



Environmental groups and EU Climate Policy:

A multi-level governance perspective

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ABSTRACT

Climate change has been characterised as one of the most critical issues to be faced by the modern world. Having adopted the highest emission reduction target amongst all developed countries, the European Union has self-proclaimed as a global leader in the battle against climate change. However, environmental groups call on the EU to further develop its environmental policies and take on more ambitious goals to ensure that global warming will be kept under the critical 2°C above pre-industrial temperature. Target agreed by the international community as an appropriate threshold beyond which climate change risks become unacceptably high. This thesis examines the relevance of multi-level governance in this field, while analysing the role that climate policy and the actions of environmental groups might play when explaining the main features of MLG. In doing so, I studied several green action campaigns and thoroughly describe the European Union's policy developments in the field of climate change. Most of the content of this research is based within other sources in Hein-Anton van der Heijden's book: "Social Movements Public Sphere and the European Politics of the Environment – Green Power Europe", essential academic 'tool' for the development of this master thesis.

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CHAPTER 1: INTRODUCTION

December this year (2015), the United Nations Climate Change Conference will be held in Paris (COP21). During the last years and more recently, in relation to the EU-Russia (Ukrainian) energy crises, climate policy has been gaining more and more relevance worldwide and especially within the EU arena. As observed by Hein-Anton van der Heijden:

“Over the last decade, climate change has developed into the single most important subject of environmental consciousness, environmental activism and environmental politics.”

(Van der Heijden 2010)

Time and scientific research have brought more and more evidence concerning global warming and climate change. The latter altogether followed by a predictable shortage of fossil fuels and their unpredictably changing prices, have thus highlighted a very needed search for alternatives in the fields of efficiency and renewable energies, changing the concerns of ‘some’, to the concerns of the great majority. Actually, a detailed article by Jim Carle summing up recent public studies in advance of the coming COP21, have classified global climate change as a top international threat. These studies included issues such as the so called Islamic State (ISIS) and the war in Syria, tensions with Russia and global economic instability. In Europe, a median of 42% responded to be very concerned about climate change, having peak results in countries such as Spain with a 59% and varying also depending on ideological differences, for instance in the United Kingdom, where 49% of those on the left expressed deep concern, compared to only 30% of those on the right of the political spectrum (Carle 2015).

At the political level, it was not until the 1970s that environmental topics started to show up on the agenda (Hey 2006). It was in 1973 the European Commission established the guidelines for the creation of the Environment and Consumer Protection Service, within the former Directorate General for Social Cohesion (DG III). Many things have change since, although maybe too little or at the very least not enough (according to scientific research) has been actually done. Still, on 25th February 2015, the Energy Union Package was released by the Junker Commission, including a communication entitled: “The Paris Protocol – A blueprint for tackling global climate

change beyond 2020”, featuring the Commission’s priority of building a resilient Energy Union with special focus in pushing forward a consistent European climate change policy.

The birthday of environmental policy-making in the EU and its development during the 1980s and the 1990s was followed by the emergence of environmental organisations in Brussels. Back in 1974 the first environmental organisation, the European Environmental Bureau (EEB) established in Brussels, nowadays, the European Commission funds and gives support to 28 different environmental groups (Greenwood 2007).

This paper will analyse the evolution of EU climate policy and when doing so, it will try to clarify how environmental groups have been involved in this process. As explained by Van der Heijden (2010), European environmentalists have had the least political influence on the area of climate change, but at the same time, this issue has contributed the most to the creation of new green public spheres at all territorial levels. In this sense, this research project intends to throw some light on how all this pieces of the puzzle get together and to do so, will use the following problem formulation:

To which degree does the action of European environmental groups in the field of climate policy endorse the main features of multilevel governance theory?

CHAPTER 2: METHODOLOGY

The structure of this project is divided as follows: introduction, methods, theories, empirical overview, analysis and conclusions. The first part gives a general understanding of the reasons for the project, while the second details the methodology employed during my research.

The third chapter includes a theory introduction, an explanation for the choice of theory, followed by a general description of the Multilevel Governance theory and a more detailed description of its application in relation to EU environmental policy. The arguments for the selection of the theories are mainly in the line with their relation with the history of European integration, the explanation of the different levels of influence at the EU and their adjustment to the commitment of my research. A theoretical hypothesis is stated, in order to better structure the following development of the analysis.

As for the overview, which is an extensive part of the project, it begins with a brief introduction, followed by the historical summary of environmental policy developments from the beginning of the 1970s until the day of writing, a chapter on current developments and ends up with a presentation of environmental groups in Brussels, focussing more specifically on the Green 10. The working process demanded review of a wide range of mainly quantitative and qualitative resources, including in the data both primary sources, as the recompilation of numerous EU official documents, legislations and other national reports; and secondary sources, which are all kind of academic publications, books, journals, magazines, news papers and online sources. All of the sources used in this research come from well known scholars and journalist dealing with the scope of international relations, European studies, environmental protection and climate policy. These sources are thoroughly documented in the bibliography annex at the end of this project.

In the analysis, in chapter 5, three campaigns previously studied by Van der Heijden (2010) and related to climate change policy processes, will be seen through the scope of the stated theory and the suggested hypothesis. When doing so, I will, in line with his work, be analysing the operational framework of the Brussels-based G10 organisations and the ways in which they have tried to foster the emergence of new green public

spaces. However, as distinct from Van der Heijden's approach, in which he applies the Political Opportunity Structure theory to analyse the case, my analysis will be done in the light of my selected theory, namely multi-level governance (MLG). In this regard, my research intends to test to which degree MLG might act as global and adaptive theory, assessing a framework of analysis which is based on another theory, while not necessarily having to confront any argument.

Both chapters have been limited due to the type of the project and selected analysis. The reasons for these limitations are regarding to difficulties involved on conducting proper interviews and surveys, and the inaccessibility to certain documents because of their classification, dates of announcement, etc.

The final chapter presents the conclusions, gathering all the previously mentioned units and trying to give a coherent understanding and solution to the problem formulation stated in the introduction.

CHAPTER 3: THEORIES

3.1 Theories Introduction

When approaching the study of theories of European integration, we commonly end up facing two basic assumptions:

Firstly, the state-centric governance theories, which based on an intergovernmentalist view, assume that EU integration does not question the sovereignty of nation-states and actually reinforces it. Basically, no state would have to flow into integration more than needed, since the bargain rest on the “lowest common denominator” of the members involved. This means, that their autonomy remains untouched (Trnski 2004).

Secondly, a multi-level governance approach, according to which state and government still remain as a crucial key player in the game, but at the same time, the European integration being considered as a polity creating process. This is, the confluence of authorities and different stakeholders, which share spaces through the different levels (subnational, national and supranational) of policy making in EU. This assumption contradicts the previous theoretical approach, since states have to concede a certain loss of sovereignty in order to have a greater success in other areas.

The main arguments of these two models regarding the power/influence division could be presented as follows:

State-centric governance, establishes that the orientation of policy making is dependent on state restraints, that there is a clear distinction between national and EU politics and that the characteristic functioning of the European Union, is tolerated by the member states, only to the extent that it reinforces their control over domestic politics in ways that otherwise would be impossible (Moravcsik 1993).

Multi-level governance, states that integration has dwindle state decision making power, since they no longer monopolise policy making at the EU level. Decisions are made along the different levels of influence, and supranational powers (as other stakeholders) have independent approaches to the process. Shared decision making means a certain loss of sovereignty and thus member states do not control solely, the connections in between the domestic and the European arenas, generating the possibility of transnational action (Trnski 2004).

This project intends to prove or not the different characteristics of the functioning of multi-level governance through and environmental policy perspective. In this regard, the rest of the sections of this chapter will further develop choice of the theory, a global description with its historical developments and a closer theoretical approach on how the theory has been used so far to explain and analyse environmental policy in the European Union.

Theoretical Hypothesis

The problem formulation of this project **“To which degree does the action of European environmental groups in the field of climate policy endorse the main features of multilevel governance theory?”** requires the creation a hypothesis in order to provide a structured answer to the posed question. This hypothesis, which will be evaluated within the analysis, will be based on a detailed description of the theory of multi-level governance (MLG), which should be able to provide unique insight into the topic. The hypothesis constructed as a result of MLG rises to the belief that decision-making in the European Union is steered not only by public but by private and other interests, and as a process that takes place across multiple geographic levels and sectors.

