European emissions[8]. Again, the arguments from DG Climate Action and other pushers framed climate change in terms of interests rather than norms. In terms of the Roadmap it was argued that a 25 per cent target would constitute the most cost-efficient path to a low-carbon economy by 2050. For the Energy Efficiency Directive, it was argued that the reduction in energy consumption (the purpose of the Directive) should be accompanied by setting aside ETS allowances in order to avoid creating a surplus of allowances and a drop in the allowance price due to reduced demand.

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[8] But the 30 per cent target would also deliver reductions in the developing world.

Both the Roadmap and the Energy Efficiency Directive caused much dispute both between member states and within them. Apart from the UK and Denmark, which have government positions supporting the 30 per cent target, Environment Ministers from France and Germany (in the summer of 2010) and from Germany, Spain, Greece, Portugal and Sweden (in March 2011) have called for moving to 30 per cent but without being backed by their governments. This reveals that the division between pushers and sceptics also divides governments. In particular the previously ambitious German government is divided between the Environment and Economy Ministries (Euractiv 16 July 2010).

Any talk of a step-up is also firmly opposed by the same countries who were sceptical of the 20/30 per cent target in the first place, with Poland playing an even more prominent role. In the Environment Council, Poland has opposed talks of a set-aside of emissions allowances (to a degree which so far has made entrapment impossible). Even more notably, in June 2011 Poland broke the consensus norm and rejected – as the only country – a set of Council Conclusions endorsing the Roadmap. The Polish government was opposed to the statement that delivering on the energy efficiency target would mean that the EU would 'outperform the current 20 per cent emission reduction target and achieve a 25 per cent reduction by 2020' as this was seen as too committing (ENDS Europe 2011).

Poland in particular has been opposed to proposals raising the allowance price by arguing it will be damaging to the Polish economy and competitiveness. Italy, Poland and others have also argued that it will be meaningless in terms of climate change mitigation as the EU only accounts for 13 per cent of global emissions, and it is unlikely that other states will take on comparable emissions reductions, thus creating a risk of carbon leakage (Interview C). On a related note, the sceptics find that the EU attempt to demonstrate directional leadership by taking on the 20 per cent target has failed, as

COP15 made clear. Hence, there is little reason to repeat the same mistake by going unilaterally to 30 per cent.

**Lack of Entrapment: Why?**

Attempts of entrapment have been unsuccessful both at COP15 and following COP15. This lack of entrapment can be traced back to changes in the socio-economic and international contexts, which again influenced the policy processes by influencing agendas, framing and to some degree the involvement of 'economic actors'.

For the international context, the lack of EU influence at COP15 had two consequences: firstly it influenced the willingness of state leaders to discuss climate change, and secondly it changed the normative environment in which the actors argue. The sceptics could – unlike in 2007 – refer to the EU's lack of influence at COP15 (particularly the fact that the Copenhagen Accord was negotiated between the US, China, India Brazil and South Africa) as a proof that the leadership strategy did not work, something also explaining why the pushers did not use the leadership argument after COP15. Already during COP15, EU leadership did not appear as salient as before and the outside pressure was lower, no other government asked the EU to move to 30 per cent, and public attention was focused on the global negotiations without knowing that the EU leaders discussed 30 per cent. After COP15, the change in the global negotiations from a top-down 'targets and timetables'-based regime with countries negotiating reduction targets to a bottom-up 'pledge-and review' regime limited the saliency of EU directional leadership. Instead the EU in the negotiations focused on

entrepreneurial leadership through accepting a second Kyoto Protocol commitment period as part of a larger deal in Durban.

The changing socio-economic context, more precisely the economic crisis, has also been an influential factor. Both pushers and sceptics have used it to argue their case, the pushers arguing for green growth and defining the low allowance price[9] as a problem, the sceptics arguing that the crisis has limited the economic space for costly policies such as higher reduction targets. This has led to further divisions between the two groups, but has not in itself made a step-up impossible. The impact of the crisis has been direct rather than indirect by altering the policy processes by directing state leaders' focus away from climate change (Interview A).

Both the crisis and COP15 have influenced the agenda of the European Council. The crisis has occupied the agenda of the European Council leaving little space for effective entrapment, and COP15 gave important state leaders a personal experience of lack of EU influence. As the adoption of the 20/30 target proved, the involvement of the European Council is crucial for overcoming internal differences through effective and binding entrapment. Since COP15, state leaders have not addressed the issue, meaning that a step-up is unlikely as the divisions in the Council are too big to overcome at the level of Environment Ministers, and effective entrapment requires involving state leaders.

Besides diminishing the likelihood of the European Council addressing climate change, the changes in the context have also led to change in the arguments used in the policy debates. The pushers have gone from using predominantly normative arguments (the need for EU leadership) to using interests-based arguments (mitigation is in the interest of the EU). Their opponents used the same competitiveness arguments as in 2007. The reframing from a norms vs. interests debate to an

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[9] A result of the crisis.

interests vs interests debate helps explain why entrapment became difficult, arguing against the argument that mitigation is in the interest of the EU (due to green growth or long-term transition) does not entail the same risk of being accused of hypocrisy as arguing against normative arguments about EU leadership. As the debate was reoriented to causal claims about whether a deeper reduction target would lead to more or less growth, the sceptics' arguments about protecting European (and national) industry became more legitimate. The post-communist member states' argument that they wanted to know their share of the burden before talking about a step-up (and that they would not accept a large share) can be seen as reflecting a negative experience with the climate change and energy package, perceived as not sufficiently reflecting their national circumstances. As described above, the reframing is also evident in the official texts which went from stressing leadership to barely mentioning it, but instead talked about the economic consequences of a step-up.

The policy processes have changed beyond the contextual influence on agendas and framings. There has also been an increasing involvement of 'economically-oriented' actors, including Ministries of Finance, Economics and Industry. Such an involvement to a large degree explains why the two 2007 policy entrepreneurs, Barroso and Merkel, have been more sceptical of the step-up. Both within the Commission and the German government, economic actors (DG Enterprise, Energy and Industry; the German Ministry of Economics) have kept DG Climate Action and the German Environment Ministry in check. Similar patterns can be observed in other member states. There are three reasons for this. Firstly, the prolonged negotiations over the climate change and energy package which to an unprecedented degree involved economic actors (Interview C). To many of the economic actors this can be seen as a learning process, they have come to the conclusion that climate policy can be very costly. Secondly the economic crisis which generally speaking increases the power of such ministries

(Interview B). Thirdly, the length of the negotiations, which made it easier for economic actors to get involved.

**Conclusion**

On the basis of the analysis, one can conclude the following; the adoption of the 20/30 per cent target was largely based on entrapment of actors sceptical of such a target, whereas entrapment has not worked in the debates over a step-up from the 20 per cent target. In the former case, due to a set of (interrelated) circumstances, entrapment was effective – an international context which made arguments for EU leadership salient, a combination of the in-camera setting among state leaders and a public opinion which called for an ambitious outcome and a short negotiating period which did not allow economic actors to become involved. These factors had changed in the 2009-11 period. The international context had changed as the EU leadership seemed less relevant after COP15 and the socio-economic context had changed which meant that the crisis occupied the agenda of the European Council and strengthened the role of the economic. The economic actors have also been increasingly involved due to having become more focused on the costs of climate policy following the climate change and energy package, and the longer negotiation periods (compared to 2007) granting them more time to get involved. Entrapment was most likely at COP15, but even then references to leadership were less salient than before.

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