



AALBORG UNIVERSITY
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More Power, Less Radicalism?

A study of the interaction between the European Parliament and interest groups in environmental policy-making in the European Union

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Abstract

The European Parliament is often considered the “greenest” EU institution and a “champion” of the environment. In the beginning, the European Parliament only enjoyed a consultative role in the formulation of policy, and the European Commission, as the agenda-setter, was considered a more interesting lobby target for most interest groups. However, during the last 40 years, the European Parliament has gradually expanded its legislative power through various treaty changes, and environmental policy has become integrated formally as part of the EU treaties. This development has made it attractive for both environmental groups and industry groups to get access to and influence the European Parliament in environmental policy-making.

The objective of this study has been to examine whether the perceived image of the European Parliament as an environmental “champion” still fits the institution today. Based on qualitative interviews with key MEPs or Parliamentary Assistants and representatives from relevant industry and environmental groups in the context of two recent environmental case studies, I have searched for patterns and developed explanations to the behaviour of the European Parliament. To help me develop explanations, I have used a theoretical framework based on Logic of Access Theory by Pieter Bouwen and two perspectives on Resource Dependency by Jeffrey Pfeffer & Gerald R. Salancik and Rainer Eising.

My analysis has shown that the European Parliament is not to be considered an environmental “champion”. On the contrary, the adopted texts seemed to have been watered down from the Commission proposals. The main explanations for this are: first, it seemed that the MEPs granted more access to industry interests because they provided the demanded resources. Second, national position on the examined legislation seemed to have had a big influence on the voting of the MEPs. Third, since the 1999-election, the composition of the European Parliament has change from a centre-left to a centre-right balanced composition dominated by traditionally less environmental-friendly political groups. Lastly, with two almost equally influential committees, ENVI and ITRE, neither environmental nor industry interests were favoured. Rather, the adopted texts were compromises between opposing interests. Thus, even though the EP has become more powerful in the legislative procedure, this study has shown that the institution is not to be considered an environmental “champion” today.

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1. INTRODUCTION

At its founding, the European Union (EU) had neither environmental laws, policy nor administration (Jordan, Andrew & Adelle, Camilla, 2013 p. 1; Judge, 1993 p. 2)¹. During the last 40 years, environmental policy in the EU has emerged at a strong pace along with increasing legislative power to the European Parliament (EP): through the Single European Act (SEA), the introduction of the co-decision procedure by the Maastricht Treaty (ToM) and co-decision as the “Ordinary Legislative Procedure” (OLP), enshrined with the adoption of the Lisbon Treaty (ToL) (Article 294 of (ex Article 251 TEC) the Lisbon Treaty).

However, gradual transfer of regulatory competences to the EP has simultaneously increased the complexity of internal policy-making. This has led to a significant resource dependency between the policy-makers (Members of the European Parliament (MEP)) who need external input to design legislation and interest groups who wish to get access to the EU institution in order to influence policy-making (Bouwen, 2002; Bouwen, 2004a; Pfeffer & Salancik, 2003; Pfeffer & Salancik, 1978). The result has been a more competitive “élite pluralist”² environment, where public and private interest representatives fight over access to the institutions (Coen, 2007b p. 4; Eising, 2007).

The EP is traditionally considered the “greenest” institution in the EU and a proactive force for environmental change (Burns & Carter, 2010; Burns, 2013; Carter, Burns, & Worsfold, 2012; Greenwood, 2011; Judge, 1993). The EP has shown an openness to environmental groups and other civil society representatives due to its role as a representative of the citizens of Europe (Tanasescu, 2013 pp. 335-336), and it has taken a “greener” position on several environmental and climate dossiers than the European Commission (EC) e.g. the dossier that included aviation in the European Union Emissions Trading Scheme (EU ETS) in 2007 and the EP advocated for further reductions in the greenhouse gas reduction commitments by 2020 compared to the EC’s proposal (Gullberg, 2008a p. 2967). Internally in the EU, especially the Committee on Environment, Public Health and Food Safety (ENVI), one of the largest and most influential committees in the EP, contributed in the 80s and 90s to the EP’s reputation as a defender of environmental interests (Burns & Carter, 2010 p. 124; Burns, 2013 p. 137).

¹ All the references are formatted in accordance with American Psychological Association (APA) 5th edition using the reference system Refworks

² i.e. large and resourceful business interests have better access to the EU institutions than diffuse interests (groups) (Eising, 2007)

Although the EP has often been referred to as the entrepreneur of environmental interests, recent literature disturbs this reputation of the EP as a so-called "champion"³ of the environment (Burns, Carter, & Worsfold, 2009; Burns, Carter, Davies, & Worsfold, 2013; Kluger Rasmussen, 2012). Indeed, the new strengthened legislative role of the EP has made the institution a decisive target for other lobbyist groups including industry interests (Mazey & Richardson, 2001 p. 23-24), while the enlargement of several Central and East European (CEE) countries also may have weakened the EP's reputation as an advocate for environmental interests, because these Member States traditionally are less focused on strong or strict environmental legislation (Burns, 2013 p. 133; Carter et al., 2012). For this reason, I find it interesting to study the behaviour of the EP in its interaction with interest groups on environmental policy-issues more closely.

In order to study the behaviour of the EP in environmental policy-making, recent dossiers will be used as case studies for my analysis. During the time that I spent working in the EP, the two dossiers caught my attention as being among the most controversial and complex environmental dossiers running through the EP in the last couple of years. Thus, I expect the characteristics of the cases to be suitable for this study. The two case studies are "Amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources" (Case I), proposed by the EC in October 2012 and "Amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas emission allowances" (Case II), proposed by the EC in July 2012.

The aim of this study is to see if the EP, with the increased legislative power, has adopted a less radical position in environmental policy-making. In other words: more power, less radicalism⁴? My methodological approach is to find and study patterns and linkages in interviews with key MEPs, Parliamentary Assistants and representatives of environmental groups and industry groups in the context of the two case studies. The collection of data allows me to study the behaviour of the EP and produce explanations for the occurrence of patterns, which can help

³ Throughout this study, I alternate between the terms environmental "champion", entrepreneur of environmental interests and proactive force for environmental interests.

⁴ By using the term "radicalism", I do not refer to activism or grassroots movement. I refer to "radicalism" when the EP in policy-making is strongly in favour of environmental interest, pass strict environmental legislation or/and not seeking compromises in the pursuit of adopting environmental legislation. I alternate between "radical", "strong" and "strict".

me to clarify whether the picture of the EP as an environmental “champion” should be corrected slightly, or, if the reputation still fits the institution today.

I am aware that this study creates no or little basis for scientific generalisation, yet I hope it can be part of the collective process of accumulating knowledge for the academic field that disturbs the EP’s reputation as an environmental champion today.

1.1. Research question

On the basis of the above considerations, the following is presented:

“Does the European Parliament still fit its perceived image as an environmental champion?”

1.2. Scope and delimitation

The scope of this study is to study the behaviour of the EP in environmental policy-making and whether the EP still fits its perceived image as an environmental champion. Due to limitations regarding pages available within the scope, there are obviously themes and subjects, which I will not be able to study or elaborate on.

In this study, I do not measure the interest groups’ ability to “influence” nor will I treat the term “influence” as a theoretical concept, although it will appear multiple times throughout this study. Through the theoretical framework, “access”, as a means to gain influence, in the context of the EP, is studied instead.

Although the EP has increased its formal powers in international climate change policy (Burns & Carter, 2011 p. 58), it has a more reluctant position compared to the EC and the Council of Ministers (the Council), which have taken the lead in most international negotiations on climate change (Wurzel & Connelly, 2011 p. 58). For this reason the EP’s role in climate change policy will not be studied.

The study of the EP’s interaction with interest groups will not be compared to how interest groups interact with the EC or the Council. The behaviour of the EC and

the Council are two different cases, and it would require a larger scope. Furthermore, by including studies of the EC and the Council, I risk losing focus on the objective of studying the EP's behaviour, and not being able to answer my research question in a satisfying manner. Importantly, in this regard, the EC proposals in the case studies play a role, as they will serve as references for the evaluation of the final text adopted by the EP. Yet, a comparison and deeper evaluation of the EC proposal and motives for the proposal are not within the scope of this study.

Conclusively, it could have been interesting to look deeper into the role and importance of the EP committees besides my study of ENVI and the Committee on Industry, Research and Energy (ITRE) differences and how interest groups approach them

1.3. Literature review

In this section, I give a brief introduction to the literary landscape of interest representation in the EU in order to give an overview of studies written within the field. Lastly, I shortly elaborate on the relevance of this study in the context of the existing literature in the field.

Reviewing the literature, it becomes clear that there exist several studies about interest representation in the EU (Adelle & Anderson, 2013; Bernhagen, 2013; Beyers, Eising, & Maloney, 2011; Bouwen, 2004a; Coen & Richardson, 2009; Coen, 2007b; Dür, 2008; Grant, 2013; Greenwood, 1997; Greenwood, 2011; Mazey & Richardson, 1993). There are different approaches to investigating interest representation in the EU. Some scholars investigate smaller case studies as the framework for testing propositions (Bouwen & McCown, 2007; Kluger Rasmussen, 2012; Svendsen, 2011; Warleigh, 2001; Woll, 2007). Others have collected large N-studies (Beyers, 2002; Beyers & Kerremans, 2007; Bouwen, 2002; Eising, 2007; Henig, Brown, & Holyoke, 2012).

More specifically related to the context and scope of this study, there is a vast growing amount of literature on lobbying in environmental policy in the EU (Adelle & Anderson, 2013; Burns & Carter, 2010; Mazey & Richardson, 2002; Svendsen, 2011). Neil Carter and in particular Charlotte Burns have often looked at the EP in the context of environmental policy (Burns & Carter, 2010; Burns & Carter, 2011; Burns et al., 2013; Burns, 2013). Both scholars have also measured how much

influence the EP has within the EU on environmental policy-making. More precisely, they have quantitatively analysed to which extent the EP is able to shape legislation through amendments (Burns et al., 2009). However any definite conclusions were not possible. Answering a similar research question, Maja Kluger Rasmussen studies the EP's defending of diffuse interests, also in the EP's environmental policy-making (Kluger Rasmussen, 2012). Rasmussen's conclusions show that the EP is not in particular an environmental "champion" (see pp. 93 and 124-125) (2012). Gail McElroy (2006) and David Marshall (2010a) have studied the role and influence of EP committees. Marshall has, specifically, studied the interest groups, and how internal structures of the EP committees shape the lobbying strategies of the lobbyists. McElroy examines the historical development of the committees and their influence on the overall EP opinion. Most of the existing studies in the field of interest representation navigate in the context of the EC as the preferred lobbying target for interest groups because of its exclusive power to propose new policy (Coen, 2007b p. 6, 9; Hauser, 2011 p. 694; Schön-Quinlivan, 2013 p. 95) – finding the EP and the Council as second or third choice for interest groups (Bouwen, 2004a p. 338; Coen & Richardson, 2009 p. 20; Eising, 2007 p. 385, 388). However, the literature has focused on how increased legislative power to the EP by the introduction of the co-decision procedure has altered the institution to be an increasingly important institution for interest groups (Bouwen & McCown, 2007 p. 424; Coen & Richardson, 2009 p. 39; Nugent, 2010 p. 251).

There exist several theoretical studies on interest representation, which have looked into theories of access to the EU institutions. These studies have primarily looked at business lobbying in the EU institutions (Bouwen, 2002; Bouwen, 2004a; Bouwen, 2004b; Eising, 2007). One of the commonalities of the studies about traditional interest representation is the identification of expertise, adequate resources, structure of the organisation and economic strength as crucial characteristics for determining the interest groups' ability to access to the EU institutions (Bouwen, 2002; Eising, 2007; Nugent, 2010 pp. 252-253; Olson, 1965). Within the core of studies on access to the EU institutions lie Resource Dependency and Exchange Theory. Studies on Resource Dependency have been of importance in the context of the interdependence of organisations. Jeffrey Pfeffer & Georg R. Salancik coined the term "Resource Dependency" in 1978 (Pfeffer & Salancik, 1978). Closely related to the Resource Dependency theory is the Exchange theory. Sol Levine and Paul E. White have attempted to explain the theory in their paper "Exchange as a Conceptual Framework for the

Study of Interorganisational Relationships" from 1961 (1961). They study the activity and exchanges between organisations that is necessary to reach the objectives of the organisations.

Conclusion and relevancy of this study

When we dive into the literature concerning the interaction between the EP and interest groups in the context of environmental policy-making, it is clear that only some, although not many, scholars have touched upon this subject. Specifically, during the literary review, I only found a few recent studies on whether the EP should be regarded as an environmental "champion". This recent literature vaguely concludes that the EP is not the "champion" of environment that it once was. Therefore, I find it relevant to accumulate knowledge, which either support the recent literature debating and questioning the EP's role as a defender of the environment or counter prove this literature by arguing that the EP is indeed still an environmental "champion".

2. RESEARCH METHODOLOGY AND DESIGN

The second chapter presents the methodological approach and study design. The chapter is split into four steps. The first step is a review of my ontological and epistemological stances on research. The second step presents my research approach. The third step contains my case study approach, which is followed by a presentation of the primary and secondary data collection approach as the fourth step. This is followed by a presentation of my expectations of the applicability of my chosen methodological approach to answer my research question in a satisfying manner (de Vaus, 2006a p. XXIII). As conclusion to this chapter, a synopsis is presented in order to give an overview of this study.

2.1. Phase 1: Philosophy of Science

In the following section, the philosophical thoughts behind the research are presented. The philosophical stance gives the reader an insight into the mind-set I bring with me as an interviewer during the collection and analysis of data.

2.1.1. Ontology and epistemology

Debating ontology is central in philosophical debates (Ritchie & Lewis, 2003 p. 11). In this study, I work with an underlying belief in *critical realism*, which basically means that social reality exists through the human mind, and that there are socially constructed meanings (Ritchie & Lewis, 2003 p. 11-13, 16). Therefore I accept the views and interpretations of the respondents while I acknowledge the external reality outside their minds (Ritchie & Lewis, 2003 p. 11).

The above philosophical assumptions are embedded within an *interpretive framework*, which I apply throughout the research (Creswell, 2013 p. 22-23). I accept the respondents' subjective understandings of the contexts they live in yet I am aware of my own possible interpretation of the data based on my own experience and background (Creswell, 2003 p. 9; Mackenzie & Knipe, 2006; Ritchie & Lewis, 2003 p. 17). Though I adhere as closely as possible to the interpretations of the respondents and I "[...] *rely as much as possible on the participants' (respondents) view of the situation being studied.*" (Creswell, 2003 p. 8) during the conduction of interviews, I am aware that the respondents' perspectives are influenced by their contexts and conditions they live in.

I find the interpretive tradition not only suitable but also necessary to this research. Interest representation or lobbying is defined as “[...] *interest groups’ contact with – and activities directed at – decision-makers in an attempt to influence public policy.*” (Gullberg, 2008b p. 166). In other words, it is interaction where different interpretations and views are shared and argued. Reality is perceived and interpreted differently depending on the eyes of the beholder, whether it is the lobbyist, the politician, or the researcher attempting to untangle the issue at hand; in this case, the political process within the EP. However, the game of interest representation is highly political and involves elements of persuasion (which are considered key competences for both lobbyists and politicians (Zetter, 2008)). Therefore, I find the acceptance of an external world independent from the minds of the respondents (lobbyist or politicians) crucial. Conversely, there would be a risk of being “dragged” into the participant’s subjective reality, which undoubtedly would provide biased data. Capturing the subjective interpretations of the respondents, and, importantly, also being aware of and accepting the external multifaceted reality will hopefully add depth and richness to my research.

2.2. Phase 2: Research approach

Several arguments back up my choice of applying a qualitative approach. First, a qualitative method can help scholars understand the complex nature of a subject in itself i.e. the legislative process as well as the multifaceted relationship between the EP (MEPs) and interests groups, and it can help detect patterns in the collected data (Warren, 2001 pp. 84-85). Second, interest representation can be a subject to *sensitivity*; hence it is necessary to perform qualitative methods in order to collect valuable in-depth data. And third, in line with my ontologically view – the approach of qualitative methodology can further assist me in unlocking individual subjective understandings (Ritchie & Lewis, 2003 pp. 32-33).

Besides my qualitative approach, my research approach also contains a comparison of the EC proposal and the adopted text in the EP. Although it does not construct a fully accurate picture of the EP’s environmental behaviour, the mixed methodology of combining primary and secondary data, allows me a greater understanding of the issue by providing an image of the EP position in relation to the EC, and to see whether the EC proposal has been strengthened environmentally or watered down (Ritchie & Lewis, 2003 pp. 38-39).

2.3. Phase 3: Case study approach

This section is divided into three key steps. The first step is an introduction to the case study approach as a research strategy. The next step is to identify the design and the thoughts behind the choice of case study design. In the last step, a framework for the analysis of case studies has been created to structure the analysis.

2.3.1. Case study strategy and design

Using case studies are often depicted as suitable in order to understand complex phenomena in a real-life context (Yin, 2014 p. 4). Robert Yin argues that case studies are appropriate for explanatory studies where “why” or “how” questions are being proposed, and not exclusively for explorative and descriptive ones (2003 p. 3; 2014 p. 6-8). The explanatory case study approach is suitable for finding links between events, and for explaining the reasons of why we see a certain outcome (Yin, 2012 p. 89). I expect the explanatory approach will help me to understand the cause-and-effect to a greater extent than what would be possible by using a descriptive or exploratory approach (Yin, 2012 p. 89). I assess that describing or illustrating the case studies cannot help me answer my research question. Nor can an exploratory approach help me sufficiently, as the EP’s behaviour in environmental policy-making has already been “explored” by several other scholars as noted in section 1.3.

Yin emphasises that with every social science strategy, there comes both advantages and disadvantages for case study research. One of the main disadvantages is that case studies leave “[...] *little or no basis for scientific generalisation* [...]” (Yin, 2003 p. 10), because a selection of cases are being studied and not the whole, general reality. However, it does not mean that the case studies cannot be part of the collective process of accumulating knowledge in the field (Flyvbjerg, 2006 p. 227). In this study, I try to overcome this frequently occurring “disease” in case study strategy by discussing validity in section 2.4.2.

In this study, I use a simple multiple-case study design rather than a complex multiple-case study design or a single-case study design. The logic behind this choice is based on the limited time frame of this study, but also on a wish to obtain analytical substance, which a multiple-case study design is better at

providing compared to a single-case study design (Yin, 2003 p. 53). Prior knowledge of the cases is obtained through the review of secondary data, and also through my stay as stagiaire for an MEP, where I worked closely with the process in both case studies, especially Case I. Partly for this reason, the study of Case I plays a slightly larger role in the analysis compared to Case II. Another reason is that I have gathered more data for Case I compared to Case II. Both Case I and Case II are chosen because they include two important factors: complexity and controversy (see section 4.5). Two factors which “[...] *can shape the reactions of committee members, include national and ideological perspectives [...]*” and involve “[...] *lobbying by outside interests [...]*” (Nugent, 2010 p. 276).