3.2 Choice of Theories

In order to better undertake my research project, I thought it was crucial to base my theoretical approach in theories of European regional integration, especially those that have been proved useful in the latest years and that reflect themselves in older and more “experienced” theories of EU integration. The use of multi-level governance for my thesis follows an exercise of simplification or narrowing of possibilities for the chosen topic, since it encloses all the actors involved in the processes climate policy making at EU level, while opening connections to other theoretical possibilities.

Other theories more closely related to the field of social movements could have been used for this research, especially those related to the theories of political opportunity structure (POS), “new social movements” and social constructivist approaches. Furthermore, we could have also engaged in the use of theories of civil society such as those dealing with associational life, normative models and public sphere, since they have a close relationship with the social-constructivist approach to social movements. In this regard, all these theories, even if not presented as a main basis for theoretical discussion, will still be employed or at the very least mentioned when trying to reinforce certain aspects of the multi-level governance deployment during the analysis.

Finally, it is worth mentioning that Van der Heijden’s book “Social Movements, Public Spheres and the European Politics of the Environment” is crucial to this research. In this regard, his involvement when explaining the influence multi-level governance in the EU arena is rather undeveloped. Thus, my analysis intends to further complement the authors thought on these political processes.

3.3 Multi-level Governance

3.3.1 A Historical Analysis

Attempts to define the theory of Multi-level governance began already more 20 years ago, and this chapter will try to explain how the theory has evolved since then and where and how it is employed nowadays. The first article mentioning the theory was written by Gary Marks in 1992, it presented it as an effective tool to analyse part of the policy making processes ongoing inside the European Union. Before this proposal came to the light, studies of European integration and the functioning of the EU, were clearly monopolised by theories such as inter-governmentalism and neo-functionalism. There was a broad academic assumption that the same structures which were useful to study the formation and evolution of the European Union, would also be useful when trying to figure out its functioning. This is, no matter if through member states maintaining their sovereignty and pushing for their interest (liberal inter-governmentalist approaches) or interest flows of individuals, stakeholders and NGOs within a newly created supranational institution. Thus, these flows of integration were simultaneously used to explain the functioning of the European Union as a whole (Piattoni 2009).

In this regard, Marks was the first academic to suggest that this approach was oversimplified. He did so by emphasising the fact that both theories were not really considering what he called the “flesh and blood” actors, in the case of intergovernmentalism, because it was prisoner of its institutional role, focusing in defending the interests of the institutions it represented; as for neo-functionalism, because it was mainly pushed by the unruly socio-economic market dynamics (Marks 1993). Introducing the interest and goals of other external individuals would clarify answers to this hanging question, creating a new understanding of politics, a new structure, a new theory: ‘multi-level governance’ (MLG).

As described by Piattoni (2009), this new approach had three different levels of analysis: politics (political mobilisation), policy (policy-making) and polity (state structures). The first application of MLG theory was for political mobilisation, and mainly centred in the arena of cohesion policy, where mobilisation and decision making teams were mostly appreciated, but also (and this will be much of our interest) in other areas such as environmental policy. Focusing speech in these new actors was definitely

the way in to a new conceptual space, but also, a costly condition for the foundation of the theory. As Piattoni explains, “MLG theory building proved to be a much harder task, to which other scholars also contributed, and which is not yet completed” (Piattoni 2009).

Still, the concept was not only useful to analyse certain decision-making processes, but also those moulding societal mobilisation. This approach directly defied liberal intergovernmentalist assumptions, pointing out the importance of non-central states authorities and NGOs in the everyday politics of the European Union and their capacity to influence policy bypassing the control of the traditional national-control structures of power (Marks et al. 1996). At the very least, proponents of MLG had drawn attention to the fact that the study of the EU arena, could not anymore be concerned solely to the national and supranational level, thus changing the way in which we understood the functioning of the European Union.

The appearance and development of the theory was indeed pushed forward by the resurgence of parallel development of other kind of proposals. This is for example the case of Hooghe and his approach to regional mobilisation, but also the new literature on transnational social movements (Della Porta and Diani 2006) and European political contention (Tilly and Tarrow 2007). The foundations of MLG and its fellow theories had clearly drawn a picture by which, even at its minimum consideration, one would have to accept the fact that certain amount of noise had entered a room that “was meant to be quiet” and that this new theoretical explained in one way or another, the new power structures (Piattoni 2009). Furthermore, the theory’s focus on actors, highlighted how the diverse levels of policy-making were transited and interconnected, but also how different the involved actors could be, describing a new governmental structure that had to accommodate all of them.

Once the theory had been launched, it commenced to be used by the considerable number of academics in the analysis of EU policy-making and more broadly, in the functioning of the EU as such. According to Piattoni, the study of state society interactions (political mobilisation, policy-making and policy restructuring) had to be global from a MLG point of view, since the strength of the approach, relies in its panoramic eye across the different levels of analysis. This meant a more than demanding exercise which, as recognised by its proponents, was at that time, still out of

reach. This reflection, initiated what could be described as the last chapter of the theory elaboration, designing a multi-level polity and characterising it. The gradual building-up of policy decisions and mobilisation, was now pointed out by scholars as a remodelling process of the EU, its member states and all the previous common procedures. Even if most of the times parting from national examples, MLG was elaborated more and more as a far reaching theory, arriving to its zenith with Hooghe's and Marks' attempt of theory generalisation (Piattoni 2009).

3.3.2 Types of Multi-level Governance

Over the last 20 years of EU history, it has been so that there was a large production of new term and concepts (for example multi-level governance, multi-tiered governance, polycentric governance, multi-perspectival governance, functional-overlapping-competing-jurisdictions (FOCJ), fragementation, consortio and condominio). As described by Liesbet Hooghe and Gary Marks, each definition might have its own characteristics, but they all have in common, the redistribution of state authority, redirected to the supranational (upward), subnational (downward) and to other private/public spheres. This academic convergence process is partially due to the parallel development of approaches coming from federalism and new institutionalism, but also due to the coincidence in the political analysis of the different scholars. One of the common elements presented by these scholars, was that the redistribution of authority is generally more effective and normatively preferable, than when analysing the central state authority. Even more relevant is their plea, that it is a must for governance to function at different levels in order to accommodate the deviations of policy externalities in the different regions of the EU.

“Because externalities arising from the provision of public goods vary immensely—from planet-wide in the case of global warming to local in the case of most city services—so should the scale of governance.”

(Hooghe and Marks 2001: 6)

These are the fundamental assumption of MLG, although there are many other relevant assets to this theory. Nonetheless, there is no clear agreement upon how MLG has to be structured, and it is usually presented with two opposing perspectives: Type I and Type

II governance. The first type assigns the redistribution of authority to a counted amount of independent jurisdictions inside a defined amount of levels of government. Territories and issues inside this category generally organise authority in large sets, they do not overlap each other and tend to be durable. Type II, is presented as an anarchical, changing individually oriented jurisdictions overlapping each other, being more flexible and adaptable to ever changing demands for governance (Piattoni 2009). Below, I elaborate on both types in more detail, as it is relevant to understand their distinction when elaboration their relation with environmental policy and useful when confronting the analysis.

Type I governance:

The academic reference for this type finds its groundings in federalism, since it discusses common power within a limited amount of governments and levels. Hooghe and Marks describe its relation as follows:

“The main thrust of federalism in the context of the national state is the relationship between central government and a tier of non-overlapping sub-national governments. The unit of analysis is the individual government, rather than the individual policy.”

(Hooghe and Marks 2001).

The main characteristics of Type I governance are identified as:

- A system organised among multi-task jurisdictions; in which power is divided into differentiated multi-task slots according to a fixed amount of sub-national governments.
- Jurisdictions that have restricted geographic limits and do not overlap authority at the sub-national level.
- A limited number of jurisdictions, individually big enough to support a variety of tasks.
- A restricted amount of jurisdictional levels inside of which the subdivided authority is balanced by controlling the amount of levels.
- A quasi-permanent jurisdictional system, since generating, deleting or heavily reforming new jurisdictions is a costly task for the system.

