

National Influences on the Formation of EU
Energy Law in the EU Taxonomy Regulation:
A Comparative Case Study of Germany and Italy

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1 Abstract

This thesis investigates the amount of influence a member state has on EU energy policy specifically in the example of the EU's Taxonomy Regulation. For this purpose, ten avenues of influencing EU policy are extracted from the available literature which are then used to investigate the actions of the case studies, Germany and Italy. From this, and despite academic studies that have put forth contrary evidence, it is obvious that Germany had a major influence on the design of the energy provisions in the EU Taxonomy Regulation. In fact, Germany used its power to get exactly the deal it wanted, thereby substantiating Andrew Moravcsik's theory of Liberal Intergovernmentalism. Italy on the other hand shows how a member state with considerable population and economic prowess can still be largely inconsequential to EU policy making. From a liberal intergovernmentalist point of view this means that Italy is not using its potential power, often to the advantage of other member states. In short, the case studies provide compelling evidence for Moravcsik's theory and highlight at the same time how difficult it can be to influence EU policy making.

2 Acknowledgements

This thesis has been months in the working and cost me a lot of nerves. It has truly been a challenging but rewarding experience that I hope will contribute not only to my personal growth but also to the academic field of International Relations. Regardless of whether or not the latter will manifest in reality, I am proud to have finished it – but I could not have done it on my own.

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Heartfelt gratitude and onto new adventures.

3 Abbreviations

CCDA	Complementary Climate Delegated Act of the EU Taxonomy Regulation
CDA	Climate Delegated Act of the EU Taxonomy Regulation
CDU	Christlich Demokratische Union, Christian Democratic Union of Germany
CETA	Comprehensive Economic and Trade Agreement between the EU and Canada, is still being ratified
COD	Ordinary Legislative Procedure, formerly known as the co-decision procedure
Council	Council of the European Union, EU institution composed of the heads of states
DA	Delegated Act, a 'non-legislative act [...] adopted by the European Commission that serve[s] to amend or supplement the non-essential elements of the legislation' (Patel, 2021; European Commission, 2022)
DG	Directorate-General, policy unit of the European Commission
DG FISMA	Directorate-General for Financial Stability, Financial Services and Capital Markets Union, policy unit of the European Commission
DG ENER	Directorate-General for Energy policy, policy unit of the European Commission
DNSH	Do No Significant Harm Criterium, one of four conditions of the EU Taxonomy Regulation
EC, Commission	European Commission, EU institution
EP, Parliament	European Parliament, elected EU institution with legislative power

EPE	European Political Economy, a field in International Relations
EPP	European People's Party, a Christian-democratic, conservative party in the European Parliament
EU	European Union, European supranational institution
FDP	Freie Demokratische Partei, Free Democratic Party of Germany
GB, UK	Great Britain, United Kingdom
HLEG	High-Level Expert Group on Sustainable Finance of the Commission
IEA	International Energy Agency
LI	Liberal Intergovernmentalism, EPE theory
MS	European Union member states
MSEG	EU's Member States Expert Group on Sustainable Finance
OMC	Open Method of Coordination in the EU
PM	Prime Minister
PSF	Platform on Sustainable Finance, European Commission's advisory body for the Delegated Acts of the EU Taxonomy Regulation
QMV	Qualified Majority Voting, voting system in the Council
S&D	Socialists and Democrats, a centre-left-wing party in the European Parliament
SPD	Sozialdemokratische Partei Deutschlands, Social Democratic Party of Germany
TEG	Technical Expert Group on Sustainable Finance, convened by the European Commission

TR	EU Taxonomy Regulation
TTIP	Transatlantic Trade and Investment Partnership between the EU and the US, never realised
TFEU	Treaty of the Function of the European Union
UN	United Nations, international intergovernmental organisation
USA, US	United States of America
WHO	World Health Organisation
WTO	World Trade Organisation
WWII	Second World War
ECB	European Central Bank

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6 Introduction

In 2018 the European Commission (EC or the Commission) published a draft regulation to facilitate sustainable investment as part of the European Union's (EU) commitment to the '2016 Paris Agreement on climate change and the United Nations (UN) 2030 Agenda for Sustainable Development' (European Commission, 2018, p. 1). This so-called Taxonomy Regulation (TR) was intended to increase corporate transparency on environmental, social and governance initiatives by categorising economic activities based on their contribution to sustainability (ibid., pp. 1-15). Within it, different types of energy carriers and production processes were classified, which caused political controversy, given that they vary significantly across the (now) 27 EU member states (MSs). Some even banned the preferred production forms of others. For example, Germany and Italy have phased out nuclear power (Thurau, 2023), while France is operating 56 reactors just across the border (Fasching, 2023). Hence, political tension was high.

To avoid a legislative failure, the Commission split the classification of energy carriers and productions in two. First, the Climate Delegated Act (CDA) with all the energy carriers and productions that are widely accepted as green, and second, nuclear power and natural gas in the Complementary Climate Delegated Act (CCDA). This design of the regulation's most disputed subjects caused additional backlash. While the *regulation* was designed under the Ordinary Legislative Procedure (COD) and allowed input from the two other EU institutions, the Council of the European Union (Council) and the European Parliament (EP or Parliament) (EU Monitor, no date) – the *Delegated Acts* (DA) are only designed by the Commission (European Union, no date b). The other organs can only reject or adopt them, but they have no powers to amend them. Hence, there is comparatively little input from the member states and the elected parliamentarians, which neither like (Interview A, p. 109). Moreover, when drafts of the CCDA leaked and confirmed the classification of both nuclear power and natural gas as green, vocal opposition materialised from member states, parliamentarians, NGOs, and civil society (Bellona Europa, 2022; WWF, 2022). This heightened the chance of legislative failure considerably, with non-adoption being especially likely in the European Parliament (Abnett, 2022; Interview D, p. 138).

The use of a DA for a highly contentious topic in a policy area that, up until recently, had been under national purview, was criticised for taking away the actorness of the countries as well as infringing on the sovereignty of MSs. But how much did the DAs reflect member states opinions? And which ones? This conundrum is what this master thesis seeks to explore for its case studies: Germany and Italy. It will therefore be asking:

‘To what extent did the national preferences of Germany and Italy influence the design of the energy provisions in the EU’s Taxonomy Regulation and its Delegated Acts?’

The search for an answer will find its foundation in a comprehensive literature review, a theoretical framework, and a stringent methodology. It will be followed by a lay of the land on energy markets and policy in chapter eight, which also includes a summary of the EU Taxonomy Regulation. The subsequent chapter will then provide insights into the ten possible avenues of lobbying for MSs extracted from a variety of academic literature on the topic. Chapter ten will then use the factors to determine where and how both countries exerted their power, with the penultimate chapter concluding on the findings. This is followed by a short chapter on policy recommendations for Germany, Italy, and the EU derived from said conclusions.

7 Research Foundations and Conceptual Underpinnings

This chapter will provide a literature review, the theoretical approach, and the methodology.

7.1 Literature Review

Three major research fields build the foundation of my analysis. Firstly, the literature on energy markets and policy, globally as well as EU-centric; secondly, the existing research on the EU Taxonomy Regulation; and thirdly, the academic knowledge on national influences within the EU's policy-making process.

Literature on Energy Markets and Policy

Energy has been at the heart of European projects since their inauguration after the end of the Second World War (WWII) and was used to rebuild Europe (Gillingham, 1991, pp. ix–xv; Kanellakis, Martinopoulos and Zachariadis, 2013; Szulecki *et al.*, 2016). However, despite this historic importance and connection, the EU has had very limited influence on energy policy. Until recently, it had been restricted to its economic competence while all other aspects (security, geopolitics, etc.) remained under national aegis (Egenhofer *et al.*, 2011; Kanellakis, Martinopoulos and Zachariadis, 2013). True EU energy governance emerged only with the Lisbon Treaty of 2007 which explicitly made energy policy a shared competence under Article 194 of the Treaty of the Function of the European Union (TFEU) (Solorio Sandoval and Morata, 2012; European Union, 2016a). This was accompanied by an increasing liberalisation of energy markets¹ and a growing interlacing of climate and energy policy (Kanellakis, Martinopoulos and Zachariadis, 2013; Siddi, 2016; Szulecki *et al.*, 2016).

Thus, scholarly study of energy policy at the EU level has become more prominent recently (Hancher and Salerno, 2012), and the 'energy policy triangle' (Szulecki *et al.*, 2016, p. 549) was invented as a lens to differentiate and analyse policy developments.

¹ For example, via the Third Energy Package of 2009 and the strategic plans for an Energy Union.

The triangle contrasts the influence of three dimensions: supply security, sustainability, and competitiveness (Kanellakis, Martinopoulos and Zachariadis, 2013; Szulecki *et al.*, 2016).

Security of supply is the security dimension that many states consider central to their policy design. After the two Russian gas cut-offs to Eastern Europe in 2006 and 2009 (Karakullukçu, 2016; Selden, 2020) and the growing reliance of bigger member states such as Germany on Russian gas imports (Kanellakis, Martinopoulos and Zachariadis, 2013; Karakullukçu, 2016), security was often cited as a reason for an EU Energy Union (Siddi, 2016; Szulecki *et al.*, 2016; Center for European Integration Studies (ZEI), no date). Geopolitical tensions heightened further in 2014 with the invasion of Ukraine's peninsula Crimea, but despite the aggression, the EU and many MSs (primarily Germany) continued their competitiveness angle to energy policy instead of securing supply (Karakullukçu, 2016; Voytyuk, 2022).

The centrality of competitiveness was then supplanted by the focus on sustainability. Climate policy rose in prominence after the Kyoto Protocol of 1997 (Kanellakis, Martinopoulos and Zachariadis, 2013), so much so, that the current European Commission President Ursula von der Leyen has made the Green Deal the primary legislative project (Vorreiter, 2020b, 2020a). But, as Kanellakis, Marinopoulos and Zachariadis (2013) describe, environmental objectives have been at the centre of EU legislation since the mid-2000s. Thus, the EU's order of priorities was environmental aspects, then competitiveness, and lastly security – which has only recently been disrupted by the Russian invasion of Ukraine in 2022.

Apart from explorations of policy change, the literature also highlights the wide gap between MSs' energy objectives (Egenhofer *et al.*, 2011). For example, Germany and Italy have been staunchly anti-nuclear power, whereas France is actively promoting it, which slows down EU-harmonisation (Szulecki *et al.*, 2016). This is counteracted by institutions like the Commission that use their power to facilitate the aggregation, despite limited legal power (Chou and Riddervold, 2015). Primarily, they exercise their influence through providing expertise (*ibid.*), the Commission presidency (Kassim *et al.*, 2017), and strategic long-term planning (Hartlapp, 2017).

These internal influences on EU energy policy are complemented by global developments. The last two decades have seen ‘dramatic changes to energy markets, energy policy and energy regimes’ (Goldthau and Sitter, 2021, p. 467) for example, in the lessening of oil and gas dependency of the Western world on the Middle East, the EU’s push towards an integrated energy market, and the rise of climate considerations (Goldthau, 2012; Goldthau and Sitter, 2021). Thus, a multitude of policy areas, political actors, and institutions try to govern (EU) energy policy (Bostan, 2021).

Literature on the EU Taxonomy Regulation

The Taxonomy Regulation was birthed from the environmental focus of EU policy-making, but since some aspects are still under negotiation in the European institutions, a comprehensive literature has yet to be established. Only sporadic and limited research has been conducted until September 2023. Hoepner and Schneider (2022), for example, investigate to what extent companies in the EU are considered sustainable according to the legislation. Others have examined how the EU Taxonomy promotes the concept of circular economy (Falkenberg, Schneeberger and Pöchtrager, 2023); how it will impact the finance and banking sector (Kirschenmann, 2022); and stakeholder attitudes towards it (Norang *et al.*, 2023). Furthermore, there is also well-founded criticism of the regulation, especially its impact on the economy and the extensive bureaucratic reporting requirements (Fuest and Meier, 2022; Kooths, 2022). However, noticeably absent is an investigation of the national preferences and their transposition on the EU level for energy policy.

Literature on the National Influences on EU Policies

To scrutinise the impact of national preferences on the TR, how MSs can influence EU policies needs to be explored. Since this primarily occurs in the Council and is largely obscured by secrecy, academic scholarship has limited *empirical* and *direct* evidence. Further, Stefanie Bailer (2004) points out that quantifying power is difficult, and that her interviewees held very different views on the success of a member state compared to her data.

However, since her assessment, the bargaining foundations of the EU were structurally altered. Under the Treaty of Lisbon the thresholds for Qualified Majority Voting (QMV) were changed (Schure and Verdun, 2008; Scopelliti, 2008; Law, 2022) and it was extended to cover almost all policy areas, where unanimity had previously ruled (Scopelliti, 2008; Häge, 2013). Nonetheless, despite the supposed simplification, the Council has continued to largely rely on consensus (van Roozendaal, Hosli and Heetman, 2012; Häge, 2013; Høyland and Wøien Hansen, 2014).

Furthermore, the institutions that are meant to facilitate the European project have also gained surprising influence on the outcome of legislation. The Commission, for example, can now formulate tertiary legislation on its own (Yordanova and Zhelyazkova, 2020), while the European Parliament achieved a greater degree of inclusion in the policy-making process (Benedetto and Hix, 2007). Moreover, the closer a member states position is to the Commission's, the higher the success rate in bargaining (Bailer, 2004; Arregui, 2016; Guggenbühl, 2018) – hence attributing more importance to its opinions. This makes it a prime target for lobbying and Panke (2012) illustrates the different avenues a MS might take to transpose its position: lobbying the European Commission or a specific Commissioner (Killermann, 2016), the agenda-setter (i.e., the Council Presidency), or the European Parliament. According to Panke (2012), Germany and Italy are in the top ten (out of 28 MS) when it comes to frequency of lobbying, wherein the Council Presidency and the Commission are approached most often. However, they place different importance on policy areas – while Germany is on the ball when it comes to environmental policy, Italy concentrates on economic policies (ibid.). Finally, the Council, but especially its Presidency can be effectively lobbied, although some evidence suggests that the effectiveness has decreased since Lisbon (Arregui and Thomson, 2009).

Evidently, there is a plethora of literature on important aspects of my thesis, contrasted by a crucial absence in other areas. Nonetheless, the academic research paints a clear picture: Germany is a big MS that has more power, heightened by strategic lobbying efforts. Thus, its viewpoint should be at minimum noticeable, and at best very influential at the EU level. Italy is in a similar category, as the third biggest MS when it

comes to population (European Union, no date c), it should count as another heavyweight with a lot of influence at the EU level.

7.2 Theoretical Framework

At its core, this is an exploration of *national exertion of influence in EU energy regulation*. Thus, it is characterised by the theoretical foundations of European Political Economy (EPE) and European Integration Theory. The former, at its macro level, is divided into two mainstream approaches: *neo-functionalism* and *intergovernmentalism* (Talani, 2014).

The first approach, *neo-functionalism*, relies on the de-structuring of the state as the principal actor, instead, they consider the individual societal actors. They, therefore, delve deeper into the formation of preferred policies at the national level and move away from the strict realist perspective of economic gain and state survival (Hooghe and Marks, 2019, p. 1114). The neo-functionalists assert that through functional spillovers policies, policy areas, and sectors get gradually integrated into the system. Thereby, creating interdependence and a transfer of the population's loyalty from the state to the supranational entity (Talani, 2014; Dür, Moser and Gabriele, 2020).

Intergovernmentalism, on the other hand, relies on a different set of presuppositions (Talani, 2014, pp. 25–58). Instead of splitting the state into its individual power components, it considers the state to be the primary, rational actor (Moravcsik, 1993, 1998, pp. 19–20; Talani, 2014, pp. 25–58). It postulates that states join intergovernmental bargaining processes that are solved at the lowest common denominator and thereby restrict the degree of supranationalism (Verhoeff and Niemann, 2011; Talani, 2014, pp. 25–58). *Liberal intergovernmentalism* (LI), an extension by Andrew Moravcsik, expanded on the ideas by adding an explanation for the formation of national preferences based on the domestic societal actors (Kleine and Pollack, 2018; Hooghe and Marks, 2019). Principally, Liberal Intergovernmentalists see supranational institutions as tools for the member states with little to no effect on the political positioning, which, in contrast, is largely based on national economic preferences.

But the two mainstream approaches are also complemented by the critical approaches (Talani, 2014, pp. 59–80). These are a collection of different theories that argue against the basic suppositions and axioms of the mainstream theories. They are largely based on the idea that ‘Social reality is not a *datum* (something which is given), it is a *factum* (something which has been “constructed”)’ (ibid., p. 59, original emphasis). Thus, there is no objective reality and the existing structures have been created by individuals, groups, or the state (Christiansen, Jorgensen and Wiener, 1999; Onuf, 2012, pp. 3–50). Within the critical approaches, there are several different schools of thought, but at heart, all the critical approaches disagree with an objective reality.

From these three different theoretical schools of thought, most integration scholars derive their research frameworks. For this investigation, Moravcsik’s *Liberal Intergovernmentalism* has been chosen. The other two theories were rejected because the critical approaches epistemologically prevent an empirical assessment, and the neo-functionalists operate on the premise of societal actors, not states at the European level. LI, *au contraire*, is investigating the behaviour of states within the European intergovernmental bargaining process (underscored by national preference building of societal actors which are mentioned peripherally throughout this thesis).

Accordingly, this investigation accepts the fundamental premises that countries act in their **best (economic) self-interest**, but takes the evidence and pattern uncovered by Verhoeff and Niemann’s article “National Preferences and the European Union Presidency: The Case of German Energy Policy towards Russia” (2011) as a jumping-off-point for the investigation. In the article, they find that Germany during its Council Presidency in 2007 acted against its domestic interests in energy policy in favour of strengthening EU unity, which is contrary to other MS behaviours² (Arregui and Thomson, 2009; De La Baume *et al.*, 2021; Interview D, p. 143). This presents a conundrum that is explored *de novo* for a different file in the same policy field and two case study countries here in order to explore whether or not the findings were outlier behaviours.

² For example, Macron used the French Council Presidency in 2022 for furthering his campaign for re-election (Caulcutt, 2022).

There is, however, one fundamental difference between the evidence presented by the Verhoeff and Niemann and the investigation here (apart from the added case study). The scholars assert a difference in behaviour when *Germany took over an office within the legislative structure of the European Union* – which is meant to be an ‘honest broker’ (European Council, 2023c). The fact that Germany behaved the way it did is hence arguably built into the office – with other MSs deviating from the norm.

Contrary to Verhoeff and Niemann, this investigation will not juxtapose Germany’s and Italy’s attitudes in different institutional and political positions but instead, analyse the straightforward positioning of the nation-state in the web of the European Union for the timeframe of the EU’s Taxonomy Regulation negotiations on energy policy (2016-2022). Thus, while this analysis draws inspiration from them, it will investigate whether findings can be confirmed in the context of unambiguous liberal intergovernmentalist state bargaining.

Accordingly, this is the hypothesis: while MSs generally act in their own best interest in energy policy, Germany and Italy instead facilitated the EU’s unity on the EU Taxonomy Regulation (primarily the contentious issue of nuclear power).

7.3 Methodology

This master thesis relies on a qualitative analysis of publicly available documents, and information reported in the press – similar to the methodology used by Verhoeff and Niemann (2011), and Falkenberg, Schneeberger, and Pöchtrager (2023). Through the extraction of available influencing mechanisms from the literature, the behaviours of the German and Italian governments will be analysed.

This, coupled with the insights from six semi-structured interviews with mostly lobbying professionals, will complement the analysis. Unfortunately, the outreach for interviews was met with participants largely from a similar background (business lobbyists) and with disproportionate input for the German case study, which skews the collected data. However, since the questionnaires will only find anecdotal inclusion in my arguments, they hold comparatively little impact, and should not affect the outcome of this study.

Interviewees were asked to answer ten questions on the TR and then ten questions on the national positioning of Germany or Italy. The interviews were either conducted via Teams or through a written procedure, then transcribed, and anonymised. The transcription included a cleaning-up of the answers to increase readability, which was followed by a review of them by the interviewees to ensure the accuracy. In addition, not all of them chose to answer every question. Prior to the conducting of any interviews, ethical clearance (Minimal Risk Assessment) was obtained on the 25th of April 2023 from King's College London. All information provided by participants was treated according to the guidelines set out by King's College London and the Luiss Guido Carli University. Further, signed copies of consent can be presented upon request, but to ensure anonymity, they are not attached in the appendix.

Like all academic projects, this master thesis is not without its flaws. In fact, two factors will be limiting the scope, and the practical usefulness. Firstly, this work rests largely on the investigation of two countries (out of 27/28) and is therefore not generalisable. Secondly, especially for the case study of Italy, there were language barriers that inhibited the comprehensive investigation – this was mostly circumvented via using translation tools (DeepL) for Italian but cannot guarantee comprehensiveness. Thirdly, the design of the study offers only **correlation, not causality**, which limits the usefulness of the findings. These limitations will be further explored at the appropriate time and in context.

8.1.1 In the World

The world has continuously evolved its use of energy carriers, from biomass to coal, to oil and gas – usually because the energy density was higher with the new resource (Mitchell, 2009; The Oxford Institute for Energy Studies *et al.*, 2021; Ritchie, Roser and Rosado, 2022b, pp. 32–36). Today, politicians, especially in Europe, claim that renewable energy sources will disrupt the supply market again and move it away from fossil fuels (The Oxford Institute for Energy Studies *et al.*, 2021, p. 2), but as is evident from Chart 1, globally, that is yet to occur (Van de Graaf, 2013, pp. 44-63).

Fossil fuels continue to be extremely relevant, but they are not dispensed equally across the globe. Some countries are net exporters, while others import energy carriers or electricity which can make them vulnerable to disruptions (Yetiv, 2015, pp. 1–12; Ji *et al.*, 2022). But while some sectors can sustain certain amounts of disturbances, energy supply is the basis for a functioning society and economy and is thus *indispensable*. This singular importance, for example, can currently be observed in South Africa, where the government has to regularly order power cut-offs up to 16 hours a day (Harding, 2023), which keeps it tethering on the brink of collapse.

There are only a handful of changes that have had a great impact on global energy markets and policies in recent years. Firstly, the US became a net exporter of fossil fuels after the oil and energy crisis of 1973 and 1979 (Mitchell, 2010; Yetiv, 2015, pp. 1–12). It lessened Western dependencies on antagonistic regimes, but due to the geographical distance to the US and economic advantages, Europe continued (and even increased) its reliance on Russian oil and gas imports (Acevedo and Lorca-Susino, 2021). This misguided trust in the Putin regime, however, was shattered with the invasion of Ukraine in 2022.