2.3.2. Case study analysis framework

The next and final stage of the case study design is the framework of the case study analysis. This stage is divided into three steps:

The first step: Presentation of the findings in order to inductively seek for patterns and linkages in data collection and use this evidence as the genesis of explanations and conclusions (Creswell, 2003 p. 248; Ritchie & Lewis, 2003 p. 14). Furthermore, I present the EC proposal and the policy outcome in the EP with a focus on key elements of in each of the cases.

The second step: I find and develop explanations for the occurrence of patterns with the assistance of the theoretical framework to create “local” explanations (Ritchie & Lewis, 2003 p. 255). Furthermore, I look at the policy outcome in the EP and compare it with the EC proposal to build a bridge between the developments of legislation and the developed explanations.

The third step: I gather results from the two case studies to compare, discuss and reflect on the results in order to answer my research question. Also, I elaborate on the use and applicability of the methodology and theory in facilitating an answer to my research question.

2.4. Phase 4: Primary and secondary data

In the last phase, the process of data gathering and selecting relevant respondents for interviews is presented. Furthermore, I elaborate on how to ensure validity for the study.

2.4.1. Data collection and selection of respondents

In accordance with the aim of this study, as presented in section 1, I interview representatives from three key stakeholder groups: Members of the EP, representatives from industry groups, and representatives from environmental groups. The approach is a semi-structured interview approach with neither a completely open nor closed questionnaire (Kvale & Brinkmann, 2009 pp. 44-46).

The criteria for selecting respondents have been crucial for the quality and validity of the data. That is why respondents closely involved in the process of legislation have been selected for interviews. More specifically, I have selected MEPs or Parliamentary Assistants who were key actors or close to key actors in the dossiers, representatives from relevant industry organisations who were involved in the dossier and key representatives from the involved NGOs. Although it initially seemed difficult to get interviews, in particular with the most relevant MEPs, the willingness and openness in participating from all three groups of respondents have exceeded my expectations. In total, I have made 12 interviews (see Figure 1 and Figure 2). Representation of each group is unequal because of what I experienced as a lack of interest from particularly the industry in doing an interview about Case II. Two reasons for this could be the fact that Case II was tabled for plenary in February 2013 while Case I in comparison was tabled for plenary almost half a year later in July 2013 (European Parliament, 2012c; European Parliament, 2012d) which could be why that interest group simply did not remember details of the lobby process in Case II substantial enough to be confident to do an interview. The second reason why fewer industry interests were interested in participating could be that the industry considered the result of the final voting a defeat (Information, 2013), and therefore were unwilling to participate.

Ethical considerations

As agreed to with the respondents, personal information of the respondents is confidential. This is done to ensure the protection of the data from the respondents. Instead each respondent is given an individual acronym i.e. "MEP1"

in relation to which of the two selected case studies they have been interviewed about, and which of the three interview groups they represent. The acronyms are Members of the European Parliament = MEP, industry representatives = BUS, environmental group representatives = ENV. See appendix 8.3 for a list of the respondents.

Questionnaire

In order to prepare for the interviews, I created a semi-structured interview guide (see Appendix I: Questionnaires). The questions were built around my research question and partly around the theoretical framework in order to ensure the connection between the collected data and the theoretical framework. Furthermore, I have developed background-knowledge of the subject by working in the EP and by reviewing existing research on the subject although the literature on this exact subject is limited as discussed in section 1.3 (Ritchie & Lewis, 2003 p. 48).

Figure 1: Respondents for Case I: Amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources

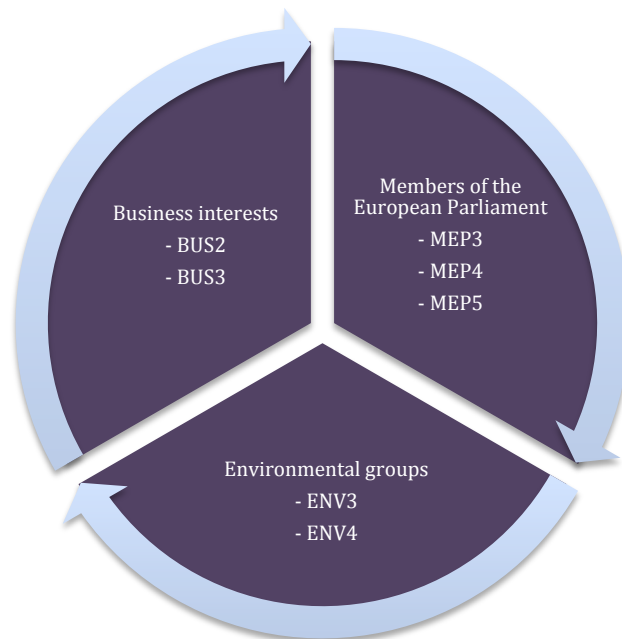
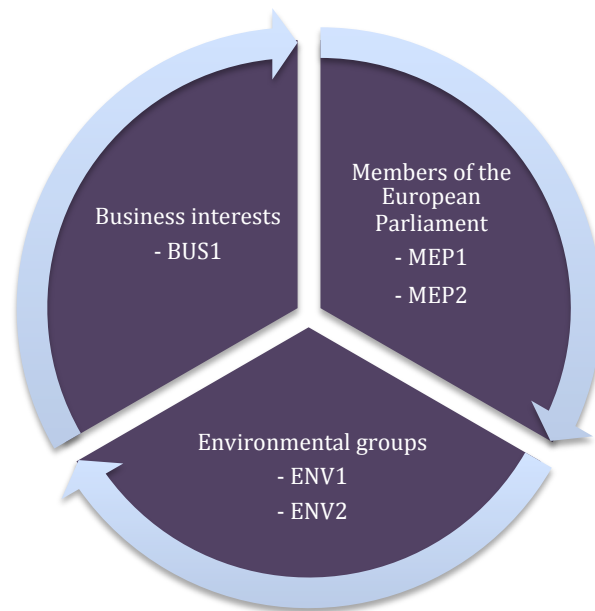


Figure 2: Respondents for Case II: Amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas emission allowances



2.4.2. Validity

Ensuring the validity of this study is a core element in establishing the quality of any qualitative empirical research (Yin, 2003 p. 33). To construct validity, this study uses multiple sources during the data collection. Three different groups; MEPs, industry and environmental interest groups are interviewed, while numerous documents, papers and other empirical studies represent the secondary data, which constitutes an imperative feature of the analysis and discussion of the results. Additionally, due to my background as stagiaire for an MEP, I include my observations of the legislative process in the EP. This strengthens the robustness of the assumptions and observations made during the collection of data. Thereby I can avoid the situation where "[...] *small changes in observed outcomes may be taken as evidence for dramatically different underlying processes [...]*" (F. R. Baumgartner & Leech, 1996 p. 567) if the researcher lacks prior knowledge to the studied subject.

Furthermore, I validate the qualitative data by comparing and critically discuss the data findings in the two case studies (Ritchie & Lewis, 2003 p. 275). Also, I use different sources and methods of data collection to strengthen the validity of the data by checking whether or not patterns of phenomena occur in the compared data. Besides improving validity, patterns of phenomena across diverse

data strengthen the understanding of the studied (Ritchie & Lewis, 2003 pp. 275-276). Testing the validity is often the most critical part of case studies as single cases are poor basis for scientific generalisation as mentioned earlier in section 2.3.1. This is because the single observational statements are uncertain to recur. Therefore experience-based conclusions based on this study's case study analysis cannot make general theoretical statements (Yin, 2003 p. 10).

2.4.3. Secondary data

The secondary data used in this study consists of official documents and communications from the EPs website, research studies on the subject of environmental policy in the EU and, in particular, in the EP. Also, documents and e-mails gathered during my stay at the EP have been used as sources of information. Even though in-depth interviews give a profound knowledge of the subject of research, secondary data plays an important role in supplementing, substantiating and expanding my knowledge acquired through the primary data (Ritchie & Lewis, 2003 p. 61).

2.5. Expectations of the applicability of the methodology

In this section, I present my expectations of my methodological choices to generate a satisfying answer to my research question.

My ontological and epistemological approach of accepting my respondents' subjective understandings and making my own interpretations of what is being said can be risky and create bias if the interpretations are not well-founded due to lack of prior knowledge of the subject. However, I am confident that my prior knowledge of the subject and the collected data combined can create a more complete image that can help me answer my research question.

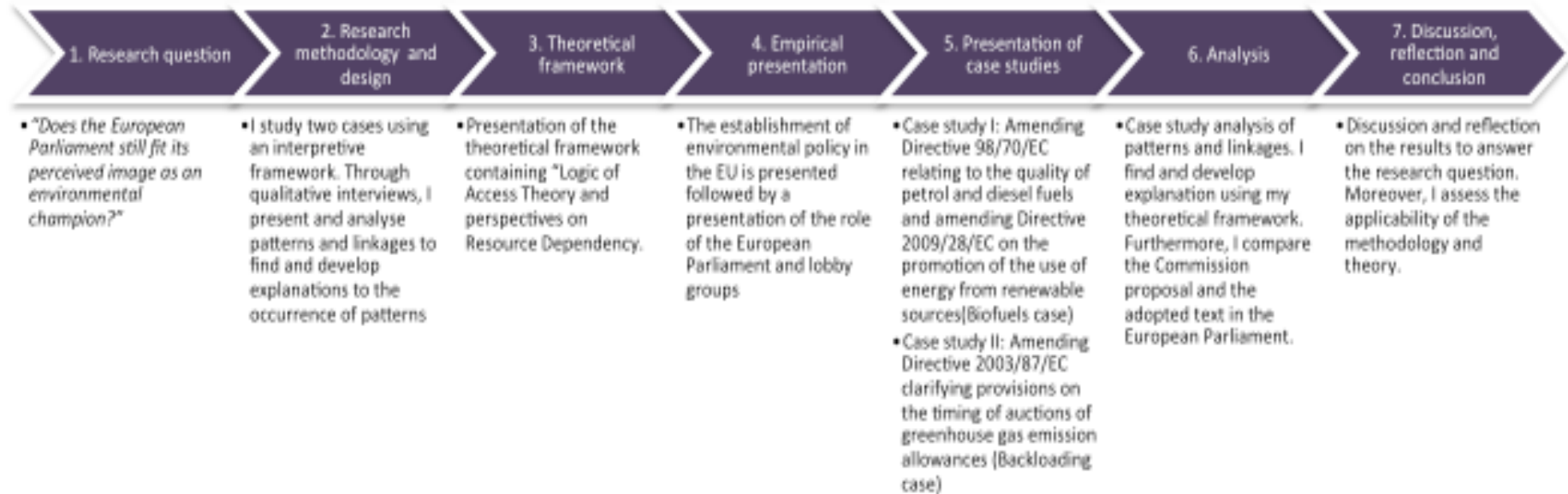
Studies on lobbyism in the EU reflect both quantitative approaches (Burns et al., 2009; Eising, 2007; Marshall, 2010a) and qualitative approaches, where case studies provide data for analysis (Kluger Rasmussen, 2012; Svendsen, 2011; Woll, 2007). This study uses a multiple-case study approach where data is collected qualitatively. This approach will hopefully provide me with sufficient analytical substance to find causality in the EP's behaviour that will help answer my research question. However, to succeed, I need to follow my case study

analysis framework (see section 2.3.2). Hopefully, this 3-step framework facilitates a satisfying answer to my research question.

Lastly, I am aware of the possible challenges I face when doing interviews with politicians and lobbyists who might try to sell their case or lobby me.

2.6. Synopsis

Figure 3: Synopsis



2.7. Conclusion

In this chapter, I explain the research methodology and design I have applied in order to be able to answer my research question. With my ontological and epistemological mind-set, I believe social reality exists through the human mind, while I acknowledge that there exists an external reality outside the minds of the respondents and that the respondents' perspectives are reflected by their context. With this being said, I am also aware of the bias of my own interpretations.

Applying two cases within a simple multiple-case study design, I inductively seek and study the patterns and linkages in the data collection conducted through qualitative interviews with key MEPs or their Parliamentary Assistants and relevant representatives from industry groups and environmental groups. To reach an answer to my research question, I verify the patterns in order to find and develop explanations followed by a discussion and a reflection on the results.

3. THEORETICAL FRAMEWORK

This chapter is split into four parts. The first part is a presentation of the primary theory, the Logic of Access. The second part contains perspectives on Resource Dependency, which is to be considered as a secondary theory for this study. The subsequent part is a presentation of deselected theories, as well as a discussion of their deselection. The discussion of my expectations of the applicability of the primary and secondary theory forms the fourth and final part of this chapter.

3.1. Primary theory: Logic of Access

The multi-layered and complex structure of the EU policy processes leaves several points of access for interest groups who wish to push their agenda. Peter Bouwen's Logic of Access theory is a theoretical framework, constructed to explain business interests' access to this multi-layered and complex structure of the EU trio-institutions i.e. the EC, the EP and the Council (Bouwen, 2002; Bouwen, 2004a; Bouwen, 2004b; Bouwen & McCown, 2007). At the core of Pieter Bouwen's Logic of Access and crucial to understand the logics of access to the European institutions are the concepts of Exchange Theory and Resource Dependency (Bouwen, 2002 p. 368).

The Logic of Access framework focuses on the degree of access to the EU institutions. Although access is prerequisite to influence, ineffective political lobbying will suffer from difficulties in influencing policy-making. Gaining access, however, is a condition *sine qua non* to influence the legislative process. In other words: access is a good indicator of the ability to exercise influence (Bouwen, 2002 pp. 365-66; Bouwen & McCown, 2007 p. 425). Reciprocal dependency of resources between European institutions and interest groups is likely to occur when interest groups need access to the EU institutions to influence the EU institutions, and the European institutions at the same time need the interest groups to provide resources to fulfil their legislative role in policy-making (Bouwen, 2002 p. 378; Bouwen, 2004a p. 344). Bouwen refers to these exchanged resources as "access goods" because the EU institutions grant access in return for certain resources provided by the interest groups (Bouwen, 2002 p. 369; Bouwen, 2004a p. 340). Access goods are necessary resources in order for private and public actors to get access to the EU policy-making process. According to Bouwen, there are three categories of access goods, where "information" is encompassing in all of them: *Expert knowledge*, which has been

widely accepted in previous literature, *Information about the European Encompassing Interest* and *Information about the Domestic Encompassing Interest*. The last two categories have not previously been identified in literature (Bouwen, 2002 pp. 369-370; Bouwen, 2004a p. 340).

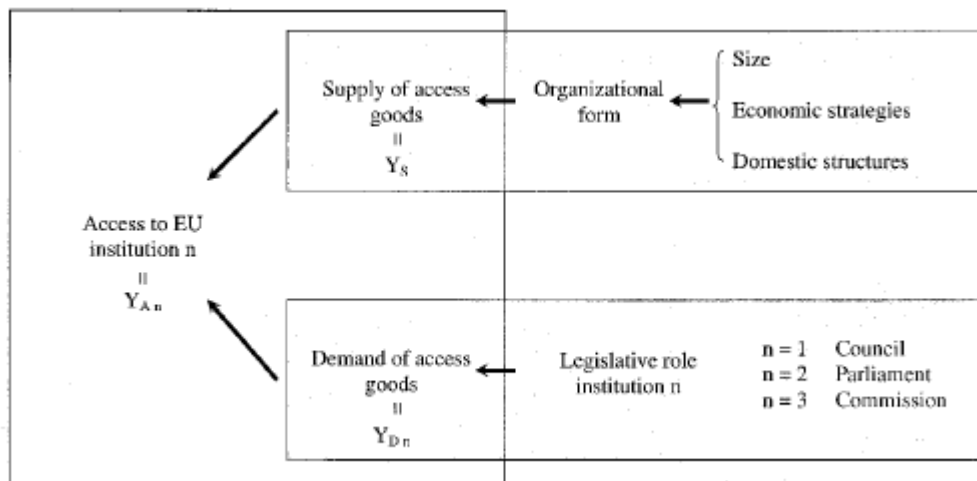
1) *Expert knowledge (EK)*: concerns technical information and expertise related to a specific policy area, and crucial for the EU institutions in order to effectively design legislation in a particular policy area. An example could be the expertise provided by a producer of biofuels to help the MEPs understand the supply chain and production of biofuels.

2) *Information about the European Encompassing Interest (IEEI)*: refers to the needs and interests of a sector in the European economic arena (Single Market). The involved parties can be firms, associations and countries. The more involved or encompassing the parties, the better access good. An example could be the information provided by a European association for biofuel producers about the biofuel production on the Single Market.

3) *Information about the Domestic Encompassing Interest (IDEI)*: refers to the needs and interests of a sector in the domestic economic arena. In other words, when the aggregation of interests is happening at the national sectorial level, it is the Domestic Encompassing interest. The more involved or encompassing the parties, the better access good. An example could be the information provided by a Danish producer of biofuels about the production of biofuels in Denmark.

These access goods play a crucial role in an exchange relation in a supply-and-demand scheme presented below in Figure 4 to explain differential access to the EU institutions (I go deeper into the supply of access goods below). The interest group that is able to provide the most "critical" access goods is provided the highest degree of access (Bouwen, 2002 p. 370)

Figure 4: Supply-and-demand scheme



Source: Bouwen p. 370 (2002)

Supply of access goods

Bouwen uses four types of organisations and individuals (individual firm, European association, national association and consultant) to demonstrate their ability to provide access goods. One of the variables used to determine the ability to provide access goods is size. According to Bouwen, large organisations have more resources to invest in lobbying than small ones, which tend to take collective action instead of individual action to keep the costs low. However, small organisations or third party representatives can be more flexible and tailor the lobby strategy to increase the lobby effectiveness (2002 pp. 373-374). Also, the economic strategy is a major factor in the structure of the organisations' lobbying operations. While national niche players seem to focus less on the European market but more on a local strategy, large internationally oriented organisations concentrate on the Internal Market, as EU's legal and political framework is crucial to their business operations. For this reason, the large internationally oriented organisations often have offices in Brussels and more direct contact with politicians at the EU level (Bouwen, 2002 p. 374). The third variable is the domestic structure of the firm; it involves the degree of state administrative independence and the level of government control of the economy, which both can undermine incentives to lobby at the European level. Furthermore, the structures of domestic associations need to be taken into account. Weak national associations can push or encourage individual action at EU level (Bouwen, 2002 pp. 374-375). The organisational form is also important when determining the provision of access goods. The more complex the internal decision-making process of the organisation is, the slower and less flexible it is in providing access goods. Also, the ability to provide reliable and high quality information is

important. Access goods that are both of a high quality and reliable, Bouwen calls “derived access goods”. Providing “derived access goods” over time can improve the exchange of resources with the EU institutions (Bouwen, 2002 p. 376). Figure 5 summarises the different organisational forms and their capacity to supply access goods.