As previously mentioned, the Type I model, although relying on them, is not merely limited to the fields of international relations and federalism, actually from the bullet point above, the first two are generally applicable to the study of federalism and international relations, the rest, are particularities of the Type. The restructuring of governance at the European Union was defined as “a polity-creating process in which authority and policy-making influence are shared across multiple levels of government—subnational, national, and supranational. While national governments [remain] formidable participants in EU policy making, control has slipped away from them” (Hooghe and Marks 2001). Furthermore, the processes of integration and regionalisation in Europe, are considered to be reciprocal mechanisms by which member states’ authority is redistributed to the supranational and subnational levels (Ansell 2000; Bache 1998; Bomberg and Peterson 1998; Börzel and Risse 2000; Börzel 2001; Burgess 2000; Hooghe and Marks 2001; Jeffery 1996; Keating 1998; Kohler-Koch 1998; Marks, Hooghe, Blank 1996; Sbragia 1993; Scharpf 1988, 1994).

Many scholars however, describe this Type I model as metamorphosis of nation-states, but do not sentence them to death penalty. They argue that, while admitting the important role of these new stakeholders in a new international regime, states remain as the main authoritative power in the system (Caporaso 2000). Hooghe and Marks nonetheless, argue that nation-states are being complemented by the new actors, in a more complicated and diverse system (Hooghe and Marks 2001).

Later on, authors like Chris Skelcher (2005), would encourage this approach of thinking (in line with Hooghe and Marks) by developing a general theory on how this systems encourage jurisdictional integrity. In relation to this the authors refers to the Type I governance as the easiest to be identified, being the prevailing form within national polities.

“Type I bodies are constructed, discursively in terms of their formal authority, as the government for that community of citizens. The body is embedded in a political process that makes it the focus of the expression and allocation of community values. There is an infrastructure of democratic rule by elected representatives that provides symbolic and substantive means for securing legitimacy, consensus and accountability.”

(Skelcher 2005)

Type II governance:

In this second proposal for MLG, jurisdictions are conceived as rather unlimited; functioning at several territorial levels; defined (instead of multi-task) and flexible. This approach is mainly used amongst neoclassical political economists and public choice scholars, but again, it does also enclose many ideas from other academics on international relations and federalism (Hooghe and Marks 2001).

Within this scenario, the main characteristics described by Hooghe and Marks, are the following:

- Jurisdictions deal with specific tasks, meaning that this vast number of autonomous jurisdictions serve different functions. In this sense, citizens do not depend exclusively of state governance but on a large scope of public services.
- Jurisdictions overlap each other territorially, hence, “hierarchical structure of the nation-state has no obvious economic rationale and is opposed by economic forces” (Casella and Weingast 1995).
- There is a larger number of jurisdictions, since any common problem between a group of citizens may end up creating a new jurisdiction.
- The jurisdictional levels also increase, we do not have any more the predefined local, regional, national and international levels, services are provided by the most effective institution which internalises costs and benefits. This Type with several and expanding numbers of jurisdictional levels is sometimes defined by scholar as multi-centred governance.
- And finally, a flexible jurisdictional system, in order to be able to attend the above changing citizens’ demands and functional needs. This is “a polity in which groups of citizens band together in “collective consumption units” to procure public goods” (Hooghe and Marks 2001).

Amongst this type of governance, a large scope of actors has the authority to apply collective decisions and make them work together.

“The choice that citizens face is not between an imperfect market, on the one hand, and an all-powerful, all-knowing, and public-interest-seeking institution on the other. The choice is, rather, from among an array of institutions—all of which are subject to weaknesses and failures... These include families and clans, neighbourhood

associations, communal organizations, trade associations, buyers and producers' cooperatives, local voluntary associations and clubs, special districts, international regimes, public-service industries, arbitration and mediation associations, and charitable organizations"

(Ostrom and Walker 1997)

Overall, Type II interacts simultaneously with Type I governance, or as described by Hooghe and Marks, it "is generally embedded in Type I governance" (Hooghe and Marks 2003). Type II jurisdictions overlap one another but also other Type I jurisdictions. These threats to the sovereignty of certain jurisdictions may be both up-down or down-up processes when "supra" or "sub" institutions try to gain more space in the search for effectiveness on a concrete policy issue, but also sideways from jurisdictions acting at the same level. In this sense, Skelcher comments that the "boundary spanning behaviour of individuals operating at the margins of their jurisdictions embodies a deeper motivation to challenge and recast the existing patterns of governmental authority" (Skelcher 2005).

Following this point, it is worth mentioning the fact that while the formal differences in between Type I and Type II are easily understandable, it is not such an easy task to identify concrete processes or structures within the types. Type II pledges most of its legitimacy and accountability from Type I structures, but still tries to generate mechanisms of its own. In words of Piattoni the "legitimacy of Type I MLG structures derives from the procedures by which they are regulated (rules, roles and norms), while the legitimacy of Type II MLG structure depends on their effectiveness and on the 'navigational skills' of their management" (Piattoni 2009). Even if appearing to be so different, as the above separate presentation expresses, these two types simultaneously take part and characterise the reality of the modern European polity. In this regard, the following two sections will identify where each type of governance can be generally located, while again highlighting the fact they are depending on one another.

Location of Type I governance

As previously mentioned, the Type I is multi-task, geographically independent and stable in what regards to number of jurisdictional levels and actors. This type is generally prevailing in traditional governance structures that reach up to state level.

According to Hooghe and Marks, dispersion in Type I governance has been present for the past 3 decades, meaning the decentralisation within states in favor of regional and local authorities. It is the particular case of the European Union, by which this dispersion of power has been going in both directions, up (to the supranational institutions) and down (to subnational actors). In this sense, none of the member states of the EU has undergone centralisation processes since the 1980s and more than half have dispersed their authority through the regional level.

“There are few rather than many tiers ... the territorial scales of government across the EU range between three and six. This is a far cry from the near infinite jurisdictional dispersion conceived in Type II governance.”

(Hooghe and Marks 2001)

Location of Type II governance

According to Hooghe and Marks, Type II appears to be clearer in the limits of Type I governance and given the following circumstances:

- Along the public/private border. There is no discussion regarding the enormous growth undergone in the number of public and private, state and non-state actors in the last 3 decades. Action for states has been diminished while privatisation, decentralisation and market regulation processes has been evolving. This is the environment for Type II, not market competition, but states that are still present and accountable for services and the private sector which provide these services with ample independence.
- Within the national/international border. Due to the lack of national coordination, some of the transnational jurisdictions have had to coordinate state actors, a mix of state and non-state and large groups of non-state actors. As accounted by Clark (2000), since the 70s, more than half of the 150 environmental treaties have been signed by member states and the scope for these jurisdictions varies from local to global. In this regard, most of the transnational governance is initially non-state directed and jurisdictions allow self-regulation within the different firms. In sum, Lipschutz (2006) described it as a “global civil society of functionally specific, territorially overlapping, and

fluid jurisdictions is responsible for policy making at the national/international frontier”.

- A densely populated area of regions and bordering states. In this scenario the largest part of the functioning is directed to private actors who are generally free to fix their own common arrangements.
- And finally, the place for local governments and community association interaction. Type II for the local level is not common in the EU context, however “partnership between a whole variety of service providers and levels of [local] government is the normal practice in most West European countries” (Batley 1991).

As already justified in my description, the governance processes in the European Union generally blend together both types. On the one hand, EU merges a large number of policy competences that are managed by a specific number of more or less definite jurisdictions. On the other hand, certain characteristics of its functioning resemble those of type II governance: changing territorial jurisdictions and governance systems depending on policies, multiplication of non-governmental agencies and differentiated integration. However, Hooghe and Marks locate environmental policy within the scope of Type II governance:

“The territorial scale of these regimes varies from global to regional (including patchworks of non-contiguous territories). Most target functionally specific policy problems ranging from aircraft engine emissions, climate change, ozone layer protection, shipment of hazardous waste, to whaling, migratory species, tropical timber, etc.”

(Hooghe and Marks 2001)

3.4 Criticism and Benefits of Multi-level Governance

Despite the innovative and interesting approach that MLG has to EU as a polity, it has also encountered several scholar critiques, especially for its incomplete approach when explaining processes. According to Nugent, it has been demonstrated that while being an advantageous tool when analysing the intricacies of the EU, this theory, lacks theoretical perspective and does not offer much as an explanatory tool. In this regard, it has been pointed out that it could be MLG had not that much to offer besides highlighting the complexity of the EU. Moreover, it has been criticised for not giving an appropriate relevance to the influence of the international level on European politics and from intergovernmentalists, who maintain that states still have sovereignty over sub- and supranational spheres of power (Nugent 2003).