Secondly, the rise of China – which had a twofold impact, the explosion of energy demands, but more crucially, it becoming the largest exporter of renewable technology in the world (Ritchie, Roser and Rosado, 2022a; Song-Pehamberger, 2023). Primarily, the supply chains of solar panels and wind turbines are dominated by it, but more importantly batteries too (Song-Pehamberger, 2023). Moreover, raw materials, like rare earths, lithium, cobalt, etc., which are paramount to modern, green technologies,

are largely sourced or refined in China. This situation mirrors the dependency of Europe on Russian oil and gas – and has, thus, the potential to become dangerous.

Another global change has been the pivoting towards environmental protection. The UN's Sustainable Development Goals and Climate Conferences have shaped political discourse towards the increase of environmental standards. From this emerged, for example, the Paris Agreement, a political pact between 194 parties to keep global warming to a minimum (United Nations, Department of Economic and Social Affairs and Sustainable Development, no date). It now gets regularly invoked for all kinds of sustainability regulation in the EU and by member states.

In short, there were three major changes: the US became a net exporter, China grew into an international player, and environmental concerns are now shaping global energy markets and policies.

8.1.2 In the EU

Similarly, to the US, albeit much later, the EU confronted its energy security problem. After the collapse of the Union of Soviet Socialist Republics in the early 1990s, world leaders and scholars believed the utopia of post-war societies was ushered in (McCarthy and Prudham, 2004; Ikenberry, 2011, pp. 16–35, 89–112; McCarthy, 2013). Within this context, and augmented by the need for transition energy carriers for the advancement of the green agenda, many EU states deepened their ties to Russia with by growing gas and oil imports (Gümüş, 2015). In 2014 for example the EU imported 50% of its gas and 32% of its oil from Russia (European Commission, 2014; Gümüş, 2015). This however, gave Russia a geopolitical tool which it used in 2006 by cutting off the Ukrainian gas pipeline (Proedrou, 2007, p. 339; McGowan, 2011), and repeated in 2009 (McGowan, 2011; Le Coq and Paltseva, 2012). Then Russia occupied Crimea, a Ukrainian peninsula, in 2014 (Goldthau and Sitter, 2015) – which culminated in the Russian invasion of Ukraine eight years later (Rabbi *et al.*, 2022).

The attack sent the proverbial dominos flying and caused a dramatic shift in energy policy, nationally and Europe-wide. Whereas influential member states, primarily Germany, had pushed for a closer economic relationship with Russia via new gas and

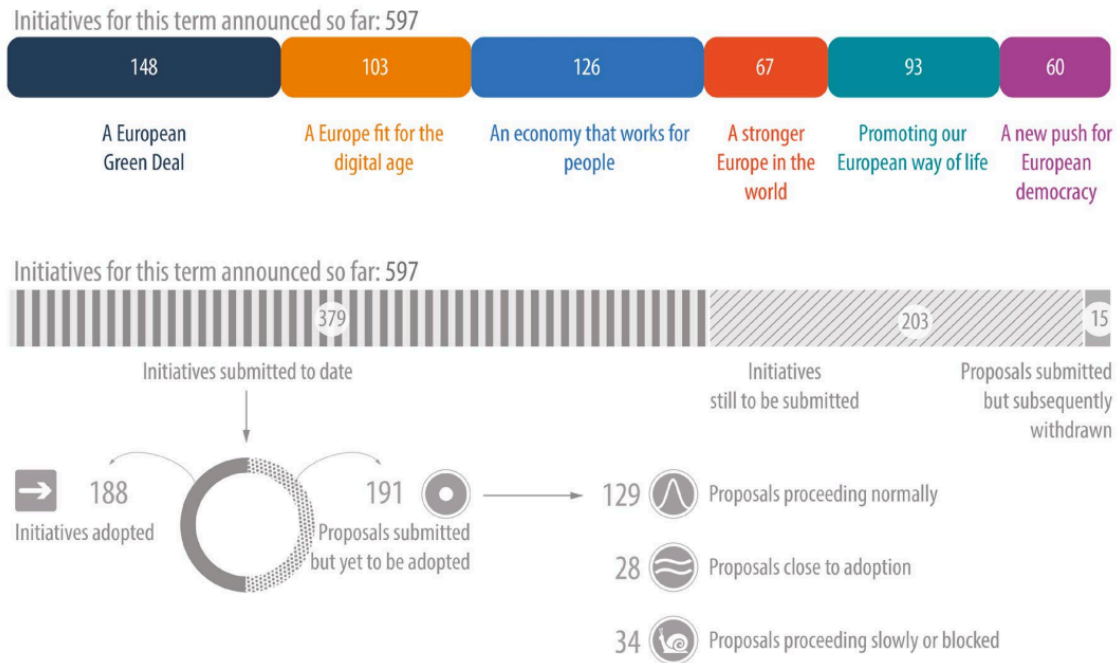
oil pipelines (Le Coq and Paltseva, 2012), the invasion ended the economic vision. The European Union pivoted on their stance on Russia, applied hard-hitting economic sanctions, such as banning Russia from SWIFT³, and decided to try to wean off from Russian fossil fuel imports (European Council, 2022a; Rabbi *et al.*, 2022).

The effects reverberated across Europe. Decoupling, reshoring, nearshoring and diversification began dominating EU energy strategies as well as Germany's and were even used to advance the green transition (European Commission, 2022d; Fuest *et al.*, 2022; European Commission, 2023b; Presse- und Informationsamt der Bundesregierung, 2023). The German Federal Minister for Economic Affairs and Climate Action, Robert Habeck, for example, claimed: 'The high world market prices for fossil fuel due to Russia's war of aggression are affecting [...] Germany and Europe [...]. It is therefore more important than ever to press ahead even harder with the global energy transition' (German Federal Ministry for Economic Affairs and Climate Action, 2022). Similarly, Frans Timmermans, the current EU Commissioner for Climate Action, echoed: 'It is more urgent than ever that Europe become[s the] master of its own destiny, increase[s] its resilience and sovereignty and continue[s] to lead the world in facing the climate crisis' (Taylor and Simon, 2022).

The already fast-proceeding green agenda gained even more momentum. Both the Jean-Claude Juncker Commission (2014-2019) and the successor Commission of Ursula von der Leyen (2019-2024) had put great emphasis on the ecological transition prior to the invasion already (European Council, 2022b). But while the early stages separated climate policy, in recent years a holistic approach has gained traction. The Juncker Commission specifically linked energy and climate policy while also increasingly engaging in direct market adjustments, such as the ban on the sale of new combustion engine cars from 2035 onwards (European Parliament, 2022b; Center for European Integration Studies (ZEI), no date; European Commission, no date a).

³ SWIFT is the most used European financial messaging services which is used to exchange financial data. Only a few days after the invasion the EU decided to impose restrictions on 'sell[ing], supply[ing], transfer[ing] or export[ing] euro denominated banknotes to Russia' (European Council, 2022a).

The legislative program of the current Commission has six priorities, the first of which is the Green Deal where a majority of initiatives are (to be) introduced (Skjaereth, 2021; EPRS (European Parliamentary Research Service), 2023).



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Thus, as Image 1 clarifies the environmental agenda takes centre stage, especially coupled with the geopolitical shifts and immediate policy reactions that occurred over the past year and a half. Both factors heavily impact EU energy policies and are in fact their primary paradigms.

8.2 Energy Policy Formation

After having gained an understanding of the major influencing factors in the world and within the EU for energy policy, we now turn to the process of energy policy formation.

8.2.1 In the World

Due to the vital importance of energy for stable systems, national actors as well as international organisations seek to influence energy policy. But there is no World Trade Organisation (WTO) or World Health Organisation (WHO) focussed on energy (Van de Graaf, 2013, p. 5). The International Energy Agency (IEA), which comes closest and is adjacent to the Organisation for Economic Co-operation and Development (OECD), covers only 31 member states. It was founded after the oil crisis in 1973 to coordinate a global response but has since then taken on the facilitation of the ‘global dialogue on energy’ (IEA, no date).

This resulted in the Energy Charter Treaty 1994 which was the first multilateral framework that promoted ‘energy security through the operation of more open and competitive energy markets, while respecting the principles of sustainable development and sovereignty over energy resources’ (The Energy Charter Treaty, 1994). The treaty was overhauled in 2015 and became the International Energy Treaty, signed by 72 states, the EU, the European Atomic Energy Community (EURATOM), and the Economic Community of West African States (ECOWAS). However, the international agreement has neither *legally binding obligations nor financial responsibilities* (Energy Charter, 2016). Thus, on the energy front, due to heavy nationalist protection, there is little global cooperation, even though it has been called for plenty of times (Van de Graaf, 2013, pp. 1-20, 44-63).

Nonetheless, the absence of a specific energy agreement does not mean the absence of global governance. Since energy is one of the major contributors to CO₂ emissions and pollution, international climate treaties provide some global governance, through the Paris Agreement for example. Crucially, it does not contain specific targets for emission reduction in the energy sector – instead, it outlines broader targets such as the containment of the global temperature rise to 1.5°C (UNFCCC, 2015). But it gets invoked when new laws are being set out by national governments (Wilke, 2013; Die Deutsche Bundesregierung, 2019, pp. 31-48) and the EU’s institutions to combat climate change (European Parliament, 2022a; European Commission, no date b). Thus, global climate law is used to shape energy policy indirectly.

8.2.2 In the EU

Until recently the European Union only contributed to energy policy via economic competencies, but under the Treaty of Lisbon, it gained shared competency (Hancher and Salerno, 2012; Schunz and De Jong, 2012). This allowed the EU's promotion of liberalisation but also an interlacing with climate policy since the mid-2000s (Fernandez, 2018).

For shared competencies, the EU's role is limited, and primarily executed via soft law. The Open Method of Coordination (OMC) is often used in instances where member states face similar issues across the Union, but national sensitivities cause friction (Scott and Trubek, 2002) – with energy policy being a prime example (Szulecki and Claes, 2019). It allows the MSs to find common ground and set Europe-wide targets, while the process towards achieving them is left to national discretion (De La Porte and Stiller, 2020). In more recent years, soft law has hardened – when it comes to energy policy, for example, the EU uses its direct power via climate laws to transform it (Szulecki and Claes, 2019).

This evolution can be traced especially clearly in the differences in approach to energy and climate policy by the Juncker Commission (2014-2019) and the von der Leyen Commission (2019-2024). While the former slowly pushed for the creation of a common European energy policy (Siddi, 2016; Szulecki *et al.*, 2016), von der Leyen set out a more direct governance via environmental competence (Szulecki and Claes, 2019; Tagliapietra, 2019; EPRS (European Parliamentary Research Service), 2023). Huhta makes this explicit by pointing out that the TFEU in Article 194(2) explicitly states: “the objectives of EU energy policy ‘shall not affect a Member State’s right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply’” (Huhta, 2021, p. 993) – but that international and European climate law will interfere with exactly that (*ibid.*).

Thus, EU energy policy sits at a curious juxtaposition – in principle a shared competency that limits the EU's influence but simultaneously empowered by environmental law where MSs have conceded many responsibilities. This has been compounded by the return of security concerns to policy-making since the Russian

invasion, which allowed for a joint response of the Union, e.g., via the REPowerEU Plan (European Commission, 2022d). This is unprecedented since hard politics such as security policy are traditionally in the hands of the member states (Huhta, 2021).

8.3 The EU Taxonomy Regulation

The EU Taxonomy Regulation emerged in 2016 under Juncker, and against the backdrop of a lack of investment in the green transition (European Commission, no date b). Thus, a High-Level-Expert Group on Sustainable Finance (HLEG) was convened to produce an Action Plan for Financing Sustainable Growth which included the suggestion of a Taxonomy (European Commission, 2023a).

Based upon the Action Plan a Technical Expert Group on Sustainable Finance (TEG) was assembled and asked to create a proposal in 2018 (European Commission, no date h). The Group was composed of 35 members from ‘civil society, academia, business and the finance sector, as well as additional members and observers from EU and international public bodies’ (European Commission, no date d). They created a draft regulation, collected stakeholder feedback (European Commission, 2020c), and presented it to the Directorate-General for Financial Stability, Financial Services and Capital Markets Union (DG FISMA)⁴ in March 2020 (The Technical Expert Group on Sustainable Finance, 2020).

The TEG’s suggestions were then used by DG FISMA to produce a legislative text and a detailed impact assessment (European Commission, no date d, p. 6-9). Once published the Trilogue – the negotiations over the regulation’s provisions between the European Commission, the Council (European Council, 2020a), and the European Parliament (European Parliament, 2023) – was quickly completed. Thus, the regulation swiftly entered into force on the 12th of July 2020 (European Union, 2020).

⁴ The DGs are the Commission’s working groups split by policy fields (European Commission, no date e).

27 June 2023	Delegated act - Environmental and climate	<p>Adoption of a Delegated Act for economic activities substantially contributing to the objectives of</p> <ol style="list-style-type: none"> 1. sustainable use and protection of water and marine resources 2. transition to a circular economy 3. pollution prevention and control 4. protection and restoration of biodiversity and ecosystems <p>Amendments to add economic activities to the list of those substantially contributing to the objectives of climate change mitigation and adaptation, and to clarify the reporting obligations for the additional activities. The delegated acts were approved in principle on 13 June 2023 and adopted on 27 June 2023.</p>
October 2022 - October 2024	Expert group - Platform on Sustainable Finance	<p>Second mandate of the Platform on Sustainable Finance.</p>
15 July 2022	Delegated act - Climate	<p>Publication of a Complementary Climate Delegated Act in the Official Journal, including, under strict conditions, specific nuclear and gas energy activities in the list of economic activities covered by the EU taxonomy.</p> <p>The delegated act applies as of January 2023.</p> <p>The criteria for the specific gas and nuclear activities are in line with EU climate and environmental objectives and will help accelerate the shift from solid or liquid fossil fuels, including coal, towards a climate-neutral future.</p>
10 December 2021	Delegated act - Disclosures	<p>Publication of a Delegated Act supplementing Article 8 of the Taxonomy Regulation in the Official Journal.</p> <p>This Delegated Act specifies the content, methodology and presentation of information to be disclosed by financial and non-financial undertakings concerning the proportion of environmentally sustainable economic activities in their business, investments or lending activities.</p>
9 December 2021	Delegated act - Climate	<p>Publication of a Delegated Act on sustainable activities for climate change adaptation and mitigation objectives in the Official Journal.</p> <p>The delegated act applies as of January 2022.</p> <p>The publication of the first Delegated Act was accompanied by the adoption of a Commission Communication on 'EU taxonomy, corporate sustainability reporting, sustainability preferences and fiduciary duties: Directing finance towards the European green deal' that aimed at delivering key messages on how the sustainable finance toolbox facilitates access to finance for the transition. This Communication builds on the transition finance report adopted by the Platform on Sustainable Finance in March 2021.</p>
October 2020 - October 2022	Expert group - Platform on Sustainable Finance	<p>First mandate of the Platform on Sustainable Finance.</p>
12 July 2020	Legislation - Taxonomy Regulation	<p>The Taxonomy Regulation enters into force.</p>
22 June 2020	Legislation - Taxonomy Regulation	<p>Publication of the Taxonomy Regulation in the Official Journal of the European Union.</p>
July 2018 - July 2020	Expert group - Technical expert group	<p>In order to inform its work on the action plan, including on the EU taxonomy, the European Commission established a Technical Expert Group (TEG) on sustainable finance.</p>
8 March 2018	Action plan - Financing sustainable growth	<p>Publication of the Commission's renewed sustainable finance strategy and implementation of the action plan on financing sustainable growth.</p>
<div style="border: 1px solid black; padding: 2px; display: inline-block;">Hide 7 items ^</div>		
2016 - 2018	Expert group - High-level expert group	<p>Mandate of the High-level expert group on sustainable finance.</p>

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The regulation contains six environmental objectives: *climate change mitigation* (1), *climate change adaptation* (2), *sustainable use and protection of water and marine resources* (3), *transition to a circular economy* (4), *pollution prevention and control* (5), as well as *protection and restoration of biodiversity and ecosystems* (6). Businesses that contribute to at least one of the targets and do no significant harm (DNSH) to any of the others, can be classified as environmentally sustainable if they also comply with the minimum safeguards and adhere to the technical screening criteria (European Commission, no date c). Through this system, investors will supposedly be provided with a report on a company's or project's sustainability – which is supposed to increase investment.

However, the regulation does not specify the technical screening criteria, instead, they are set out in multiple Delegated Acts which are 'non-legislative acts adopted by the European Commission that serve to amend or supplement the non-essential elements of the legislation' (European Union, no date b). This denotes that the DAs cannot be amended by either Parliament or Council, both can only 'revoke the delegation of power to the Commission' (ibid.).

Following the adoption of the regulation in 2020, the Commission set about designing the DAs, for which they convened another expert group called the Platform on Sustainable Finance (PSF) (European Commission, no date g). Since then, the Commission has set out four DAs as can be seen in Image 2:

- I. The Climate Delegated Act (2021)
- II. The Disclosures Delegated Act (2021)
- III. The Complimentary Climate Delegated Act (2022)
- IV. The Environment and Climate Delegated Act (2023)

Only two of those impact energy policy – the Climate Delegated Act and the Complimentary Climate Delegated Act.

8.3.1 The Climate Delegated Act

For the objectives (1) and (2) of the regulation, the European Commission compiled the Climate Delegated Act to classify ‘the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially’ (European Commission, 2021).

The DA’s text sets out the criteria for energy production types to be recognised as green – however, crucially, it leaves out nuclear power and natural gas (European Commission, 2021, pp. 5-6). This was due to the highly contested nature of their sustainability by stakeholders, but while nuclear power had been excluded from the beginning, *natural gas was only removed after the MS’s feedback round in November 2020* (European Parliament, 2022a, p. 4).

The amendments made the CDA uncontroversial. Thus, it was formally adopted in June 2021 and presented to the other institutions for examination. The deadline for final approval was set for four months (double the time usually allotted) (European Parliament, 2022a; European Union, no date b). Nonetheless, the Council asked for an additional two months, which was granted, and extended the review time to a total of six months. Within the European Parliament, on the other hand, there were several attempts made to reject the DA (McLoughlin, 2021) but ultimately, neither institution objected and the authorisation was concluded in December 2021 (European Parliament, 2022a). The Taxonomy Regulation entered into force in January 2022.

8.3.2 The Complementary Climate Delegated Act

Nuclear power and natural gas, on the other hand, were classified in the Complimentary Climate Delegated Act. In April 2021 the Commission announced its intention to produce the CCDA which would allow nuclear power and natural gas to be transition energy carriers if they adhere to the DNSH criteria – a compromise between the positions of Council and Parliament from December 2019 (ibid.).

The Commission compiled its draft and shared it with the Member States Expert Group on Sustainable Finance (MSEG) and the PSF at the end of 2021– the review period was short (until the 21st of January 2022) and caused disgruntlement (Platform on Sustainable Finance, 2022, p. 2). After the rushed responses were gathered, the Commission published the DA in February 2022 to be considered by the other two institutions (European Commission, 2022b, 2022a). The consideration of the Parliament was especially dangerous since the highly publicised debate on whether nuclear power should be green was met with widespread resistance primarily by Members of the European Parliament (MEPs) from anti-nuclear power nations (Abnett, 2022). After the DA's publication, political parties such as the Greens and the Socialists and Democrats (S&D), as well as parts of the European Peoples Party (EPP) expressed their opposition publicly (Simon, 2022). The situation came to a head during the plenary vote on a motion to oppose the DA but was rejected by a narrow 328:311 majority in July 2022 (Abnett, 2022). Thereby affirming the Parliaments agreement with the CCDA.

On the contrary, the Council neither objected to or voted on the CCDA which is an indication of pre-negotiated compromises which run counter to the public statements of some governments. Thus, it entered into force on the 1st of January 2023 (International Trade Administration, U.S. Department of Commerce, 2022).

9 National Influences on EU Policies

After having investigated energy policy, we now turn to national influences on EU policies.

9.1 Inside the Institutions

Most of the impactful ways to influence the EU's legislative process for a MS is from within the institutions, principally the Council. As the organ that gathers the heads of state regularly and 'defines the general political direction and priorities of the European Union' (European Council, 2023a) it is central to national lobbying.

To understand the context for that lobbying, the configuration of EU policy-making in the Ordinary Legislative Procedure (used for the TR and its DAs) has to be set out. As prescribed by the treaties, the Council empowers the Commission to draft a regulation proposal which is then presented to the Council and the Parliament for scrutiny (Copeland, 2021; Mussa, 2022; Bux and Maciejewski, 2023). Once the legislative text is altered through the Trilogue⁵, both Council and Parliament have to accept the legislation and it enters into force when it is published in the Official Journal of the European Union (Copeland, 2021; Pavy, 2023). Depending on the regulation, some additional rules, in this case the Delegated Acts, can be produced almost autonomously by the Commission (European Union, no date b). Thus, all three institutions are suitable lobbying venues.

9.1.1 The Council

Since the Lisbon Treaty energy policy has been one of the fields where unanimity was replaced by Qualified Majority Voting in the Council (Copeland, 2021). With a threshold of 55% of member states (15 out of 27) and a minimum of 65% of the total EU population (European Council, 2014), it supposedly makes the adoption of legislation

⁵ The Trilogue is the term for the negotiation between the three institutions: Commission, Council and Parliament.

easier. But, according to scholars, the Council continues to rely almost exclusively on unanimity (Häge, 2013; Pircher and Farjam, 2021).

To reach an intergovernmental compromise, differences in national preferences need to be bridged. Academics have mapped the variation among MSs and have discerned trends across geographic, ideological, and economic dimensions (Hosli, Mattila and Uriot, 2011; König and Luig, 2012; Bailer, Mattila and Schneider, 2015). Most robust is the research on a North-South and an ideological divide based on national partisan tendencies – but other academics have criticised these studies for conflating correlation with causation. For example, the voting bloc of the Visegrad Group (Poland, the Czech Republic, Slovakia, and Hungary) exists geographically, but is caused by the similarity of their financial and economic interests (Bailer, Mattila and Schneider, 2015). This is exasperated by the importance of sectorial lobbying which often overrides party politics. This is exemplified by the German Economy Minister Robert Habeck from the Greens who in the face of the Russian geopolitical threat green-lit weapon exports, prolonged nuclear power plant use, and increased the burning of coal in the interest of the country and Europe (Deutsche Welle, 2022; Kersting and Klöckner, 2022). As my expert interviews corroborate, even with governmental change in a country there is largely consistency in the national positioning at the EU level (Interview A, p. 113). This is also felt on the supranational level, in social policy for example, where under different Commissions and EU treaties⁶ policy directions continued unaltered (Copeland, 2021).