Figure 5: Supply of access goods

	<i>Best provided access good</i>	<i>Ranking of capacities to provide access goods</i>
Individual firm	EK	EK>IDEI>IEEI
European association	IEEI	IEEI>EK>IDEI
National association	IDEI	IDEI>EK>IEEI
Consultant	EK (client = individual firm) IEEI (client = European association) IDEI (client = national association)	EK>IDEI>IEEI IEEI>EK>IDEI IDEI>EK>IEEI

Source: Bouwen p. 378 (2002)

Demand for access goods

As a necessary supplement to Bouwen’s analysis of the supply of goods is the demand of access goods of the EU institutions (Bouwen, 2002 p. 378). Although the EU institutions to a varying extent demand all three types of resources, there is the most “critical” resource for each of the EU institutions depending on their legislative role. With the supranational and intergovernmental characteristics of the EP and its legislative role in mind, Bouwen suggests that Expert Knowledge (EK) is not in particular a demanded supply good because the EC already has drafted a, often technical, proposal. Instead, Bouwen suggests that because the EP is a direct supranational assembly, it needs to evaluate legislation from a European perspective; hence (IEEI) is the most critical resource. MEPs are elected at the national level, which is why they want to remain closely linked to their constituency and their voters – especially to increase their chances of re-election. This is why (IDEI) is important to MEPs but to a lesser extent than the IEEI (Bouwen, 2002 p. 380-381).

The EC has the right to initiate legislation and it is responsible for the drafting of legislative proposals. The role of the EC requires a substantial amount of knowledge. Therefore EK is the most critical resource for the EC. The EC is also considered the most supranational institution, and it is geared to promote policies

that go beyond intergovernmental agreement. Therefore, the institution needs information about the IEEI but to a lower degree than EK. As an agenda-setter involved in policy development, the IDEI is the least demanded resource (Bouwen, 2002 pp. 379-380). In contrary to the EC, the Council is the most intergovernmental institution. It is important for the Member States to identify their national interest in the Council, and that is why the Member States also keep a strong demand for IDEI, rather than IEEI and EK (Bouwen, 2002 p. 381). Each of the EU institutions dependencies is ranked in Figure 6.

Figure 6: Demand for access goods

	<i>Critical resource</i>	<i>Ranking of dependencies</i>
European Commission	EK	EK>IEEI>IDEI
European Parliament	IEEI	IEEI>IDEI>EK
Council of Ministers	IDEI	IDEI>IEEI>EK

Source: Bouwen p. 381 (2002)

Based on these assumptions, Bouwen generates the following hypotheses in terms of the degree of access to the EP (Bouwen, 2002 p. 383; Bouwen, 2004b p. 481):

1. European associations have the highest degree of access;
2. National associations have a lesser degree of access;
3. Large firms have an even lesser degree of access.
4. The consultant has the least degree of access

3.1.1. Conclusion

The primary theory of this study is Pieter Bouwen's Logic of Access. His theoretical framework provides assumptions about the logics of access to the EU institutions, and the reciprocal dependency and exchange of vital resources between interest groups and the EU institutions. Bouwen calls these exchanged resources access goods and categorise them in "*expert knowledge*", "*information about the European encompassing Interest*" and "*information about the domestic encompassing interest*". The access goods, and how the provision of these can explain access to the EU institutions are structured within a supply-and-demand scheme. Bouwen uses four different types of interest groups – individual firm, European association, national association and consultant – and ranks which access good each type of interest group is able to supply to gain access. Lastly,

Bouwen presents the EU institutions' demand for access goods, where the EP, according to the theory of Bouwen, demand IEEI the most, while IDEI is a less crucial access good, and the EK even less so.

3.2. Secondary theory: Resource Dependency perspectives

This section presents two perspectives on the secondary theory, Resource Dependency; The perspective of Jeffrey Pfeffer and Gerald R. Salancik who coined the Resource Dependency theory and the perspective of a recent study by Rainer Eising, where the concept of Resource Dependency is central in order to understand business interests' access to the EU institutions. The objective of the secondary theory is to provide further insight into and knowledge of the dependency of resources between groups and organisations in the European multi-level system, and to strengthen the theoretical framework by including different perspectives.

Pfeffer & Salancik's perspective

The dependency of resources among political groups, individual organisations, interest groups and European institutions in the European multi-level system has been grasped by several authors (Beyers & Kerremans, 2007; Bouwen & McCown, 2007; Eising, 2007) since Jeffrey Pfeffer and Gerald R. Salancik developed the Resource Dependency theory in the book "The External Control of Organisations: A Resource Dependency Perspective" from 1978 (Pfeffer & Salancik, 1978).

A core assumption in the concept of the Resource Dependency theory is that organisations, groups and individual interests are withholding vital resources, which have the potential to shape the behaviour of other – similar or not – interest groups (Pfeffer & Salancik, 1978 p. 44). The reason is that no organisation – not even an EU institution – is entirely self-sufficient when it comes to resources, but needs its environment to provide resources (Pfeffer & Salancik, 1978 p. 2). In return, external organisations expect certain actions, which makes the interdependence almost unavoidable. External control is particularly evident when control groups exclusively demand resources. However, organisations cannot respond to every external demand, as the environment can have conflicting demands (Pfeffer & Salancik, 1978 p. 83).

Pfeffer and Salancik identify three factors, which determine the dependence of one organisation on another group or organisation: First, the criticality of

acquiring the resource from an external organisation (ultimately a question of survival). Second, the discretion over resource allocation and use and third to which extent the critical resource is obtainable from other organisations or only from a few alternatives (Pfeffer & Salancik, 1978 pp. 45-46). Simplified, the theory allows us to consider for what purpose/aim organisations lobby as they do in the context of resource dependency (Pfeffer & Salancik, 2003; Pfeffer & Salancik, 1978).

Rainer Eising's perspective

In his article "*The access of business interest to EU institutions: towards elite pluralism*", Rainer Eising argues that the resource dependency of the interest groups shapes the access patterns to the trio EU institutions (Eising, 2007). In most parts, Eising recognises the importance of Pieter Bouwen's explanation of the patterns of access to the EU institutions in Bouwen's Logic of Access theory (2002), and how the structures of organisations can determine their ability to deliver "access goods". However Eising also sees Bouwen's empirical study as "*piecemeal*" (Eising, 2007 p. 385), arguing that it lacks scientific evidence for its results and conclusions. Moving beyond Pieter Bouwen's study, Eising broadens the study of access patterns to cover both the supply and demand side in different economic sectors instead of solely the demand side in the financial sector, which supplements and strengthens the initial framework coined by Bouwen (Bouwen, 2002; Eising, 2007 p. 385).

The importance of resource dependency is emphasised by Eising in his study, where he suggests that neither the EU institutions nor the interest groups can autonomously achieve their aims without the exchange of resources (Eising, 2007 p. 386). Like Bouwen, Eising argues that access does not equal influence, however well-positioned organisations, who are in more regular contact with the EU institutions and closer to the process, tend to be in a better position to exert influence (Eising, 2007 p. 387). Based on these assumptions, Eising expects conditions of "elite pluralism" in the EU (Eising, 2007 p. 384).

According to Eising, the EC is the EU institution, which maintains most contact with interest groups due to its monopoly on initiating policy. However, the EP is more open to national interests and diffuse interests (including environmental groups) due to the fact that national voters elect the MEPs. The profile of the Council, with few meetings and its administrative design makes it less interesting to lobby than the EC and the EP (Eising, 2007 pp. 387-388). Eising also argues that the EU institutions are more dependent on the technical knowledge and

economic features of the interest groups and on European encompassing interests rather than on domestic encompassing interests (Eising, 2007 p. 395). Therefore, the EU associations and in particular large firms have better access to the institutions than the national associations.

For his analysis, Eising studies the relationship and access patterns between the EU institutions and British, German and French business associations in different economic sectors (Eising, 2007 p. 392). Besides resource dependencies, capabilities such as resource, capacity and structure of interest organisation have an effect on the access to the EU institution, which Eising in contrast to Bouwen, argues does not vary across the institutions. In this regard, group size is a factor. Individuals tend to depend on larger associations to represent their cause due to insufficient resources for the smaller group to lobby adequately by themselves (Eising, 2007 pp. 390-391). Eising's results also show that the EC is the preferred lobbying venue, however with the EP as an increasingly important institution to lobby (Eising, 2007 p. 394). It also shows that large firms enjoy more access to the EU institutions compared to business associations because of the structure of the political processes and access to resources (Eising, 2007 p. 395). Despite his initial predictions on "élite pluralism" access patterns in the EU political process, the study shows that the EU does not necessarily demonstrate "élite pluralism" in these processes. However, the imbalanced structures of interest representation will continue as EU policy-makers look for large firms' technical expertise and information about "*European encompassing interest*" rather than information about "*domestic encompassing interest*" provided by national associations (Eising, 2007 p. 399).

3.2.1. Conclusion

The key concept of Resource Dependency, coined by Pfeffer and Salancik, assumes that organisations, groups or individual interests are withholding vital resources. However, they are not entirely self-sufficient hence they depend on their environment to deliver resources. This creates a reciprocal dependency on resources among organisations. The degree of dependency depends on the criticality of resources, the discretion over resource allocation and use, and to which extent the critical resource is obtainable from other organisations. Rainer Eising believes Resource Dependency plays a key role in explaining access patterns in the EU institutions. Eising argues that access patterns derive from resource dependencies among involved groups, opportunities provided by the EU

institutions, and features of the interest groups. Although Eising does not fully confirm his initial predictions about a “*élite pluralism*” environment in the EU, his analysis shows imbalances in the access to the EU institutions. First, the most “critical” resource for the EU institutions is technical information and European-wide interests rather than domestic information from national associations. Second, he argues that large firms have better access to the EU institutions than associations because the EU institutions prefer to interact with larger firms.

3.3. Expectations of the theoretical framework

Considering my research question, the Resource Dependency perspectives provided by Pfeffer and Salancik and Eising can help me rank which resources are the most “critical” to the EP, and which organisations are able to provide these vital resources. This can help me to study which organisations are being granted more access to the EP, thus being provided with a more advantageous position from which to influence the behaviour of the EP.

I expect Pfeffer and Salancik and Eising’s perspectives on Resource Dependency and Bouwen’s theory of access to the EP to create a solid theoretical ground for analysis and discussion of the primary and secondary data. Nevertheless, I am also aware of the shortcomings of these theories. As mentioned in the theoretical framework, access to the EU institutions does not necessarily equal influence. However, in the context of this study’s scope, these theories provide me with indications on whether the EP grants access to environmental or business interests, depending on which resources the MEPs demand in order to fulfil their legislative role in the EP. If the patterns across the case studies are strong enough, it can help me reach an answer as to whether the EP is a “champion” of environmental interests.

An aspect of the theoretical framework, which can constrain my use of the framework is that I distinguish between the two group categories; environmental groups and industry groups, instead of business interests such as large firms, European associations, national associations and consultants, as Bouwen and Eising do. This means I cannot study the importance of the typical characteristics of the environmental groups (i.e. networking, coalition-building and close connection to the civil society (see section 4.4.1)) and how they can facilitate access to the EU institutions through the lenses of the theoretical framework. However, Bouwen and Eising present conclusions as to which resources the EU

institutions demand, and how interest group characteristics such as economic strength, technical expertise, capacity and structure and size of the interest groups can determine their ability to provide these resources. These are characteristics, which I hopefully can also use for environmental groups. Despite the shortcomings of the theoretical framework, I am confident that the overall objective of the framework - to understand the resource dependency between organisations and the granting of access to the EU institutions - can help me find causality in the EP's behaviour and to find explanations to the occurrence of patterns (see section 2.3.2). I discuss and reflect on the applicability of the theoretical framework in section 5.3 at the end of this study.

3.4. Deselected theories

In this section, the deselected theories are presented. Though there exist more theories on interest representation, I include theories, which I assess could have been relevant to this study. The theories are Venue Shopping and Collective Action. I conclude this section by explaining for which reasons these theories have been deselected.

3.4.1. Venue Shopping

As mentioned earlier, the gradual transfer of more legislative power to the EP included the institution as a relevant venue/institution for different interest groups to influence, depending on their purposes and organisational capabilities. As the name "venue shopping" implies, the theory presents a framework that looks into the strategic motivations behind venue choice and why some interest groups target favourable institutions/venues over others in order to maximise their prospects of shaping the policy-making to fit their political objectives (Mazey & Richardson, 2001 p. 218; Princen & Kerremans, 2010 p. 35). Baumgartner and Jones laid out the term "venue shopping" (1993) and the theory has since then been applied to the contexts of both the political system in the U.S. (F. J. Baumgartner & Jones, 1993; Henig et al., 2012; Naoi & Krauss, 2009) and the political system in the EU (Falkner & Treib, 2009 pp. 268-272; Mazey & Richardson, 2001; Princen, 2013). The authors emphasise how venue or institutional selection by public and private interests is determined by a rational decision, but empirical studies also suggest that interest groups at an early point recognised the EC as the rational choice in early stage policy processes, hence its role as agenda-setter (Dosenrode & Sidenius, 1999 pp. 13-14; Mazey &

Richardson, 2001 p. 219). Moreover, Bouwen and McCown stress the organisational characteristics as prerequisite for lobbying strategies – hence also which venue to access (2007 pp. 224-225). Although the term venue shopping was based on a U.S context (F. J. Baumgartner & Jones, 1993), the American as well as the European political system are built on a multiple access system, resulting in more institutionalised multi-level governance. This has led interest groups to increasingly allocate resources to the European/supranational level (Mazey & Richardson, 2001 p. 221).

3.4.2. Collective action

One of the traditional theories in the context of understanding the behaviour of interest groups and the effectiveness of the latter in the EU is the examination of collective action and interest group coalitions (Greenwood & Aspinwall, 1998; Mahoney, 2007; Olson, 1965). Mancur Olson's theory on "Logic of Collective Action" is one of the traditional theories, which focuses on the interplay between members of an organisation, and on how size and structure of interest representative groups and selective incentives of the members predetermine the abilities of the organisation to gain collective action (1965). In particular, Olson concentrates on common interest and what implications it has for the lobby effectiveness of smaller and larger groups of individuals. This is because not all individuals seek the common interest of the organisation. On the contrary, some individuals tend to "free ride" and not bear the allocated costs. In this regard, Olson argues that "[...] *rational, self-interested individuals will not act to achieve their common or group interests [...]*" (1965 p. 2, 51) even though each member would benefit from the common interest unless separate or selective incentives are apparent for the individuals, which can stimulate positively by rewarding or punishing those who fail to contribute to the group. On the contrary, with the above argument of Olson in mind, Ruth Webster suggests that members of an environmental group individually *do* have selective incentives as motivation to strive for the collective good. Therefore, the collaborative structure of the group provides strengthened lobbying capabilities within the overall shared values (Webster, 1998 pp. 189-191).

Using the common interest notion, Mancur Olson argues that smaller groups differ from larger ones, not only quantitatively but also qualitatively as "[...] *small groups will further their common interests better than larger groups*" (1965 p. 52). In other words it has to be either relatively small for the organisation to be

effective in lobbying, or there should be incentives provided for the individuals in the group in order to motivate participation.

Reasons for deselection

These theories are deselected due to several reasons. Although “venue shopping” could provide a useful theoretical framework to study whether the EP still was considered open for environmental groups, I find it more suitable to apply a theory that focuses on the relationship between interest groups and the EU institutions instead of a theory where it is possible to study interest groups’ choice of institution. Mancur Olson’s collective action and study on organisations’ effectiveness on lobbying seems unfit for this study. It is my assessment that it would simply not be possible to answer my research question using this theory, because it focuses more on internal factors such as the structure and the incentives of the members of the organisation rather than on EU institutions’ incentives to interact with interest groups.

4. EMPIRICAL PRESENTATION

The following chapter gives an overview of the development of environmental policy in the EU from the initial steps in the 70s through the making of the environmental policy a legitimate area of the Community in the 80s to the deeper integration of the environmental policy in the 90s and 00s.

4.1. The development of environmental policy in the EU

The Paris Summit between heads of state and governments in October 1972 can be considered as one of the early steps in creating a common European platform for environmental policy with the adoption of a declaration on environmental and consumer policy (Knill, Christoph & Liefferink, Duncan, 2013 p. 13). A year later, in July 1973, the EC published the first European Environmental Action Programme, which defined general principles on environmental policy in the EU (Lenschow, 2005 p. 306). The declaration in 1972 and the establishment of the first Environmental Action Programme in 1973 were important steps, considering that the EU did not have environmental laws, policy or administration at its founding (Jordan, Andrew & Adelle, Camilla, 2013 p. 1; Nugent, 2010 pp. 379-380). Environment policy was not even explicitly referred to in the Rome Treaty (ToR) (European Union, 1957). In the beginning of the establishment of an environmental policy in the EU, the driver for a common policy was the discussion of how diverse environmental standards i.e. emissions of cars, environmental cross-border issues such as air and water pollution and other competition distorting standards among Member States could upset the functioning of the Common Market. Therefore, harmonisation of environmental regulation was needed, although the objective was to ensure free trade within the Community (Knill, Christoph & Liefferink, Duncan, 2013 p. 14-16). From the beginning of the 70s, the EU's environmental policy began to concern cross-border issues such as air pollution, noise pollution, water and waste pollution and acid rain. Moreover, improving living conditions in the EU became an objective for the environmental policy in the EU (Knill, Christoph & Liefferink, Duncan, 2013 pp. 14-16).

Single European Act

The uncertainty about whether environmental policy had a legal binding in the EU treaties was finally diminished with the adoption of the SEA in 1986 (Lenschow, 2005 p. 307). Instead of legitimising the environmental integration based solely on economic motivation, it was now an explicitly legitimate area of the

Community with defined goals and principles (Article 174-176 of TEC⁵)(Knill, Christoph & Liefferink, Duncan, 2013 pp. 19-20). It was a combination of the acknowledgement of what *de facto* had happened with environmental action programmes and legal binding acts for several years and a result of the EC and the EP pushing for more power vis-à-vis the Council.

Environmental policy in the 90s

The development of the EU's environmental policy can without a doubt also be credited to the Fifth Action Programme in February 1993, where new instruments with the objective of incentivising economic matters, more opportunities for the public to be involved and self-regulation for the industry were introduced(Knill, Christoph & Liefferink, Duncan, 2013 p. 25). During the 90s, the environmental policy became legally and institutionally anchored with the ToM and Amsterdam Treaty (ToA) (Knill, Christoph & Liefferink, Duncan, 2013 p. 26), and the decision-making on environmental policy became easier with the introduction of Qualified Majority Voting (QMV) and co-decision on most environmental policy areas (Lenschow, 2005 p. 309). However, compared to the reforms introduced by the SEA, the development of the environmental policy in the EU began to cool off in the beginning of the 90s.

4.1.1. EU environmental policy post-Lisbon

The ratification of the ToL in November 2009 marked another milestone in the history of the institutional development of the EU. In the context of the environment, the ToL introduced changes to the EU system of an institutional and a policy-making kind i.e. the expansion of the powers of the EP by enshrining co-decision as the OLP on almost all environmental areas(Benson & Adele, 2013 p. 40). The treaty further defined and elaborated the wording of "[...] *sustainable development of Europe* [...]" introduced in the ToA and "[...] *improve of the quality of the environment.*" in Article 2 (now Article 3 TEU) (European Union, 2008 Article 3(3)).