On the other hand, the different levels of analysis of the theory, also present numerous advantages. First of all, because it allows the use of a number of different theories to analyse the variable process of integration and other aspects of EU politics, while questioning the interconnection and simultaneous functioning of the latter.

“There is no simple conclusion to the discussion of how MLG contributes to understanding EU governance: whether it works and is democratic. MLG arrangements appear flexible enough to accommodate different national constitutional orders, institutional practices, and political cultures but, at the same time, distant enough from all of them to create problems for all of them.”

(Piattoni 2009)

3.5 Multi-level Governance and Environmental Policy

During the foundational process of the European Economic Community (EEC), there was no policy or statement whatsoever in relation to the environment. More than 50 years have passed since then, and as described by Fairbrass and Jordan (2004), the EU is today one of the most progressive environmental polities in the world. This success would not have been possible without the active involvement of different state actors and other non-state stakeholders, from subnational to supranational along all the levels of governance. Actors vary from the main supranational institutions (Commission, Parliament, Council, Courts...), to national and sub-national bodies (central governments, regional and local authorities) and certainly a large number of non-state actors such as firms and environmental groups. It goes without saying that international negotiations within the UN have also been crucial to the issue and both EU institutions and national governments were signing parts on these agreements (Fairbrass and Jordan 2004).

We should keep in mind, that while EU institutions have certain authority in the environmental field, the EU is not sovereign in many other aspects and shares governance with all the other state or non-state actors above mentioned. This is the case for instance, when the EC initiates new policies and disputes regarding compliance arise. These disputes generally end up in the European Court of Justice (ECJ), which together with the EC, basis its legal action in advice coming from other stakeholders such as NGOs frequently. In this regard, we can see within environmental policy how the different actors and levels of governance interact with each other, converting the European polity into a ever changing and complex entity.

Since policy in the field of environment protection has become an example of diversified decision-making and the participation of both state and non-state actors, some scholars as Sbragia, have even come to define these processes as multi-level environmental governance (Sbraggia 1992). In this sense, EU environmental policy, presents itself as a useful case to put into practice the foundations of MLG theory. This is especially so for Hooghe and Marks' model, who already presented these policy issues as a perfect example to describe "the dispersion of authoritative decision-making across multiple territorial levels" (Hooghe and Marks 2001).

Fairbrass and Jordan (2004) classify the main features of Gary Marks' multi-level governance in relation to the EU Environmental policy as: "the mobilisation of subnational interests; the complex, uncertain and contested nature of decision making; the entrepreneurial action of EU level policy-makers (especially the Commission and Parliament); and the unintended and often unwelcome policy outcomes that are said to emerge from multi-level governance" (Fairbrass and Jordan 2004). In order to better undergo my research, I will now proceed to develop these aspects of MLG aiming to achieve a clearer path for the coming analytical part of my research.

Subnational mobilisation

The first feature, presents regional, subnational and national actors as entities having a direct relationship with the EU supranational sphere, this means, without necessarily going through the national governments filter. Examples of such cases are stakeholders establishing representation offices in Brussels in order to have the benefits of having a direct relationship with the Institutional bodies of the EU (Marks 1992).

Some scholars argue (Marks et al 1995) that interest groups shift their forces to Brussels, once they are certain that the institutions have gained influence enough in the area that concerns them. At the same time, this "lobbying upgrade", brings legitimacy to the decisions taken at EU level. Still the most relevant repercussion, would be that fact that these newly established relationships are generally independent from member states' influence and thus, free to evolve in whatever intended direction (Fairbrass and Jordan 2004).

Complexity in decision-making

As expressed by Marks, within the EU reform on structural funding, a flowing and distorting situation was generated. Member states battled for the control and comprehension on the extent and influence in sovereignty regarding decision making. This increase in the complexity of the policy processes and a misleading context, in which it was not clear anymore which level had the greatest influence in policy making, had as a result national actors willing to establish relationships with both the national and the EU level (Marks 1992).

Entrepreneurial action and alliances at the supranational level

As previously expressed in the general theory chapter, even if it is a founding claim of MLG that supranational actors are active-independent actors, many actors question or at least recognise, that is not clear to which degree this is true (Marks 1996, Pierson 1998). Still, the abilities of the Commission would remain uncontested when dealing with its different contacts, in high level negotiations and effective decision making.

Scholars argue that the Commission has a unique position as core centre for claims and advice, even if not having complete exclusivity (Marks et al. 1996). In this sense, other institutions such as the European Court of Justice (ECJ) present themselves as crucial players, since their decisions affect dramatically the legal order in the European Union. As a result, we can observe an increased multi-level decision-making governance with multiple influential networks (Fairbrass and Jordan 2004).

Unintended Outcomes

Considering the characteristics mentioned above, governments encounter a complex situation when trying to manage policy making in the EU and this is also the case with environmental policy. The processes of European integration, far from reinforcing the state, have created a more multilayered, open ended and diverse space (Marks 1992). In this regard, governments are not certain anymore of the results of signing certain policies. It is now a matter of sharing governability rather than monopolising control over decisions affecting their territories. However, we should have in mind that this does not mean states will remain apathetic when confronting such unexpected consequences (Fairbrass and Jordan 2004).

CHAPTER 4: CLIMATE POLICY IN THE EU

4.1 Introduction

Climate change has been positioned as a high concern in the international arena regarding environmental issues. It is well known that its effects are spread worldwide and that action in this sense needs a global approach. During the last years, the European Union has been developing a leading role, or at least claiming to do so, in this matter and it has been acknowledged as the global head in what regards developing a policy framework to combat climate change (Kulesa 2007).

Several studies have been proving the dramatic consequences of climate change for our planet and our societies. As for the last Intergovernmental Panel on Climate Change (IPCC) 5th Assessment Report (AR5) from 2013:

“Warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, sea level has risen, and the concentrations of greenhouse gases have increased”.

(AR5 2013)

Unless there is a radical decrease in the emissions, a rise of temperatures from 3 to 4 °C by the end of the century is expected, with consequences such as extreme weather conditions, shifting rains, melting ice and the consequent rising seas, floods, hurricanes and droughts, amongst other consequences. Greenhouse gas emissions are mainly due to agricultural practices, land-use changes and industrial activities. Greenhouse gases (GHG) include: methane (CH₄), nitrous oxides (N₂O), hydrofluorocarbons (HFCs), sulphur hexafluoride (SF₆), perfluorocarbons (PFCs), chlorofluorocarbons (CFCs) and carbon dioxide (CO₂), the latter being the one causing most concern of all. Some of the consequences of climate change have already been described as irreversible, turning the subject into an international concern for which immediate actions should be undertaken (Van den Hove 2000).

This chapter will give a general insight on the historical international climate change policy regime, a more close approach on EU climate change policies and will end up presenting some of the most relevant environmental organisations in relation to the topic.

4.2 The pre-Kyoto Era

It was not until the first World Climate Conference in Geneva (1979) that the issue of climate change was officially addressed by the United Nations, but it would take still 10 more years for politicians to actually approach the problem seriously, voting in favor of the creation of the United Nations Framework Convention on Climate Change (UNFCCC). This occurred during the Rio de Janeiro Earth Summit in 1992, in which 154 countries including US, Japan, Australia, Russia and the formerly known European Community passes the resolution.

Most of the industrialised countries present, agreed to voluntarily undergo the necessary transformations in order to take emission levels back to the levels before 1990 by the end of the year 2000. The most surprising compromise came by the hand of the EU, which accorded not only to balance its emissions by the year 2000, but also to keep on doing so after the dateline. Still the EU was not able to push the US for legally binding resolutions at the UNFCCC (Gupta and Ringus 2001).

Initial considerations for climate change were highlighted by the Commission and through resolutions in the European parliament during the mid 80s, but no action was taken amongst the 4th Environmental Action Programme, running from 1987 to 1992. The signature of the Single European Act in 1987, on the other hand, and the further legal developments for environmental policy in the European Union, made it possible to confront the commitment for pre-1990 emissions, placing the EU in a leading role positions on its own right, but also due to the passiveness of the United States in their approach to climate change policy (Haigh 1996).