Despite this stability, there are significant differences in state's opinions which necessitate liberal intergovernmentalist bargaining. Apart from geography, ideology, and economics; other factors also matter, size of the MSs' population or international standing (on specific policies) for example. It has been identified that larger EU countries likely have more influence in the initial stages, partly because the institutions want to ensure safe passage for the legislation and consult the important stakeholders in advance (Hosli, Mattila and Uriot, 2011), but also because they have the bureaucratic apparatus to voice their position early (Panke, 2012; Perarnaud and Arregui, 2022). Bargaining positions in the Council largely emerge from the innate

⁶ Copeland (2021) offers a comparison between the pre-Lisbon Barroso Commission (2004-2009), and the post-Lisbon Juncker Commission (2014-2019).

configuration of the economy (Bailer, 2004), with more politically stable and economically successful states controlling most of it (Kudrna and Wasserfallen, 2021), which is in line with Moravscik's *Liberal Intergovernmentalism*.

There are also strong alliances between Council members. Most notably a Franco-German engine that often presents a refined game plan ahead of EU discussions (Jourdain and Fleck, 2023). As the heavyweights in the EU (with Brexit eliminating the UK from the equation), they wield a lot of influence, initiate the drive for policies, and often pre-negotiate compromises (Degner and Leuffen, 2021). For example, when the Eurozone was close to collapse in the aftermath of the Financial Crisis in the early 2010s, Germany and France led the negotiations between the two diametrically opposed sides (strong fiscal discipline vs. fiscal redistribution) (ibid.).

The final influence point is the rotating Council Presidency, which is meant to be an "honest broker" (European Council, 2023c) and often facilitates compromises (ibid., Panke, 2012), similar to the office of the Council President.

9.1.2 The Commission

Within the web EU policy-making, the European Commission holds the central role of comprising policy initiatives for energy policy (Riddervold, 2016, p. 353). As such, it holds the formal agenda-setting powers and is extremely important for MS lobbying (Moloney, 2021). While the formal powers rest with the Commission, other institutions use their informal powers to influence them. For example, the Council exercises control through pre-emptive deals and demands regular process updates and reports (Bocquillon and Dobbels, 2014). Thus, the power balance between both institutions shifts depending on the wider European context and policy issue (Moloney, 2021).

One avenue for lobbying is the Commissioners. There is one Commissioner from every EU state and they are nominated by the heads of state, while the elected Commission President allocates the policy fields (Deckarm, 2017; European Parliament, no date). Consequently, there is an inroad for national policies or opinions to be transposed – but potentially not only to their own national Commissioner, but even the representatives of the smaller nations (Hughes, 2020; Interview A, p. 112;

Interview F, p. 161). Apart from lobbying an existing policy initiative, national administrations or politicians can also call upon the Commission to solve an issue, or the policy monitoring of the Commission anticipates a concern which is then resolved with a new policy (Knill, Eckhard and Grohs, 2016, pp. 1064, 1066–1068). Both are mutually advantageous since the Commission can rely on the nation's support and the state has either transplanted its policies on a higher level or solved a problem (ibid.). Due to the national connection with at least one Commissioner, it would be reasonable to assume that nationality is influential, but Deckarm (2017) shows that there is little evidence for it.

Further, scholars agree that national influences on the Commission have decreased in their significance since the Lisbon Treaty – but that the Council-Commission axis remains the most important power dimension of the EU (Oztas and Kreppel, 2022).

9.1.3 The Parliament

Over the years the European Parliament has acquired more power in the EU's legislative process (ibid.). Still, it is limited to the COD procedure, which means the Parliament gets lobbied the least (Panke, 2012). Moreover, Willumsens (2018) proved that only high-level national interests can push substantial lobbying of MEPs by their corresponding governments. This relative independence can be explained by the fact that EU issues are fairly obscure to domestic audiences and national actors are, therefore, less likely to lobby them. But even in highly salient cases, MEPs only side with their government's opinion roughly 50% of the time (Mühlböck, 2012). They rather organise themselves along national and EU party lines (Baller, 2017). Accordingly, national interests are relatively infrequently lobbied for in the European Parliament and even if they are, national governments have little success.

9.1.4 The Judiciary

The EU has another set of institutions that shape law-making: the Court of Justice of the European Union (ECJ) (Court of Justice of the European Union, 2017). As the

highest judicial body, it is split into two parts: the Court of Justice with one judge from each member state, and the General Court with two judges per country (European Union, no date a). Both can annul or appeal EU law, however, the latter is approached more often (ibid.).

To prevent an EU policy an entity needs to sue either the Commission or the Council (depending on the policy procedure) over violation of a treaty or the sovereignty of a nation. This is frequently threatened, but rarely successful, Slovakia and Hungary for example failed to overturn the Council's decision for migrant distribution in 2015 (Court of Justice of the European Union, 2017).

To increase the likelihood of winning a case, the suing party needs favourable judges. Since they are selected by MSs, national bias can emerge. Recently studies have shown that nationality influences ECJ's decisions (Frankenreiter, 2017). This is exacerbated by the generally small number of judges adjudicating matters (usually 3-5, with a maximum of 13-15) (Court of Justice of the European Union, 2017). However, since the allocation of the judges occurs at the beginning of their term, there is little member states can do to have their judge decide their cases. Thus, national influences are severely curtailed (Obermaier, 2009; Panasiuk and Jarocki, 2017; Mussche and Lens, 2019).

9.2 Outside the Institutions

While “inside-lobbying strategies” are the most effective (Dialer and Richter, 2019, pp. 1–18), there are also external approaches: leadership and vox populi, for example. However, they are harder to control and might not align with national interests.

For the EU, three politicians have been recognised in their European leadership role the most: Angela Merkel, Ursula von der Leyen, and Emmanuel Macron. Germany under the reign of Merkel, Chancellor from 2005 to 2021, had become indispensable (Matthijs, 2016). She facilitated the financial rescue of the PIIGS-states⁷ in the 2010s and brokered the EU-Turkey-Deal during the Migration Crisis in 2016 to prevent the

⁷ The PIIGS-states (Portugal, Ireland, Italy, Greece, and Spain) were hit the worst during the Financial and the Sovereign Debt Crisis. They received monetary aid from the EU (Brazys and Hardiman, 2014).

collapse of the Schengen Agreement (ibid., Reiners and Tekin, 2020). If there was a deal to be reached, Merkel's support was necessary. Her influence only declined slowly in the later years of her chancellorship (Deutschlandfunk, 2018).

Ursula von der Leyen, likewise a German politician, was a member of all Merkel Cabinets as a minister (i.e., Minister of Labour and Social Affairs, Minister of Defence), but then became the European Commission's President in 2019 (Bach, no date). Today, many consider her to be the new leader of the EU – with her effective push for the Green Deal and support for Ukraine (McGrath, 2022; Fleming, 2023). That is not to say that she reigns unfettered – other EU actors make themselves heard too.

The last of the currently distinguished leaders at the EU level is Emmanuel Macron, President of France since May 2017 (de La Baume and von der Burchard, 2022; Herszenhorn and Barigazzi, 2022). Prior he had been Minister for Economics, Industry and Digital Affairs under his predecessor (Heyer, 2016), but seized the European opportunity to set out grand visions for the EU and worked in tandem with Berlin following his accession to the office of President (Karnitschnig, 2018; Mallet, 2021). Since his election, Macron has advanced the concept of "strategic autonomy" in a bid to decouple Europe, decrease its dependency, and become a third superpower (Anderlini and Caulcutt, 2023). And while the recent invasion of Ukraine has lent credence to his arguments, Macron's domestic issues have largely removed him from the EU stage since 2023.

Public opinion can have a similar influence to leadership. However, for the most part, EU politics goes unnoticed by national audiences, since the media's focus is often on domestic issues and the EU policy-making process is complicated (Follesdal and Hix, 2006). Thus, public opinion rarely reaches the heights to impact the EU. In some cases, scholars even find that strong public consensus has *no significant impact* on opinions expressed in the Council (Arregui and Creighton, 2018).

Nonetheless, there are cases where public opinion was impactful, for instance during the EU's negotiations for the Transatlantic Trade and Investment Partnership (TTIP) with the US and the Comprehensive Economic and Trade Agreement (CETA) with Canada, vocal public opposition emerged that prevented TTIP entirely (The Guardian, 2016) and is still delaying the ratification of CETA (De Bièvre and Poletti, 2020; Rooke

and De Castro, 2022). Overall, while *vox populi* can impact EU policy-making, it rarely does.

9.3 Summary of the Influencing Mechanisms

As has been demonstrated there are plenty of ways national preferences can impact EU policy – some more, some less effective. This is the complete list of influence options extracted from the literature:

1. Advocacy in the Council
2. Formation of a Policy Alliance
3. Lobbying of the Council Presidency/President
4. Lobbying of the Commission's Agenda
5. Lobbying of a Commissioner
6. National Administrators or Politicians Call for an European Policy Solution
7. Lobbying of National MEPs
8. Judicial Proceedings
9. Leadership
10. Vox Populi

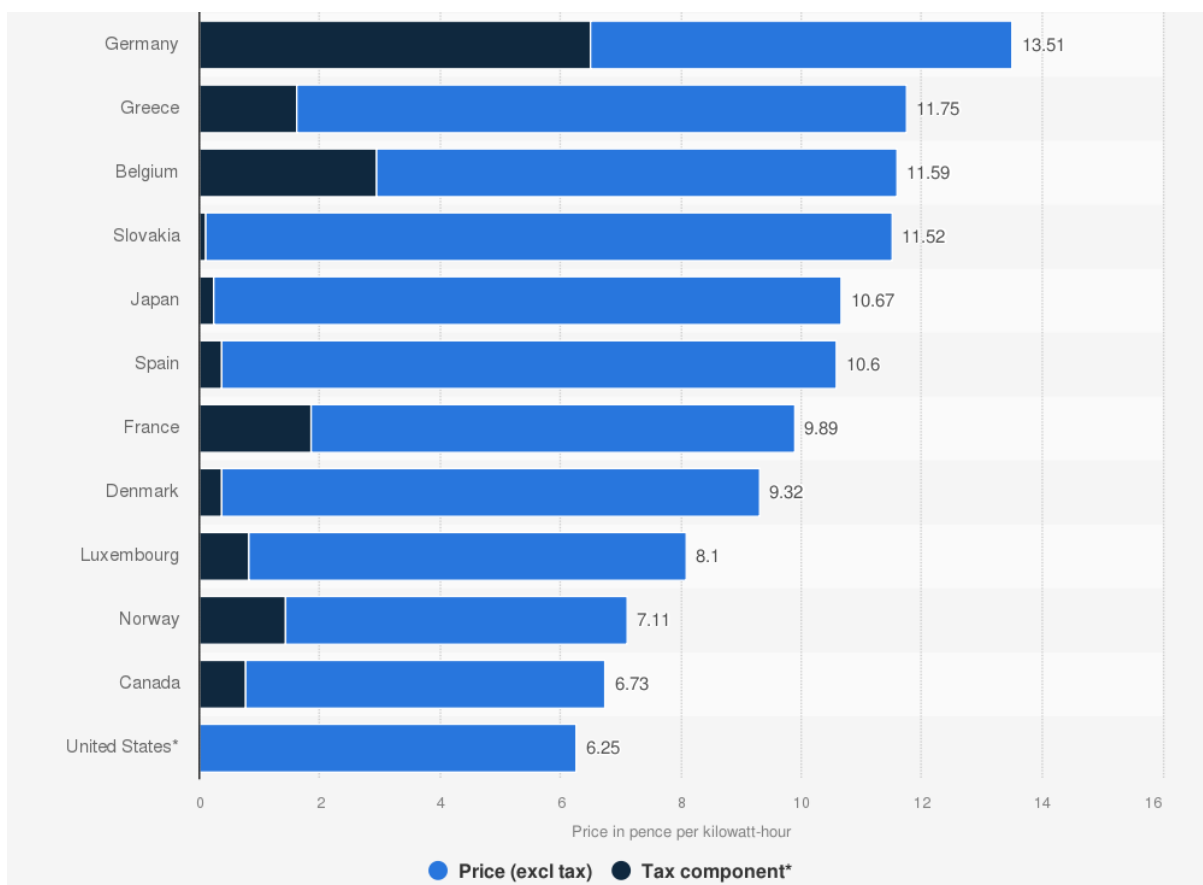
In the following analysis, they will be used to measure how Germany and Italy sought to influence the intergovernmental bargaining process and how successful they were. The achievements will be measured by the degree to which national preferences were transferred to the EU level.

10 Comparative Analysis

This chapter will evaluate every factor individually for the case studies but will start with laying out the German and Italian energy market and policy.

10.1 German Energy Markets and Policy

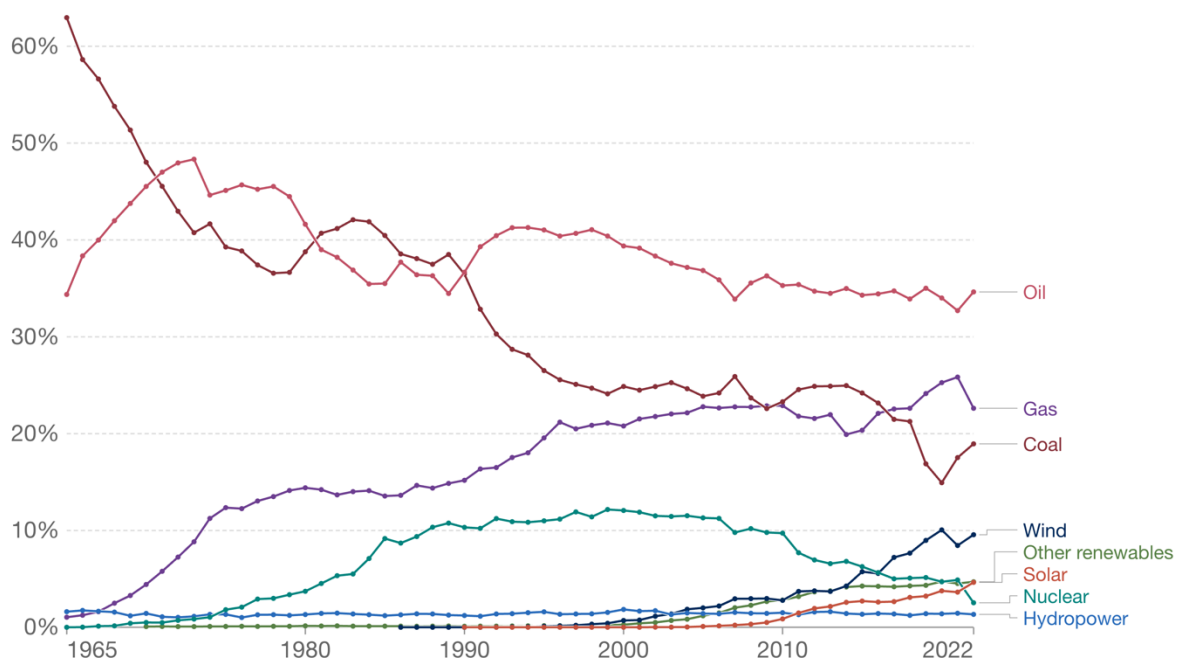
Germany's relationship with energy is complicated. On the one hand, as an industrial nation, its economy is largely built on access to cheap energy, but at the same time, there is great political, and public ambition to "turn green" (Packroff, 2023). Consequently, this means a reimagining of the energy supply chain and a turn to alternative energy productions, both of which are expensive and unreliable (Reuters, 2013). Energy prices have soared and in 2021 Germany's industrial energy prices were twice as high as in the US, as can be seen in Chart 2 (Statista, 2022a, 2023).



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Since then, the costs have risen even further due to the Russian invasion, Germany's dependence on Russian gas, and the phase-out of nuclear power (Statistisches Bundesamt Deutschland (Destatis), 2022; Bundesamt für die Sicherheit der nuklearen Entsorgung Deutschlands, 2023).

As Chart 3 shows, the German energy mix still depends on fossil fuels by a large margin (Ritchie, Roser and Rosado, 2022d), while '[the renewables]' share in gross final energy consumption reached 20.4 per cent in 2022' (Umweltbundesamt Deutschland, 2023).



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For the provision of stable energy, Germany imports many of its energy carriers (Statistisches Bundesamt Deutschland (Destatis), 2023). Most notably Russian gas, which made up 52% of imports in 2021, but was drastically reduced to 22% in 2022 (Reuters, 2023a). The imbalance was offset by energy alternatives and supplier switches, but has not eliminated the reliance on Russian supply (ibid., Reuters, 2023b).

Nuclear power on the other hand has steadily declined in its contribution to the German energy mix, due to the phase-out decision in 2002, which was accelerated in 2011 after the nuclear disaster in Fukushima, Japan. The final reactors were supposed to

turn off in 2022 but were kept on the grid for an additional three months due to the energy crisis (Bundesamt für die Sicherheit der nuklearen Entsorgung Deutschlands, 2023).

Nonetheless, the country still relies on nuclear power – through its European neighbours. Since the EU's electricity grid is interconnected many countries import energy when they lack the temporary capacity to supply it themselves. In 2022 Germany exported more power than it imported, but despite this, the country would face power cuts if it were not for nuclear power plants in other states, most notably France (Eckert and Sims, 2023).

Subsequently, the German position on energy policy can clearly be delineated. It is anti-nuclear but shows significant dependence on fossil fuels (primarily gas) with the ambition to expand the renewable production of energy. Complex dependencies on nuclear power and gas from foreign sources, however, muddy its position in EU negotiations.

10.2 Germany's Influence

This section will assess the influencing factors Germany used.

10.2.1 Advocacy in the Council

Since member states primarily express their policy preferences in the Council, it is reasonable to assume that Germany endeavoured to do the same. However, what exactly they advocated for is harder to ascertain since its position was largely kept quiet (Interview F, p. 160). What is evident from a motion of the Freie Demokratische Partei (FDP) party to the German government in late 2019 (FDP Fraktion, Deutscher Bundestag, 2019), Germany in principle supported the TR (Deutscher Bundestag, 2021b, 2021a). However, the first official statement of the government, from Robert Habeck and Steffi Lemke (Minister for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection) on the file was issued in January 2022, after the Commission had published the draft DA which made nuclear power green

(Bundesministerium der Finanzen and Bundesministerium für Umwelt, Naturschutz, nukleare Sicherheit und Verbraucherschutz, 2022). It harshly criticised the decision to classify nuclear power as sustainable under any circumstances – but approved of making natural gas a transitional energy source (ibid.; Interview F, pp. 161-162). But despite the vocal antagonism for the classification, **the Council held no vote on the CCDA** and allowed it to become law unopposed. Furthermore, one of my interviewees stated that MSs were generally in support of making nuclear power green (Interview A, p. 106).

10.2.2 Formation of a Policy Alliance

It was obvious from the beginning that nuclear power would become contentious – since the two most powerful member states, France and Germany, held opposing views on its environmental sustainability (Noack, 2021). Both countries were also not alone in their viewpoint, most central and eastern MSs agreed with France, while countries like Austria and Denmark were allied with Germany (ibid.).

This rift was bridged via a bilateral agreement between France and Germany (Reuters, 2019a; Interview C, p. 135; Interview F, p. 161, 163). Both signed the Treaty of Aachen which laid out extensive projects of cooperation – among them *the collaboration on sustainable finances on the EU level* (priority 14), and a closer *partnership on energy and climate plans, especially concerning the energy mix of both nations* (priority 9) (Deutsch-Französischer Ministerrat, 2019; Ministère de l'Europe et des Affaires étrangères, 2022; Auswärtiges Amt, 2023). The details of the cooperation remained unspecified, but the timing and the explicit mention of EU sustainable finance and energy policies indicate, that both countries were aware of the potential contention. Further, when the Commission proposed the CDA in 2020, it included the provisions on gas, which were dropped after member state feedback in November of the same year (European Parliament, 2022a, p. 4). While there is no direct proof for the adjustment of the proposal based on the Franco-German Agreement, the correlation with it and the lack of vote/opposition in the Council are an indication of indirect corroboration (Interview D, p. 143).

10.2.3 Lobbying of the Council Presidency/President

More correlation follows since both countries held the Council Presidency during the TR negotiations – first, Germany from July to December 2020 and, second, France from January to June 2022. Both nations were engaged in coalitions with two further presidencies, for Germany that was Portugal and Slovenia, and for France the Czech Republic and Sweden (Riehle, 2022). Both had programs that specifically mentioned the importance of sustainable finance and energy policy (European Council, 2020b, pp. 14-15; 2021, p. 12, 15). Moreover, France even held the Council presidency when the Commission proposed the CCDA – where the Council failed to vote on, showing their unanimous agreement with the proposal.

Thus, lobbying of the rotating Council Presidency was taken care of via the trio presidency partnerships of France and Germany, and there was no need to rely on Council President Charles Michel. His support for the pre-emptive compromise of France and Germany was secured through his re-election in the first half of 2022 (European Council, 2023b), where France held the Council Presidency, and the alignment of it with most EU MSs opinions on nuclear power and natural gas.

10.2.4 Lobbying the Commission's Agenda

To lobby the Commission's agenda a good relationship with the Commission President is central. Prior to the TR's initiation in 2016, Juncker and Merkel had plenty of disagreements – for example on the weakening of the Stability and Growth Pact and the austerity politics (Pauly and Schult, 2015). Reportedly, Merkle was also against some of Juncker's passion projects, like the energy union (Brössler, Gammelin and Hulverscheidt, 2015). But despite these disagreements, Juncker and Merkel generally worked well in tandem, for example when working out the migration deal with Turkey following the migration crisis (von der Burchard and Barigazzi, 2015; Alexander, 2017; Reiners and Tekin, 2020; The Economist, 2021).

While Juncker and Merkel had been conservative colleagues, largely aligned in the political vision for the EU, the successor Ursula von der Leyen, a member of Merkel's own CDU, turned out to have fewer similarities politically (Wax *et al.*, 2023). Von der

Leyen's Commission agenda was greener and less market-friendly than the German conservatives would have liked, but the long-standing working relationship with Merkel allowed for German influence (Goßner and Grüll, 2020). But the reverse was also true. While Germany had vetoed the idea of EU common debt in the aftermath of the financial crisis, the veto was waived for the COVID-19 recovery in 2020 (Bulmer, 2022). As Bulmer (2022) explains, an accumulation of factors made the "failing forward"⁸ into common debt possible, and one of the factors was the close personal relationship between von der Leyen and Merkel as well as the strong Franco-German alliance (Herszenhorn, Bayer and Momtaz, 2020; Karnitschnig, 2020).

Since the governmental change in Germany in 2021, the connection with Berlin remains tight, even though the CDU is now in the opposition. The alignment comes largely from the green agenda of von der Leyen which matches the visions of the Green Party, the second-largest party in the current government (dpa and ZDF, 2023).