The post-2008 period has been dominated by an economic downturn, which has slowed down the discourse of sustainable development. Instead, there has been a focus on "ecological modernisation" or "green growth", combining economic growth with environmental protection, exemplified by the EU's Europe 2020 strategy (European Commission, 2010a) and the revised version of the Lisbon

⁵ Article 174(2) TEC focuses on high level of protection in environmental policy in the Community based on precautionary principles

Strategy (European Commission, 2006). This has allowed industry interests and the EU institutions to work together, although at the same time it has constrained radical environmental legislation (Grant, 2013 p. 173). This leaves us with an impression that since these significant changes to the environmental policy in the EU in SEA, the environmental policy has matured and treaty changes have undergone a waning curve with less strict environmental policy being adopted (Benson & Adele, 2013 p. 45). All in all, the above creates a basis for the reinforcement of the claim that it can be difficult to combine strict environmental regulation with economic growth in the economic downturn post-2008 (Grant, 2013 pp. 185-186).

4.1.2. Conclusion

The Paris Summit in 1972 initiated the first step to establish a common environmental policy in the EU. The aim was to homogenise diverse environmental standards across Member States. With the SEA, the policy was formally integrated in the treaties and defined objectives were established. It was further institutionalised with the ToM and the ToA, although the development was not as far-reaching compared to the SEA changes. The ToL marked the EP as an influential institution in environmental policy, however a European focus on "ecological modernisation" and the maturation of the environmental policy did also seem to constrain radical development of the policy.

4.2. The European Parliament

When the EP was first elected in 1979 (European Parliament, 2014a) it was regarded a "weak" institution. The EP's powers were limited to propose amendments to EC proposals, and it enjoyed only a consultative role in the formulation of policies (Eising, 2007 p. 385; Hauser, 2011 p. 696). Quickly, the EP established a reputation as a proactive force for environmental and diffuse interests, and it was considered the "greenest" of the EU institutions (Burns, 2013 p. 132; Lenschow, 2005 p. 315). However, the more established interest groups focused on the EC as their primary lobby target instead because of its exclusive right to initiate new policies (Adelle & Anderson, 2013 p. 156; Nugent, 2010 p. 250). Over the years, the EP gained decision-making power, making the EP an equal partner to the Council in decision-making through various treaty arrangements (Burns, 2013 p. 132; Lenschow, 2005 p. 315). These institutional changes and the increase in legislative power to the EP simultaneously increased

the EP's attractiveness to NGOs, private interests, trade associations and citizen's action groups (Coen & Richardson, 2009 p. 39; Hauser, 2011 p. 696; Nugent, 2010 p. 251). Between 1994 and 2005, direct lobbying of MEPs and EP civil servants on single market and environmental legislation increased by 100 % (Coen & Richardson, 2009 p. 10).

Although we have seen a decline in strong environmental development in the EP, it remains an important actor on the environmental stage with the power and ability to make significant contributions to policy outputs (Burns, 2013 p. 132). In the context of creating policy, the lead Rapporteur, the opinion-giving Rapporteur(s) and shadow Rapporteur(s)⁶ are key players in the legislative process as drafters of the EP opinion reports. For this reason they are highly interesting for interest groups to interact with (Coen & Richardson, 2009 p. 51; European Parliament, 2006). If the dossier is expected to contain technical details, which require expert knowledge, most likely the Rapporteurs and MEPs will rely on interest groups to help them with inputs to competently draft reports, applying amendments and in general discuss the content of the dossier (Nugent, 2010 p. 277), as most MEPs are not experts on the dossier's subject and content (Coen & Richardson, 2009 p. 52; MEP1, 2013). Furthermore they are often under "[...] *severe time pressure* [...]" due to e.g. work in Strasbourg, Brussels and in their home country (Kohler-Koch, 1997 p. 6).

Also, the MEPs can use interest groups to improve their reputation in their constituency. The MEPs rely to a high degree on their national voters, especially close to an election, or when national interests are at stake (Wurzel & Connelly, 2011 p. 68). In short, most MEPs have preferences towards those interest groups, which can provide an aggregate view on efficient ways to deal with problems and economic consequences. Additionally, it is important for interest groups to promote public goods, such as higher employment or cleaner environment in the public debate when interaction with MEPs (Coen & Richardson, 2009 pp. 52, 58; Interview with MEP2, 2013).

⁶ The Rapporteur draws the report as an opinion on behalf of the Parliament committee. In this regard, the Rapporteur is influential. Often the Rapporteur will be the Chairman of the committee. The Lead Rapporteur is the Rapporteur of the Committee responsible. In each dossier the Rapporteur is assisted by Shadow Rapporteurs. Other Committee for opinion have a Rapporteur for opinion (European Law Monitor, 2014).

4.2.1. Composition

Today, the EP consists of 766 members elected in 28 Member States (European Parliament, 2014d). The members sit in cross-national political groups where the two largest groups are the European People's Party (EPP) with 274 members and the Group of the Progressive Alliance of Socialists and Democrats (S&D) with 195 members (European Parliament, 2014d). No group in the EP controls absolute majority (although EPP has extensive control) and it is therefore necessary to make coalitions with other groups. Via the methodology⁷ of the D'Hondt system of allocating seats to the highest average, each national delegation within the groups receives positions of responsibility according to their size. This system however also gives opportunities for smaller groups to secure key posts (Burns, 2013 p. 133).

Committees

Committees in the EP play an important role in the political system because of the structure and composition in the EP with representation from all the political parties of the EP (Marshall, 2010b p. 554). One of the absolutely key committees in environmental issues in the EP and contributing to the EP's reputation as an environmental "champion" is the ENVI committee (Wurzel & Connelly p. 59). The total of 138 members makes the committee the largest in the EP (European Parliament, 2014d). In any committee, its Chairman plays an important role in steering the direction of the committee, and the ENVI committee is no exception. In the period 1979-1999, the committee and its Chairman, Ken Collins, established the committee's reputation as an entrepreneur of environmental policy. However, during EPP group member Karl-Heinz Florenz chairmanship of the ENVI Committee in the mid 00s, the EP and in particular the ENVI reputation as an environmental "champion" was at stake. Since the S&D group took over the chair, a process of re-establishing the reputation as an environmental "champion" has begun (Burns, 2013 p. 137; Weale, 2000 p. 91). Another of the most influential committees is the ITRE committee with 121 members. The committee works for the "[...] *Union's industrial policy and the application of new technologies* [...]" (European Parliament, 2014b).

Although the committees play an important role due to the decision-making procedures, the composition of the EP must not be underrated. In the 80s to the mid 90s, there was a centre-left dominated composition. However since the EP

⁷ The first seat is given to the group with the highest "average" after dividing the votes by one. After winning its first seat, the new group average is given by dividing the votes by two. This goes on until all the seats are allocated (European Parliament, 2011 p. 20).

election in 1999, the two centre-right parties Alliance of Liberals and Democrats for Europe (ALDE) and EPP formed a dominant coalition in the EP (Burns et al., 2013 p. 144). Accession of new Member States and thereby also new actors and interests by enlargements in 2004 and 2007 have undoubtedly challenged the EP's reputation as environmental champion, although it may not have disrupted the environmental policy in the EP (Burns et al., 2013 p. 133). The new Member States from the CEE region have consolidated the centre-right grip upon the EP constellation by integrating Member States with traditionally fewer environmental ambitions and less willingness towards radical changes in environmental policy-making (Burns et al., 2013 p. 144; Wallace, Wallace, & Pollack, 2005 p. 317). Noticeably, no Green MEP was elected in any of the 12 new members states in the 2009 election (Carter, 2010 p. 295).

4.2.2. Conclusion

The role of the EP has changed from a consultative role to the EC to a co-legislator in most policy areas. In its early days, the EP, with the help of the ENVI committee, was considered the "greenest" of the EU institutions and more open to diffuse interests compared to the EC and the Council by academics. However, with more legislative power through treaties, the EP became an interesting venue to target for private interests as well. Especially, the Rapporteurs are interesting targets for interest groups. With the new composition of the EP after the enlargements, the shift in ENVI leadership and the increased legislative power of the institution, the EP's reputation as an environmental "champion" began to be disrupted.

4.3. Interest organisations in the EU

During the last 20 years, lobbying in Brussels has matured and interest groups have approached lobbying more professionally (Adelle & Anderson, 2013 p. 165). The process of transferring competencies from the Member States and national institutions to the European institutions on particularly internal market regulation has increased the focus on European policy-making (Coen, 2007a p. 2; Coen, 2007b p. 4; Klüver, 2010 p. 177). The number of lobby groups has also increased to include around 250 representative offices of firms and 1450 formally constituted EU level groups. Over half of the members are estimated to be business representatives while one third represent citizen interests and ten per

cent professionals, who work as third party representatives (Greenwood, 2007 p. 12; Nugent, 2010 pp. 245-246).

As a consequence of the increase in lobbying, low participation in EP elections, a lack of common culture in the EU and a decision-making concentrated in the executive branches of the EC and the Council, the EU has increasingly emphasised the importance of enhancing the EU's democratic credentials. A strategy to increase transparency and credibility is involving public interest groups (Adelle & Anderson, 2013 p. 163) as a feature of "participatory channels" for civil society (Greenwood, 2011 p. 2). However, civil society interests and environmental groups are outnumbered by business and industry interests - also in terms of available resources and economic strength (Grant, 2013 p. 185-186; Nugent, 2010 p. 246-247). The next section elaborates further on the environmental interest groups and industry and business interest groups.

4.4. Lobby groups

In this study, I deal with two types of lobby groups: environmental interest groups and industry and business interest groups. The history of these lobby groups, their characteristics and objectives are presented in the following sections.

4.4.1. Environmental interest groups

Particularly in the late 80s and early 90s, environmental groups began to establish themselves in Brussels with the overall target to protect public health and the environment (Boasson & Wettestad, 2013 p. 38; Hauser, 2011 p. 692). These included the World Wild Life Fund, Friends of the Earth, Greenpeace, Climate Action Network Europe and Birdlife International. Today, these organisations are, among other core environmental groups, members of the Group of 10 (G10)⁸, which lobby in Brussels to influence EU decision-making. The increasing number of lobby groups joining in the 80s was caused by a simultaneous expansion of and increased focus on environmental policy in the EU.

Today, environmental groups in the EU have over 150 staff and the NGOs are highly networked by formal organisations and informal networks and structures

⁸ The G10 consist of; EEB, WWF, Friends of the Earth, Greenpeace, Transport & Environment, Birdlife, CAN Europe, Nature Friends Int., CEE Bankwatch Network and Health and Environment Alliance. They have a capacity of 145 staff members with a budget of over 17 million Euro (Greenwood, 2011 p. 152)

across sectors such as trade, law, environment, employment and business (Greenwood, 2011 p. 128). The environmental groups often use issue-specific coalitions, alliances and networks to improve chances of effective lobbying. In the context of environmental policy, their objective is often to influence standards, contribute to policy instruments and to be a watchdog in the implementation of environmental policy (Adelle & Anderson, 2013 p. 165; Greenwood, 2011 p. 147).

In total, the NGOs have a membership base of over 20 million, and their skills obtained by European officers enable them to combine institutional politics and social movement activism (Greenwood, 2011 p. 150). Environmental groups are considered to be powerful because of the strength of the public interest in the environment in Europe (Greenwood, 2011 p. 6) and their role as link between the EU institutions and the citizens of Europe, which can enhance the democratic credentials of the EU institutions (Adelle & Anderson, 2013 p. 163). On the basis of volume in network and knowledge, it is reasonable to consider that the environmental groups are more than capable of participating in policy processes, thereby expanding their traditional strength of agenda-setting. These organisations are capable of engaging in policy-making at a high level by drawing on EU policy offices with the best staff and through the coordination of resources and manpower among environmental organisations and other NGOs to match the resources of industry interests⁹ (Greenwood, 2011 pp. 147, 149-150). The environmental organisations target multiple EU institutions in their activities but lobby mainly the EP, and in particular the committees, due to the institutions' increased powers in legislation and their reputation for supporting environmental interests (Adelle & Anderson, 2013; Gullberg, 2008a p. 2967).

4.4.2. Industry and business groups

Industry and business group interests (hereafter referred to as industry groups or industry interests) represent a large part of all interests groups and representatives in Brussels as noted above. Besides an advantage in the number of representatives, industry interests have an advantage over environmental interests in economic strength, they often have more experts attached because of their knowledge and information about domestic and European markets (Grant, 2013 p. 185-186; Nugent, 2010 p. 246-247). In this context, informal lobbying, where expert knowledge and information is transacted to the institutions is

therefore important. It is equally as important that the provided information is not distorted or misrepresented as the information exchange can ruin the relationship between the institution and the lobbyist, or exclude the lobbyists from future information exchange. Maintaining trustworthiness and credibility is therefore vital for the industry lobbyists and their wish for access to institutions (Grant, 2013 p. 176). Despite a strong representation of industry interests, it is not established that there is routine business dominance in the pluralism conditions in policy process in the EU, as lack of interaction with the civil society will weaken the possibility of legitimacy for the EU institutions (Greenwood, 2011 p. 4-5).

Setting up industry interests as enemies with environmental interests or NGOs in the competition for influence on EU institutions can be justified by looking at the objectives of industry interests and environmental interests. Although industry interests are not always opposed to environmental regulation, environmental policy often imposes standards for consumer products, limits certain production of products or prohibits products (Grant, 2013 p. 171). Due to the fact that industry groups are characterised by a market-based approach, they invest in lobbying to try to steer legislation in the preferred direction to create market stability and certainty for the industry and its products (Hauser, 2011 pp. 692, 702). However, industries are not politically homogenous or similar in how the environment impacts the industry. Therefore they face different challenges in the environmental and climate change. Within the context of "ecological modernisation", "green" industries such as the wind turbine industry have been more open towards environmental policy for a number of reasons, such as new business opportunities and enhanced reputation (Grant, 2013 p. 173). These "green" industries have also opened doors for cross-issue political alliances with environmental groups to create flexible advocacy coalitions (Coen, 2004 p. 216).

4.4.3. Conclusion

Lobbyism in the EU has emerged at a strong pace during the last 20 years due to even more competencies transferred from Member States to the EU institutions. Environmental groups are interests, which positioned themselves in Brussels during the 80s and 90s. Today they cover most policy areas, and they often use alliances and coalitions in their work to influence policy-making. Furthermore, one of the strengths of the environmental groups is the link they provide between the EU institutions and civil society. However, they are often considered to hold less

capacity and resources than their counterpart, industry interests, which are also extensively represented in Brussels compared to environmental groups. Despite this, the industry interests are not homogenous and have different objectives depending on legislation.

4.5. Case studies

In the following section, I elaborate on the two case studies, which serve as subjects for the analysis, in accordance with the case study approach laid out in section 2.3. The elaboration is chronological from the EC proposal to the adopted text in the EP. In this section, I focus on presenting and explaining the content of the legislative texts presented by the EC, relevant committees and Rapporteurs. I do this to create an overview of the dossiers, which can be considered highly complex. Discussions, opinions, arguments and positions of the interest groups and other MEPs will to a lesser extent be elaborated on in this section.

4.5.1. Case I: Amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources

The EC published their proposal on 17 October 2012 (European Commission, 2012b), "Amending Directive 98/70/EC (European Parliament, 1998b) relating to the quality of petrol and diesel fuels (FQD) and amending Directive 2009/28/EC (European Parliament, 2009) on the promotion of the use of energy from renewable sources (RED)" (onwards also referred to as "Biofuels") amending, the FQD 98/70/EC and the RED 2009/28/EC. Key elements (simplified from the original legislative text in EC proposal) of the proposal were a 5 % cap on 1st generation biofuels¹⁰, multiple counting¹¹ for some types of 2nd generation biofuels¹² and including "Indirect land use change"¹³ (ILUC) in legislation (see Table 1) (due to the complexity of the legislative texts in this dossier, I have simplified the wording of the elements).

¹⁰ 1st generation biofuels are fuels that have been produced by the use of starch, sugar, animal fats and vegetable oil

¹¹ Some types 2nd generation biofuels (e.g. used cooking oils and animal fat) count multiple (double and quadruple) times to reach the 10%-target of renewable energy use in the transport sector in the EU by 2020 set in RED (see further below). 1st generation biofuels are not included in multiple counting.

¹² 2nd generation or advanced biofuels are produced from various types of biomass such as Lignocellulose (dry plant), which is used to produce bioethanol.

¹³ ILUC: the CO₂ emission, deterioration of biodiversity and other environmental consequences due to land-use changes i.e. moving production of food crops from one place to another, which demands deforestation or expansion of croplands for ethanol or biodiesel production. Including ILUC will increase the total CO₂ emission of first generation biofuels compared to second generation, which is not based on food crops.

The overall aim of the FQD was to reduce car and transport emissions by setting harmonised limitations on the greenhouse gas intensity of fuels (European Parliament, 1996). On 15 September 1998, the EP adopted the proposal (European Parliament, 1998a). In March 2003, the FQD was amended, including a 6% reduction target of greenhouse gas emission intensity of fuels used in the transport sector by 2020 through an increased use of advanced biofuels or 2nd generation biofuels (European Parliament, 2003). The purpose of the RED was to promote the use of renewable energy. It amended and repealed the existing directives on renewable energy (2001/77/EC and 2003/30/EC). Most notably, the RED established a 20% mandatory target in the overall share of the use of renewable energy in the EU by 2020 and a 10 % target for the use of renewable energy in the transport sector by 2020. On the 17th of December 2008, the EC proposal was approved (European Parliament, 2008).

ILUC issue

Both directives included responsibility to deal with ILUC (European Parliament, 2012e). Pursuant to the EC's proposal, on 22 December 2010, the EC released a report to conclude and summarise the analytical work it had been doing since 2008 on the impact of ILUC. Prior to reporting in 2010, the EC launched several studies on ILUC (Laborde, 2011 p. 9). The 2010 report should give policy options on how it could address the issue of dealing with the conflicting growing global demand for agricultural commodities and the demand for biofuel, which is produced, to a large degree, from agricultural products such as food crops. Based on the EC's methodology for estimating the ILUC values, the Communication paper concluded that there existed uncertainties within the methodology, but acknowledged the impact of ILUC. A follow-up report containing an impact assessment of ILUC was expected in July 2011 latest, but was delayed and postponed until 2014 (Adelle & Anderson, 2013 p. 157).

Table 1: Commission proposal – Biofuels

Key elements	Commission proposal
<i>Cap on 1st generation biofuels</i>	<u>Article 2: amending Article 3 - paragraph 4 - point d:</u> <i>5 % cap on use 1st generation biofuels in of the final consumption of energy in transport in 2020</i>
<i>Multiple counting for 2nd generation</i>	<u>Article 2: amending Article 3 - paragraph 4 - point i, ii, iii:</u> <i>Double and quadruple counting depending on type of 2nd generation to reach the 10 % target.</i>
<i>ILUC reporting</i>	<u>Recital 12:</u> <i>Including ILUC in legislation: When calculating the greenhouse gas emission the indirect land-use change emissions are taken into account</i>

Committee work phase

On 19 November 2012, the committee responsible for EP opinion, and other opinion-giving committees, were announced (European Parliament, 2012d). The ENVI committee was announced as the responsible committee with Corinne Lepage (ALDE) as Lead Rapporteur on the dossier. The ITRE committee was announced as the associated committee¹⁴(European Parliament,). Alejo Vidal-Quadras (EPP) was named Rapporteur of opinion of the ITRE committee on the dossier (European Parliament, 2012d). The following committees were assigned as opinion-giving due to their relevance in the dossier: Development, International Trade, Internal Market and Consumer Protection, Transport and Tourism, Regional Development and Agricultural and Rural Development (European Parliament, 2012d). Indeed, the many relevant committees demonstrated the complexity of the dossier.