Once the agreement for the UNFCCC had been reach, countries started their individual battle in order to reach their commitments and actually by 1994, over 50 countries had ratified the convention. From the European perspective, two were the main challenges in order to achieve the proposed objectives. First, to advance in market mechanisms to comply with the climate convention, a proposal was issued in 1991 to adopt carbon taxes aiming to alleviate bias caused by individual government measures. Second, considering a (more or less) general reluctance for the promotion of nuclear energy, design a combined tax for both carbon and energy to reduce levels of GHG from 3 to per cent respect 1990 levels. However, the Community did not arrive to an agreement

on the need for and content of a CO₂/energy tax and a group of governments under the leadership of the United Kingdom prevented its introduction (Oberthür and Pallemmaerts 2010). Still, despite the setback regarding taxation on CO₂ emissions, a number of instruments in the fields of energy efficiency and renewable energies were agreed on during the 1990s.

The SAVE programme (Specific Actions for Vigorous Energy Efficiency) was introduced in 1991, promoting numerous programmes and policies in the field of energy efficiency. Along with SAVE, standards for boilers, refrigerators, freezers and their different combinations were introduced in 1992 through the 92/42/EEC Council Directive, which was complemented with the 92/42/EEC directive for labelling and enabling to compare house consumption. However there were no quantification targets or general evaluation methods and implementation was designed individually by each member state.

Another of the instruments employed was the ALTENER programme, under the 93/500/EEC council decision. This way the EU introduced indicative targets for the promotion of renewable energies, encouraging countries to adopt them amongst their national policies. This programme provided not only guidelines, but also funds for measures facilitating renewable development and included studies, monitoring and pilot projects.

From 1995 onward, 20 Conference of the parties (COPs) have been held in order to elaborate the UNFCCC, the first one of which was COP1 in Berlin, which gave the general foundations for the Kyoto Protocol under the “Berlin Mandate”, which started a process enabling parties to incorporate action for the period beyond the year 2000. Basically the mandate stated that cuts in GHG will not be sufficient (Long et al. 2002) and that future negotiations should prepare more demanding and effective targets. During this period the EU managed to champion a group of developing countries, the so-called G-77, to support this demands in the negotiation with industrialised countries. The proposal included a 15% reduction compared to 1990 levels in CO₂, CH₄ and N₂O by 2010 for all developed countries, but the targets of the mandate remain dependent on what would be decided later on in COP3, Kyoto (Hofmann and Prahll 2014).

The climate summit in Kyoto was held in December of 1997. A group of industrialised countries agreed on a number of GHG targets reduction of 5.2% (the group was composed of 38 countries, including the OECD group and a number of Soviet Union members) and the European Community committed to a reduction of 8% for six green house gases along the period going from 2008 to 2012. Moreover, the Kyoto Protocol established market based mechanisms in order to apply these reduction targets (emissions trading), the clean development mechanism (CDM) and the joint implementation (JI).

“In emissions trading, a country with excess emissions credits may sell a part of these credits to another country that emits more than it is allowed to. The CDM enables developed countries to finance or invest in projects that avoid greenhouse gas emissions in developing countries and in return, to receive credits that may be used to meeting mandatory limits on their domestic emissions. Joint implementation is a similar mechanism, but rather than to developing countries it applies to transition countries (the former Soviet Bloc)”

(Van der Heijden 2010).

The next section will further develop the consequences and actions following the Kyoto summit, from the late 1990s and during the first decade of the new millennium.

4.3 The Kyoto Protocol Implementation

4.3.1 The European Emissions Trading Scheme

In spite of the voluntary car producers reductions agreement of 1998 (Brink 2010) and landfill directive 1999/31/EC there was not much progress in the initial post-kyoto period. Still, after having designed a strategy in order to meet the reduction targets, the EU created a more intensive atmosphere for the development of climate policy. The European climate Change Programme (ECCP) was established in the year 2000, this programme covered a large scope of policy sectors related to GHG emissions and developed a holistic approach in line with the Kyoto targets. This was the first step towards the 2003/87/EC Directive which introduced the Emissions Trading Scheme (EU ETS) for all emissions coming from the energy and industry sectors and which managed individually by each member state. Some years later in 2004, the Linking Directive (2004/101/EC) was passed, merging together the JI and the CDM of the Kyoto Protocol. Along with the ETS, there were also proposals for energy labelling, the promotion of biofuels and cogenerations and the introduction of the Renewable Electricity Directive (2001/77/EC), indicating member states targets on renewable electricity shares. Furthermore, other pieces of legislation on energy efficiency and biofuels were launched. All this legislation was discussed during the period going from 1998 to 2006, intending to achieve reductions from 2008 to 2012 as agreed within the Kyoto Protocol (Hofmann and Prah 2014).

Some of the key facts highlighting the relevance of the EU ETS are the following:

- Operates in the 28 EU countries and the three EEA-EFTA states (Iceland, Liechtenstein and Norway).
- Covers around 45% of the EU's greenhouse gas emissions.
- Limits emissions from:
 - More than 11,000 heavy energy-using installations in the power generation and manufacturing industry.
 - Aircraft operators performing aviation activities in the EU and EFTA states.

(European Commission 2015)

4.3.2 EU Climate Policy: GHG, Renewable Energy and Energy Efficiency

In order to have a clearer overview of the policies implemented before and after Kyoto, I will analyse them using the following table, which is adopted from the Climate Policy Info Hub website.

	Pre-Kyoto (1990–1997) aimed at 2000	European Climate Change Programme and additional legislation (1998–2006) aimed at 2010 (or 2008–12)	Climate and Energy Package and additional legislation (2007–2010) aimed at 2020
GHGs	No European policy (discussion on CO ₂ tax, which was not adopted) → Mainly national policies	EU ETS (2003)	EU ETS review (2008, 2009) (One EU-wide ETS target / including aviation)
			Effort Sharing Decision (National non-ETS targets)
		Fluorinated Gases Regulation	Fluorinated Gases Regulation review
		Mobile Air-Conditioning Systems Directive	Further implementation
		Voluntary agreement with car manufacturers (1998/1999)	Mandatory standards for cars and vans
RES	ALTENER	Renewable Electricity Directive (2001) Biofuels Directive	Renewable Energy Directive (RED) & Fuel Quality Directive
EEff	SAVE	Energy Services Directive	Energy Efficiency Directive (EED)
		Combined Heat and Power Directive	
		Ecodesign of Energy Using Products Directive	Further implementation
		Energy Labeling Framework Directive	Energy Labeling Framework Directive review
		Energy Performance of Buildings Directive	Energy Performance of Buildings Directive review

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Climatepolicyinfohub.eu 2015

The table presents policy implementation in the EU before Kyoto, during the 1990s and early 2000s (first period) and the years from 2007 to 2010 for the 2020 targets and it is divided in the three main pillars: GHG, renewable energy and energy efficiency. Each cell in the table contains a list of policies developed within each of these three subfields of environmental policy during each period relative to the Kyoto Protocol and its aftermath. Even if disagreement on the introduction of CO₂ tax in the pre-kyoto period hindered the use of coordinated measures for tackling emissions, these consequent periods were very active in the creation of new instruments concerning climate related issues, as might be observed in the table. Furthermore, serves as an example the fact that during the European Union enlargements of 2004, 2007 and 2013, all the 13 new

member states (except for Cyprus and Malta) committed to the Kyoto reduction targets. (Hofmann and Prahl 2014).

4.3.3 Climate Change and the Energy Policy

The heads of state of the European Union agreed in March 2007 on the so-called set of targets “20-20-20 by 2020” (20% cut in greenhouse gas emissions respect to 1990 levels, 20% of EU energy from renewable and 20% improvement in energy efficiency). As in previous approaches this target was divided into GHG emissions, renewable energy and energy efficiency, and in order to implement them the EC presented the Climate and Energy package in 2008 which consisted of the following four policy sets:

- the reviewed Directive 2009/29/EC on emissions trading (ETS Directive) with an overall EU covering for its 3rd allocation period (2013-20),
- the Decision 406/2009/EC or Effort-Sharing Decision (ESD) which introduced national reduction targets for non-ETS sectors on all member states,
- the Directive 2009/28/EC or Renewable Energy Directive (RED) which specified country targets for use in electricity, heating/cooling and transport and
- the Directive 2009/31/EC on carbon capture and storage (CCS Directive), the Directive 2009/30/EC on fuel quality and the Regulation No 443/2009 on CO₂ emission performance standards for cars were adopted together with the Climate and Energy Package.