10.2.5 Lobbying of a Commissioner

Since every member state nominates a Commissioner or the Commission President, Germany only had the opportunity to influence one, Günther Oettinger, directly. Under Juncker, he was moved from energy policy (an office he held from 2009-2014) first to the DG for Digital Economy (2014-2017) and then the DG for the Budget and Administration (2017-2019) (Bensch, 2017). As such he had limited influence on policies of sustainable finance since it did not fall into the purview of his DG.

However, since smaller MSs Commissioners can be influenced by the attitude of the bigger states there is potential for further exertion of influence, especially for the lead DG. DG FISMA was headed by Mairead McGuinness from Ireland in the crucial years of 2020-2024 – while the supporting DG ENER (DG for Energy Policy) was steered by Kadri Simson from Estonia from 2019-2024 ([European Commission, no date i, no date j](#)). Both are smaller states that can profit from a *quid pro quo* with a bigger member state – but both are also heavily reliant on fossil fuels (Ritchie, Roser and Rosado,

⁸ Failing forward is a scholarly concept that denotes the cycle of failing EU institutions that lead to greater integration (Jones, Kelemen and Meunier, 2021).

2022e, f). Thus, there is a general national alignment in priorities – which in the case of Ireland was intensified by a Joint Plan of Action for Enhanced Bilateral and EU Cooperation in 2021 (Embassy of Ireland, Germany, 2021; Germany and Ireland, 2021). From these circumstances we can infer that the German interests were likely also assured via the Commissioners of Ireland and Estonia – probably in part due to the weight Germany carries, but more importantly by the national interests of both countries.

Hence, most lobbying of German national interests, thus, happened via the close relationship with Ursula von der Leyen and only secondarily via other Commissioners.

10.2.6 National Administrators or Politicians Call for an European Policy Solution

Classifications of sustainability have been part of the European Agenda for years – in fact, environmental provisions even pre-date the founding of the EU by twenty years (Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection, no date). Examples are the Renewable Energy Directive which dates back to 2009, but also newer initiatives that categorise building construction, for example (European Union, 2009, no date d).

As such, a direct call for a classification of sustainable finance from German actors at the EU level was not necessary.

10.2.7 Lobbying of National MEPs

Whereas the regulation and CDA were quickly adopted by the Parliament (European Parliament, 2020), the CCDA caused headaches. MEPs and parties were split on the file, with national chapters disagreeing with European stances. For example, the S&D had a very clear anti-nuclear and anti-gas opinion (S&D, 2022), but their German counterpart was less explicit by not committing to a party line (Kurmayer, 2021). This was in contrast to the favourable governmental stance of the SPD on gas (Bundesministerium der Finanzen and Bundesministerium für Umwelt, Naturschutz, nukleare Sicherheit und Verbraucherschutz, 2022).

The non-statement of the SPD gave its MEPs room to vote freely, and while there might have been behind-the-scenes lobbying, there is no evidence for it.

10.2.8 Judicial Proceedings

During the negotiations of the CCDA, several MSs threatened to take legal action. Among them were Austria and Luxembourg (whose joint lawsuit was confirmed in the press), but Germany also considered it (Kurmayer, 2022). Still, *only Austria* filed a suit (AP, Deutsche Welle and AFP, 2022; The General Court, no date). As of August 2023, the ECJ has not yet published its decision on the matter, but the lack of a lawsuit by the German government is telling.

René Repasi, a German MEP from the S&D, decided to challenge the CCDA himself based on insufficient consultation with the EP. But in June 2023 the General Court decided to dismiss the action due to inadmissibility of the claim (The General Court, 2023). Notably, despite the S&D party having declared its opposition, a judicial complaint was only filed by one MEP.

10.2.9 Leadership

As mentioned earlier, the European landscape was largely dominated by three figures: Merkel, Macron, and von der Leyen. All three of them played their part in the process of passing the TR. Angela Merkel kept the position of the German government on the file obscure, with the first public statement on it in 2022 *after* her tenure (Bundesministerium der Finanzen and Bundesministerium für Umwelt, Naturschutz, nukleare Sicherheit und Verbraucherschutz, 2022). Thus, allowing it to proceed unhindered – German interest was ensured quietly, directly through the Commission and in unison with France. And while there was vocal protest of Minister Habeck for the inclusion of nuclear power as green there was no political countermove – no veto and no lawsuit (Interview D, p. 144).

Macron on the other hand openly advocated for the inclusion of nuclear power as green (Moussu, 2021; Hernandez, 2022). And since the controversial CCDA was to

be approved during the French Council Presidency, it held the position of a broker among MS where no formal objection or vote occurred.

Finally, von der Leyen equally intervened in the DA. Reportedly, instead of having one of her Commissioners prepare the CCDA (as would have been typical), *her office itself drew up the draft* (Simon and Taylor, 2021). Thus, signalling the importance and care that went into the file – and the potential for legislative failure.

Together the lack of publicly expressed opinion by Merkel, the open advocacy for nuclear inclusion and the smooth brokering by Macron, as well as the drafting of the proposal by von der Leyen ensured smooth sailing for the EU Taxonomy Regulation and its Delegated Acts.

10.2.10 Vox Populi

Public opinion on the matter was largely divided along nationalities and reflected at the EU level in the MEPs' votes and motions. Apart from that, NGOs' opinions and media reporting offered insights.

The TR file was largely uncontroversial for the broader public, but there is evidence that a significant amount of people submitted feedback in the public consultations of the Commission. According to the European Court of Auditors, from 2015 to 2019 the Commission got about 500 responses per public consultation on average (European Court of Auditors, 2019, pp. 12–13) – but on the 2020 draft regulation they received 46,591 responses (European Commission, 2020a). That is not only well above average but has been identified as a *targeted campaign* by the Commission. Adjusted to this reality, it only received unique feedback from 1,627 participants, of which roughly 37% were EU citizens (European Commission, 2020b). This proves that there was significant interest from the public, but it never reached the dizzying heights of the public's engagement with TTIP or CETA.

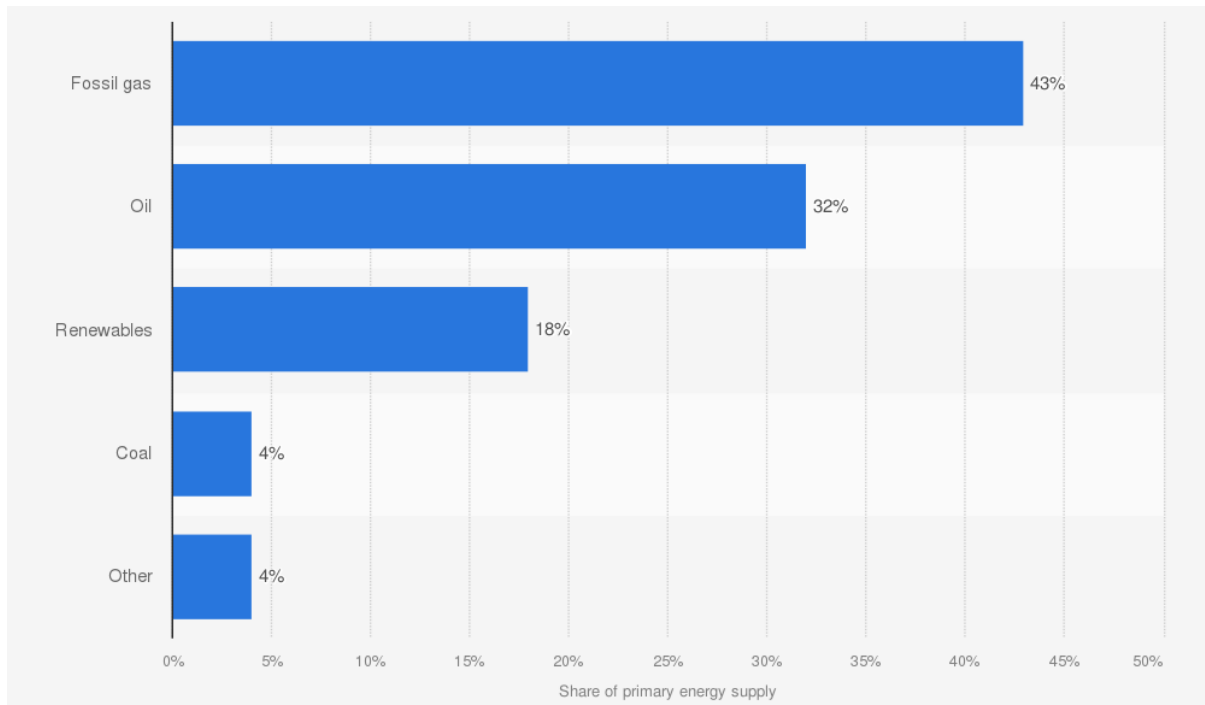
Further, it also shows that there were orchestrated campaigns for specific concerns, for example, one targeted campaign focuses on the inclusion of biofuels, whereas others provide feedback on hydrogen power production (European Commission,

2020a, b). The feedback on the TR was primarily focused on energy carriers, another important insight.

On the controversial CCDA, there was *no public feedback round* (European Commission, 2022c). However NGOs were vocal about their dissent for the green label of nuclear power and natural gas – one of them, Greenpeace, even sued the Commission in 2023 (Abnett, 2023). While a judicial decision has not yet been published, public agitation had too little impact for a toppling of the legislation.

10.3 Italian Energy Market and Policy

Italy is in almost the same position as Germany when it comes to its energy mix and various dependencies. In principle, it relies on fossil fuels for nearly 80% of its energy production, as is evident in Chart 4 (Statista, 2022).



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Moreover, the share of renewables is at roughly 20% and the imports of energy carriers averaged roughly three quarters in 2022 – making Italy extraordinarily dependent on foreign supplies (Reuters, 2022). Nonetheless, it is less dependent on *Russian gas* supply than Germany (Andreolli *et al.*, 2023), however, it has other questionable sources of supply such as Algeria, Libya, and Qatar (Autorità di regolazione per Energia Reti e Ambiente and Italian Ministry of the Ecological Transition, 2023).

Further similarities exist in the policy decision to phase out nuclear power – although the Italians decided on the policy direction following the nuclear catastrophe of Chernobyl in 1986 (World Nuclear Association, 2022). The last nuclear power plant was taken off the grid in 1990, but there has been intermittent political ambition to reinstate them. For example, the current government under Georgia Meloni (elected in October 2022) is pursuing a pro-nuclear position, especially since the energy crisis

after the invasion of Ukraine, but has as of yet not established concrete policy steps (Tedesco and Trabattoni, 2023). Her predecessor, Mario Draghi, however, was more cautious in his assessment, often referencing the importance of a common European way (Roberts, 2022). *In summa*, while Italy is now moving towards a pro-nuclear position, it has held an anti-nuclear stance for the negotiations of the TR, the CDA, and the CCDA. Further, like Germany, Italy relies on nuclear power from its European neighbours, since Italy imports between 20-30% of its electricity annually from countries like France and Switzerland (International Energy Agency, 2023), which primarily operate nuclear power plants for their electricity production.

In short, Italy's energy markets and policy align almost perfectly with the German policy priorities – there are only slight differences in the fossil fuel dependency distribution. Thus, Italy is in favour of gas but rejects nuclear power (although there has been a policy change under the recent government) in the period of this analysis.

10.4 Italy's Influence

This section will assess the influencing factors Italy used.

10.4.1 Advocacy in the Council

As may be logically inferred, Italy advocated for its interests within the Council, but similarly to Germany avoided a public statement until the Complementary Climate Delegated Act. Within the statement from 2022, the Italian Ministry of Economy and Finance highlights its agreement with the TR as well as the general policy directions of the CDA and the CCDA (Italian Ministry of Economy and Finance, 2022). While there certainly is criticism, Italy largely agrees with the EU's policy compromise brokered by France and Germany. Thus, advocacy for the position of the Italian government (in the Council) was necessary in only a limited capacity.

10.4.2 Formation of a Policy Alliance

The formation of a policy alliance for Italy was equally not necessary. Since the Franco-German Agreement had almost perfectly mapped the Italian position, further explicit collaboration between Italy and other nations was not imperative – instead, a much looser alignment with the positions of France and Germany was the order of the day.

10.4.3 Lobbying of the Council Presidency/President

Since the Council Presidency was largely in the hands of Germany (July-December 2020) and France (January-June 2022) and their respective Council Presidency Trios, which did not include Italy (European Union, 2016b), there was little Italian influence necessary to compel a favourable European solution. They were already represented and enforced by Germany, and through the Franco-German Agreement.

Further, the relationship with Charles Michel, the elected Council President since 2019 (European Council, 2023b), was different with each Prime Minister (PM) of Italy. Giuseppe Conte had been Italy's PM since 2018 but had not enjoyed a particularly close relationship with Brussels primarily due to Italy's alienation by the EU on topics like migration solidarity and monetary politics (Balfour and Robustelli, 2019). The relationship was thus embittered, and Italy put a heavy focus on domestic issues. In early 2021, Conte's government failed and Mario Draghi, previously head of the European Central Bank (ECB), took over (Deutsche Welle, no date). The connection with Brussels markedly improved, but Italy was also in a fragile state due to the heavy impact of the COVID-19 pandemic (Rahman, 2021). It was in desperate need of EU (monetary) aid, as were several other nations, which sent a joint letter to the Council President (Wilmès *et al.*, 2020). But while the relationship was more amicable, Draghi had enough domestic issues to worry about, that lobbying on the TR was not a central priority (Interview B, pp. 125-126). When the government collapsed again a mere year and a half later, Georgia Meloni, a much more Eurosceptical voice, was elected as PM. But despite gloomy predictions of a Le-Pen-esque government, Meloni showed herself remarkably conciliatory with the EU (Die Tagesschau, 2022).

From these differing relationships, two things can be inferred. Firstly, the most Eurosceptical voice by far is Meloni – which only came into power *after* the last DA with energy provisions was already accepted. The two previous PMs had a better relationship with Charles Michel, especially Draghi, but both had domestic disturbances to deal with, and as Interviewee B put it ‘honestly, neither Mario Draghi nor any other government followed the dossier seriously. You know none of them.’ (Interview B, p. 126).

Accordingly, while there might have been an assertion of Italian influence via the Council Presidency or President, both are unlikely and there is no concrete evidence for either.

10.4.4 Lobbying of the Commission’s Agenda

As mentioned previously, a good working relationship with the Commission President is central to lobbying the Commission’s Agenda, and the rapport between Juncker and Conte was not necessarily positive. This was mainly rooted in issues emerging from the financial crisis and the major debt deficit of the Italian government (Reuters, 2019b). Juncker had not facilitated the revision of the Stability and Growth Pact following the crisis as the Commission’s President but was subsequently involved in the public debate over a loosening of the rules in the mid-2010s (Pauly and Schult, 2015). And while he was principally in favour of a relaxing the rules like Conte, he also had the responsibility of uniting the MSs on a compromise, which is where the differences with the Italian government emerged.

Ursula von der Leyen pursued a conciliatory policy with Italy, for example by promising more EU solidarity on the issue of migration (Deutsche Welle, 2019) – and also led the way for the COVID-19 recovery fund (Bulmer, 2022). Which was only advanced when Mario Draghi became PM.

Nonetheless, Italy has considerably less influence on the EU stage than MSs with similar population sizes and economic prowess (i.e., France and Germany) as has been pointed out by several scholars (Bailer, 2004; Panke, 2012; Badell *et al.*, 2019). This is compounded by the internal struggles faced by the Italian government and, as

described by interviewee B, the lack of positioning on EU policy files, including the TR (Interview B, p. 126). The only indication of the Italian government's position that was unearthed in this research was a statement from 2017 which encouraged the development of sustainable finance at EU level (Ministero dell'Economia e delle Finanze, 2017) – but since this was so early in the negotiation process and without concrete policy proposals, its impact is uncertain. However, due to my limited Italian skills, I might be missing further statements.

In brevi, this paints a clear picture – with Italy firmly *not* in a prime position to influence the Commission's plans on the TR via Juncker or von der Leyen.

10.4.5 Lobbying of a Commissioner

During the TR negotiations Italy had two Commissioners: firstly, Federica Mogherini as the Vice-President and the High Representative of the EU for Foreign Affairs and Security Policy from 2014-2019, and secondly, Paolo Gentiloni, as the Commissioner for the Economy from 2019-2024. During the initial stages of the regulation's design when Mogherini was the High Representative, no provisions on energy were made in the TR. Thus, although Foreign Affairs and Security Policy can both be impacted by energy policy, she, and therefore Italy, had no impact on the regulation.

Gentiloni on the other hand was the Commissioner for a DG that could potentially have impacted the TR and the DAs in its supporting function, but not as the lead DG which was DG FISMA. As head of the Economy DG, he oversees the implementation of the UN Sustainable Development Goals in the context of the European Semester and works on the Sustainable Europe Investment Plan (European Commission, no date h). The former especially gives him leverage, since the European Semester is the annual review of national budgets by the Commission and Council which orders the countries (if they violate any of the standards) to adopt mandatory recommendations. A *quid pro quo* in this arena can be envisioned, especially since the COVID-19 recovery had suspended many fiscal rules of the Union. Nonetheless, at this time I found no evidence for such a trade-off in the press or through my interviews.

10.4.6 National Administrators or Politicians Call for an European Policy Solution

Similar to the explanation given in 10.2.6 there was no need for national administrators or politicians to call for a European policy solution since the EU had already proposed several classifications and one for sustainable finance was only a matter of time – especially after the Paris Agreement of 2015.

10.4.7 Lobbying of National MEPs

As mentioned previously, the CCDA was the DA that had the potential to fail in the legislative process, especially in the EP. When the motion to block the CCDA was put in front of the parliament, most MEPs voted in line with their party's position, not along national lines. This is corroborated by the vote roll-call, where the Italian MEPs are almost evenly split in the two camps, but mostly, albeit not exclusively, along party lines (European Parliament, 2022c, pp. 19-20). This shows that the governing parties in June 2022 did not use or were not successful in using their influence to push for one policy direction. This could be due to the large number of parties in the coalition, and their thusly resulting disunity, or due to the general lack of control over MEPs as described in the literature. Either way, the obvious split in votes of Italian MEPs shows that Italy's government was not (successfully) lobbying.

10.4.8 Judicial Proceedings

As was laid out in section 10.2.8 judicial proceedings were only initiated by Austria, and one lone German MEP – Italy did not try to use the Courts to obtain a more favourable legislative text.

10.4.9 Leadership

Leadership at the European level can be exerted in many ways. Italy's PM Mario Draghi, for example, had been a major leader as head of the European Central Bank during the financial crisis and its aftermath. He was instrumental for the recovery

package and became infamous for saying the ECB would do ‘whatever it takes’ (Plickert, 2014) to save the euro. He would continue to be a powerful figure in EU politics as the head of the ECB until the end of his mandate in 2019 and he only switched to national politics when the Conte government collapsed in early 2021. At the time of his national governing responsibility, the TR and some DAs had already been negotiated and his European leadership power had evaporated. He was an esteemed colleague and the EU and MSs saw him be elected with benevolence, but the domestic political issues inhibited him from matching his potential for leadership on the EU level in reality. The sudden and early ousting of his government is only one of the many indicators of his lack of European impact.

His predecessor as PM of Italy, Giuseppe Conte, also failed to rise to EU prominence, due to a mixture of factors – domestic disunity and the COVID-19 pandemic primarily.

10.4.10 Vox Populi

The CCDA was concerned with the classification of nuclear power and gas – with a large part of public animosity chiefly directed at nuclear power. This can therefore also be expected from the Italian population, which had in the past voted to end the use of nuclear reactors in 1987 and 2011 (World Nuclear Association, 2022). However, more recent polls suggest that 33% of respondents are in favour of reconsidering nuclear power (World Nuclear News, 2021) which has been exacerbated by the energy crisis following the invasion of Ukraine and the change in government which actively is seeking the return to nuclear power production (Tedesco and Trabattoni, 2023).

Nonetheless, while attitudes are changing, NGOs and civil society have expressed their distress and disagreement with the new course (Italy for Climate, 2022). This was heard at the European level with the overwhelming number of responses for the consultation of the Commission but also includes orchestrated campaigns.

Nonetheless, as previously concluded, the discontent of *vox populi* never amounted to the level necessary to stop the CCDA.

11 Conclusion

This investigation started from Verhoeff and Niemann's (2011) article laying out the perplexing approach of the German government during its Council Presidency in 2007 – where it acted against national interests. From this argument, this master thesis laid out another case – the energy provisions of the EU Taxonomy – to validate the claims of the authors. In this instance, not only Germany was assessed but also Italy for a better understanding of the bargaining landscape in the EU.

Accordingly, this master thesis aimed to investigate: ‘To what extent did the national preferences of Germany and Italy influence the design of the energy provisions in the EU’s Taxonomy Regulation and its subsequent Delegated Acts?’.

From the European integration scholars, this thesis picked *Liberal Intergovernmentalism* as the most suitable lens to investigate the research question, because the nation-centric character of negotiations on energy policy is reflected. This perspective was reinforced by the literature on energy policy and EU bargaining processes which highlighted the influence of states – due to the limited existence of global energy law, the shared competence of the EU in the policy field, and the importance of the Council in the EU’s energy policy-making process.

From the analysis of the ten factors, two things became clear for the first case study – Germany used its influence plenty to shape energy policy to its liking, but more crucially it did so in tandem with France. It is well known that the Franco-German engine powers the EU but here the two nations literally negotiated a compromise that ended up coining the European agreement. Most other MSs fell in line with only a handful publicly calling for a different solution, which turned into *one* legal action after the proposal was accepted. This highlights the influence that France and Germany have – with very little wiggle room for other MSs. Their power was expedited by their roles as brokers in the Council and their close ties to the Commission via von der Leyen. In short, the external circumstances lined up perfectly, while the politicians ensured smooth sailing for the internal conditions.

The only organ that Germany had limited control over was the European Parliament, which became the greatest obstacle to the policy solution the governments of France

and Germany envisioned. The final failure of the motion to object to the Complementary Climate Delegated Act, however, was less based on the influence of either state, but instead on economic-conscious voting of MEPs. With the legal challenges failing as well, the Franco-German alliance ruled EU energy policy in the Taxonomy Regulation.

As we can see from this analysis, Germany relied on mostly direct lobbying of the Council and the Commission – thereby making use of five of the ten factors (1, 2, 3, 4, 9) although number 5 coincided with number 4 for the years 2019-2024.

Italy on the other hand was one of the MSs that was side-lined in the Taxonomy Regulation negotiations. As was extrapolated in the analysis, the only certainty of Italian lobbying is in the Council, where it had no reason not to advocate for both gas and nuclear power to be green. The secrecy of the Council negotiations prevented public backlash at home, and it had a heavyweight, Germany, backing its position. However, all the other potential avenues of lobbying for national preferences were demonstrably not used (2, 3, 6, 7, 8, 9) or an impact was not detected (4, 5, 10).