Rapporteur draft report, committee proposals and compromise amendments

On 15 April 2013, ENVI's Lead Rapporteur; Corinne Lepage released her report, which included ILUC calculation in legislation, a 12% target instead of the 10% target for renewable energy in the transport sector by 2020, an exclusion of the 5% cap on 1st generation biofuels and sub-target on 1.5 % for the use of electricity to incentivise the production of electrical cars (European Parliament, 2013c). On 28 March 2013, the ITRE Rapporteur on the dossier, Alejo Vidal-

¹⁴ Associated committee are announced in accordance with Rule 50 of the Rules of Procedure referring to dividing competences in case the matter falls "...almost equally within the competence of two or more committees..."(European Parliament,)

Quadras, released his draft report containing several amendments to the EC report. The main points identified by the Rapporteur in the draft report was a exclusion of ILUC in legislation, introduction of sub-targets for 2nd generation biofuels on 2% in 2020 and 4% in 2025 substituting the 5% cap on 1st generation biofuels proposed by the EC. Vidal-Quadras also proposed an exclusion of multiple counting for 2nd generation biofuels (European Parliament, 2013f). Both draft reports from the Rapporteurs were starting points for Committee opinions prepared by the ITRE and ENVI Committees and their members. On 4 July 2013, ITRE released their committee opinion report (European Parliament, 2013g). In line with its Rapporteur of opinion, Vidal-Quadras, ITRE did not want to introduce ILUC in legislation while the opinion also introduced sub-targets for advanced biofuels.

Lead Rapporteur Corinne Lepage's report was compromised, amended, and voted on 10 July 2013 in the ENVI committee. Table 2 shows the key elements of the ITRE opinion and the ENVI compromise amendments. Key elements are ILUC reporting and caps on the use of 1st and 2nd generation biofuels. The responsible committees came to an agreement on a compromised text on 26 July 2013.

Table 2: ENVI and ITRE proposals and compromise amendments – Biofuels

Key elements	ITRE opinion	ENVI compromise and consolidated amendments
<i>Cap on 1st generation biofuels</i>	<u>Amendment 8: Recital 9</u> A 6,5 % cap on 1st generation biofuels on the final consumption of energy in transport in 2020	<u>Consolidated amendment 1:</u> A 5,5 % cap on 1st generation biofuels on the final consumption of energy in transport in 2020
<i>Cap on 2nd generation biofuels</i>	<u>Amendment 31: Article 3 - paragraph 4:</u> Proposing sub-target for amount of the final consumption of energy in transport shall be met with energy from 2nd generation biofuels: <ul style="list-style-type: none"> • 0,5% in 2016 • 2,5% in 2020 • 4% in 2025 Multiple counting for 2nd generation biofuels is excluded	<u>Consolidated amendment 1:</u> Proposing sub-target for amount of the final consumption of energy in transport shall be met with energy from 2nd generation biofuels: <ul style="list-style-type: none"> • 2% in 2020 Multiple counting for 2nd generation biofuels is included
<i>ILUC reporting</i>	<u>Amendment 12: Recital 11:</u> Indirect Land-use change (ILUC) is too uncertain and should not be included in reporting	<u>Compromise amendments 3:</u> Including indirect land-use change (ILUC) reporting in legislation to ensure the accuracy and credibility of the reduction target for life cycle greenhouse gas emissions.

Voting phase

On 11 September 2013, the EP adopted the amended proposals (see table 3) resulting in a new legislation where ILUC was included in the accounting of CO₂ -

emission of biofuels, and 1st generation biofuels were limited by a maximum cap (European Parliament, 2013i). A slight majority counting 356 for, 327 against and 14 abstentions adopted the final vote on the amended proposal (VoteWatch, 2013b). However, the EP rejected, by one vote, to begin negotiations with the Council before a second reading in the EP. This means the dossier will be discussed once again in the EP in the new parliamentary term in 2014 (European Voice, 2013b).

Table 3: Adopted text – Biofuels

Key elements	Adopted text
<i>Cap on 1st generation biofuels</i>	<u>Amendments 181: Article 3 - paragraph 4:</u> <i>A 6 % cap on 1st generation biofuels on the final consumption of energy in transport in 2020</i>
<i>Cap on 2nd generation biofuels</i>	<u>Amendments 152/rev: Article 3 - paragraph 4 - subparagraph 2 - point d:</u> <i>A sub-target for amount of the final consumption of energy in transport shall be met with energy from 2nd generation biofuels:</i> <ul style="list-style-type: none"> • 0,5% in 2016 • 2,5% in 2020 <i>Fewer types of 2nd generation biofuels included in multiple counting</i>
<i>ILUC reporting</i>	<u>Amendment 126: Recital 4 b (new):</u> <i>Emissions for the resulting of ILUC is accounted for from 2020</i>

4.5.2. Case II: Amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas emission allowances

On 25 July 2012, the EC released their legislative proposal “Amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas allowances” (onwards also referred to as “Backloading”) amending Directive 2003/87/EC, which the EU ETS is based in, and Directive 96/61/EC, which is a directive on integrated prevention and control of pollution (European Commission, 2012a). The proposal was a short text including that the EC will be given powers to adapt the auctioning timetable to ensure an orderly functioning of the market (see Table 4 for a full review of the proposal).

EU ETS

The overall purpose of the EC proposal was to fulfil the need to change the auctioning timetable in order to ensure the functioning of the European carbon market in the transition from phase 2 (2005-2012) to phase 3 (2013-2020)¹⁵ of the EU ETS (European Commission, 2012a; Hedegaard, 2012). This process has called for a need to review the auctioning timetable due to rather complex and exceptional circumstances in the European economy. A combination of an increase of the supply of short-term allowances and international credits and a decrease in emissions in 2012 and 2013, seen in the context of the impact of the post-2008 economic downturn, has affected the functioning and effectiveness of the European carbon market in the transition process, and has led to a significant surplus of allowances (European Parliament, 2012b; Hedegaard, 2012; Hedegaard, 2013). This surplus has caused the carbon price to diminish from around 30 EUR per ton CO₂ in 2008 to less than 10 EUR per ton CO₂ (The Economist, 2012). A reduction in carbon prices has made it inadequate to invest in new sustainable technologies and innovation, thereby also increasing the chance of locking the EU in carbon intensive infrastructures (European Commission, 2013).

¹⁵ The EU ETS was launched in 2005, and it now in phase 3 running from 2013 to 2020. Phase 3 brings several changes to the EU ETS from phases 1 and 2: One European cap instead of individual national ones, auctioning of allowances instead of free allocations and harmonised rules for those allowances, which are given for free (European Commission, 2014).

Table 4: Commission proposal – Backloading

Key elements	Commission proposal
Volumes of allowances	<u>Recital 1:</u> "Article 10(4) of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC3 does not specify how volumes of greenhouse gas emission allowances to be auctioned are to be distributed over the trading period."
Functioning of the market	<u>Recital 2:</u> "For the purposes of legal certainty and market predictability, it should be clarified that, in order to ensure an orderly functioning of the market, the Commission is able in exceptional circumstances to adapt the auction timetable pursuant to Article 10(4) of Directive 2003/87/EC."
-	<u>Recital 3:</u> "Directive 2003/87/EC should therefore be amended accordingly,"
Adapt timetable	<u>Article 1: Article 10 - paragraph 4 - subparagraph 1 - added as last sentence (to Directive 2003/87/EC):</u> "The Commission shall, where appropriate, adapt the timetable for each period so as to ensure an orderly functioning of the market."
-	<u>Article 2:</u> "This Decision is addressed to the Member States. Done at Brussels, For the European Parliament For the Council The President The President"

Committee work phase

Matthias Groote (S&D), Chairman of the ENVI committee, was appointed lead Rapporteur for the ENVI committee, as the committee responsible, on 12 September 2012. Amalia Sartori (EPP), Chairman from ITRE, was appointed shadow Rapporteur for the ITRE committee to give an opinion a few days later (European Parliament, 2012c). Matthias Groote drafted the Committee report on 23 November 2012 (see Table 5), and it suggested both short and long-term measures. Primarily it called upon the adoption of appropriate measures to undertake structural changes of the EU ETS. Compared to the EC's proposal, the draft report added that the EC is not able to change the auction timetable more than once during the phase 3-period (2013-2020) and only under exceptional circumstances. The ENVI's draft report also stated that adapting the auction timetable by the EC should not be considered as a structural change of the EU ETS but rather a short-term action intended to address market imbalances within the scheme (European Parliament, 2013d). On 28 January 2013, the opinion giving committee ITRE, with Amalia Sartori as Rapporteur, released its opinion report (European Parliament, 2013e). The opinion report contained one sentence: "The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to propose rejection of the Commission proposal." (European Parliament, 2013e).

Table 5: ENVI committee draft report – Backloading

Key elements	ENVI committee draft report
Surplus of allowances	Amendment 2: Recital 1 b (new): By the end of 2011, a surplus of 955 million allowances had accumulated. That surplus is set to grow if no structural measures concerning the EU ETS are undertaken.
Surplus of allowances	Amendment 3: Recital 1 c (new): Such a significant surplus of allowances is leading to a lower carbon price, compared to that originally envisaged, reducing incentives to invest in low carbon technologies and increasing the risk of locking the Union into carbon-intensive infrastructures.
Adapt timetable	Amendment 4: Recital 2: For the purposes of legal certainty and market predictability, it should be clarified that, in order to ensure an orderly functioning of the market, the Commission is able in exceptional circumstances to adapt the auction timetable pursuant to Article 10(4) of Directive 2003/87/EC. The Commission should be able to make no more than one such adaptation and only during the eight-year period beginning on 1 January 2013
Adapt timetable	Amendment 5: Recital 2 a (new): "Adapting the auction timetable should be considered to be a short-term action, rather than a structural measure intended to address market imbalances of the EU ETS, and should not undermine the stability and predictability of the EU ETS."
Adapt timetable	Amendment 8: Article 10 - paragraph 4 - subparagraph 1 - last sentence "The Commission may, in exceptional circumstances, adapt the timetable for the period referred to in Article 13(1) beginning on 1 January 2013 so as to ensure an orderly functioning of the market. The Commission shall make no more than one such adaptation."

The ENVI committee draft report was discussed in committee and in December 2012, and on 15 February 2013 compromises between ENVI and ITRE were tabled for committee voting (European Parliament, 2012c). They included compromise amendment proposals only from the joint centre-left parties (S&D, ALDE, the Greens and the Confederal Group of European United Left/Nordic Green Left (GUE/NGL)) (European Parliament, 2012a). On the 25 February 2013, the committee report was successfully tabled for plenary, where the ENVI committee accepted the report and recommended the EP's position on the Backloading dossier (European Parliament, 2012c).

Voting phase

On 16 April 2013, the EP gathered in Strasbourg to vote on the proposal (see

Table 6). The proposal "Amending Directive 2003/87/EC clarifying provisions on the timing of greenhouse gas allowances" was rejected. The vote result was a tight majority accepting an amendment (amendment 20) tabled by more than 40 members of the centre-right parties European Conservatives and Reformists Group (ECR) and EPP to reject the EC proposal by 334 in favour, 315 against and 63 abstentions (VoteWatch, 2013d).

Table 6: First voting - Backloading

Key elements	First voting in plenary
Surplus of allowances	Amendment 2: Recital 1 b (new): By the end of 2011, a surplus of 955 million allowances had accumulated. That surplus is set to grow if no structural measures concerning the EU ETS are undertaken.
Surplus of allowances	Amendment 3: Recital 1 c (new): Such a significant surplus of allowances is leading to a lower carbon price, compared to that originally envisaged, reducing incentives to invest in low carbon technologies and increasing the risk of locking the Union into carbon-intensive infrastructures.
Adapt timetable	Amendment 4: Recital 2: For the purposes of legal certainty and market predictability, it should be clarified that, in order to ensure an orderly functioning of the market, the Commission is able in exceptional circumstances to adapt the auction timetable pursuant to Article 10(4) of Directive 2003/87/EC provided that such intervention can be justified by an impact assessment showing that impact on sectors exposed to a significant risk of carbon leakage is limited. The Commission should be able to make no more than one such adaptation and only during the eight-year period beginning on 1 January 2013.
Adapt timetable	Amendment 8: Article 10 - paragraph 4 - subparagraph 1 - last sentence: The Commission may, in exceptional circumstances , adapt the timetable for the period referred to in Article 13(1) beginning on 1 January 2013 so as to ensure an orderly functioning of the market where an impact assessment shows that impact of such intervention on sectors exposed to a significant risk of carbon leakage is limited. The Commission shall make no more than one such adaptation.

Amendments and second voting

The rejection of the EC proposal required amendments to be tabled in the ENVI Committee. On 14 June 2013 the amendments were tabled (European Parliament, 2013a). It was proposed once again to reject the EC's proposal (amendment 21) and proposed to exclude the EC's ability to adapt the auction timetable (amendment 42) tabled by several MEPs. Amendment 34 tabled by other MEPs proposed an amendment including text about how a surplus of allowances reduces incentives to invest in low carbon technologies and increases "[...] the risk of lock(ing) in to carbon intensive infrastructure." (European Parliament, 2013a). Amendment 64 proposed that the EC [...] "shall ensure that such allowances are re-introduced in a linear manner starting the year following the date of withholding the allowances." However only the consolidated amendment 1 proposed by EPP, S&D and ALDE (see Table 7) (European Parliament, 2013b) was adopted on 3 July 2013 (European Parliament, 2013h). The text was adopted by 344 to 311 with 46 abstentions (VoteWatch, 2013c).

In the process of the Backloading dossier, several Member States' governments expressed their opinions about the proposal. The German Chancellor, Angela Merkel did not take a firm position on Backloading due to domestic concerns such

as an influential heavy industry in Germany (European Voice, 2013a). Neither was the Spanish government ready to take a position (Bloomberg, 2012). Poland however was clear about rejecting the proposal (European Voice, 2012). Governments in favour of Backloading were mainly from "older" Member States (Friends of the ETS, 2013).

Table 7: Adopted text, second voting - Backloading

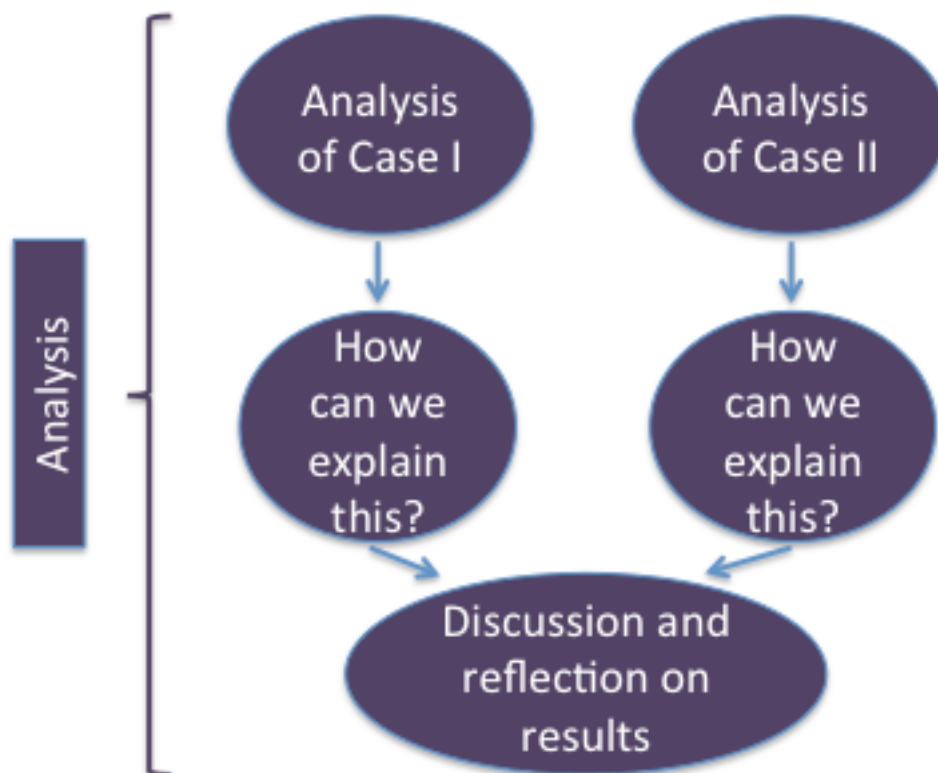
Key elements	Adopted text - second voting (changes from Commission proposal in bold)
Adapt timetable	Consolidated amendment 1: Article 10 - paragraph 4 - subparagraph 1 - last sentence: "Where an assessment shows for the individual industrial sectors that no significant impact on sectors or subsectors exposed to a significant risk of carbon leakage is to be expected, the Commission may, in exceptional circumstances, adapt the timetable for the period referred to in Article 13(1) beginning on 1 January 2013 so as to ensure an orderly functioning of the market. The Commission shall make no more than one such adaptation for a maximum number of 900 million allowances."

5. ANALYSIS

The following chapter covers the analysis of the two case studies: Case I: Biofuels and Case II: Backloading.

Guided by the methodology, I first present my findings related to the legislative process from EC proposal to the amended and adopted text in the EP. Within my findings I look for patterns and linkages to create analytical evidence. Second, I develop explanations on the basis of my evidence with the use of the theoretical framework. Afterwards, I discuss and reflect on the results. In this section, my results will hopefully allow me to answer my research question in a satisfying manner. Finally, I reflect on the study and discuss the applicability of my methodology and theory. See Figure 7 for an overview.

Figure 7: Overview of analysis



5.1. Case I: Amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources

In this section, Case I: Biofuels will be studied. The case study analysis is split into two main sections. In the first section, I present the findings of my primary and secondary data and look for patterns and linkages within the dataset. Simultaneously with the presentation of the data findings, the legislative text of the EC proposal, the committee amendments, the committee reports and the adopted text will be presented. Within each of these key legislative stages, three carefully selected elements are kept track of (due to the complexity of the legislative texts in this dossier, I have simplified the wording of the elements). The purpose of this analytical approach is to give a picture of how the dossier has developed throughout the process, and, more importantly, to see whether the EP has set an environmental-friendly course during the committee work phase and in final voting, or whether the adopted text has watered down the EC's proposal. The second part of the case analysis is an explanatory section, where I strive to find and develop explanations for the occurrence of patterns with help of the theoretical framework.

5.1.1. Commission proposal

The EC's proposal amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and Directive 2009/28/EC on the promotion of the use of energy from renewable sources was published by the EC on the 17 October 2012 (European Commission, 2012b). The main elements of the EC's proposals are proposals to ease the transition from 1st generation to 2nd generation biofuels and to promote market access for biofuel products with a low ILUC value by including mandatory reporting on ILUC. The key elements of the proposal are listed in Table 8. The proposal is part of the mandatory target to have 10% of transport fuel coming from renewable energy sources and a mandatory target of a 6% reduction in the greenhouse gas intensity of fuels used primarily in transport as presented in section 4.5.1.