Despite the fact that energy efficiency was not directly included within the climate and energy package, it was promoted through a large number of sector specific approaches, including taxation measures, standards and information tools. The Energy Efficiency Directive (EED) was established in 2012 as a common framework of measures for the promotion of energy efficiency policies. Some measures evolved during time and found their groundings on previous experiences, which were reconfigured or adapted through a continuous learning process. Furthermore, the lobbying processes of numerous stakeholders actively influenced and impacted the final shape of climate policies. Serve as an example all the policy changes regarding Greenhouse gases. The EU Emissions

Trading Scheme, evolved from a method organised by national quotas for individual member states, towards a global EU quotas system. Thus upgrading to the EU level certain control over related economic sectors that used to be under member state umbrella. As for renewable energies, the Renewable Electricity Directive and the Biofuels Directive blended under the Climate and Energy Package to be part of the RED. Moreover, the RED introduced renewable energy targets which were binding as part of the final energy consumption, thus increasing the relevance of this mechanism and adding renewable heating and cooling to the equation. Nonetheless, the results for the 2030 target framework have proved this approach to be efficient. In this regard, since the 2030 renewable energy target will be introduced as binding only at EU-level, the stringency of the RED will have to be adjusted to allow each country to decide their own targets (Hofmann and Prahl 2014).

4.4 The post 2020 Period

As thoroughly described by Hofmann and Prah, the European Commission agreed on a renovated target framework for 2030 in October 2014, again within a three column approach. The greenhouse gas target of 40%, was again divided into Emission Trading Scheme sector (ETS), meaning a 43% of the total share compared to 2005 and non-ETS sector (a 30%). Non-ETS being the binding at Member state level according to the European Council conclusions on 2030 Climate and Energy Policy Framework. These new targets for both ETS and non-ETS sectors must be included into national legislations, requiring a future reform of the ETS directive and a different Effort Sharing Decision (ESD) which will divide the total share of the non-ETS targets amongst the MS. Actually, we have a prior Decision of the European Parliament and of the Council regarding the establishment and functioning of a market stability reserve for the Union greenhouse gas emission trading scheme and amending the previously mentioned 2003/87/EC Directive.

However, in relation to the 2030 Climate and Energy Policy Framework, the target for renewable energy has been slightly depleted since the agreed target was only for the 27% and binding at the EU level. In this regard, The Renewables Energy Directive (RED) will have to be reshaped in order to fit European targets but still out binding individual member's shares. In any case, the new legislation will have to set the framework for national target-setting and amend the current evaluation processes.

Regarding energy efficiency, the target will only be indicative, 27% with a margin of improvement depending on future projections. Therefore, the Energy Efficiency Directive will basically stay in the same scope of evaluation, with small modifications depending on the non binding target variations. Other examples of new policies in the filled are the Ecodesign and Eco-Labeling Directives and the CO₂ standards for cars. (Hofmann and Prah 2014).

4.5 Sum Up of Ongoing Programmes

Three main Energy programmes are currently developing in the European Union: the 2020 package, the 2050 roadmap and the 2030 framework. The 2020 package (2007) previously described, was proposed attending to the need of reshaping the energy market, facilitating mechanisms and targets in the fight against climate change while enhancing competition. Secondly, the 2050 roadmap, which sets targets for a 30 years period: reduction of greenhouse gases (GHG) by 80 to 95%, renewable energy use up to 55% of the total consumption and reduction of the total final consumption up to 41%, all led by improved distribution, interconnection and long distance transmission infrastructures. And finally, the 2030 framework agreed by EU leaders on 23 October 2014, aims for a 40% GHG emission reduction (compared to 1990) and a 27% of renewable and energy savings by 2030. According to the EC, its main objectives aim to help the EU achieve a more competitive, secure and sustainable energy system and to meet its long-term 2050 greenhouse gas reductions target.

In spite of the three previous programmes, on 25 February 2015, the EC released the Energy Union Package, a communication pendant of approval divided on three papers: 'A framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy', 'The Paris Protocol – A blueprint for tackling global climate change beyond 2020' and 'Achieving the 10% electricity interconnection target - Making Europe's electricity grid fit for 2020'. In this regard and highlighting the compromise of the EC in the fight against climate change, Commissioner Arias Cañete during his speech at the Energy Union Conference in Riga on February 2015 stated:

“EU citizens continue to strongly support dealing with climate change; our challenge is to craft an energy policy that will deliver a 40% CO₂ reduction by 2030, but does so in a manner that becomes a motor for both competitiveness and energy security. This is far from simple; but I believe that with resolute action the competitiveness - security - sustainability triangle can be achieved.”

(Europa Nu 2015)

4.6 Environmental Groups in Brussels

This section will introduce the (green European) social movement organisations, civil society and associational life dealing with environmental issues at the EU level, focusing on the most relevant groups in direct relation with the politics of climate change and whose actions will be analysed in the following chapter.

It is relevant already at this stage to highlight the fact, that the majority of environmental groups think about the national level as their natural domain and that in this sense, for most of them the “trip” to Brussels has been a tedious one. Activity of these groups at the EU level has been profoundly conditioned by internal resistance to changing resources allocation and different perceptions of their strategies and organisational missions (Roose 2013).

As already pointed out in previous chapters of this research, already from the 1970s the EU began to have a major presence in the field of environmental politics, a presence that would be definitely increased during the two following decades. This increased relevance is clearly reflected of the appearance of a large number of environmental organisations lobbying directly from Brussels. The first group established was the European Environmental Bureau (EEB) in 1974, a federation in representation of 143 umbrella organisations from 31 different European countries. At the same time, these umbrella organisations represent 14,000 member organisations, 500 regional, 800 local and 260 associated branches. In total the EEB represents more than 15 million individual EMO affiliates and supporters (Van der Heijden 2010).

It would not be until the year 1988 that other environmental groups joined the EEB in Brussels. From this year onwards, EEB members (Friends of Earth, Greenpeace, and WWF) started settling their own offices and established the former ‘Green 4’ a coordinated network that many times acted with a single voice when lobbying European institutions. The original cooperation between these groups served two main goals: working for the common assessment on the revision of the Treaty of Rome which ended up in Maastricht and starting a formal contact with the former Directorate-General for the environment, DG XI (Webster 1998). The Green 4 would progressively evolve into its current shape, conformed by 10 groups (Green 10) and presented in detail by Van der Heijden in the table next page.

Organization	Year founded	Brussels staff	Funding/sources	European member organizations	Number of members in Europe (estimate)
Birdlife International	1993	4	Commission; Birdlife mvt.	41	1.700.000
CEE Bankwatch Network	1995	n.a.	Commission; nat. governments; foundations	16	n.a.
Climate Action Network Europe (CAN-E)	1989	9	Commission; network partners; trusts	90	n.a.
European Environmental Bureau (EEB)	1974	15	Commission; nat. governments; members	143	15.000.000
European Federation for Transport and Environment (T&E)	1989	9	Commission; nat. members	42	n.a.
Friends of the Earth Europe (FoEE)	1989	18	Commission; FoEE mvt	30	900.000
Greenpeace	1988	16	Greenpeace mvt.	20	2.000.000
Health and Environmental Alliance	2003	9	Commission	65	n.a.
International Friends of Nature	2008	1	Commission; IFN mvt.	50	500,000
World Wide Fund For Nature (WWF)	1989	27	Commission; WWF mvt.	20	2.500.000

Sources: Birdlife International et al. 2006; Greenwood 2007: 133; websites of individual organizations; interviews with staff members.

Van der Heijden 2010

Besides the G10 there is a large number of operating environmental groups in Brussels that are not introduced in this chapter. However it should be noticed that EC funds support the activities of 28 of these groups.

Finally, as observed by Mazey and Richardson, it is worth mentioning that the rivalry that usually arises between industrial groups in Brussels does not seem to be present between environmental groups. In this regard, even if G10 groups have different interest

and perspectives, they are generally together on the same side of the battle field, fighting for the same common interest in pursuing a better environmental European policy. Thus, the G10 groups tends to speak frequently all under the same voice, being at the same time more attractive and accessible for the European Commission and other relevant EU institutions (Mazey and Richardson 2005).