This lack of lobbying could be rooted in several issues: firstly, the general absence of Italian influence on the EU stage, as noted by several scholars and mentioned throughout this work. Secondly, the domestic problems like unstable governments and the COVID-19 pandemic inhibited Italy from asserting itself in Europe. Thirdly, as Interviewee B confirmed, there is a general deficiency of political decisions on a topic being made in time for lobbying to be effective. These factors coupled with the near-perfect congruence of policy positions with Germany made Italian lobbying on the file almost superfluous and non-existent, especially since the energy provisions were negotiated in the Franco-German Agreement instead of the Council. The only real avenue of influence that Italy had was through its Commissioner Paolo Gentiloni who was likely able to assert interests in the drafting of the Taxonomy Regulation and the Delegated Acts.

However, contrary to this pessimistic view of the absence of Italian lobbying efforts, it could also be caused by Italy focussing its attention on other policy files. Since it was likely that Germany would assert its interests sufficiently, maybe the Italian government decided to prioritise its efforts in a different policy field. While this is not in

line with the general academic and my expert interviews assessment of Italy's influence on the EU level, it is certainly possible. Either way this thesis has not investigated Italy's exertion of influence in other policy files and can thus neither confirm nor deny the possibility – it only finds that in the energy provisions of the Taxonomy Regulation the Italian national preferences were not lobbied for extensively.

Despite this, Italy got an EU deal that clearly served its national preferences. But this was due to the lucky alignment of them with Germany's not because Italy is effective on the EU stage in energy policy and specifically the Taxonomy Regulation.

Germany, on the other hand, asserted its interests, which happened to appear to serve EU unity. Thus, contrary to the findings of Verhoeff and Niemann, **Germany did act in its own interest at the EU level** – it just so happened that EU unity overlapped largely with its policy visions. This is very much in line with *Liberal Intergovernmentalist* understandings of political bargaining in the EU and confirms the neo-liberal and realist aspects of the theory. Verhoeff and Niemann's findings on the other hand might be better explained by the office that Germany held. The country that holds the Council Presidency is meant to be an honest broker – this coupled with the relative novelty of the position, since it was created in the Treaty of Lisbon, may be a more prudent explanation.

12 Policy Recommendations

Following the analysis and the conclusion, this thesis will now present policy recommendations for Germany, Italy, and the EU.

12.1 For Germany

In this case study, Germany seems to assert its interests powerfully, but quietly. The country's strategy seems to be effective and has not yet encountered too much opposition. There was advocacy for a different solution, mainly by civil society and in the European Parliament, but the member states in the Council followed the German (and French) lead. This is probably rooted in the economic circumstances across the Union, which put member states into two camps – of which France and Germany were the heavyweight representatives. Thus, the negotiated compromise fit all negotiating partners on the EU stage, with the added bonus of having the opportunity to argue domestically, that the controversial aspects had to be included to reach a compromise.

Hence, there is little this author can offer in terms of policy recommendations. For the specific Taxonomy Regulation file, Germany acted in its own best interest while simultaneously facilitating European unity.

12.2 For Italy

Italy, on the other hand, is in a different position. While the outcome of the Taxonomy Regulation negotiations reflects Italian interests, that was lucky happenstance instead of strategic achievement. As was outlined above, Italy had almost no influence extending beyond advocacy in the Council and that is a major disadvantage for the future assertion of national preferences.

Italy, with its currently rather stable government, is now in a position to enhance its influence on the EU level and it should seriously work towards that goal, in case neither Germany nor France aligns with its interests.

Several avenues are open for such a strategic move: firstly, greater preparedness for the EU policy-making process. Here future policy proposals need to be anticipated and an Italian position on them needs to be available early, especially in the Commission's drafting stage. Secondly, Italian Commissioners have been in prominent DGs in the Juncker and von der Leyen Commission, but that needs to be ensured again for the coming EU elections in 2024. Thirdly, while the Italian Council Presidency is still far away (2028) a close connection, with especially the Mediterranean member states that will chair prior, is essential. Historically the Mediterranean nations have struggled to assert their interests, whereas northern and eastern European states have captured the EU policy discourse much more effectively.

With these strategic steps taken, Italy can ensure that its interests will not just be accidentally represented, but intentionally.

12.3 For the EU

Au contraire to the member states' perspectives, the EU is pursuing other objectives (in theory). As a centralised organ of supranationalism, its target should be to harmonise positions across the Union and to advance common interests – but it is also seeking to advance its power and influence. Thus, the process of striking a compromise in the case of the Taxonomy Regulation showed significant expropriation of power for the EU's institutions, including the Commission, but also the Council. Since the actual bargaining occurred between Germany and France, all other players lost influence.

This is an undesirable precedent, especially for a policy field that has only recently entered the purview of the EU at all. It is in the interest of the institutions to force the heavyweight member states to concede ground and allow for the ordinary policy-making process on the EU level. Otherwise, they run the risk of becoming a sham institution in energy policy – which, if pressed forward by France and Germany, could potentially jeopardise other highly contentious policy areas under the EU aegis and the further integration across the Union. And while this is in principle in line with

Moravscik's theory of *Liberal Intergovernmentalism*, the aim of the EU's institutions should *not* be to affirm the dynamic if they want to ensure their own survival.

Despite this bleak painting of the EU's *status quo* in energy policy, the situation might not be as dire as this individual case study suggests. In fact, most scholar, as has been expounded in this work, see the exact opposite happening across policy areas – where the institutions significantly overstep their competencies. Thus, this might be an outlier case in an especially sensitive policy area at a troublesome time where member states sought to exert their power as much as possible. And despite the bilateral character of the true negotiations, most of the other member states' views were represented. So, while this case study indicates a lack of inclusion of not only the institutions but also the other member states, at least the latter is not accurate when it comes to the political positions.

Per omnia, this means while the EU's institutions should be cautious of letting individual states run with figuring out the European compromise, it is not always bad or possible. In the case of the Taxonomy Regulation, due to its highly sensitive nature, it was smart to let the member states find the compromise first and then upload it to the EU level since it prevented a public fallout. Nonetheless, the EU should continue to be cautious to prevent this from developing into a disintegration process.

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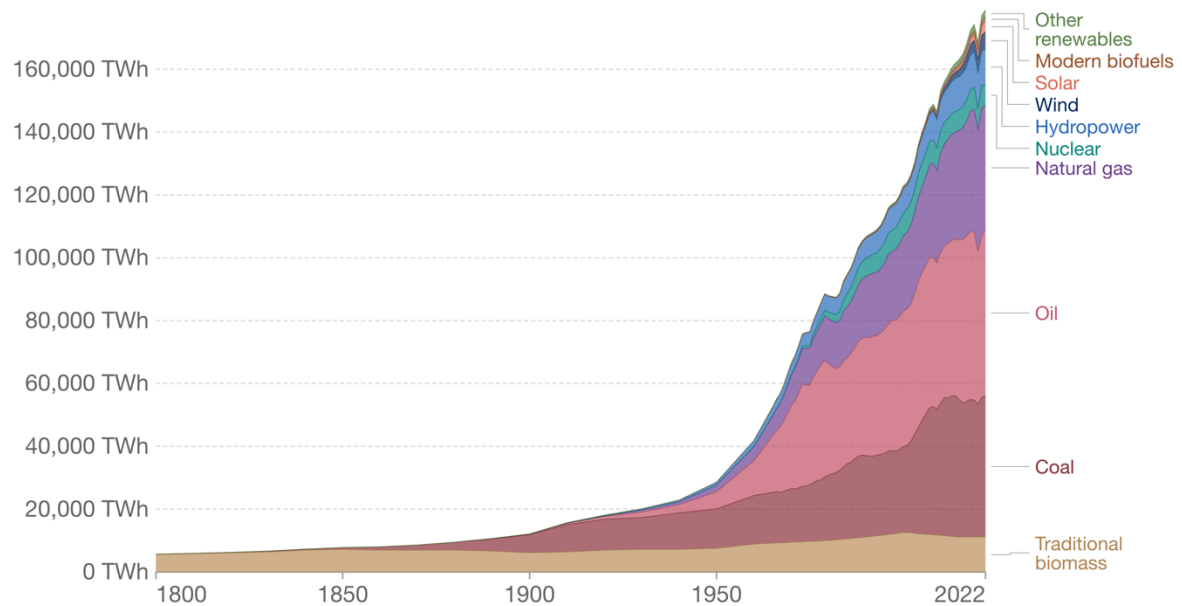
14 Appendix

Chart 1: Global primary energy consumption by source, 1800-2022, from Our World in Data (Ritchie, Roser and Rosado, 2022b)

Global primary energy consumption by source

Primary energy is calculated based on the 'substitution method' which takes account of the inefficiencies in fossil fuel production by converting non-fossil energy into the energy inputs required if they had the same conversion losses as fossil fuels.

Our World
in Data



Source: Energy Institute Statistical Review of World Energy (2023); Vaclav Smil (2017)
OurWorldInData.org/energy • CC BY

Chart 2: Industry electricity prices in selected countries worldwide in 2021, by component (in pence per kilowatt-hour) (Statista, 2022a)

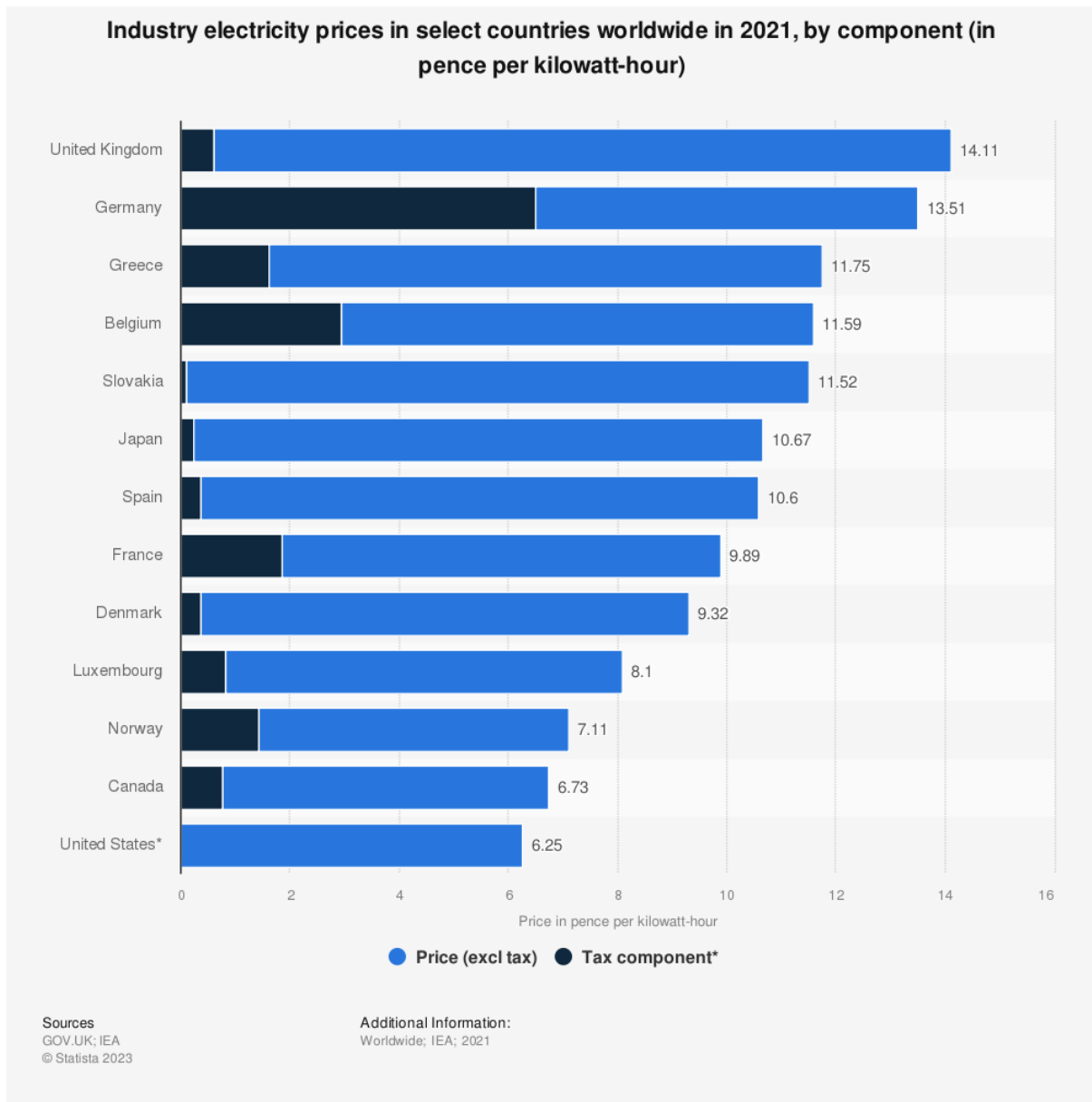
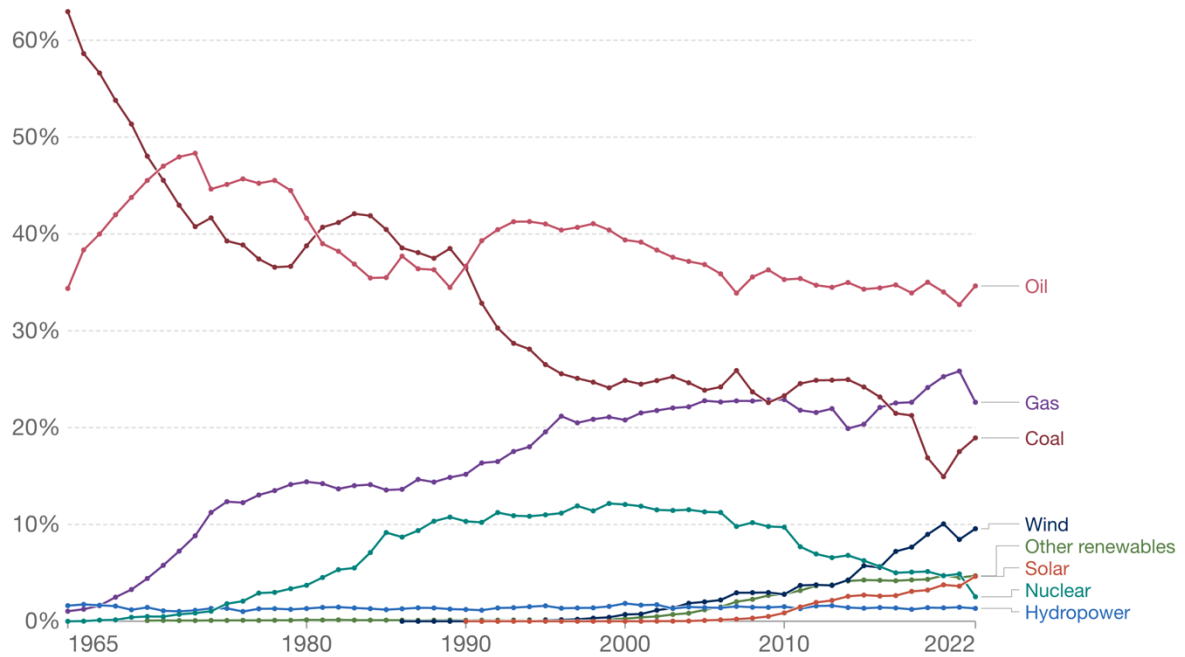


Chart 3: Germany's share of energy consumption by source, 1965-2022, from Our World in Data (Ritchie, Roser and Rosado, 2022d)

Share of energy consumption by source, Germany



To convert from primary direct energy consumption, an inefficiency factor has been applied for fossil fuels (i.e. the 'substitution method').



Source: Energy Institute Statistical Review of World Energy (2023)

OurWorldInData.org/energy • CC BY

Chart 4: Distribution of the total primary energy supply of Italy by energy source in 2021(Statista, 2022b)

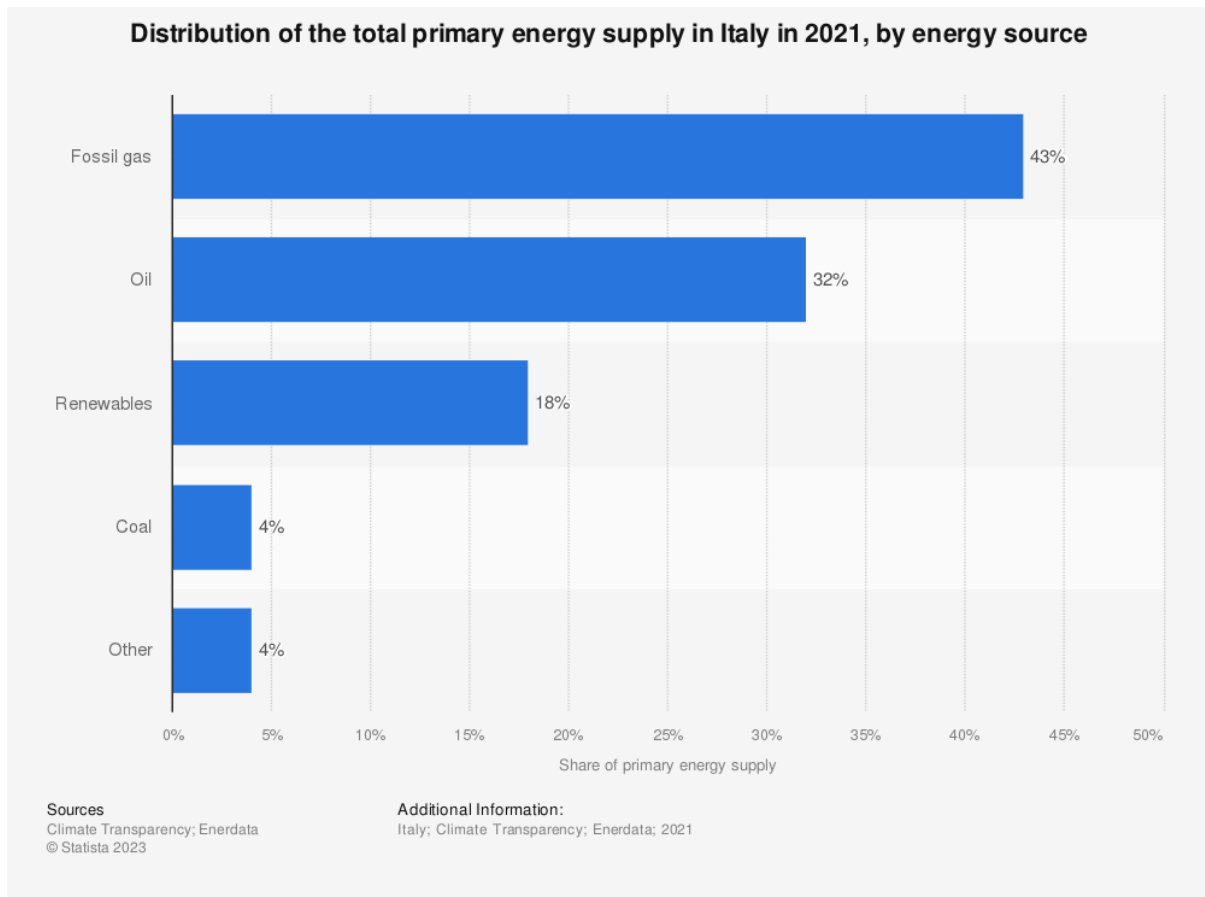


Image 1: The von der Leyen Commission's six priorities: Legislative and non-legislative delivery as of 28th of February 2023 (EPRS (European Parliamentary Research Service), 2023, p. 3)

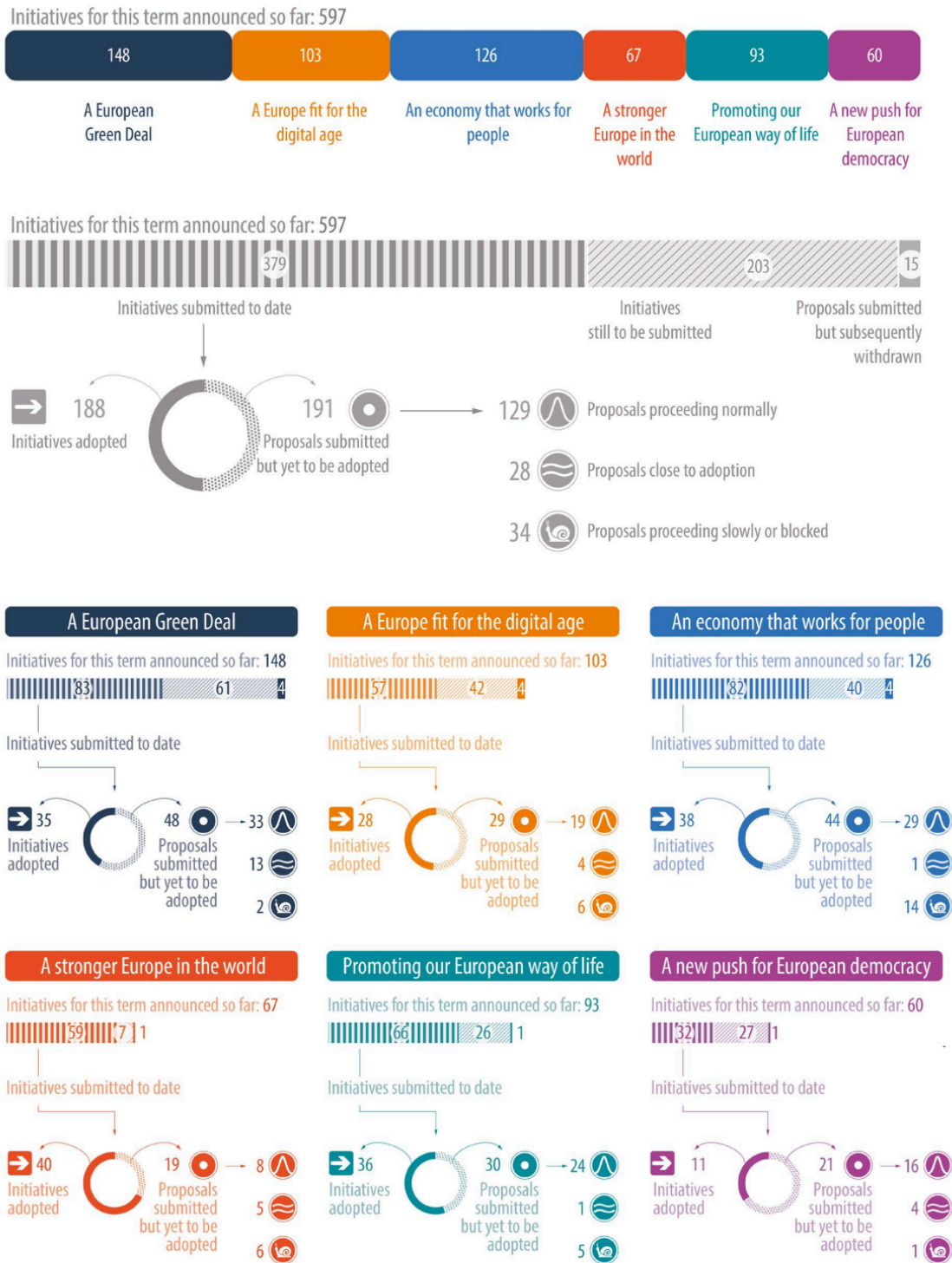


Image 2: Policy making timeline for the EU Taxonomy Regulation, 2016-ongoing (European Commission, no date b)



15 Addendum

15.1 Interview A

Transcript Interview A

Date: 10/07/2023

Interviewee: Industry representative (Textile industry), member of the Platform on Sustainable Finance by the European Commission

General questions:

Just a disclaimer of limited knowledge before we start. Your questions and master thesis are focussed quite heavily on energy legislation for which I am not an expert (my expertise is in textiles). So please take all my answers with a grain of salt and double check if other actors confer with my opinion, or if my lack of knowledge on the specifics has twisted my answers.