Table 8: Commission proposal – Biofuels

Key elements	Commission proposal
<i>Cap on 1st generation biofuels</i>	<u>Article 2: amending Article 3 - paragraph 4 - point d:</u> <i>5 % cap on use of 1st generation biofuels in the final consumption of energy in transport in 2020</i>
<i>Multiple counting for 2nd generation</i>	<u>Article 2: amending Article 3 - paragraph 4 - point i, ii, iii:</u> <i>Double and quadruple counting depending on type of 2nd generation to reach the 10 % target.</i>
<i>ILUC reporting</i>	<u>Recital 12:</u> <i>Including ILUC in legislation: When calculating the greenhouse gas emission the indirect land-use change emissions are taken into account</i>

Among the three key elements, the issue of ILUC was a controversial issue where “numbers and facts” and “scientific evidence” were deeply contested between industry and environmental groups and NGOs (Basiron, 2013; Palm Oil, 2013; Transport & Environment, 2014). The debate around ILUC seemed to be at the centre of attention from the beginning of this dossier (BUS2, 2013). Also, it is obvious that the respondents have completely contradictory arguments about the effects of ILUC and whether the science on ILUC is mature enough to be included in legislation (BUS2, 2013; BUS3, 2013; ENV3, 2013; ENV4, 2013). Environmental groups argue that deforestation and cleaning of rainforests indirectly increase carbon emissions (ILUC) and therefore should be included in legislation to incentivise biofuel products with a low ILUC value. The arguments derive from a concern that the production of 1st generation biofuels, which are based on sugar, starch and vegetable oils, leads to starvation in poorer countries, an increase in the price of food and potentially increase carbon emissions because of the ILUC effect (ActionAid, 2010; Email10, 2013; ENV3, 2013; ENV4, 2013; Responding to Climate Change, 2013). Addressing a central issue to this discussion, a representative from an industry group argued that, “[...] *the science of ILUC is not mature enough to introduce in legislation.*” (BUS2, 2013).

Debate about the theory of ILUC has been an issue for years (ENV4, 2013; Ethanol Producer Magazine, 2012), and the severity of the problem can be witnessed in the EC reporting about ILUC (or lack hereof). The EP and the Council asked the EC in 2010 to find and report on possible policy options to tackle ILUC. However, in the EC-report on ILUC, the EC stated that impacts of ILUC “*remain to be addressed*” (European Commission, 2010b p. 14), thereby delaying concrete policy options to tackle ILUC. During the dossier, the issue of ILUC was

experienced as a “[...] *war with contesting numbers, figures and studies going back and forth.*” (ENV4, 2013). We see the EC not being able to conclude on which foot to stand, although they point out the uncertainties in the calculation of ILUC (European Commission, 2010b p. 7). Perhaps it is therefore not surprising that MEPs were not prepared to go into deep discussion about ILUC at the beginning of the committee work phase (BUS3, 2013); especially considering that neither MEPs nor interest groups considered MEPs as “experts” on this or most other dossiers (BUS3, 2013; MEP3, 2013; MEP4, 2013).

5.1.2. Committee work phase

On 19 November, the ENVI committee was announced as the committee responsible, with Corinne Lepage (ALDE) as Lead Rapporteur on the dossier. Alejo Vidal-Quadras (EPP) was named Rapporteur of opinion of the ITRE committee on the dossier. According to the OLP, the EP formally may approve or reject the EC proposal when the proposal is released. However, the work and interaction between interest groups and MEPs began prior to the EC proposal and the announcement of Rapporteurs and relevant committees. Some of the respondents stated that environmental groups have been involved with MEPs on the issue and gained knowledge of the issues prior to the formal beginning of parliamentary work (ENV4, 2013; MEP3, 2013; MEP4, 2013). Two of the respondents stated that industry interests only react to issues when they are on the table as legislative proposals (MEP3, 2013) and they did not follow the Biofuels dossier as closely as environmental groups or at least “[...] *they (environmental groups) are aware of the dossier at an early stage than the industry.*” (MEP4, 2013). According to some of the respondents, the early involvement of environmental groups is a means to get an advantage or simply to compensate for a lack capacity and strength in resources compared to industry interests (MEP3, 2013; MEP4, 2013). During the Biofuels dossier, the capacity and economic strength of environmental groups were regarded to be mere fractions of the capacity of the industry groups (ENV3, 2013; MEP3, 2013; MEP5, 2013). One reason for the particularly large capacity of the industry was that both the industry and farmers were involved with interests to exclude ILUC and maintain incentives to produce 1st generation biofuels (MEP3, 2013). Therefore, the environmental groups sought to strengthen their capacity and lobby effectiveness by applying several lobby strategies such as networking and coalition-building with other NGOs and 2nd generation biofuel producers, to unite knowledge and expertise (ENV3, 2013; ENV4, 2013). During the dossier, the

environmental groups also focused on the social implications (ENV3, 2013; ENV4, 2013). A representative from an environmental group said they also focused on the "[...] *social dimension* [...]" and impact on "[...] *developing countries and starvation* [...]" when discussing biofuels (ENV4, 2013). Focus on poorer countries is deeply rooted in many NGOs policies in it might therefore seem reasonable that they also shift focus to this part of the Biofuels debate.

ENVI and ITRE draft reports

The issue of ILUC was, as I have mentioned above, one of the core elements of the legislation. The industry was against including ILUC calculation in the legislation due to the immature nature of the research on the subject (BUS2, 2013; BUS3, 2013). The environmental groups found it necessary and appropriate to include ILUC in legislation for a proper calculation of biofuels greenhouse gas emissions (ENV3, 2013; ENV4, 2013). Including ILUC or not was in particular an issue if we compare the ITRE and ENVI draft opinions. The Rapporteur of opinion of the associated committee, ITRE, Alejo Vidal-Quadras released his draft report on 28 March 2013. The draft report included an exclusion of ILUC factors in legislation besides an introduction of sub-targets for advanced biofuels (2nd generation) on 2% in 2020 and 4% in 2025. Vidal-Quadras also proposed an exclusion of multiple counting for advanced biofuels. The arguments for excluding ILUC was an acknowledgement, from the Rapporteur's side, of ILUC as a phenomenon but "[...] *not enough scientific evidence* [...]" (European Parliament, 2013f) is available to introduce ILUC in legislation. Indisputably, this argument is very similar to the arguments of the industry group representatives I interviewed (BUS2, 2013; BUS3, 2013) and other industry arguments (Basiron, 2013; Email12, 2013; Palm Oil, 2013). The Rapporteur argued that including ILUC would have a negative impact on the European diesel industry and create uncertainty for the sector (European Parliament, 2013f). Furthermore, the Rapporteur argued that member states such as Germany and Spain have a use of 1st generation/conventional biofuels of more than 5%, which served as an argument for excluding the 5%-cap for 1st generation biofuels, because it would harm national producers of 1st generation biofuels (European Parliament, 2013f). In this context, a source close to the drafting of the Rapporteur opinion report stated that expert knowledge and initial analysis of the consequences were provided by national experts from permanent representations or autonomous organisations, such as the International Energy Agency (MEP5, 2013). My analysis shows that the Rapporteur's initial contact with national representations during the preliminary stages of drafting the opinion is not a coincidence, as the drafting of reports requires expertise (Coen &

Richardson, 2009 p. 52); especially on such a complex and technical dossier, which all of the seven respondents agreed that the Biofuels case was (BUS2, 2013; BUS3, 2013; ENV3, 2013; ENV4, 2013; MEP3, 2013; MEP4, 2013; MEP5, 2013). The complexity can make it difficult to understand the details and possible outcomes of the legislation (ENV4, 2013; MEP5, 2013). Therefore, trusted information is important for an MEP, either when drafting reports or when promoting political arguments based on external inputs (MEP4, 2013; MEP5, 2013). Information from interest groups is argued to be less reliable than information from national permanent representations (MEP4, 2013). In this context, another of the respondents deemed close personal relations contacts to interest groups to be important in order to ensure trustworthy inputs (MEP5).

National perspectives of Commission proposal

The question is then what specific kind of information has been requested by MEPs during the Biofuels dossier? Patterns in my interview data among industry groups and an MEP indicate that one of the demanded resources was information about the consequences of biofuels legislation for Member States for growth and jobs particularly in the context of investments already made in the 1st generation biofuels sector (BUS2, 2013; BUS3, 2013; MEP4, 2013). Therefore, as a consequence for not being able themselves to assess the implications of the proposal made the MEPs open doors for lobbying (Kohler-Koch, 1997 p. 6). The post-2008 economic crisis and focus on job creating initiatives were seemingly part of the reason for the focus on regional and national jobs and growth (BUS3, 2013).

However, I am aware that the data from the industry representatives could be biased if they only interacted with ITRE members, which traditionally is a committee that meets the interest of the industry. One of the industry representatives stated, “[...] *the energy committee (ITRE) has always been supportive to us and helpful towards our concerns.*” (BUS3, 2013). However, there are no indications that the industry representatives only focused on ITRE members and for that reason would claim that information about jobs and growth were demanded information. On the contrary, a source close to one of the Rapporteur said that information about consequences for jobs and growth was demanded (MEP4, 2013). Moreover, the EP election in May 2014 is close and undoubtedly it is important for the MEPs to think about creating jobs and facilitating growth in their constituency (BUS3, 2013; ENV3, 2013). IN this context, one of the industry representatives said:

"MEPs want to be re-elected, and therefore they have to consider their constituency when legislating. They look at how to create jobs and attract investment to their constituency. We were focusing on MEPs we knew had bioethanol production in their constituency." (BUS3, 2013)

Looking at the arguments of the environmental groups, one of the arguments was how biofuels could lead to starvation, arguing that food crops should not be used as fuel. The crops-for-fuel debate also became an issue for one of the largest NGOs in Germany with strong connections to the catholic society in Germany, despite that the specific NGO does not normally have strong ties with environmental groups. The EPP Group with many German MEPs, who have close ties to the catholic community in Germany, were now pressured by the non-environmental NGO (ENV3, 2013). A representative from an industry group from Germany confirmed the strong connection between German EPP Group members and the catholic society, and how it became an inflamed issue for the members because they had to take the opinion of the civil society into account (BUS2, 2013). This is an example of how the NGO used their advantageous role as a link between the EU institutions and the civil society (ENV3, 2013); a role that can enhance the legitimacy and democratic credentials of the EU institutions (Adelle & Anderson, 2013 p. 163).

When ENVI Rapporteur Corinne Lepage released her draft report on 15 April 2013, ILUC was included in legislation because, as Lepage argued, the science on which the: "[...] *ILUC impact calculations are based is sufficiently robust to be incorporated into EU legislation.*" (European Parliament, 2013c) Furthermore, Lepage introduced a 12% target for renewable energy in the transport sector by 2020, an exclusion of the 5% cap on conventional biofuels, and a sub-target on 1.5 % for the use of electricity to incentivise the production of electrical cars (European Parliament, 2013c).

Whether ILUC is not mature enough to be included in legislation is a highly technical and complex issue. Indeed, the severity of the issue was obvious when not even the EC, as previously mentioned, was able to find policy options to tackle the issue. Nonetheless, or maybe because of this uncertainty among policy-makers, expert knowledge, scientific reports and letters to MEPs signed by scientists seem to be the most demanded and supplied resources in the discussion of ILUC (BUS2, 2013; Email12, 2013; Email18, 2013; Email9, 2013; ENV3, 2013; ENV4, 2013). One of the respondents, a representative of an

environmental group, argued that without technical information it would not be possible to lobby effectively (ENV3, 2013). As a former MEP stagiaire and participator in several debates and events on Biofuels, I can only agree on the massive focus and discussion about technicalities and scientific reporting.

Comparing ITRE and ENVI reports

On 4 July 2013, the ITRE committee released its opinion report. Compared to Rapporteur Vidal-Quadras' draft report, the ITRE opinion report was less unambitious environmentally than the Rapporteur's by reintroducing the cap on 1st generation biofuels and setting the minimum targets for the use of 2nd generation biofuels slightly higher than Vidal-Quadras' draft report. The committee followed Rapporteur Vidal-Quadras' suggestion to exclude ILUC in the legislation with the same argument about imprecise and immature ILUC science. The ENVI report was released on 9 July 2013 with a proposal notably closer to the EC proposal than to ITRE's report.

Both the draft reports and the committee reports reveal a clear pattern between the ENVI and ITRE committee and each of their Rapporteurs, and arguments used by environmental groups and industry groups respectively. The ITRE committee arguments and opinions for not including ILUC are identical to the arguments and opinions of the industry groups. The same pattern is visible between the arguments of ENVI and the environmental groups. It is therefore fair to say that the lobbying by interest groups must have had an effect on the MEP opinions during the drafting of committee reports.

If we take a look at the ENVI and ITRE reports, it is my assessment that both reports have the purpose of ensuring certainty for 1st generation biofuel producers and to safeguard investments already made in 1st generation biofuels by watering down the 5% cap by proposing a higher target on the use of 1st generation biofuels. ITRE proposed a 6.5 %-cap on 1st generation biofuels, ENVI a 5.5 %-cap. Concerning the production of 2nd generation biofuels, it can be difficult to assess which of ENVI's and ITRE's proposals to include sub-targets of 2% in 2020 (ENVI proposal) and 0.5 % in 2016, 2.5 % in 2020 and 4% in 2025 (ITRE proposal) for the minimum use of 2nd generation biofuels were more or less environmentally ambitious, compared to the EC proposal of multiple counting for 2nd generation biofuels. There is however no doubt that the ENVI proposals were more environmentally ambitious than the ITRE proposals, as ITRE waned to exclude multiple counting while ENVI maintained it.

ENVI, as the responsible committee on the dossier, and with ITRE as the consulting committee, came to an agreement on a compromised text on 29 July 2013. The text was going to be voted on in plenary in September 2013.

5.1.3. Voting and adoption of text

The EP adopted on 11 September 2013 the Biofuels directive. The adopted text included binding ILUC factors in the accounting of greenhouse gas emission. 1st generation biofuels were limited by a 6%-cap. Sub-targets for 2nd generation biofuels and multiple counting for biofuels were also included in the adopted text. However, the adopted legislation contained fewer types of biofuels, which were counted multiple times compared to the proposal of the EC (see Annex IX in the adopted text) (European Parliament, 2013i). The adopted text, in comparison with the EC proposal, can be seen in Table 11. Controversially, the EP rejected, by one vote, to start negotiations with the Council before a second reading in the EP. A proposal successfully proposed by EPP MEPs who were opposed to ILUC. This means the dossier will be discussed in the new parliamentary term in 2014 with new members, and probably a new parliamentary composition in the EP. The decision of postponing negotiations was criticised by several stakeholders (ENV4, 2013; European Voice, 2013b).

Table 9: Adopted text – Biofuels

Key elements	Adopted text
<i>Cap on 1st generation biofuels</i>	<u>Amendments 181: Article 3 - paragraph 4:</u> <i>A 6 % cap on 1st generation biofuels on the final consumption of energy in transport in 2020</i>
<i>Cap on 2nd generation biofuels</i>	<u>Amendments 152/rev: Article 3 - paragraph 4 - subparagraph 2 - point d:</u> <i>A sub-target for amount of the final consumption of energy in transport shall be met with energy from 2nd generation biofuels:</i> <ul style="list-style-type: none"> • 0,5% in 2016 • 2,5% in 2020 <i>Fewer types of 2nd generation biofuels included in multiple counting</i>
<i>ILUC reporting</i>	<u>Amendment 126: Recital 4 b (new):</u> <i>Emissions for the resulting of ILUC is accounted for from 2020</i>

To the naked eye, the EC proposal and the adopted text in the EP are almost similar. However, it seems that the adopted text of the EP is slightly less environmentally ambitious than the EC proposal. It is perhaps fair to conclude

that the EP-adopted text is not radical but more of a compromise between industry interests and environmental interests: a higher cap for 1st generation biofuels maintains certainties for producers of 1st generation biofuels. The same certainties are secured for producers of 2nd generation biofuels, with multiple counting and minimum caps on the use of 2nd generation biofuels. Though ILUC was included in legislation as ENVI advocated, it will only be accounted for from 2020. Backing this up, two of the respondents agree that the end result is a compromise or middle way (ENV4, 2013; MEP4, 2013).

5.1.4. Developing explanations

The Biofuels dossier shows that the EP has not have taken a particularly radical position concerning environmental interests. Neither was the text adopted only with attention to industry concerns. The inclusion of ILUC, although in a somewhat weakened edition with the introduction of ILUC in legislation from 2020, compared to the EC proposal, was massively opposed by the majority of industry interests and supported by environmental interests as a necessary policy solution to limit the incentives for the production of 1st generation biofuels. The controversy over ILUC is no surprise as it has been a topic of discussion for several years as elaborated on in section 4.5.1. To explain the less environment-ambitious text of Biofuels adopted in the EP, I will, with assistance of the theoretical framework, present a few factors.

The "critical" resource(s)

Getting access to the EP does not automatically result in influence. Nevertheless access is a prerequisite to influence as Rainer Eising and Pieter Bouwen argue. In this study, I do not measure influence but the degree of access MEPs grant to the interests groups simply because the EP needs, to a higher or lower degree, certain resources in the fulfilment of their legislative role as referred to in the theoretical framework. The degree of access can indicate whether a group can influence the MEPs to take a position on an issue. Therefore, it is interesting to look at the demanded resources and the interest groups' ability to supply them.

In the primary data, my results indicate that the MEPs need technical information – or EK as Bouwen refers to – because they are not experts on most dossiers (BUS3, 2013; MEP3, 2013; MEP4, 2013). Specifically one of the respondents requested, what Bouwen refers to as "derived access good", which is high quality and reliable information. However it was the national representation, which delivered this "critical" resource and not the interest groups (MEP4, 2013). Especially ITRE members do not traditionally have the appropriate technical

background to understand complex issues required to deal with traditional, technical, industry issues (Nugent, 2010 p. 277). During the Biofuels dossier, scientific material in shape of reports and data were a requested resource in order to back up political arguments (MEP5, 2013) and in the drafting of Rapporteur reports (MEP4, 2013). This evidence stands in stark contrast to Bouwen's arguments of expert knowledge being the least critical resource to the EP (2004b p. 480). It does however confirm Eising's results on EK as the most "critical" resource for the EU institutions. The EK resource was to a lesser extent demanded by MEPs with prior expertise on the case (MEP3, 2013). It is difficult to say which interest groups were better at providing EK, because the process was experienced as a intensive process, or even as a "[...] *war with contesting numbers, figures and studies going back and forth.*" (ENV4, 2013). Yet, there is no doubt that the industry had more resources and a larger capacity (ENV3, 2013; ENV4, 2013; MEP5, 2013), and for this reason it is fair to say that industry interests were more active in lobbying, as they could invest more resources in supplying scientific reports than environmental interests could. In this context, Eising also argues that interest groups with more resources are capable of having regular contact with MEPs.