As a global conclusion for the overview and following the analysis of Schreurs and Tiberghien, EU policy-making in the field of climate change can be thus understood as a consequence of multi-level reinforcement, within different political forces amongst the EU in a scenario of centralised governance. Hence, promoting leadership, in a system close to federal structures and encouraged by public support and normative commitment (Schreurs and Tiberghien 2007). In this regard Van der Heijden concludes:

“Obviously, the environmental movement, both at the EU and at the member state level, has played a key role in fostering this process of multi-level reinforcement”.

(Van der Heijden 2010)

It is this process of 'multi-level reinforcement' and increasing relevance of policy-making in the field of climate change, I wish to further investigate in my analysis in chapter 5, as I go on to present the chosen examples and study them in the light of the selected theory.

CHAPTER 5: ANALYSIS

5.1 Introduction

“Climate change is a problem that poses high requirements for governance by requiring the coordination of demands and needs across international, national, regional and local scales, as well as coordination between sectors (e.g., across departments that deal with environmental, energy and financial issues, or between private and public sector actors).”

(Carina Keskitalo 2010)

In the scenario above described by Dr. E. Carina H. Kestitalo and for the last 20 years, the Green 10 environmental coalition and individually through its members, have published thousands of reports, recommendations, leaflets, manifestos and press releases evaluating the European’s Union policy-making in the field of climate change and other related environmental issues.

The previous chapter has thoroughly described the evolution of environmental policies in the EU and the increasing relevance given by the European Commission to climate change since the 1970s. This chapter will proceed by answering the problem formulation for this research **“To which degree does the action of European environmental groups in the field of climate policy endorse the main features of multilevel governance theory?”** through a MLG perspective, as detailed in the methods section. When doing so, I will base my study on three actions campaigns related to the Green 10 and employed by Van der Heijden (2010), in order to test the main features of MLG employed by Fairbrass and Jordan to examine the relevance of (Gary Marks’) multi-level governance for understanding environmental policy (Fairbrass and Jordan 2004).

The first of the campaigns considered is the ‘Global Climate Campaign’, running since 2005. Secondly, the so-called ‘Cool Products for a Cool Planet’ campaign, an EU-level campaign for the promotion of more eco-efficient products. Finally, I will evaluate the ‘Spring alliance, a coalition fighting against climate change that has encouraged the emergence of a new green public sphere within the EU.

5.2 The Global Climate Campaign

Since 2005, the Global Climate Campaign (GCC) brings individuals, groups and organisations together from all around the world in an annual ‘Global Day of Action on Climate’ with demonstrations and events all around the globe on the same day. The GCC represents more than a 106 different nations, including hundreds of groups from 23 European countries (Van der Heijden 2010). In this regard, coalitions have been established in different Member States, for example the ‘*Klimaatcoalitie*’ (Belgium), the ‘*Klima-Allianz*’ (Germany), the ‘*HIER Campaign*’ (the Netherlands), the ‘*Movimiento Clima*’ (Spain) and the ‘*Stop Climate Chaos*’ (UK).

Serves as a perfect example of these actions where organised, the preparations for the Global Action Day in 2009. The European meeting for the Global Climate Campaign, brought together several of the previously mentioned coalitions, Green 10 members such as Green peace, Friends of the Earth Europe (FoEE) and several other national environmental organisations (Campaign Against Climate Change from, United Kingdom; Climate et Justice Sociale, Belgium; Ecoistituti Terremutanti, Italy; and Cool Climate, The Netherlands). Due the difficulties of bringing together large groups of people in the same place, the aim of the campaign since 2005, was to organise simultaneous demonstrations and events all over Europe. During the celebration of COP21, thousands of people march as part of a global protest to demand that governments agree on a new climate deal (Van der Zee 2009).

Actions were multiple and varied, although according to Van der Heijden (2010), the Green 10 member Friends of the Earth was one of the most relevant participants. Examples of it are actions by their national branches, as in Austria were they brought an ice sculpture in front of the Parliament in 2008 or in Poland in 2009 with the ‘Bikes for Climate’ action (FoEE 2009). The author elaborates:

“All these actions in a carnival atmosphere not only helped to make the general public more aware of the climate problem, but also contributed to the emergence of green public spheres (motivational framing), in which FoE offered concrete opportunities for agency in combating climate change”.

(Van der Heijden 2010)

This campaign comes to support the MLG theory in number of aspects, which I will now further discuss. The first point featured by Fairbrass and Jordan (2004), is in relation to subnational mobilisation and its potential benefits. As above expressed and especially within the case of FoEE, environmental actors mobilised at all levels establishing coalitions at the EU level (or even at a global scale). This could be justified by their interest in achieving direct contact at the level of EU policy-makers, having domestic groups lobbying in Brussels without necessarily ‘knocking’ on the national door. However, the example also highlights that many actions, while organised at European level, were deployed nationally. In this sense, it could also be related to the second level of analysis, by which the complexity and uncertainty of the decision making system, encourages actors to create and maintain pressure structures both at national and supranational levels of governance.

Finally, this campaign could somehow endorse supranational entrepreneurial action and alliance building, linking European environmental alliances with the Commissions capacity to foster activity at EU level and more specifically by the creation of green public spheres offering ‘agency’ opportunities. This is for instance, when stakeholders, as in this case are the environmental groups, offer their experience and resources regarding specific issues, for the improvement of certain policies while legitimising policy-making at the European level.

Overall, we can thus confirm that this example supports in one way or another, the main characteristics of MLG theory.

5.3 Cool products for a Cool Planet

Cool Products is a campaign to establish minimum requirements for energy efficiency and other environmental aspects, notably ambitious regarding products sold in the European Union. Organised as a coalition of European NGOs, it works to ensure that ecodesign and energy labelling truly works for Europeans and the environment.

Launched in 2009, this campaign is being led by the European Environmental Bureau (EEB) and the European Citizens Organisation for Standardisation (ECOS) at the Brussels level, but the campaign is also fought at member state level by a large number of national environmental organisations. Besides the EEB, other Green 10 members such as World Wide Fund for Nature (WWF), Friends of Earth Europe (FoEE) and the Climate Action Network (CAN) have gradually joined the campaign as well (Cool Products 2015).

The 2005 Directive on Ecodesign of Energy using products (2005/32/EC), establishes that only the products achieving the minimum of energy efficiency adopted in the document, are allowed for commercialisation in the coming years. The goal was to avoid contrasting legislation from the different member states on this kind of products, hampering the functioning of the EU internal market. Furthermore, an extension to this directive was passed in 2008 by the Commission, which applied the same requirements to a wider scope of products, covering almost the complete spectrum of energy-related devices (Van der Heijden 2010).

Earlier diagnosis by the coalition claimed that industrial lobbies had a real interest in stopping European countries from appropriate environmental legislation. Most producers were actively lobbying at two levels: nationally and within the EU institutional level. Their intentions were both stalling the process while trying to undermine the ongoing legislative proposals.

In this regard, as observed by Van der Heijden (2010), one of the main aims of the campaign, was to open to the greater public crucial aspects of the negotiation processes, through its website, but also through the presentation at European level of the Manifesto 'Warm Homes, Cool Products' in October 2009. This document called for the Commission to:

- Adopt a mandatory 20 per cent energy saving target by 2020.

- Establish more coherent product and buildings legislation to close gaps and define clear responsibilities.
- Set ambitious standards for new build (all new buildings should be net zero carbon by 2015).
- Allow only the most efficient heating and cooling products onto the market.
- Redirect finance into renovation and retrofit of existing buildings.

(Cool Products 2015)

By the end of the same year, the Commission published a recast to the Ecodesign directive (Directive 2009/125/EC), extended its scope to energy-related products such as windows, insulation materials and certain water-using products. In the same line, the recast Energy Labelling Directive 2010/30/EU was adopted in May 2010, spreading the energy labelling system from consumer-related products to energy-related products in the commercial and industrial sectors. And in 2012, the EC passed the Energy Efficiency Directive (EED), as a common framework of measures for the promotion of energy efficiency policies.

All in all, as in the previously analysed campaign and in the light of MLG theory, the cool products campaign appears to endorse the main characteristics of multi-level governance. Regarding the mobilisation of actors within different governance levels pressing for direct influence at the European level, as described above, groups from the environmental and from the manufacturer side have established in Brussels and are now both lobbying at the national and supranational level.