1. How do you remember the negotiations on energy provisions of the 2020 EU-Taxonomy Regulation and its subsequent Delegated Acts (mainly the Climate Delegated Act and the Complimentary Climate Delegated Act)?

I was an expert on the platform of sustainable finance by the European Commission, so I was involved in the design of the proposal for the Taxonomy Regulation (2018-2020). There were a lot of NGOs joining the process and delivering input. I can't go into detail on what was discussed since it was confidential, but I can tell you that there was a debate about whether nuclear power should be labelled black or green within the platform since that later became public knowledge. The NGOs and the Parliament wanted nuclear power to be black, while the member states were fighting for its inclusion in the green category. So, when the Commission decided to make nuclear power green the NGOs actually left the expert groups and walked out.

So there was no discussion about nuclear gas?

Natural gas was not in the discussion at the time, only on the fringes. Nuclear power was much more central.

2. The European Commission made changes to the proposal after the early feedback report in 2018 of the TEG and the public consultations in 2019. Do you remember what precisely was changed and which actors advocated for them? And do you perhaps remember which ones were advocated for but not accepted?

I can't answer that. The only thing I can say is that some member states obviously had strong priorities. Germany for example with the Energiewende had a very specific energy policy in mind. The UK had already lost its importance due to Brexit. I think that is all I can say about that.

But what we have seen from the very tough debates on the early Taxonomy Regulation and the Delegated Acts is that the entire scope was scaled back especially in the more recent Delegated Acts. Rumour has it that DG FISMA has burned its fingers so badly on the two contentious Delegated Acts that they don't want to repeat the mess and the 18-months-delay they had for the energy provisions. So there has been a domino effect.

3. The Czech Republic, France and the UK [blocked the Taxonomy Regulation](#) in December 2019 due to concerns over financing schemes for the nuclear power industry. What was the reason for their ultimate acceptance (since the taxonomy regulation was adopted in 2020)? What concessions did they get?

I can't answer that.

4. As a part of the process the European Commission gave regular updates to the [MSEG](#) whose meeting notes are not publicly available. Do you remember any indication of member states opinions during the consultation of the Regulation?

I can't answer that. But maybe BusinessEurope can help you on that.

5. How much influence would you prescribe the MSEG? How much is the European Commission guided by the Member States opinions? Especially on contentious matters such as energy regulation?

I can't answer that.

6. The influence of member states.

- a. How much influence would you prescribe the MSEG on a scale from 0-10⁹? Please elaborate why you gave that score.

XXX

- b. How much is the European Commission guided by the Member States opinions in energy regulation on a scale from 0-10¹⁰?

XXX

- c. How much influence does Germany have on the Commission on a scale from 0-10¹¹ in energy matters?

XXX

- d. How much influence does Italy have on the Commission on a scale from 0-10¹² in energy matters?

XXX

7. Scholars sometimes claim that the Trilogue process often barely changes anything in the ultimate proposal because what the European Parliament amends is compensated for by the Council (i.e., while the EP wants stricter rules and higher thresholds, the Council adjusts it back down). Do you feel that is an adept description of the Trilogue negotiations for the EU Taxonomy Regulation?

⁹ With 0 being no influence at all and 10 meaning that the Commission incorporates the opinion of the MSEG at all times.

¹⁰ With 0 being no influence at all and 10 meaning that the Commission follows member state opinions at all times.

¹¹ With 0 being no influence at all and 10 meaning that the Commission follows Germany's opinions at all times.

¹² With 0 being no influence at all and 10 meaning that the Commission follows Italy's opinions at all times.

Let me put it this way, I don't have sufficient Trilogue experience to tell you that. I haven't followed enough Trilogues to tell you that statistically that is the case. But what I can tell you is that the Parliaments rapporteur as well as the Council Presidency come together to negotiate. This can last one day straight, like 20 hours, or it can be stretched out. This really depends on the sensitivity of the dossier. The questions you have to think of are: What is to be gained by each party? How critical is to fight for it? Or can we just leave with whatever the commission has put forward?

So, if you take something which is a matter of life and death for the industry of a member state, which is very relevant to the member state, and even that member state happened to be, let's say, old in the EU or in the rotating presidency, then you could expect a very, very tough stance from the Kansas system. No, we're not going to back down on this.

We have seen this in the past, so, I think maybe that statement can make sense on the, on the statistical, but it, it really depends by how important that file is for political reason, the parliament or for the stakeholders of a member state. So, it can be generalized in my idea to all sorts of dialogue discussions. But I don't know about Taxonomy specifically.

8. The EU's Taxonomy Regulation of 2020 stipulated that the European Commission would put together Delegated Acts – which cannot be amended by the EP or the Council in the subsequent process, only be rejected.
 - a. Would you say this is a common process in EU politics? Is it common in energy policy negotiations?

Yes, absolutely – with implementing acts the Council has a lot more say, but the delegated acts are all the Commission. I think if I look at the pieces of legislation directly impacting our sectors (textiles), it's almost becoming standard procedure.

But Council and Parliament really don't like that, so they try to exert more influence in the negotiations of the regulations themselves. Knowing that they won't be able to change the delegated acts.

Is it common in energy policy?

I would say that is common in energy policy as well, but I am not an expert in that field.

- b. And is the Commission using this tool to restrict the influence of radical voices (of Member States or parliamentary groups for example)?

I think in some way I can see how it is necessary in some dossiers. Because with the primary legislation you can't work out the details. I can see that in EcoDesign and the Digital Product Passport, some members of Parliament wouldn't even be comfortable addressing those issues. I think it's more in the nature of the whole legislative process rather than necessarily being some sort of excuse to get the carte blanche to do whatever you want.

9. In the first Delegated Act the original plan was to include the categorisation of nuclear power and natural gas, but the Commission decided to delay the decision. Where do you see the rationale for this and can a single actor or a group of actors be considered primarily responsible for the delay (e.g., the pro-nuclear sentiment of France or the anti-nuclear preference of Austria)?

Yeah, that's possible. I mean it's not uncommon that if you are stuck in major piece of legislation, at some point you try to bring home something and, and then split it up to get the secure part done. Instead of sacrificing the whole thing. It makes sense. But I don't think it's a very common approach, to be honest. Taxonomy has been quite exception in its extremely long delays.

10. In the Complimentary Climate Delegated Act the European Commission included both the categorisation of nuclear power and natural gas. That was a conscious decision of the EC to prevent the veto of the Delegated Act in the Council and the European Parliament. Do you agree?

It's kind of speculation what we're discussing here, because the people who actually know this probably won't give interviews. But in principle putting two issues together always means you get more time for the negotiation of the whole dossier. But you might gain here, you might lose it there and the other way around. So, in principle, yes. If you put them together, you reduce the single amount, the amount of effort that you can dedicate to a single topic.

- a. Why would a country like Austria, which has been vocally anti-nuclear power, has gone to court over the issue multiple times (e.g. the [Hinkely Point C Case, ECJ, decision in 2020](#)), and does not rely on natural gas, not veto the Complimentary Climate Delegated Act?

While I don't know specifically how Austria behaved and why, there are some general things. Firstly, some of the smaller countries follow bigger countries, so if Germany for example doesn't veto it, Austria is likely to follow. Now that's not always the case, but I've seen it happen.

Secondly, they could have gained on another file considerably. As sort of a quid pro quo. So that if you only look at the one issue, it may not make sense, but if you look at the holistic picture, there is a reason. But I don't know if that happened here.

11. Is there anything additional you would like to mention or point out to me on the topic?

No.

Questions about Germany's position:

- I. How would you describe Germany's position in general towards the EU's Taxonomy Regulation and the Delegated Acts (mainly the Climate Delegated Act and the Complimentary Climate Delegated Act)?

My understanding is that Germany has been quite critical in terms of the burden applied to the industry, the cost for the industry. And also, the German industry/business model relies on very easy access to cheap energy until, of course, the Russian War in Ukraine.

So, we have seen a very controversial stance from the German side towards the Green Deal in general and including also the taxonomy. That would be my main comments.

I also remember, but this is more anecdotal statement on the fact that essentially the credit system in Germany, especially a few years ago, was quite positive. I mean, my understanding was the companies did not have particular difficulties in accessing credit.

So, on the one hand side, taxonomy was maybe not a big priority because the cash was flowing. So, there was maybe not something huge to be gained by taxonomy. On the other hand, taxonomy is a reporting burden. It can be burdensome of many aspects. So, in that sense, maybe there was a lukewarm approach towards this legislation.

- II. What do you consider the most important part of the German position on the Regulation/the Delegated Acts?

I can't answer that.

- III. The European Commission amended the EU Taxonomy proposal after feedback from stakeholders and Member States in 2018/19 – do you see German opinions reflected in the changes?

I can't answer that. Just one thing, since you've told me that you were surprised by the lack of anti-nuclear power lobbying on the European level by the Germans. Maybe they were in negotiations for something else more important to the German economy with another big member state like France. And the quid pro quo was to give them nuclear power as green in the EU Taxonomy Regulation. I don't know if that happened, but maybe you could investigate that.

- IV. How influential is Germany on the European stage? And specifically in the matter of financial and energy regulation (in the EU Taxonomy Regulation)?

Of course. Well, Germany is of course the largest economy in the EU - a very influential member state. I think this is a widely known fact. We mentioned before how Austrian might for instance follow Germany.

But there have been issues in the last years starting from the diesel gate scandal. That has had an impact on the credibility of some of the interests of some of the member states, such as Germany.

- V. Germany had national elections in 2021 and transitioned from a Große Koalition (Grand Coalition) to a left leaning coalition between the SPD, the Greens and the FDP.
- a. Where do you see the differences in the German position on EU's Taxonomy (especially since the economics and climate ministry is now held by the Greens)? Are there any?

No, I haven't.

I think some of the criticisms are largely stable across governments for a piece of legislation. They are trying to be stable and survive. Because if you're critical on the impact of a legislation, whether it's chemicals or energy, you do this because your industry or your stakeholders significantly object.

At least in my sector opinions are typically rather stable over time. But slight adjustments that is sort of normal. Unless the legislation hits a major part of the elected politicians/party's issues then there might be a major change. But I would think that this impacts much more on the domestic policy, on the national policy, than a European one.

Because, you see, typically the kind of legislation you make in Brussels, it's much more mid to long term. The legislation you're doing in a country, it's what people need to deal with on a daily, weekly, monthly basis. So, you can imagine that a new government change the percentage of the, the national budget on defence, on schooling, on household, or it can change the minimum salary legislation because that's what the people elected the government for.

- b. Has the Merkel-led pro-Russia energy position been obliterated due to the war in Ukraine or was the new coalition already in the process of formatting a different attitude?

I can't answer that.

- VI. Scholars have found evidence that Germany puts European interests before domestic benefits¹³ - do you think that is accurate?

(An in-depth explanation on the article)

Let's be clear on this, there is rather little you can achieve during the Council Presidency. So, if imagine Germany wanted to promote closer ties with Russian in 2007, far away from where we are now. What would they have achieved in six months? Not much.

Maybe antagonizing Poland, lead the Baltic states and bringing a brand-new priority on the table without something major to gain. It's harder, I think, although the presidency, is organized 18 months before because they have... What do you call it? Troika, I think the, the three upcoming and previous presidencies, which meet on a regular basis.

If you want to make a major shift, you will have to work over years probably and working through other leading member states. What is there to deliver in in six months. Yeah. If you look at specific dossiers, whether it's taxonomy or whether it's ETS, I think some members, they tend to be quite vocal. Especially the founding members Netherlands, Italy, Germany, and France for sure. Uh, sometimes also balance of gains and losses that, as we discussed before, has to be taken into account.

- a. Would you say you see that that attitude is reflected in the German position on EU Taxonomy Regulation (e.g., no veto in the Council for the inclusion of nuclear power as green)?

I can't answer that.

- b. Do you think this trend has increased or decreased since the new government took over in 2021? And why do you think that is?

I can't answer that.

¹³ Verhoff & Niemann (2011) find in their assessment of the 2007 German Council Presidency that instead of using it to its domestic advantage and strengthening the EU's ties with Russia, Germany focussed on keeping the worries of the Eastern European countries down by not forming tighter bonds.

- c. This trend is in contrast to other countries' attitudes in EU political negotiations – Emmanuel Macron, for example, used his term as Council President to push French domestic issues in the first half of 2022 and bolster his support at home. Would you therefore say that Germany is an outlier in how it behaves itself in European affairs? Or are there other states that display a similar attitude?

I can't answer that.

- VII. What German domestic actors would you consider highly influential for the positioning of Germany in energy matters on the European level (e.g., the German Federation of Industries (BDI), NGOs (Fridays For Future, Greenpeace, Bund für Umwelt und Naturschutz Deutschland), etc.)?

At the European level, I guess BDI would be prominent. But other organisations just give their inputs to the European Environmental Bureau and others.

If I look at the debate, at least in my world, in my industry, I don't have a national, a French or a German association, which is a key leader, or has a very dominant role in negotiations. Um, you have NGO and industry, and you have national interest, but you don't have national players, which are particularly vocal.

Maybe they are vocal within their own association. You could say that between the European Environmental Bureau, which is a leading NGO, maybe the German membership is quite vocal there, but you will not necessarily see from here.

- VIII. The Taxonomy Regulation currently includes only a limited number of sectors (list provided below) – which ones do you consider especially impactful for the German economy? And were sectors excluded that benefitted Germany (e.g., less impact on the domestic economy, etc.)?

- a. Currently included sectors:
- i. Forestry
 - ii. Environmental protection and restoration activities
 - iii. Manufacturing
 - iv. Energy
 - v. Water supply, sewage, waste management and remedies

- vi. Transport
- vii. Construction and real estate
- viii. Information and communication
- ix. Professional, scientific and technical activities
- x. Financial and insurance activities
- xi. Education
- xii. Human health and social assistance activities
- xiii. Art, entertainment and recreation

I guess I think manufacturing, energy, transport, financial activities. But I am not sure what professional, scientific and technical activities refer to. Seems very broad.

- b. The sectors marked in red were especially controversial – and all three sectors are central to the German economy, did the German government advocate for relief for these sectors? Or did Germany strive for harmony at the European level and swallowed its concerns?

I can't answer that.

- c. The agricultural sector is also noticeably absent – was that in Germany's interest (since it produces less than 1% of German GDP)?

I can't answer that.

- IX. With the EU's Taxonomy Regulation as it is right now – to what degree do you think the German position is reflected? Could Germany have achieved a better result for its domestic audience?

Germany has been very impacted by the change in energy market since the war in Ukraine. Energy prices have been up and that has really shocked the German economy, but in a country like Italy that is actually not that surprising. We've dealt with high energy prices for the industry for a while.

- X. Is there anything additional you would like to mention on the topic?

There is nothing else to add.

Questions about Italy's position:

Since you are an expert in Germany's political position I assume Italy's might not be as familiar to you. If you do happen to know information that could be useful about the Italian national positioning, please feel free to express it here:

I have nothing additional to express.

15.2 Interview B

Transcript Interview B

Date: 14/07/2023

Interviewee: Industry representative (Italian industry)

General questions:

1. How do you remember the negotiations on energy provisions of the 2020 EU-Taxonomy Regulation and its subsequent Delegated Acts (mainly the Climate Delegated Act and the Complimentary Climate Delegated Act)?

I will answer as Confindustria, so as a representative of the Italian companies. We have been involved in two ways; one was through our representative office in Brussels. Confindustria has a specific branch in Brussels, and this is the first way. Directly via BusinessEurope, which is the Federation of Industry Europe, we have attended mainly all the kick-off processes of taxonomy. I have to say that we have been involved mainly with the general principle of taxonomy regulation. But for the specific development of delegated act and we have been involved very marginally honest.

Would Confindustria have liked to be more involved with the Delegated Acts?

Would Confindustria have liked to be more involved? No, not really. We have found that this process run by the Commission is not really transparent. Because when we went to see who has been involved, as usual, we found only people from environmental organizations, which are not considered experts at all. So, it seems to me that they have involved mainly people that work on advocacy, not real experts to be honest.

2. The European Commission made changes to the proposal after the early feedback report in 2018 of the TEG and the public consultations in 2019. Do you remember what precisely was changed and which actors advocated for them? And do you perhaps remember which ones were advocated for but not accepted?

No, honestly, I don't remember. We've been working mainly on one specific... You know taxonomy has six parts and we have been working mainly on the decarbonization policy related with energy policy. We have a strong debate with France and other European countries about nuclear that I see in the following question and especially on two topics not only nuclear, to be honest, but even another point that was concerning gas in that period 2018-2019. We, like Italy, say: look for the transition, it's extremely important to consider even gas as green because in our view gas produces the lowest amount of CO2 of all the fossil fuels. And as we have seen in 2022, we were right, I mean all of Europe needed to invest a huge amount of money to diversify their gas supply from Russia. So, this was our point in that debate.

3. The Czech Republic, France and the UK [blocked the Taxonomy Regulation](#) in December 2019 due to concerns over financing schemes for the nuclear power industry. What was the reason for their ultimate acceptance (since the taxonomy regulation was adopted in 2020)? What concessions did they get?

To be honest, we, as Confindustria, have always been supportive of the nuclear strategies.

And that is despite Italy not having nuclear power at all?

Yes. You probably know that we had two referendums, one is 1986 and one more recent was 2011.

After Fukushima.

Yeah. In any case, you have to consider that many energy-intensive industries are part of the Italian manufacturing. Some of them are, in this period, trying to set up a contract with the new Slovenian nuclear power plant in order to secure their energy needs. So, in our view, if we want to reach the net zero target of the climate neutrality by 2050, you absolutely need to have nuclear power. This opinion however is completely different to what you have probably seen from the Italian government.

But maybe with this government we are able to at least reconsider the nuclear option. Of course, to develop new nuclear power plants is not easy. It takes years, maybe 10 to 15. But in any case, in our view, we need to consider that option. So, if I answer

question 3 as an industrial representative, I can say France is fully right, fully understandable, because without nuclear power, we won't be able to meet the targets by 2050.

4. As a part of the process the European Commission gave regular updates to the [MSEG](#) whose meeting notes are not publicly available. Do you remember any indication of member states opinions during the consultation of the Regulation?

No, sorry. But what I can tell you is that I had an opportunity to look at the position of the different member state through the working group of BusinessEurope. By the Commission I don't remember seeing such a document with all the positions of the member states clearly listed.

Honestly, on these topics I never find, let's say an analysis where it was possible to understand all the different position in Europe. And when I saw the Commissions document with 300 pages of criteria, a bank that now has to look if its clients are compliant with the ESG that are part of the EU Taxonomy Regulation, is going to find this an impossible task. It is almost impossible for SMEs to be compliant. It's too complicated. I mean, we need to simplify the administrative process much more. But sorry these are practical implementation questions.

5. How much influence would you prescribe the MSEG? How much is the European Commission guided by the Member States opinions? Especially on contentious matters such as energy regulation?

I don't know that much about the MSEG, but I can tell you about the member states in general.

Please do!

I have to admit that the influence, I mean the ranking of the ability to influence the process is quite different from country to country. In any case, in my opinion at least at this stage authority has been transferred to the Commission, they have become the primary authority. Even if some member states have been able to affect some decision, the process has been made so complicated that only specific criteria, indicators and so on can be changed by member states.

I don't think member states fully understand the implication meaning the criteria, the procedures, how to implement the process. In my view, the member state underestimated the cost of implementation immensely.

6. The influence of member states.

- a. How much influence would you prescribe the MSEG on a scale from 0-10¹⁴? Please elaborate why you gave that score.

So, in my view, on a scale from zero to ten member states in general are at a three.

- b. How much is the European Commission guided by the Member States opinions in energy regulation on a scale from 0-10¹⁵?

Okay how much does the European Commission guide member states. I think that the European Commission has been extremely strong in driving this process. So, in my view the ranking is from eight to ten point.

- c. How much influence does Germany have on the Commission on a scale from 0-10¹⁶ in energy matters?

So we are not talking about taxonomy now, we're talking energy policy. In my view the answer is ten in the sense that all the legislative process regarding the first, second, and third clean energy package and even Fit For 55 Regulations about state aid on energy environment are fully influenced by Germany. The rules are basically copied from the German rules.

- d. How much influence does Italy have on the Commission on a scale from 0-10¹⁷ in energy matters?

¹⁴ With 0 being no influence at all and 10 meaning that the Commission incorporates the opinion of the MSEG at all times.

¹⁵ With 0 being no influence at all and 10 meaning that the Commission follows member state opinions at all times.

¹⁶ With 0 being no influence at all and 10 meaning that the Commission follows Germany's opinions at all times.

¹⁷ With 0 being no influence at all and 10 meaning that the Commission follows Italy's opinions at all times.

And for Italy I want to say from zero to three, when I say Italy, I mean the Italian government, institutional representatives.

7. Scholars sometimes claim that the Trilogue process often barely changes anything in the ultimate proposal because what the European Parliament amends is compensated for by the Council (i.e., while the EP wants stricter rules and higher thresholds, the Council adjusts it back down). Do you feel that is an adept description of the Trilogue negotiations for the EU Taxonomy Regulation?

I want to answer the first question a little bit more in general. Is the European Parliament able to put its own view on this specific subject on the table at all? In my opinion, think that these subjects are too technical to be discussed in the European Parliament. For example, when you go through the Delegated Act about the specifics, you need to be at least an engineer to understand what you are approving or not.