Depending on the MEP, information about how legislation would affect jobs and growth was also requested (BUS3, 2013; MEP4, 2013). From the perspectives of my theoretical framework this resource is what Bouwen refers to as IDEI because it concerns information about the domestic (or regional) level. Legislation, such as the Biofuels dossier, which facilitates opportunities for growth and job creation or the opposite, is crucial legislation at the time of election as two of the respondents stated (BUS3, 2013; MEP3, 2013). This type of information is only obtainable from the industry itself and therefore it is, in accordance with what Pfeffer & Salancik argue, a "critical" resource, which give the industry a obvious advantage as the only provider of the resource. Conversely, as introduced in section 4.2, if the EU legislation treated in the EP negatively affects local jobs, an MEP risks not only unpopularity in his constituency but also losing his or her chances of re-election. This kind of information, on the other hand, was not requested by all the MEPs that I interviewed. A Parliamentary Assistant for GUE/NGL said that information about internal market and competition was not requested due to GUE/NGL's general lack of interest in "industry" issues related to internal market and competition. Rather, they sought information about environmental conditions (MEP5, 2013).

A compromise text

A few of the respondents praised the introduction of ILUC but argued that the end result was a compromise between contesting interests externally and internally of the EP (ENV4, 2013; MEP4, 2013). A representative from an environmental group stated that the compromises led to an "incoherent" and "messy" text:

"[...] different interests mess it (the process) up and the political structure in the EP fails to recompose these conflicting interests into something meaningful." "[...] you vote on every little detail, you have split votes¹⁶, small amendments, and it ends up with a meaningless and incoherent result because interests groups have tried to kill proposals and introduce new ones and the final text ends up messy and incoherent." (ENV4, 2013)

Compromises are not uncommon in the EP. Radical legislation in the EP however is (Burns, 2013 p. 134). Burns argues radicalism is a rare sight because coalitions and cooperation among political parties and different interests are necessary to achieve consensus (2013 p. 133). My analysis reaches the same conclusion as this argument. Then who decides what radical or strict environmental policy-making is? The respondents do not give me a clear answer. An ITRE MEP did however argue that the environmental groups wish to exclude the production of 1st generation biofuels in the market, and a Parliamentary Assistant of GUE/NGL indicated that the exclusion of 1st generation biofuels would be an ideal, though not realistic, outcome (MEP4, 2013; MEP5, 2013). On the basis of this, I can conclude that a radical environmental text was definitely not adopted, as the text indeed took a compromised position. Rather, as noted above, we see a compromise between competing interests.

Predetermined relations.

Lastly, my analysis shows that access to some political groups in the EP was easier than others. A representative from an industry groups said that the EPP and ALDE were the easiest groups to access while the Greens and S&D were more difficult (BUS3, 2013). A Parliamentary Assistant from GUE/NGL said, "*[...] the agenda of DIE LINKE (German Left Party and member of GUE/NGL) is to carry the political demands of development and environmental NGOs in EU biofuels policies.*" (MEP5, 2013). Indeed, most of the respondents gave clear indication of a predetermined relationship between interest groups and MEPs, and a favouritism of certain types of interest groups depending on the political group

¹⁶ A split vote is used when a text for voting contains "[...] two or more provisions or references to two or more points or lends itself to division into two or more parts having a distinct meaning and/or normative value." A political group or at least 40 members can request a split vote (European Parliament, 2013)

before a dossier begins (BUS3, 2013; MEP3, 2013; MEP4, 2013; MEP5, 2013). This may be because an MEP, after a while, knows the system and the arguments of the different interests groups in the “Brussels bubble”¹⁷ (MEP3, 2013), and he or she typically already has a network of “sparring partners” before a dossier is tabled for parliamentary work. The theoretical framework does not include this “resource”. However, one explanation to the policy outcome, outside the theoretical framework, can be that a majority of the members in the EP simply favour industry interests, or at least seeks a pragmatic solution where environmental radicalism is not favoured over industry interests. Since 2004, 2007, and latest in 2013 when Croatia joined the EU, the access of new MEPs in the EP from CEE countries. Countries, which traditionally are less focused on strict environmental legislation, as presented in section 4.2.1 about the composition of the EP after enlargement processes, could explain a less environment-friendly focus on the Biofuels dossier.

5.1.5. Conclusion

My case analysis of the Biofuels dossier shows that the EP has not shown environmental radicalism. Compared to the EC proposal, it has, on the contrary, been watered down to a less environmentally friendly adopted text. I argue that this is due to several reasons: the Biofuels case was a technically complex case, which demanded expertise, and it seems that, due to their larger capacity and a better provision of scientific information, the industry groups had better access to the MEPs; although the environmental groups were well-prepared, made coalitions with other NGOs to create flexible advocacy alliances and actively interact with MEPs early in the process. However, my results also show other factors were important in the access granting. Predetermined relations and the provision of trustworthy information were highly prioritised by the centre-left MEP and the Parliamentary Assistant I interviewed. Also, the upcoming EP election in May 2014 and the economic crisis seem to emphasise the demand for information about consequences for local jobs and growth with the introduction of legislation. Furthermore, the composition of the EP with a majority of centre-right politicians could be an explanation for the less environmentally ambitious text that was adopted. The consensus reached in the end result can be seen as a compromise or middle way between different, and often opposing interests.

¹⁷ The Brussels bubble is a term for lobby groups who are integrated in the key decision-making arenas in the EU, where they are influencing decision-makers by dominating the debates. From a sceptical perspective, the “bubble” is an elitist world where deals are done away from the public scrutiny and therefore counteract transparency and credibility (Greenpreace, 2010)

5.2. Case II: Amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas emission allowances

The analysis of Case II: Amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas emission allowances (onwards also referred to as "Backloading") will be studied in this section. I follow the same analytical framework as in the analysis of the first case study by splitting the case study into two main sections. In the first section, the political process is studied from the EC proposal to the voting phase in order to find patterns and linkages in the dataset. In the second part, I seek to find and develop explanations using the theoretical framework. Depending on whether it is the EC proposal or committee reports, three to four selected key elements of the legislation are kept track of throughout the EC proposal, the Committee amendments and the adopted text (contrary to Case I, I have not simplified the wording of the legislative text in this case study because it is less technical). I do this to give a picture of how the dossier has developed throughout the process, and more importantly to see whether the EP has been an environmental entrepreneur or changed the EC proposal to a less environmentally friendly text.

5.2.1. Commission proposal

On 25 July 2012, the EC released their legislative proposal "Amending Directive 2003/87EC clarifying provisions on the timing of auctions of greenhouse gas allowances" amending Directive 2003/87/EC and Directive 96/61/EC (European Commission, 2012a). According to the European Commissioner of Climate Action, Connie Hedegaard, the amending proposal was necessary because "[...] *the crisis has caused a fall in industrial production in the EU and thus in demand for allowances.*" (Hedegaard, 2013). This has led to a "[...] *surplus of allowances and created imbalances between supply and demand causing a depression of the European carbon price and a drop in ETS prices*" (Hedegaard, 2012).

The reaction to Commissioner Connie Hedegaard's proposal was mixed. In general, energy intensive companies were against the proposal (Alliance of Energy Intensive Industries, 2013; Email1, 2013; Email5, 2013; Email6, 2013), while "green" or renewable industries were in favour (Alstrom, 2012; Email2, 2013; Email3, 2013). Environmental groups were sceptical due to several reasons. An environmental group saw the proposal as disappointing because "[...]

it was only a temporary solution and not a permanent one, which we thought was the intention." (ENV2, 2013). This was backed up by another environmental group, which claimed that they were "[...] expecting that the changing of the EU ETS system would come, but not a proposal to backload allowances." (ENV1, 2013). The scepticism concerned the issue of how many allowances needed to be backloaded. The respondents I interviewed wished for a number from >900 million – 2 billion (ENV1, 2013; ENV2, 2013).

When we look at the EC's proposal in Table 10 (entire proposal), I identify three themes: volumes of allowances, functioning of the market and the EC's right to adapt the timetable.

Table 10: Commission proposal – Backloading

Key elements	Commission proposal
Volumes of allowances	<u>Recital 1:</u> "Article 10(4) of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC3 does not specify how volumes of greenhouse gas emission allowances to be auctioned are to be distributed over the trading period."
Functioning of the market	<u>Recital 2:</u> "For the purposes of legal certainty and market predictability, it should be clarified that, in order to ensure an orderly functioning of the market, the Commission is able in exceptional circumstances to adapt the auction timetable pursuant to Article 10(4) of Directive 2003/87/EC."
-	<u>Recital 3:</u> "Directive 2003/87/EC should therefore be amended accordingly,"
Adapt timetable	<u>Article 1: Article 10 - paragraph 4 - subparagraph 1 - added as last sentence (to Directive 2003/87/EC):</u> "The Commission shall, where appropriate, adapt the timetable for each period so as to ensure an orderly functioning of the market."
-	<u>Article 2:</u> "This Decision is addressed to the Member States. Done at Brussels, For the European Parliament For the Council The President The President"

5.2.2. Committee work phase

On 11 September 2012, the ENVI committee was announced as the lead committee on the dossier with Matthias Groote (S&D) as Lead Rapporteur. Amalia Sartori (EPP) was appointed Rapporteur for the ITRE opinion. From the beginning of the dossier, a representative from an environmental group characterised the dossier as "[...] polarised [...]" with "[...] no surprising constellations of who were against and who were in favour (of the proposal)" (ENV1, 2013). It is therefore perhaps unsurprising that my data set also shows patterns about how the

respondents seemed to have a predetermined view about their stakeholders. As one representative from an environmental groups says:

"I do not know if we actually approached the ITRE committee or we assumed that we could not make a difference in the committee (ITRE) anyway. We started to have contact with the ENVI committee instead because we assessed that the ITRE committee was a lost case from the beginning." (ENV1, 2013)

A similar view is given by an MEP; "[...] *the environmental NGOs [...] have their traditional audience in the Greens and GUE*" (MEP1, 2013). This gives the impression that the EP seem to be divided in two camps: ITRE and industry interests and ENVI and environmental groups.

Committee draft report

Rapporteur Matthias Groote (ENVI) drafted the committee report on 23 November 2012. The committee report broadly supported the proposal from the EC. Amendments 2 and 3 explicitly mentioned how a surplus of allowances could harm investments in low carbon technologies. Concerning adapting the timetable, the committee report also added that the EC is not able to change the auction timetable more than once during phase 3 and only "[...] *in exceptional circumstances [...]*" (European Parliament, 2013d) to ensure the stability and functioning of the market. Also, the adapting of the timetable should not be considered a structural change of the EU ETS but rather a short-term action intended to address market imbalances within the scheme (European Parliament, 2013d). Comparing the committee report with the EC proposal, the ENVI draft report expanded the legislative proposal including more complex proposals than the EC's rather simple proposal.

ITRE opinion and ENVI compromise amendments

On 28 January 2013, ITRE gave its opinion on Groote's draft report. The opinion contained one sentence that was short and not to be misunderstood: "*The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to propose rejection of the Commission proposal.*" (European Parliament, 2013e). Similarly, as noted earlier, several energy intensive industries agreed to simply reject Backloading. It is clear that the ITRE opinion is in stark contrast to the EC proposal and the ENVI report. The main arguments behind the ITRE opinion were that intervening in the market would leave an unpredictable market for investors and threaten the competitiveness of businesses and raise EU energy prices (Bloomberg, 2013).

Patterns in the dataset seem to illustrate these clearly dividing opinions of the ITRE and the ENVI committees. An MEP from the ITRE committee acknowledges the difference between ITRE representing industry concerns and ENVI representing environmental concerns saying, *"it is now time to have more focus on the economic situation"* [...] rather than [...] *"focus on environmental and climate issues"*. Because it is his responsibility *"[...] as a member of the EP."* (MEP2). Similarly to this view, a representative from an environmental group argued, *"ITRE is just more conservative than ENVI concerning climate and environment"* (ENV1, 2013). Again, we see a clear split in opinions between *in favour of* and *against*. Internally in ENVI, Shadow Rapporteurs for the centre-right parties, EPP and ECR, Eija-Riitta Korhola (EPP), Martin Callanan (ECR) were both massively against Backloading (Bloomberg, 2013; Conservative Home, 2013).

When the respondents, two MEPs and ITRE members, call on the importance of having contact with the industry (MEP1, MEP2), they emphasise the (their) *"responsibility to represent my region and constituency"* and therefore to prioritise companies or NGOs from his constituencies *"because they vote for me"* (MEP2, 2013). A good relationship with the interest group is also a key factor (MEP1, 2013; MEP2, 2013).

The compromise amendments, which were compromises made between ENVI and ITRE, were tabled 15 February 2013. They included compromise amendment proposals only from the joint centre-left parties (European Parliament, 2012a) demonstrating a clear picture of ECR, EPP and Europe of Freedom and Democracy (EFD) opposed to Backloading. The compromise amendments by the centre-left parties were very similar to Matthias Groote's (ENVI) report presented in Table 5.

5.2.3. Voting phase

On 16 April 2013, the EP gathered in Strasbourg to vote on the proposal. The proposal *"amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas allowances"* was rejected. The vote result was a tight majority accepting an amendment to reject the EC proposal (VoteWatch, 2013a).

If we look deeper into the voting results of different national delegations in the EP, patterns illustrate a very split voting result in the EP overall but a homogenous voting result among some of the national delegations. Lets look at

the voting results from the Polish, the Portuguese and the German delegation. In the first plenary voting the entire Polish delegation, including several S&D members, voted in favour of amendment 20 to reject the EC proposal. Only 3 Portuguese delegation members voted in favour while several abstained. Among the German delegation it was almost impossible to find a pattern across party line to see who was in favour of or against the proposal (VoteWatch, 2013d). I will go more into the voting results patterns in the explanations section later.

5.2.4. Amendments and second voting

As a consequence of the rejection of the proposal, the ENVI Committee needed to come up with new amendments to be tabled in plenary. On 14 June 2013, the amendments were tabled. However, only consolidated amendment 1 (see Table 11) proposed by EPP, S&D and ALDE (European Parliament, 2013b) was adopted on 3 July 2013.

Lobby activities during voting phases

If we look at the activity of interest groups, when were they most active and what did the groups focus on? It is argued that interest group activity towards MEPs was especially high between the first and second voting phases in plenary (MEP1). Numerous e-mails from environmental groups, energy companies and energy intensive industries to politicians create a pattern. In particular, energy intensive industries focused heavily on how the backload of allowances would affect European industry competitiveness and jobs and growth (Email1, 2013; Email2, 2013; Email3, 2013; Email5, 2013; Email6, 2013; Email8, 2013). The energy intensive industries were opposed to Backloading because “[...] *it would contribute to raising EU energy prices during a period of economic crisis [...]*” (Email1, 2013). These arguments are similar to the arguments used as reasons to reject Backloading used by Shadow Rapporteur, Eija-Riitta Korhola (Bloomberg, 2013).

Table 11: Adopted text, second voting – Backloading

Key elements	Adopted text - second voting (changes from Commission proposal in bold)
Adapt timetable	<p>Consolidated amendment 1: Article 10 - paragraph 4 - subparagraph 1 - last sentence:</p> <p>"Where an assessment shows for the individual industrial sectors that no significant impact on sectors or subsectors exposed to a significant risk of carbon leakage is to be expected, the Commission may, in exceptional circumstances, adapt the timetable for the period referred to in Article 13(1) beginning on 1 January 2013 so as to ensure an orderly functioning of the market. The Commission shall make no more than one such adaptation for a maximum number of 900 million allowances."</p>

Again, if we look at the voting results by the national delegations in the EP we can see occurring patterns. In the Polish delegation there is a similar voting pattern as the first voting with only one out of 51 delegation members not voting against the amended proposal in the second modification of the final voting. The Portuguese delegation however went from a rather positive stance on Backloading to take a more uncertain position. The German delegation was very much split with 46 against, 43 in favour. Among the German delegation members, no S&D member voted against (VoteWatch, 2013c). As two respondents also argue, (rather than a strong and streamlined political group line,) it seems the national line among the member states was a decisive factor (MEP1, 2013; MEP2, 2013). Among the influential and largest political groups we have seen a more irregular voting pattern among members.

Looking at the environmental groups, representatives from two environmental groups and an email representing over 40 organisations, NGOs and networks state that the Backloading proposal as a short-term measure to fix the EU ETS was disappointing from the beginning (ENV1, 2013; ENV2, 2013). Instead, structural reforms were necessary (Email4, 2013). However, in the final voting, the political group GUE/NGL, which traditionally "[...] works for ambitious targets to tackle climate change [...]" and to promote "[...] renewable energy [...]" (GUE/NGL, 2014) were split in Backloading although one might think it would be obvious to vote in favour of Backloading considering the objectives of the proposal (European Parliament, 2012b). Again national interests seemed to define the voting in the GUE/NGL party with mostly Portuguese and MEPs from mainly CEE countries voting against the proposal (VoteWatch, 2013c).

From Commission proposal to adopted text in the EP

The difference between the EC proposal and the final adopted text is significant although only a few sentences were amended and added at the end. It can be difficult to conclude on a legislative text of such technical character, but it seems

the legislative proposal has changed to take a more industry-friendly character: compared to the EC proposal, the EP text includes a lower amount of allowances than environmental groups had hoped for (900 million – 2 billion) (ENV1; ENV2), including assessment of industrial sectors and limiting EC intervention to ensure market predictability and stability although it can be argued that the EC's right to intervene (more frequently) could stabilise the carbon market when needed (European Parliament, 2012b; Österreichisches Institut für Wirtschaftsforschung, 2012).

5.2.5. Developing explanations

The Backloading dossier shows that the EP did not in particular seek to take the interests of the environmental groups and NGOs. Instead there was a rather vague and unstable support for Backloading in the EP. In the Backloading case, there was no clear evidence that the EP behaved as an entrepreneur or "champion" of environmental policy-making. Instead it seems that the traditionally "greenest" institution, the EP, took a pragmatic stance between the necessity of fixing the EU ETS and maintaining the competitiveness of the industry. This can be argued to be in line with the "green growth" strategy of the EU as presented in section 4.1.1. In this context, the influential ITRE committee opinion report demonstratively proved their attitude towards the Backloading proposal. The ENVI opinion is more difficult to conclude on, but it was broadly in consensus with the EC proposal, which unarguably can be considered an environment-friendly proposal. The final policy outcome however proved that the EP did not show environmental radicalism in any way. So why did the Backloading case go against the EPs traditional role as a "champion" of environmental policy-making? With assistance of the theoretical framework, I will present a few factors, which I argue can explain the watering down of the EC proposal, and explain why Backloading is an example of the EP not being a "champion" of environmental interests.

National interests

First, almost every respondent noted a link between the nationality of the MEP and how the MEPs voted in first and second voting round (MEP1; MEP2; ENV1; ENV2) (in the first voting round only 73% of the MEPs voted along political group line (VoteWatch, 2013a) compared to an average of around 90% political group cohesion on other dossiers in the EP (VoteWatch, 2014)). This could be due to the national interests at stake in relation to Backloading, because an adoption of the dossier could potentially harm the competitiveness of the domestic industry.