At the same time this multi-level system of influences can also be due to the significant intricacy of EU policy making and its unpredictability, with producers and environmental actors pursuing to influence (or maintain their influence) at the national and the EU institutional level.

In the same way and certainly connected to the 'Warm Homes, Cool Products' manifesto, the relationship and negotiating processes during the elaboration of the Ecodesign and other directives, confirms the third aspect featured by Fairbrass and Jordan (2004). This is, acknowledging the supranational players' decisive and proactive role, as in the case of the Commission, acting as a focal point, handling difficult negotiations and attending a large number of different actors from the different levels.

5.4 The Spring Alliance

“One example of a movement whose diagnostic and prognostic frame starts from the structural interdependency between climate change and a large number of other social and political issues (labor, social justice, development) is the Spring Alliance.”

(Van der Heijden 2010)

The Spring Alliance, a campaign bringing together European trade unions and environmental, social and development organisations, was established in the beginning of the year 2009, mainly by the European Environmental Bureau (EEB), the European Trade Union Confederation, the Social Platform and the NGO for development Concord. Currently there are seven Green 10 members involved, but within their partners you can also find national organisations, parliamentarians and a large variety of stakeholders (Spring Alliance 2015).

Back in 2009 when the idea was launched, the main actions undertaken by the alliance, were regarding the development of a Manifesto addressing EU Institutions and setting up an unrestricted dialogue between civil society and policy-makers at the EU level. The document ‘A better Europe now’, highlighted the fact that after many years of EU policy in the field of climate change, results had been rather poor or at least insufficient when reducing GHG emissions. Furthermore, it argued that economic policy had negatively affected general life in the EU, while leaving an ecological footprint of twice of the Union’s capacity (Spring Alliance Manifesto 2009).

The manifesto presented the following priorities:

- Priority A. Improve democracy
- Priority B. Establish more cohesive and equal societies
- Priority C. Ensure quality employment for all
- Priority D. Put environmental sustainability at the core of Europe’s development model
- Priority E. Live up to our development commitments
- Priority F. Revise economic policies

(Spring Alliance Manifesto 2009)

However, all demands overlapped each other along the document, from environmental to labour, from labour to social and back to environmental. In connection to my research, the main goals featured by the document regarding environmental and climate measures, claimed for: EU GHG emission targets to be reinforced to 25-40 per cent by 2020, a specific target for transport and a mandatory share of 35 per cent of renewable energy supply also by 2020.

In this regard, as already described in the overview, a large number of directives and new legislation has been passed by the European Union since then. From the 2050 roadmap, to the 2030 framework and to the Energy Union Package published on 25 February 2015. This communication calls to reduce Europe's energy consumption by at least 27 per cent by 2030, set a GHG emissions target of 40 per cent (minimum) by 2030, while making the EU the world number one in renewable energy and leader in the fight against global warming (Energy Union 2015).

Van der Heijden (2010) describes the Spring Alliance as one the first serious attempts to conform a coalition of a variety of social movements at the EU level, with climate change being one of the crucial points of their discourse. This movement, as in the previous cases, encouraged the emergence or at the very least the reinforcement of new green public spheres.

Once again, this case seems to come to prove the core foundations of MLG theory and perhaps, it is the one that shows a more direct level of influence in relation to EU policy-making in the field of the environment. First of all, by meeting the theory's description of an emerging agglomeration of environmental groups in Brussels, establishing alliances which target European institutions. Hence, following Marks approach (Marks 1992) of the rewarding new linkages at EU level, while legitimising (recognising) final decisions and legislation of the Union.

Secondly and in connection to Van der Heijden's opening statement in this section, the creation of a set of interdependent structures. This is, not only within the different levels (national, supranational) but also within different actors and stakeholders, as it is the case here. Bringing together environmental groups, social actors and labour organisations, who are searching for a higher degree of influence and efficacy over European policy developments and setting relationships at every level of governance.

All of this driving (as described by the MLG approach), to a complex, uncertain and contested decision-making process.

Finally, the Spring Alliance, the ‘A better Europe now’ manifesto and the resultant decision and actions implemented by the Commission, serve as a precise illustration of supranational entrepreneurial action within alliances built at the different levels of governance. With the coalition opening dialogues with the EC, which not only fosters this kind of contact but also exploits them, especially when anticipating demands and handling difficult negotiations and justifying policy decisions. Furthermore, all the new legislation published at the EU level, as in the case of the Energy Union Package (still in process), partly in recognition of the coalition’s demands, serves as a perfect conclusion of the analysed governance processes.

Overall and even if has not been mentioned in the two previous campaigns, Fairbrass and Jordan (2004) mention a forth feature of multi-level governance theory in relation to environmental policy, which somehow a result of the previous three. This feature describes the unintended outcomes and learning of the previous three, observing that the above processes (without stating the degree of independence), highlight that states, share rather monopolise, control over decisions that affect their territories. Thus explaining, that this multi-actor, multi-level connections and negotiations between European environmental groups (as it is the case of the Green 10) or other stakeholders (producers, NGOs, etc), can be undertaken seemingly without the members states limiting red tape. However, the authors do remind us that this does not necessarily imply that states will remain passive under these circumstances and that actually, they might vigorously intervene to recover control over subnational actors.

CHAPTER 6: CONCLUSIONS

In this concluding chapter of my research, basing on what I have written so far, I will provide an answer to my problem formulation. In this regard, after having analysed the chosen campaigns within other elements, one must once again state the problem formulation at hand:

To which degree does the action of European environmental groups in the field of climate policy endorse the main features of multilevel governance theory?

As previously described in my analysis and in general terms, the analysis of the three main characteristics of multi-level governance, featured by Fairbrass and Jordan's approach in the study of environmental policy, are clearly supported by the campaigns evaluated in this thesis. First of all, the authors presented regional, subnational and national actors as entities having a direct relationship with the EU supranational sphere and not necessarily going through the national governments filter. The analysis has proved through all of the three cases that this relationship not only exists, but also, that the EU level has become a common level of influence. Environmental groups have steadily shifted their forces to Brussels, since they are aware that the supranational institutions are of key importance in their actions. Furthermore, this "lobbying upgrade", has been described to legitimate the decisions taken at EU level, as it is especially reflected within the aftermath of the 'A better Europe now' manifesto.

Secondly, Fairbrass and Jordan describe an increase in the complexity of the policy processes in the EU and a misleading context, in which it is not clear anymore which level has the greatest influence in policy making, and as a result of this, national actors willing to establish relationships at different level. Again, these characteristics have been reflected in all of the campaigns analysed, as in the case of the 'Global Climate Campaign', where most of the actions while being organised at the EU level, were implemented nationally. But also within the 'Cool products' example, in which producers together with a large number of different actors, pursued influence at different levels of governance.

Finally, their third point analysis featured supranational entrepreneurial action and alliance building. The abilities of the Commission remain in this regard "uncontested"

when dealing with different contacts, in high level negotiations and pursuing effective decision making. Thus, we can observe an increased multi-level decision-making governance with multiple influential networks, which is one more time perfectly exemplified by our third campaign, with the Spring Alliance opening dialogues with the EC, which at the same time not only fostered these contacts, but also exploited them when justifying policy decisions.

However, one might argue that that outreach of these findings is not a “novelty”, considering that policy in the field of environment protection has become an example of diversified decision-making and the participation of both state and non-state actors, in other words, multi-level governance, as argued by Sbragia (1992) and already mentioned in the theory chapter. In this regard, I believe that my research pushes a little further or at the very least, projects a wider scope of the MLG theory and to further develop my argument I will once again share Piattoni’s quote:

“There is no simple conclusion to the discussion of how MLG contributes to understanding EU governance: whether it works and is democratic. MLG arrangements appear flexible enough to accommodate different national constitutional orders, institutional practices, and political cultures but, at the same time, distant enough from all of them to create problems for all of them.”

(Piattoni 2009)

According to my research, the virtue of multi-level governance lies in its capability to coexist with other theories without necessarily confronting its most basic assumptions. Establishing symbiotic relations and allowing other theories to function within its borders. In my opinion, this is the main reason why, having selected a set of cases previously employed by Van der Heijden (2010) in the light of Political Opportunity Structure, MLG can be perfectly endorsed using the same examples. Thus, remarking not only the wide range of the theory, but also its adaptability.

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