So, in my view, the European Parliament can discuss about the general principle, but it cannot go through specific taxonomy regulation because you need to be skilled on that. So, in my view, at European level, probably we should keep regulation and general principle of regulation in separate institutions. General principles should be a matter for Parliament and for the Council, but specific and technical regulation like Delegated Acts should be put together by technical groups.

8. The EU's Taxonomy Regulation of 2020 stipulated that the European Commission would put together Delegated Acts – which cannot be amended by the EP or the Council in the subsequent process, only be rejected.
 - a. Would you say this is a common process in EU politics? Is it common in energy policy negotiations?

Well, I want to say that this is linked to the previous discussion on the rules concerning taxonomy regulation. The European Parliament didn't have a proper impact assessment of this regulation, couldn't find it, just a general impact regulation. Which is totally useless.

Yeah, but the European Commission makes these impact assessments, right?

Yes, but it was very light, like the one that we have seen in 2020 with the package Fit For 55, it was 500 pages long but useless. The point should be when you decided to implement this, what are the cost of implementation? But they never have a proper impact assessment.

And about the general process, would you say that's very common in EU politics, that they use the delegated acts to do the technical stuff so that they can push it through?

Well, I think that delegated acts, especially if they are technical, must be managed by technical bodies. Okay but the point is that delegated acts need to be evaluated better with an impact assessment. For example, I went through the almost 400 pages of the Delegated Act concerning the decarbonisation principle for the taxonomy, to be honest, its very complicated. It's almost impossible to have an idea of what the content exactly means in term of procedures to be implemented.

b. And is the Commission using this tool to restrict the influence of radical voices (of Member States or parliamentary groups for example)?

So, the point is, in order to accepted or rejected a member of the Parliament needs to understand it first. Do you think that the average a member of the Parliament could fully understand exactly what he has accepted or refused? No. Okay, that is the point.

No, I understand. I think the question is just a little bit more meant at the general process of using delegated acts. Do you know?

Not specifically in the taxonomy regulation.

9. In the first Delegated Act the original plan was to include the categorisation of nuclear power and natural gas, but the Commission decided to delay the decision. Where do you see the rationale for this and can a single actor or a group of actors be considered primarily responsible for the delay (e.g., the pro-nuclear sentiment of France or the anti-nuclear preference of Austria)?

There is a contradiction on this point, according to article three of the treaty, the decision about energy policy belongs to each member state. But Taxonomy is a way for the Commission to affect the national energy policy with finance.

So, before you start a dispute about the Delegated Act, and nuclear vs. nonnuclear or biomass vs. no biomass and so on, it needs to be clarified that energy provisions are still made by member state. The EU might have targets for decarbonization, but then it's up to each member state to decide how to reach that target.

If we accept that principle the rationale is as long as an energy source reduces the CO2 emission it is compliant with the taxonomy

Okay, so would you say that the Commission deliberately used this?

In my opinion, there is a contradiction on the Commission side.

10. In the Complimentary Climate Delegated Act the European Commission included both the categorisation of nuclear power and natural gas. That was a conscious decision of the EC to prevent the veto of the Delegated Act in the Council and the European Parliament. Do you agree?

Well, probably. I'm not sure about that one. Because we should consider the decision of European Bank Investment Bank in 2019. The bank refused to support gas infrastructure. But now the Commission says we consider both nuclear and gas green. I think that was a way to overcome the weight of the Parliament. But in principle the EU's opinion on gas is not so clear.

In my view, I think that the commission changed her mind on gas only last year (2022). Okay. Because the Commission tried to do its best to reduce any support for gas infrastructure.

So, you think they had something to do with the bank as well?

They were influencing that.

- a. Why would a country like Austria, which has been vocally anti-nuclear power, has gone to court over the issue multiple times (e.g. the [Hinkely Point C Case, ECJ, decision in 2020](#)), and does not rely on natural gas, not veto the Complimentary Climate Delegated Act?

Well, I invite you to look what happened last week in Austria. You know that they renewed the gas contract with Russia?

Did they? Actually, I didn't see that.

Of course, you know that all gas infrastructure in Austria belongs to Gazprom, even the platforms. So, it sounds a little bit funny to me when I see Austria complaining about gas and so on.

In any case, Austria has an important capacity to develop hydropower energy. But at the end of the story, without Russian gas, I don't think the Austrian economy could function. And now, as you probably know, Austria contacted our government (the Italian government) in order to see if they can benefit from our gas deal with Azerbaijan. They're going to buy part of that gas, probably.

11. Is there anything additional you would like to mention or point out to me on the topic?

No, in my view, what would be important is after the delegated act, how do you develop the accountability of these new rules? How do you support the financial system investors in providing common standard in terms of, let's say contract request standard with respect to the developers of the investment. Because just to give you an example, our banking system started to implement ESG everywhere. Some parts are strictly related with a taxonomy regulation, but the movement are quite different from bank to bank, for example. So, I think that with such a regulation, you need to provide a better standard procedure. Standardization is the only point, but it's crucial for me.

Questions about Italy's position:

- I. How would you describe Italy's position in general towards the EU's Taxonomy Regulation and the Delegated Acts (mainly the Climate Delegated Act and the Complimentary Climate Delegated Act)?

Well, I found that first of all, our government didn't understand what it has approved. Second, companies start working with the investors, the financial institution, to simplify the approach.

- II. What do you consider the most important part of the Italian position on the Regulation/the Delegated Acts?

I don't think that Italy has a coherent position. But the most important part of these delegated acts are the ones concerning decarbonization and circular economy. These are the two, at least in my view, the two most important ones.

- III. The European Commission amended the EU Taxonomy proposal after feedback from stakeholders and Member States in 2018/19 – do you see Italian opinions reflected in the changes?

I didn't see any Italian government position on the topics. Sorry about that. It's very difficult to say if something has been implemented.

- IV. Italy had a turbulent couple of governing years while the Taxonomy Regulation was put together from 2018 until now. With the 2018 hung parliament and prime minister Giuseppe Conte, the new coalition government of 2021 under Mario Draghi, and finally with the takeover of the Meloni government in 2022.

- a. What would you describe as the fundamental position of the Conte government on the Taxonomy provisions of the time?

Now, honestly, neither Mario Draghi, nor any other government followed the dossier seriously. You know none of them. We didn't touch anything.

- b. How was the political position transformed under the Draghi government and what were the key factors?

As I said before. None of them really considered it.

- c. And finally with the takeover of Georgia Meloni how has the political attitude changed?

So, I don't know. Georgia Meloni is now just observing the effects of what the previous governments more or less have approved. So, to be honest, I don't think my government ever considered the importance of this regulation.

- V. Scholars have found evidence that Germany puts European interests before domestic benefits¹⁸ - do you think that is the case in Italy as well?

No, I mean, it's impossible to say that, for the very simple reason that our government never considered the possible effect of this regulation on the Italian system. Probably you find that in Germany there has been a debate, specific debate of that. I can tell you that we had the opportunity to consider, to confront our position with the investor. But never, as far as I remember, did we have the opportunity to attend public debate with our government in order to define the position of the Italian government.

- d. Would you say you see that that attitude is reflected in the Italian position on EU Taxonomy Regulation (e.g., no veto in the Council for the inclusion of nuclear power as green)?

Please see the answer above.

- e. Do you think this trend was reflected by the different governments? As in the Draghi government was a lot more pro-European than the Meloni government now is? Why do you think that's the case/not the case?

Please see the answer above.

- f. This trend is in contrast to other countries' attitudes in EU political negotiations – Emmanuel Macron, for example, used his term as Council President to push French domestic issues in the first half of 2022 and bolster his support at home. Why do you think some states put European interests before their own?

Please see the answer above.

- VI. What Italian domestic actors would you consider highly influential for the positioning of Italy in energy matters on the European level (e.g., Confindustria, NGOs (Fridays For Future, Greenpeace), etc.)?

¹⁸ Verhoff & Niemann (2011) find in their assessment of the 2007 German Council Presidency that instead of using it to its domestic advantage and strengthening the EU's ties with Russia, Germany focussed on keeping the worries of the Eastern European countries down by not forming tighter bonds.

Look, I think that as Confindustria we try to attend, to participate with BusinessEurope. However, I don't think BusinessEurope has been efficient in promoting specific positions in the Taxonomy. Probably, but this is due to the nature of the Commission. NGOs like Greenpeace or Fridays For Future have been much more able to influence the Commission and the process.

- VII. The Taxonomy Regulation currently includes only a limited number of sectors (list provided below) – which ones do you consider especially impactful for the Italian economy and why? And were sectors excluded that benefitted Italy (e.g., less impact on the domestic economy, etc.)?

Okay, honestly, I consider manufacturing, energy, transport, and construction, and then financial insurance activities.

- g. Currently included sectors:
- i. Forestry
 - ii. Environmental protection and restoration activities
 - iii. Manufacturing
 - iv. Energy
 - v. Water supply, sewage, waste management and remedies
 - vi. Transport
 - vii. Construction and real estate
 - viii. Information and communication
 - ix. Professional, scientific and technical activities
 - x. Financial and insurance activities
 - xi. Education
 - xii. Human health and social assistance activities
 - xiii. Art, entertainment and recreation
- h. The sectors marked in red were especially controversial – where did Italy position itself in the debate? Was there a sector where Italy was fighting for less restrictions to ease the economic strain domestically? Or did Italy strive for harmony at the European level and swallowed its concerns?

For example, in my opinion, transport should have been included because. Transport contributes 35% of the. So in order to produce a less CO2, transport system need to

develop new/different infrastructure. So that's the reason why it was better to include transport fully.

Of course, even construction or real estate can fall into that category. But in any case, I must admit that given the new targets for reduction transport and construction will automatically be strongly included.

- i. The agricultural sector, which produces about 2% of Italian GDP, is also noticeably absent – was that in Italy's interest?

Agriculture, as we are now observing what happens to the Dutch and the Italians. Probably you have seen the newspaper today?

So the problem with agriculture is that it's very difficult to see how there is change coming in the near future. Technical change is so important but with agriculture there is not much happening.

- VIII. With the EU's Taxonomy Regulation as it is right now – to what degree do you think the Italian position is reflected? Could Italy have achieved a better result for its domestic audience?

Since the Italian government never really had a position on it... I don't think anything is reflected.

- IX. Is there anything additional you would like to mention on the topic?

No, thank you!

15.3 Interview C

Transcript Interview C

Date: 13/07/2023

Interviewee: Industry representative (German textile industry)

General questions:

1. How do you remember the negotiations on energy provisions of the 2020 EU-Taxonomy Regulation and its subsequent Delegated Acts (mainly the Climate Delegated Act and the Complimentary Climate Delegated Act)?¹⁹

XXX

2. The European Commission made changes to the proposal after the early feedback report in 2018 of the TEG and the public consultations in 2019. Do you remember what precisely was changed and which actors advocated for them? And do you perhaps remember which ones were advocated for but not accepted?

XXX

3. The Czech Republic, France and the UK [blocked the Taxonomy Regulation](#) in December 2019 due to concerns over financing schemes for the nuclear power industry. What was the reason for their ultimate acceptance (since the taxonomy regulation was adopted in 2020)? What if any concessions did they get?

XXX

¹⁹ I am looking for general recollections of the process, anything that stuck in your mind from the past few years.

4. As a part of the process the European Commission gave regular updates to the [MSEG](#) whose meeting notes are not publicly available. Do you remember any indication of member states opinions during the consultation of the Regulation?

XXX

5. The influence of member states.
- a. How much influence would you prescribe the MSEG on a scale from 0-10²⁰? Please elaborate why you gave that score.

XXX

- b. How much is the European Commission guided by the Member States opinions in energy regulation on a scale from 0-10²¹?

XXX

- c. How much influence does Germany have on the Commission on a scale from 0-10²² in energy matters?

XXX

- d. How much influence does Italy have on the Commission on a scale from 0-10²³ in energy matters?

XXX

6. Scholars sometimes claim that the Trilogue process often barely changes anything in the ultimate proposal because what the European Parliament amends is compensated for by the Council (i.e., while the EP wants stricter

²⁰ With 0 being no influence at all and 10 meaning that the Commission incorporates the opinion of the MSEG at all times.

²¹ With 0 being no influence at all and 10 meaning that the Commission follows member state opinions at all times.

²² With 0 being no influence at all and 10 meaning that the Commission follows Germany's opinions at all times.

²³ With 0 being no influence at all and 10 meaning that the Commission follows Italy's opinions at all times.

rules and higher thresholds, the Council adjusts it back down). Do you feel that this is an adept description of the Trilogue negotiations for the EU Taxonomy Regulation?

XXX

7. The EU's Taxonomy Regulation of 2020 stipulated that the European Commission would put together Delegated Acts – which cannot be amended by the EP or the Council in the subsequent process, only be rejected.
 - a. Would you say this is a common process in EU politics? Is it common in energy policy negotiations?

XXX

- b. And is the Commission using this tool to restrict the influence of radical voices (of Member States or parliamentary groups for example)?

XXX

8. In the first Delegated Act the original plan was to include the categorisation of nuclear power and natural gas, but the Commission decided to delay the classification. Where do you see the rationale for this and can a single actor or a group of actors be considered primarily responsible for the delay (e.g., the pro-nuclear sentiment of France or the anti-nuclear preference of Austria)?

XXX

9. In the Complimentary Climate Delegated Act the European Commission included both the categorisation of nuclear power and natural gas. That was a conscious decision of the EC to prevent the veto of the Delegated Act in the Council and the European Parliament. Do you agree?

XXX

- a. Why would a country like Austria, which has been vocally anti-nuclear power, has gone to court over the issue multiple times (e.g. the [Hinkely Point C Case, ECJ, decision in 2020](#)), and does not rely on natural gas, not veto the Complimentary Climate Delegated Act?

XXX

10. Is there anything additional you would like to mention or point out to me on the topic?

XXX

Questions about Germany's position:

- I. How would you describe Germany's position in general towards the EU's Taxonomy Regulation and the Delegated Acts (mainly the Climate Delegated Act and the Complimentary Climate Delegated Act)?

XXX

- II. What do you consider the most important part of the German position on the Regulation/the Delegated Acts?

I think for Germany it was very important to keep the option of natural gas fired power stations open. Gas fired power stations will be very important in Germany in future to balance renewable electricity production especially in times, when there is no wind or sunshine.

- III. The European Commission amended the EU Taxonomy proposal after feedback from stakeholders and Member States in 2018/19 – do you see German opinions reflected in the changes?

Yes, because natural gas has been declared sustainable.

- IV. Germany had national elections in 2021 and transitioned from a Große Koalition (Grand Coalition) to a left leaning coalition between the SPD, the Greens and the FDP.
 - a. Where do you see the differences in the German position on EU's Taxonomy (especially since the economics and climate ministry is now

held by the Greens) after the new government came to power? Are there any?

I think in Germany, in the field of environment policy we still have to conflicting blocs of parties (SPD, Greens, Die Linke on one side and CDU, FDP, AfD on the other side). This makes it difficult in coalition governments to reach common positions and compromises on major conflicting issues. This is also the reason for the many “German votes” (abstentions) we had in the past in the EU.

- b. Has the Merkel-led pro-Russia energy position been obliterated due to the war in Ukraine or was the new coalition already in the process of formatting a different attitude?

I think, the war has changed German energy policy fundamentally. Before the war, most companies, people and politicians wanted natural gas from Russia, which came at affordable prices and is more climate friendly than coal, for example. There was a consensus before the war, that Germany needs several new natural gas fired power plants for a stable electricity supply in future, as Germany is willing to switch from nuclear, coal or lignite to fluctuating renewable energies. It was also believed, that Russia would continue to be a reliable gas supplier as it was the Soviet Union since the 1970s. This believe went away when Russia started to behave irrationally at the gas markets in autumn 2021 and at the latest, when they stopped gas supply due to some so called “turbine pump problems” in summer 2022. I think now the common believe in Germany is, that Russia cannot and will not be a reliable energy supplier for Germany for years and maybe decades.

- V. Scholars have found evidence that Germany puts European interests before domestic benefits²⁴ - do you think that is accurate?

²⁴ Verhoff & Niemann (2011) find in their assessment of the 2007 German Council Presidency that instead of using it to its domestic advantage and strengthening the EU's ties with Russia, Germany focussed on keeping the worries of the Eastern European countries down by not forming tighter bonds.

I would not say so in general. In Germany the European interests have a high value, because the EU is generally seen as a huge achievement if you look at our history in the 20th century and the EU is a very important common market for German exporters. Also “green” policy and climate protection are very important for most of the people in Germany and hence for most of the politicians. But in the end, domestic elections will only be won, if politicians look at domestic interests. At least, people must be convinced that if you sum it up, pro-European policy must not predominate national interests. When it comes to energy policy one must say that Germany supported Nordstream 2 until 2022 against several voices especially from eastern Europe, who had warned of Russian policy beforehand. This German position hence was quite “nationalistic”.

- a. Would you say you see that that attitude is reflected in the German position on EU Taxonomy Regulation (e.g., no veto in the Council for the inclusion of nuclear power as green)?

In this context, I think this was somehow a “deal” with France, saying “we accept nuclear as green, if you accept natural gas.” So, this was in the interest of Germany having the opportunity to build necessary gas fired power plants.

- b. Do you think this trend has increased or decreased since the new government took over in 2021? And why do you think that is?

No, I don't think so. The attitude is more or less the same.

- c. This trend is in contrast to other countries' attitudes in EU political negotiations – Emmanuel Macron, for example, used his term as Council President to push French domestic issues in the first half of 2022 and bolster his support at home. Would you therefore say that Germany is an outlier in how it behaves itself in European affairs? Or are there other states that display a similar attitude?

There are many member states who put their national interests in front, e.g. Hungary or Poland. But also, Germany does this, e.g., in the refugee policy or when it comes to gas fired power plants.

- VI. What German domestic actors would you consider highly influential for the positioning of Germany in energy matters on the European level (e.g., the German Federation of Industries (BDI), NGOs (Fridays For Future, Greenpeace, Bund für Umwelt und Naturschutz Deutschland), etc.)?

You name them: the BDI and NGOs like Greenpeace are very important players when it comes to energy policy in Germany. But energy suppliers (BDEW), municipal companies (VKU), energy users (VIK) or trade unions (IGBCE, DGB) are also important actors.

- VII. The Taxonomy Regulation currently includes only a limited number of sectors (list provided below) – which ones do you consider especially impactful for the German economy and why? And were sectors excluded that benefitted Germany (e.g., less impact on the domestic economy, etc.)?

XXX

- a. Currently included sectors:

- i. Forestry
- ii. Environmental protection and restoration activities
- iii. Manufacturing
- iv. Energy
- v. Water supply, sewage, waste management and remedies
- vi. Transport
- vii. Construction and real estate
- viii. Information and communication
- ix. Professional, scientific and technical activities
- x. Financial and insurance activities
- xi. Education
- xii. Human health and social assistance activities
- xiii. Art, entertainment and recreation

- b. The sectors marked in red were especially controversial – and all three sectors are central to the German economy, did the German government advocate for relief for these sectors? Or did Germany strive for harmony at the European level and swallowed its concerns?

XXX

- c. The agricultural sector, which produces less than 1% of German GDP, is also noticeably absent – was that in Germany's interest?

XXX

- VIII. With the EU's Taxonomy Regulation as it is right now – to what degree do you think the German position is reflected? Could Germany have achieved a better result for its domestic audience?

XXX

- IX. Is there anything additional you would like to mention on the topic?

XXX

Questions about Italy's position:

Since you are an expert in Germany's political position I assume Italy's might not be as familiar to you. If you do happen to know information that could be useful about the Italian national positioning, please feel free to express it here:

XXX

15.4 Interview D

Transcript Interview D

Date: 20/07/2023

Interviewee: Business representative (German energy industry)

General questions:

1. How do you remember the negotiations on energy provisions of the 2020 EU-Taxonomy Regulation and its subsequent Delegated Acts (mainly the Climate Delegated Act and the Complimentary Climate Delegated Act)?
 - Taxonomy-Regulation: Already a controversial discussion, but not highly politicised. Some industries have slept through the discussion on the regulation.
 - CDA: Has been criticised by NGOs, but much less politically discussed than gas and nuclear energy.
 - Gas and Nuclear DA: Extremely politicised and polarised. It was no longer about the design of the criteria, but an ideological debate, especially in the run up to the final vote in the EP Plenary on the objection.
2. The European Commission made changes to the proposal after the early feedback report in 2018 of the TEG and the public consultations in 2019. Do you remember what precisely was changed and which actors advocated for them? And do you perhaps remember which ones were advocated for but not accepted?
 - No inclusion of gas and nuclear in the first DA, as too controversial even after feedback from the TEG. The limit of 100g co2/kwh for renewables was removed.
 - Activities such as waste incineration have been taken out.
 - In addition, some electricity generation activities have been significantly changed, including in the DNSH criteria.

3. The Czech Republic, France and the UK [blocked the Taxonomy Regulation](#) in December 2019 due to concerns over financing schemes for the nuclear power industry. What was the reason for their ultimate acceptance (since the taxonomy regulation was adopted in 2020)? What concessions did they get?

- Possibility to classify nuclear energy as sustainable in Level 2 DAs.
- But: Taxonomy regulation was also adopted with abstentions in the Council, I'm just not sure which ones.

4. As a part of the process the European Commission gave regular updates to the [MSEG](#) whose meeting notes are not publicly available. Do you remember any indication of member states opinions during the consultation of the Regulation?

- Large-scale negative feedback from member states for many activities.

5. How much influence would you prescribe the MSEG? How much is the European Commission guided by the Member States opinions? Especially on contentious matters such as energy regulation?

- High or medium influence, as the MSEG was a test balloon for the Commission's opinion of the MS. However, in the end, the MSEG did not decide on the highly controversial decisions, but this was discussed at Heads of State and Government level.

6. The influence of member states.

- a. How much influence would you prescribe the MSEG on a scale from 0-10²⁵? Please elaborate why you gave that score.

6, because they did not have the mandate to negotiate deals.

²⁵ With 0 being no influence at all and 10 meaning that the Commission incorporates the opinion of the MSEG at all times.

- b. How much is the European Commission guided by the Member States opinions in energy regulation on a scale from 0-10²⁶?

Depending on the procedure, cannot be answered as a whole properly.

- c. How much influence does Germany have on the Commission on a scale from 0-10²⁷ in energy matters?

7

- d. How much influence does Italy have on the Commission on a scale from 0-10²⁸ in energy matters?

6

7. Scholars sometimes claim that the Trilogue process often barely changes anything in the ultimate proposal because what the European Parliament amends is compensated for by the Council (i.e., while the EP wants stricter rules and higher thresholds, the Council adjusts it back down). Do you feel that is an adept description of the Trilogue negotiations for the EU Taxonomy Regulation?