Two examples of this are the voting patterns of the German delegation and the Polish delegation: Just as the delegation in the EP was split, the German government with Angela Merkel in front did not take a firm position on Backloading due to domestic concerns about the influential heavy industry in Germany (European Voice, 2013a). A respondent with a close relationship to German MEPs argued that if Merkel took a position on Backloading, it would have influenced the voting of the German MEPs (MEP1, 2013). The Polish delegation in the EP was strongly opposed to Backloading. Likewise, the Polish government advocated against Backloading (European Voice, 2012). An explanation can be that the MEPs are accountable to a high degree to their voters, and especially where national preferences are at stake, as pointed out in section 4.2, hence the MEPs felt “*exposure and pressure to deliver results*” on a domestic level as one environmental group representative puts it (ENV1, 2013). Coinciding with an on-going economic crisis and the EP elections in May 2014 does not ease pressure from the national governments and the MEPs constituencies to deliver results. For these reasons it would be important for the MEPs to demand knowledge about regional consequences for jobs and growth by adopting Backloading. From the lenses of the theoretical framework, IDEI could therefore arguably be a “critical resource” for MEPs in the Backloading case.

Initially, Backloading was intended to be a technical measure and expertise about technicalities was a demanded resource in the beginning to back up political statements (ENV1, 2013). In the beginning of the dossier, MEPs draft reports, propose amendments and begin discussing the content of the dossier as introduced in 4.2. However, MEPs do not consider themselves as specialists nor experts (MEP1, 2013). With often only a few accredited staff members, around 4 or 5 or less (Chris Davies, 2014; Kohler-Koch, 1997 p. 6; Matthias Groote, 2014; Sartori, 2014), external inputs are a critical resource for the MEPs. Also, in the beginning of the committee work phase in the case of Backloading, information such as political instruments and concrete consequences for sectors and jobs – especially in the context of the constituency – were rated as demanded information (MEP1, 2013; MEP2, 2013). At the later stages of the process, it seemed to be a less demanded resource because of how Backloading ended up being a “*very black and white*” (ENV1). An MEP also describes the reaction to the Backloading proposal as divided both internally in the EP and in particular among the member states. The respondent said, “*Delegates in the EP from the Nordic member states were positive towards the proposal [...] [...] while the Polish and other east European delegates in the EP were against. They just want to use coal*”

(MEP1, 2013). This again confirms the importance of government position or national stance in order to explain MEPs voting pattern, and why the outcome did not paint a picture of the EP as an environmental "champion". However, I cannot use the theoretical context to explain this.

Composition of the EP

Second, in the last three EP elections (1999, 2004 and 2009) there has been a gradual shift from a centre-left composition in the EP to a centre-right coalition between primarily EPP, ALDE and an even stronger ECR (European Parliament, 2014c), which traditionally represent less environmentally friendly policy (Burns, 2013 p. 144). With the enlargement in 2004 and 2007 (and Croatia in 2013) new CEE countries have joined and thereby consolidated the centre-right groups. The Polish delegation is an example with only a few delegation members who are not members of either the ECR group or the EPP group. These new member states and their MEPs are traditionally less environment-friendly and less willing to introduce strict environmental policy-changes just as the members of the EPP and ECR group are. Although it may not have disrupted the environmental policy in the EP, the influential centre-right constellation of the EP could be a reason why the EP did not prove itself as an entrepreneur of pushing for environment-friendly policy during the Backloading case.

Resources, capacity and structure

Third, the theoretical framework can provide further explanations. It presents important factors in order to study the access patterns to the EP such as interest groups' resources, capacity and structure. Three of the respondents do acknowledge the importance of the interest group characteristics mentioned above such as the importance of having resources to lobby and the ability to network across sectors (ENV1, 2013; ENV2, 2013; MEP1, 2013). Albeit in the game of interest representation, a representative from an environmental group and an MEP mention close personal relations and networking (ENV1, 2013; MEP2, 2013). During my time in Brussels, I can only agree to the importance of having a broad network, mingling with politicians and lobbyists in the "Brussels bubble" where agreements are often reached "after work", outside the formal settings. The respondents agree that networking and coalition building with other organisations to boost size; capacity, expertise and resources are important factors in lobbying effectively (ENV1, 2013; ENV2, 2013; MEP1, 2013). Especially for the environmental groups, which individually do not have the resources or manpower to compete with more resourceful industry interests (ENV2, 2013). In the context of the Backloading dossier, the environmental groups have been able to provide requested IDEI, Bouwen refers to, to the MEPs by collaborating

with national organisation and NGOs across different sectors (ENV1, 2013; ENV2, 2013). Equally important, some environmental groups have made cross-sectorial coalitions with parts of the “green” industry, which also supported Backloading. The coalition building across sectors has increased capacity and provided more of the demanded information such as EK. This seems to have had a real effect on the MEPs (MEP1, 2013). For a number of reasons, such as new business opportunities, which are to be followed in the EP, new “green” businesses are more open to environmental policy as noted in section 4.4.2. According to an ITRE member this “new” business sector, represented by some heavy “green” companies with large capacities and economic strength to match the traditional industry, have done an “incredible” job in promoting Backloading and it definitely had a share in the dossier being approved at all (MEP1, 2013). The strategy of making political alliances between various business and environmental interests is claimed to be important in lobbying strategies because it builds up identity and credibility over time.

5.2.6. Conclusion

The analysis of the Backloading case demonstrates a vague support from the EP side to adopt the amended proposal. Rather than favouring environmental groups, the EP seemed to be more open to grant access to industry interests. From the beginning there was scepticism towards the EC proposal both from environmental groups, who argued the intervention in the EU ETS needed to be a permanent one instead of a short-term measure, and from industry groups, who were against an intervention in the market because it would weaken the competitiveness of European industries. The relevant committees, ITRE and ENVI, proposed two entirely different reports. The ENVI proposal was in line with the EC proposal while ITRE wanted to reject the EC proposal completely. However, after two voting rounds the proposal to backload allowances was adopted. The adopted text only allows the EC to adapt the timetable once and only under exceptional circumstances for a maximum of 900 million allowances, which was considerably lower than some representatives from environmental groups I interviewed had wanted. If we compare the adopted text with the EC proposal, the EP has watered down the proposal, although the technical characteristics of the text can make it difficult to conclude with complete certainty.

My analysis shows that the member state positions towards Backloading have had a large influence on the policy outcome. Moreover, the composition of the EP

with a centre-right dominated coalition between mainly ALDE and EPP facilitates a stronger industry-friendly environmental policy compared to the 80s and 90s, where there was a centre-left domination in the EP, and the institution in particular manifested itself as an environmental champion. Lastly, a coalition between 'green' industries and environmental groups strengthened the capacity of environmental interests, which traditionally are outnumbered in terms of lobbyists, economic strength and expert knowledge. This also had an effect on the lobbying effectiveness of environmental interests and potentially also the end result. However, more capacity and more EK of the industry groups seem to have overshadowed and outcompeted the environmental interests.

5.3. Discussion and reflection

The purpose of the following section is twofold. The first is to provide a discussion of the results of the analysis made in the two case study analysis in the context of my research question. By combining the analysis results and looking for matching patterns in the two cases, I expect to end up with results, which allow me to answer my research question in a satisfying way. The second purpose is to reflect on the use and applicability of the theoretical framework and the methodology in assessing potential shortcomings and strengths by applying the theoretical framework and the methodology to this study.

In the introduction I presented the following research question:

"Does the European Parliament still fit its perceived image as an environmental champion?"

My analysis provides some evidence that the EP is not to be considered an environmental "champion" today, but perhaps to a higher extent an institution seeking pragmatic solutions. One of the explanations for this is the necessity of making coalitions among political parties and committees to find common ground for adoption of texts. With the almost equally powerful Committees ITRE and ENVI as relevant committees on both dossiers, it can be argued that the policy outcome was a result of a middle way where both industry concerns and environmental interests were included. One explanation could be that both policy outcomes seek to incorporate the EU's Europe 2020-strategy and roadmap 2050 agenda of focusing on "ecological modernisation", where a low carbon economy and the creation of jobs and growth go hand in hand. In particular, in the Backloading case study we saw the "green" industry successfully making an environmental alliance with environmental groups to push for Backloading. These new cross-issue alliances involving "green" business are common because these business sectors benefit from policies aimed at promoting climate change and because the policy of the alliances often has a broad appeal to MEPs (Coen, 2004 p.209; Grant, 2013 p. 173).

If we look back at the history of the development of environmental policy, a slow-down in economy, high unemployment rates and global competition in the beginning of the 90s also reduced the willingness to adopt strict environmental regulation (Knill, Christoph & Liefferink, Duncan, 2013 p. 28). Similar patterns

could to some extent be reasons for the EP's behaviour today in a post-2008 economic crisis.

My analysis also shows that, particularly in the Backloading case, there seems to be a strong coherence between national stances on Backloading and how the MEPs voted. Poland is the most noticeable case, where all the Polish MEPs followed the Polish government's position to reject Backloading. In the Biofuels case, information about local consequences for legislation was demanded. Although it can be difficult to draw one conclusion, it confirms that external factors in both case studies have had a huge impact on the MEPs' positions, and thereby also the EP's behaviour. In Backloading, it was because of a strong national interests at stake, while the Biofuels case showed that MEPs need technical input from external groups and that they indirectly work for their constituency to please their crowd in order to increase their chances of being re-elected – especially in this case, when we are close to an election, obviously.

Furthermore, two factors can partly explain the less environment-friendly adopted text in both case studies: the composition of the EP with the balance of power on the centre-right scale, and the inclusion of MEPs from CEE countries. For this reason, it could therefore be interesting to see whether the tables will turn and the EP will once again show entrepreneurship in progressively promoting environmental interests. The latest polls show a shift in the balance of power from centre-right to centre-left with the S&D group as the largest political group instead of the EPP group, which is currently the largest political group in the EP (European Voice, 2014).

Finally, my initial thoughts on the two cases as both complex and controversial were confirmed. It seemed that the Biofuels case was more technical than the average dossier whereas the Backloading was a controversial, yet also very simplified case – at least at the end of the dossier – where you were either *against* or *in favour* of the Backloading proposal.

To answer the question concisely, the EP *does not* fit its perceived image as an environmental champion. Both case studies demonstrated that considering the EP as a supportive organ for environmental interests would be an exaggeration. In fact, it seems that both dossiers have been watered down from the EC proposal taking a pragmatic stance where both environmental and industry concerns were sought to be included in a compromise. Thus, even though the EP has become

more powerful in the legislative procedure, the case study analyses show that it has become less environmentally strict than the image that part of the literature in the field has painted of the EP.

5.3.1. Expectations of the applicability of the theoretical framework and methodology

In section 3.3, I presented my expectations of the theoretical framework, and how the framework could help create results from the analysis by including a theoretical perspective. The theoretical framework helped me to some extent to explain certain occurrences of patterns and to create evidence but it also had its shortcomings.

Theoretical expectations

In both case studies, massive lobbying was occurring, and there was definitely dependency on resources between the interests groups and the EP. A dependency Pfeffer & Salancik and Eising argue is to a greater or lesser extent happening between every organisation and its environment. Throughout the process in both cases, interest groups were seeking to convince the MEPs to design legislation in accordance with the preferences of the respective interest groups. In the Backloading case, industry interests wanted to ensure legislation did not weaken the competitiveness of the industry. In Biofuels, particularly producers of 1st generation biofuels were dependent on the EP in the legislation due to a matter of survival, if the legislation would prevent or demand a decrease in production of 1st generation biofuels. The environmental groups pushed for a sustainable solution to the EU ETS.

In the context of the EP and which resources were the most “critical” for the MEPs, Bouwen suggests IDEI as the most critical resource, while EK was the least demanded resource (see Figure 6). Eising argues that the EU institutions demand expertise, capacity, size, economic strength and ability to supply information about European markets as the most important access goods rather than information about domestic market.

My analysis showed that the MEPs involved in the Biofuels case demanded EK as the most “critical” resource. This is due to a highly technical and complex dossier. This goes against Bouwen arguments of EK as the least demanded resource but it is in line with that Eising argues. The respondents also identified trustworthy information and personal relations as demanded information although these

resources were not part of the theoretical framework except partly Bouwen's "derived access goods", which are reliable and high quality resources. Furthermore, information about domestic markets was an important resource in demand. Eising argues that this information is the least important kind of information. Bouwen argues that IDEI is the second most important resource for the EP next after IEEI. In the Backloading case, I argue national stance was the most critical resource although this type of resource cannot be directly transferred to Bouwen or Eising's concepts of demanded resources.

Using Bouwen's supply-and-demand scheme (see Figure 4) and Eising's perspective on access to the EU institutions, it was possible to study the interest groups' ability to supply access goods in context of their size, economic strength and structure and which goods are demanded by which EU institutions. Though Bouwen and Eising used the categories; large firm, European association, National associations and consultant, from the beginning I was aware that it was not possible to label the interest groups I interviewed and analysed with these categorisations. However, Bouwen and Eising's characteristics of the different interest groups, and how these characteristics determine their ability to supply access goods, could indeed be used in this study. Especially the capacity and economic strength of the interest groups and their ability to provide demanded resources were useful determinants in studying the interest groups' lobby activities and access to the EP.

All in all, the theoretical framework gives me some categorisations and characteristics of the interest groups to determine the groups' ability to provide access goods to the EP. However, in my analysis it was more difficult to use the theoretical framework to directly help me answer my research question without, to some degree, forcing the results of the analysis to fit into the theoretical boxes of concepts. Although the framework gave me a basic understanding and perspective on the exchange of resources between interest groups and the EP, it certainly also had its shortcomings due to the types of interest groups I worked with and a too simple set of resources only including three different resources (EK, IEEI and IDEI). Furthermore, my analysis shows that neither Bouwen's nor Eising's ranking of most and least critical resources to the EP was identical to what this study demonstrated as the most and least demanded resource.

Methodological expectations

In the context of the methodological framework, I found the use of my ontological and epistemological stance very appropriate. I accepted the

respondents' subjective understandings of the process, but it allowed me to be critical to what was said. A critical mind-set was crucial because I quickly got the impression that some respondents saw the interview more or less as an opportunity to speak their case. In particular, the industry representatives were persuasive and as an interviewer you could occasionally sense that you were being "lobbied".

Additionally, even though I, to some extent, did not experience the theoretical framework helping me directly in answering my research question, it did help me in my methodological approach because it provided me with concepts and themes, which I could structure my interview guide around. The secondary literature was in this regard also very helpful. Nonetheless, the qualitative data collection approach provided me with a (overwhelming) dataset with multiple entrance points of analysis, as I had to include the concepts of the theoretical framework and secondary literature. In other words, it was a challenge to find two or three key themes and tendencies in the dataset. Instead I ended up with multiple patterns, results and possible explanations in my analysis. For a more focused analysis, the quantitative approach could have helped me gather more structured data, albeit the qualitative approach definitely provided me with in-depth data and analytical substance. Lastly, my case study analysis framework provided a structure and opportunities to find, compare and study patterns in my dataset. In this context, the substance and relevance of both case studies individually and in comparison with each other helped me. I found my analytical framework very valuable in first presenting and finding patterns in my data as my first step. This created an overview of the extensive dataset. From here on I could find and develop explanations in the second and the third step in order to get closer to an answer to my research question.

6. CONCLUSION

Environmental policy in the EU has developed at a strong pace during the last 40 years. Almost simultaneously, the EP has increased its legislative power in EU policy-making, most importantly, with the introduction and enshrinement of the co-decision procedure. This development has positioned the EP as a key institutional player in environmental policy-making in the EU attracting various interest groups. Even though the EP has been considered an environmental "champion" partly due to its openness to environmental groups (and the civil society in general), recent literature question the EP's label as a entrepreneur of environmental interests and argue that the image has waned.

The purpose of this study has been to study whether the EP still fits its perceived image as an environmental "champion" in the light of increased legislative power in policy-making through qualitative interviews with relevant MEPs, representatives of the industry and of the environmental groups of two case studies. In total, 12 interviews were conducted in this study. The two case studies are the Biofuels dossier proposed by the EC in October 2012 and the Backloading dossier proposed by the EC in July 2012.

In order to reach an analytical conclusion to answer the core question, I have applied a theoretical framework, which allows me to study the interaction between environmental interests, industry interests and members of the EP. Through the theoretical framework, I have been able to study the resource dependency between organisations i.e. the EP and interest groups. Furthermore, I am able to study the supply and demand of resources between the interest group and the EP to see which type of interest groups are granted the easiest access to the EP and why.

The analysis of the first case study, Biofuels, showed that the EP is not to be considered an entrepreneur for environmental interests. Rather it seems that the EC's proposal on Biofuels was watered down to a less environment-friendly text. I argue that the industry interests had better access to the EP because they had more capacity and were able to provide more expert knowledge as the "critical" resource for the MEPs. This was despite the coalition building between environmental interests and NGOs across sectors and the environmental groups' prior experience and expertise about the issue. The dossier was very technical and the industry interests seemed to be better at providing this kind of

information. Furthermore, as a consequence of the lack of expert knowledge and understaffing, the MEPs demanded information about impacts on local jobs and growth of the EC proposal. Close to an election and in a time of economic crisis, it was important for the MEPs to ensure that legislation would not negatively affect jobs and growth in their constituency, and thereby, due to unpopularity, potentially decrease their chances of re-election.

The analysis of the Backloading case showed a very controversial dossier, where there was massive disagreement on whether Backloading should be adopted or rejected among both interest groups and internally in the EP between the two relevant committees, ENVI and ITRE. After two voting rounds the text was adopted with a slight majority in the EP. The adopted text restrained the EC's intervening and set a maximum of allowances to be backloaded by the EC, and only in "exceptional circumstances" (European Parliament, 2013d). My analysis demonstrated that national stances on Backloading had an enormous influence on how the MEPs voted. The best example was that the entire Polish delegation in the EP voted against Backloading similarly to the Polish government being opposed to the Backloading proposal. Although capacity, resources and expertise were strengthened by the cooperation between environmental groups and the "green" industry, traditional industry interests lobbied massively on the dossier claiming Backloading would harm the competitiveness of European industries. Influential ITRE EPP members used the same arguments for rejecting Backloading, leaving the dossier split into two camps. Lastly, as an explanation for the behaviour of the EP in both case studies, the composition of the EP with a centre-right balance of power since the 1999 election and the addition of CEE MEPs can help explain why there has been a shifted focus from environmental interests towards more industry concerns.

The analysis of the two cases did not paint an image of the EP as an environmental "champion". On the contrary, it showed that the EP sought a pragmatic solution where both environmental concerns and industry interests were included. It is fair to conclude that the policy outcomes are very much in line with the EU's "ecological modernisation" agenda of the EU. This study hereby joins the recent literature, which also disturbs the EP's reputation as a proactive force for environmental interests. However, with a possible shift in the balance of power from centre-right to centre left in the next EP election in May 2014, the EP may once again claim its reputation as an environmental champion.

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8. APPENDICES

8.1. Appendix I: Questionnaires

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8.2. Appendix II: Interview notes

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8.3. Appendix III: List of respondents

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8.4. Appendix IV: E-mails

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