- No, there were significant changes in comparison to the Commission's proposal e.g. in Article 10 (2) for transitional activities.

8. The EU's Taxonomy Regulation of 2020 stipulated that the European Commission would put together Delegated Acts – which cannot be amended by the EP or the Council in the subsequent process, only be rejected.

- a. Would you say this is a common process in EU politics? Is it common in energy policy negotiations?

²⁶ With 0 being no influence at all and 10 meaning that the Commission follows member state opinions at all times.

²⁷ With 0 being no influence at all and 10 meaning that the Commission follows Germany's opinions at all times.

²⁸ With 0 being no influence at all and 10 meaning that the Commission follows Italy's opinions at all times.

- b. And is the Commission using this tool to restrict the influence of radical voices (of Member States or parliamentary groups for example)?
- It is really a perfectly normal process in EU legislation and so covered by the Treaties. The Parliament and the Council could have chosen a different way of deciding the criteria (e.g., OLP) and did not do so. The argument that has arisen with gas and nuclear that the Commission is exceeding its powers is absurd. It is a bogus argument, as Parliament has approved the delegation to the Commission.
9. In the first Delegated Act the original plan was to include the categorisation of nuclear power and natural gas, but the Commission decided to delay the decision. Where do you see the rationale for this and can a single actor or a group of actors be considered primarily responsible for the delay (e.g., the pro-nuclear sentiment of France or the anti-nuclear preference of Austria)?
- The Commission strategically decided to do this because it was foreseeable that the DA would be overshadowed by this and that the whole implementation of the criteria would be at stake. At the same time, publishing both activities in your DA is also a political decision in order to secure a majority in the Parliament and the MS.
10. In the Complimentary Climate Delegated Act the European Commission included both the categorisation of nuclear power and natural gas. That was a conscious decision of the EC to prevent the veto of the Delegated Act in the Council and the European Parliament. Do you agree?
- a. Why would a country like Austria, which has been vocally anti-nuclear power, has gone to court over the issue multiple times (e.g. the [Hinkely Point C Case, ECJ, decision in 2020](#)), and does not rely on natural gas, not veto the Complimentary Climate Delegated Act?
- Please see the answer above.
 - Austria (and for example LU) campaigned for rejection and in the end also voted against the DA in the Council. However, a rejection requires a reinforced

qualified majority in the Council, which was not reached. A single member state cannot prevent a DA....

11. Is there anything additional you would like to mention or point out to me on the topic?

- The discussion on gas and nuclear energy in the taxonomy was the most heated as well as emotional debate I have seen in Brussels so far. Both sides mobilised very, very, very broadly (including the churches, ministers and MEPs from Ukraine, civil society and others), each accused the other of disinformation and it was no longer about the matter itself.
- One factor in the whole discussion was, of course, the Russian invasion of Ukraine.
- Unfortunately, there was a lot of misinformation, especially from the side of the opponents, which was not sufficiently substantiated and showed little understanding for the taxonomy regulation and its CCDA.

Questions about Germany's position:

- I. How would you describe Germany's position in general towards the EU's Taxonomy Regulation and the Delegated Acts (mainly the Climate Delegated Act and the Complimentary Climate Delegated Act)?
 - In principle, Germany supported the regulation.
 - With regard to the criteria, especially on gas, there was a change in positioning due to a change of government: the Merkel government had not actively advocated for gas, although it was Germany's position, the Scholz government then explicitly advocated for a deal with the French government.
- II. What do you consider the most important part of the German position on the Regulation/the Delegated Acts?

- Supporting gas as a sustainable transition activity.
- III. The European Commission amended the EU Taxonomy proposal after feedback from stakeholders and Member States in 2018/19 – do you see German opinions reflected in the changes?
- Not really. The German position, especially on gas, was built in by the von der Leyen cabinet at the insistence of a Franco-German alliance at the end of 2021.
- IV. How influential is Germany on the European stage? And specifically in the matter of financial and energy regulation (in the EU Taxonomy Regulation)?
- Quite influential. However, the German government is much more reserved in representing its interests in the energy sector than, for example, the French government.
- V. Germany had national elections in 2021 and transitioned from a Große Koalition (Grand Coalition) to a left leaning coalition between the SPD, the Greens and the FDP.
- a. Where do you see the differences in the German position on EU's Taxonomy (especially since the economics and climate ministry is now held by the Greens)? Are there any?
 - b. Has the Merkel-led pro-Russia energy position been obliterated due to the war in Ukraine or was the new coalition already in the process of formatting a different attitude?
- With regard to the criteria, especially on gas, there was a change in positioning due to a change of government: the Merkel government had not actively advocated for gas, although it was Germany's position, the Scholz government then explicitly advocated for a deal with the French government.

- VI. Scholars have found evidence that Germany puts European interests before domestic benefits²⁹ - do you think that is accurate?
- a. Would you say you see that that attitude is reflected in the German position on EU Taxonomy Regulation (e.g., no veto in the Council for the inclusion of nuclear power as green)?
 - There was no veto because on the inclusion of Gas. But as far as I remember, the German Government also abstained in the vote on the CCDA. As said before, a single country cannot veto a DA...
 - b. Do you think this trend has increased or decreased since the new government took over in 2021? And why do you think that is?
 - Changed on a case by case basis, for example in the discussion about emission performance standards for cars, the ministry led by Volker Wissing did put up a fight for the interest of the German car industry.
 - c. This trend is in contrast to other countries' attitudes in EU political negotiations – Emmanuel Macron, for example, used his term as Council President to push French domestic issues in the first half of 2022 and bolster his support at home. Would you therefore say that Germany is an outlier in how it behaves itself in European affairs? Or are there other states that display a similar attitude?
 - It is an absolute outlier. Other member states represent their interests more strongly and less willing to compromise.
- VII. What German domestic actors would you consider highly influential for the positioning of Germany in energy matters on the European level (e.g., the German Federation of Industries (BDI), NGOs (Fridays For Future, Greenpeace, Bund für Umwelt und Naturschutz Deutschland), etc.)?
- NGOs are very influential in energy policy in the current government. The influence of companies and business associations like BDI, BDEW and others

²⁹ Verhoff & Niemann (2011) find in their assessment of the 2007 German Council Presidency that instead of using it to its domestic advantage and strengthening the EU's ties with Russia, Germany focussed on keeping the worries of the Eastern European countries down by not forming tighter bonds.

has rather decreased in the government, but at least the channels of communication are still open.

VIII. The Taxonomy Regulation currently includes only a limited number of sectors (list provided below) – which ones do you consider especially impactful for the German economy? And were sectors excluded that benefitted Germany (e.g., less impact on the domestic economy, etc.)?

a. Currently included sectors:

- i. Forestry
- ii. Environmental protection and restoration activities
- iii. Manufacturing
- iv. Energy
- v. Water supply, sewage, waste management and remedies
- vi. Transport
- vii. Construction and real estate
- viii. Information and communication
- ix. Professional, scientific and technical activities
- x. Financial and insurance activities
- xi. Education
- xii. Human health and social assistance activities
- xiii. Art, entertainment and recreation

b. The sectors marked in red were especially controversial – and all three sectors are central to the German economy, did the German government advocate for relief for these sectors? Or did Germany strive for harmony at the European level and swallowed its concerns?

c. The agricultural sector is also noticeably absent – was that in Germany's interest (since it produces less than 1% of German GDP)?

- I cannot tell you much about the other sectors.

IX. With the EU's Taxonomy Regulation as it is right now – to what degree do you think the German position is reflected? Could Germany have achieved a better result for its domestic audience?

- Germany could have achieved a better result if it had taken a hard line in the negotiations at the beginning, also with regard to the regulation and the criteria. German interests in the energy sector are represented, but less so for other sectors.

X. Is there anything additional you would like to mention on the topic?

- There is nothing else to add.

Questions about Italy's position:

Since you are an expert in Germany's political position I assume Italy's might not be as familiar to you. If you do happen to know information that could be useful about the Italian national positioning, please feel free to express it here:

I have nothing additional to express.

15.5 Interview E

Transcript Interview E

Date: 31/07/2023

Interviewee: Business representative (German industry & commerce)

General questions:

1. How do you remember the negotiations on energy provisions of the 2020 EU-Taxonomy Regulation and its subsequent Delegated Acts (mainly the Climate Delegated Act and the Complimentary Climate Delegated Act)?³⁰

Unfortunately, I cannot provide you with any insight there. I joined my current employer later and started working on the topic only then.

2. The European Commission made changes to the proposal after the early feedback report in 2018 of the TEG and the public consultations in 2019. Do you remember what precisely was changed and which actors advocated for them? And do you perhaps remember which ones were advocated for but not accepted?

Unfortunately, I do not. I joined at a later point. I assume it may have become clear that the earlier proposal was too complex and needed to be adapted.

3. The Czech Republic, France and the UK [blocked the Taxonomy Regulation](#) in December 2019 due to concerns over financing schemes for the nuclear power industry. What was the reason for their ultimate acceptance (since the

³⁰ I am looking for general recollections of the process, anything that stuck in your mind from the past few years.

taxonomy regulation was adopted in 2020)? What if any concessions did they get?

Unfortunately, I did not follow this.

4. As a part of the process the European Commission gave regular updates to the [MSEG](#) whose meeting notes are not publicly available. Do you remember any indication of member states opinions during the consultation of the Regulation?

No.

5. The influence of member states.
 - a. How much influence would you prescribe the MSEG on a scale from 0-10³¹? Please elaborate why you gave that score.

Very difficult to judge. Expert and stakeholder input is increasingly important when complex legislative files are drafted, but ultimately the European Commission decides what is included in the final proposal. I'd therefore give it a 5.

- b. How much is the European Commission guided by the Member States opinions in energy regulation on a scale from 0-10³²?

A lot as the Council, which represents Member States' interest has to agree to proposals during trilogue negotiations.

³¹ With 0 being no influence at all and 10 meaning that the Commission incorporates the opinion of the MSEG at all times.

³² With 0 being no influence at all and 10 meaning that the Commission follows member state opinions at all times.

- c. How much influence does Germany have on the Commission on a scale from 0-10³³ in energy matters?

I would say 7.

- d. How much influence does Italy have on the Commission on a scale from 0-10³⁴ in energy matters?

Here, I would give a 5.

6. Scholars sometimes claim that the Trilogue process often barely changes anything in the ultimate proposal because what the European Parliament amends is compensated for by the Council (i.e., while the EP wants stricter rules and higher thresholds, the Council adjusts it back down). Do you feel that this is an adept description of the Trilogue negotiations for the EU Taxonomy Regulation?

No. Often, the final outcome looks quite different than what the Commission put forward initially. The described perception may be true for some files, but from my point of view, not for the majority. Obviously, the trilogue aims to balance the interests of a variety of different actors, so there is always some give and take.

7. The EU's Taxonomy Regulation of 2020 stipulated that the European Commission would put together Delegated Acts – which cannot be amended by the EP or the Council in the subsequent process, only be rejected.
- a. Would you say this is a common process in EU politics? Is it common in energy policy negotiations?

³³ With 0 being no influence at all and 10 meaning that the Commission follows Germany's opinions at all times.

³⁴ With 0 being no influence at all and 10 meaning that the Commission follows Italy's opinions at all times.

It is a general trend in recent years to use more delegated acts. There are arguments for and against it.

- b. And is the Commission using this tool to restrict the influence of radical voices (of Member States or parliamentary groups for example)?

Unfortunately, I can't judge this.

8. In the first Delegated Act the original plan was to include the categorisation of nuclear power and natural gas, but the Commission decided to delay the classification. Where do you see the rationale for this and can a single actor or a group of actors be considered primarily responsible for the delay (e.g., the pro-nuclear sentiment of France or the anti-nuclear preference of Austria)?

Quite often in Brussels, controversial decisions are delayed in order to find a compromise later on.

9. In the Complimentary Climate Delegated Act the European Commission included both the categorisation of nuclear power and natural gas. That was a conscious decision of the EC to prevent the veto of the Delegated Act in the Council and the European Parliament. Do you agree?

I can't judge this. I was working on other files at the time.

- a. Why would a country like Austria, which has been vocally anti-nuclear power, has gone to court over the issue multiple times (e.g. the [Hinkely Point C Case, ECJ, decision in 2020](#)), and does not rely on natural gas, not veto the Complimentary Climate Delegated Act?

Vetos are used rarely as the Member States are keen to find compromise and simply vetoing proposals has the potential to derail other files, too.

10. Is there anything additional you would like to mention or point out to me on the topic?

No.

Questions about Germany's position:

- I. How would you describe Germany's position in general towards the EU's Taxonomy Regulation and the Delegated Acts (mainly the Climate Delegated Act and the Complimentary Climate Delegated Act)?

German businesses in principle support the green transition. However, there is growing concern over the sheer number of policy initiatives coming from Brussels. Many of the initiatives being proposed are also extremely complex and threaten to overwhelm businesses, in particular SMEs.

- II. What do you consider the most important part of the German position on the Regulation/the Delegated Acts?

I can only speak from the point of view of my current employer, where I represent business interest. We try to raise awareness for the fact that many SMEs lack the resources to implement all the new requirements and that ultimately many of the laws which are passed could hurt our competitiveness and ultimately, prosperity.

- III. The European Commission amended the EU Taxonomy proposal after feedback from stakeholders and Member States in 2018/19 – do you see German opinions reflected in the changes?

Unfortunately, I can't answer this as I started working on the proposal way after that.

- IV. Germany had national elections in 2021 and transitioned from a Große Koalition (Grand Coalition) to a left leaning coalition between the SPD, the Greens and the FDP.
- a. Where do you see the differences in the German position on EU's Taxonomy (especially since the economics and climate ministry is now held by the Greens) after the new government came to power? Are there any?

Obviously, there's more backing for green policies in general.

- b. Has the Merkel-led pro-Russia energy position been obliterated due to the war in Ukraine or was the new coalition already in the process of formatting a different attitude?

The Russian invasion sped up the process enormously. On the European level, strategic autonomy and "de-risking" have become buzzwords.

- V. Scholars have found evidence that Germany puts European interests before domestic benefits³⁵ - do you think that is accurate?

I have not read the studies and cannot speak on behalf of the German government. Obviously, there needs to be compromise with 27 Member States. In general, I'd say that Member States that have their positions ready ahead of time have better chances of getting them through.

³⁵ Verhoff & Niemann (2011) find in their assessment of the 2007 German Council Presidency that instead of using it to its domestic advantage and strengthening the EU's ties with Russia, Germany focussed on keeping the worries of the Eastern European countries down by not forming tighter bonds.

- a. Would you say you see that that attitude is reflected in the German position on EU Taxonomy Regulation (e.g., no veto in the Council for the inclusion of nuclear power as green)?

I can't answer this. (I mention this elsewhere, but perhaps as a general point: My impression is that vetoes are not used lightly in negotiations.)

- b. Do you think this trend has increased or decreased since the new government took over in 2021? And why do you think that is?

I would argue it's long-term political vision versus short-term political gains. Every Member State needs to compromise in their final position. I would highlight that there are examples where Germany acted clearly in its own interest, sometimes without consulting partners. (examples: gas prize stop, car manufacturing)

- c. This trend is in contrast to other countries' attitudes in EU political negotiations – Emmanuel Macron, for example, used his term as Council President to push French domestic issues in the first half of 2022 and bolster his support at home. Would you therefore say that Germany is an outlier in how it behaves itself in European affairs? Or are there other states that display a similar attitude?

From my personal point of view, Germany's position isn't strengthened by infighting in the coalition.

- VI. What German domestic actors would you consider highly influential for the positioning of Germany in energy matters on the European level (e.g., the German Federation of Industries (BDI), NGOs (Fridays For Future, Greenpeace, Bund für Umwelt und Naturschutz Deutschland), etc.)?

On energy matters, you could try to speak to one of my colleagues as I focused on environmental policy. From my personal impression, I would say that the national

government trumps other actors. National actors don't receive as much attention in Brussels as European associations.

- VII. The Taxonomy Regulation currently includes only a limited number of sectors (list provided below) – which ones do you consider especially impactful for the German economy and why? And were sectors excluded that benefitted Germany (e.g., less impact on the domestic economy, etc.)?

I marked the ones I consider particularly relevant in yellow. In general, in light of the overall atmosphere, growing global competition, rising costs and new regulation, there are concerns that some businesses may consider moving outside of Europe. This is particularly relevant for the producing industry which is energy intensive.

- a. Currently included sectors:
- i. Forestry
 - ii. Environmental protection and restoration activities
 - iii. Manufacturing
 - iv. Energy
 - v. Water supply, sewage, waste management and remedies
 - vi. Transport
 - vii. Construction and real estate
 - viii. Information and communication
 - ix. Professional, scientific and technical activities
 - x. Financial and insurance activities
 - xi. Education
 - xii. Human health and social assistance activities
 - xiii. Art, entertainment and recreation
- b. The sectors marked in red were especially controversial – and all three sectors are central to the German economy, did the German government advocate for relief for these sectors? Or did Germany strive for harmony at the European level and swallowed its concerns?

It might help you to study our publicly available position and discussion paper. As I'm outlining below, it is extremely difficult to define a national position there. Often, businesses in the same sector hold widely differing views.

- c. The agricultural sector, which produces less than 1% of German GDP, is also noticeably absent – was that in Germany's interest?

I am not in a position to answer this.

- VIII. With the EU's Taxonomy Regulation as it is right now – to what degree do you think the German position is reflected? Could Germany have achieved a better result for its domestic audience?

The key challenge is to even define what is in the national interest here. There are companies that would like to see their activities included, others would like to not be included and many are not even fully aware that this regulation will be relevant for them.

The taxonomy is still a highly complex file, that will challenge many businesses.

- IX. Is there anything additional you would like to mention on the topic?

No.

Questions about Italy's position:

Since you are an expert in Germany's political position I assume Italy's might not be as familiar to you. If you do happen to know information that could be useful about the Italian national positioning, please feel free to express it here:

Sorry, I can't be of any help here.

15.6 Interview F

Transcript Interview F

Date: 14/08/2023

Interviewee: Business representative (German industry)

General questions:

1. How do you remember the negotiations on energy provisions of the 2020 EU-Taxonomy Regulation and its subsequent Delegated Acts (mainly the Climate Delegated Act and the Complimentary Climate Delegated Act)?

I did not follow the development of the Taxonomy Regulation then, but generally remember that it has often been raised that the Commission's motivation to table the Taxonomy proposal included the wish to set a global taxonomy standard in context of EU Green Deal flagship initiative of von der Leyen Commission.

2. The European Commission made changes to the proposal after the early feedback report in 2018 of the TEG and the public consultations in 2019. Do you remember what precisely was changed and which actors advocated for them? And do you perhaps remember which ones were advocated for but not accepted?
3. The Czech Republic, France and the UK [blocked the Taxonomy Regulation](#) in December 2019 due to concerns over financing schemes for the nuclear power industry. What was the reason for their ultimate acceptance (since the taxonomy regulation was adopted in 2020)? What concessions did they get?

4. As a part of the process the European Commission gave regular updates to the [MSEG](#) whose meeting notes are not publicly available. Do you remember any indication of member states opinions during the consultation of the Regulation?

5. How much influence would you prescribe the MSEG? How much is the European Commission guided by the Member States opinions? Especially on contentious matters such as energy regulation?

6. Scholars sometimes claim that the Trilogue process often barely changes anything in the ultimate proposal because what the European Parliament amends is compensated for by the Council (i.e., while the EP wants stricter rules and higher thresholds, the Council adjusts it back down). Do you feel that is an adept description of the Trilogue negotiations for the EU Taxonomy Regulation?

[From a general point of view regarding environmental and energy legislation, I do not share this view. The EP has become increasingly powerful in the EU legislative negotiations, exercising its co-legislative powers, including at Trilogue level.](#)

7. The EU's Taxonomy Regulation of 2020 stipulated that the European Commission would put together Delegated Acts – which cannot be amended by the EP or the Council in the subsequent process, only be rejected.
 - a. Would you say this is a common process in EU politics? Is it common in energy policy negotiations?

[Yes, this is a common process, not specific to the Taxonomy Regulation. The number of comitology mandates for the Commission increased a lot during recent years in all policy areas. It now is also the case in the energy field. In that sense indeed comitology has become a common process in EU politics while at the same time it remains very controversial and often also leads to time delays in the adoption of EU](#)

law if EP and Council do not agree on the type of comitology mandate to be given (i.e.: delegated acts or implementing acts).

- b. And is the Commission using this tool to restrict the influence of radical voices (of Member States or parliamentary groups for example)?

EU legislation has become increasingly complex. Furthermore, many legislative initiatives are at the same time very technical and very political. In such situations comitology often seems to be chosen as a means to build compromises step by step, i.e., to first try to find agreement on a framework law and to then determine technical details in a second step. Depending on the complexity of the file, this sometimes works well or better and sometimes less well.

- 8. In the first Delegated Act the original plan was to include the categorisation of nuclear power and natural gas, but the Commission decided to delay the decision. Where do you see the rationale for this and can a single actor or a group of actors be considered primarily responsible for the delay (e.g., the pro-nuclear sentiment of France or the anti-nuclear preference of Austria)?

This delegated act was highly political from the outset and conflicting interests of different member states were imminent from the beginning. At the same time different opinions also existed internally in the Commission between different Directorate Generals and in the light of the EU Green Deal policies it was not obvious how to design the proposal. Highly controversial opinions were also raised by the different stakeholders (NGOs, industry) and public opinion was split, too. Finally, the main Fit-for-55 proposals to implement the EU Green Deal had just been launched and the timing to table the proposals seemed very delicate from that perspective, too. It was very likely that any COM proposal would face criticism whatever its content. The discussion was then also overshadowed by the Russian invasion in Ukraine, which made the situation even more delicate, as REPowerEU lead to a rediscussion about the role of gas in the transition, which was then reconfirmed and tied in with the policy of increased diversification of supply routes (LNG for example).

9. In the Complimentary Climate Delegated Act the European Commission included both the categorisation of nuclear power and natural gas. That was a conscious decision of the EC to prevent the veto of the Delegated Act in the Council and the European Parliament. Do you agree?

Combining the classification of both, nuclear and gas, in one delegated act indeed helped overcoming the different interests of two big Member States, Germany and France and bore the potential to find support in the Council.

- a. Why would a country like Austria, which has been vocally anti-nuclear power, has gone to court over the issue multiple times (e.g. the [Hinkely Point C Case, ECJ, decision in 2020](#)), and does not rely on natural gas, not veto the Complimentary Climate Delegated Act?

Austria does rely on gas (even Russian gas!). I am however not sure that they indeed did not veto the complimentary delegated act. In any case, Austria is challenging the delegated act in front of the European Court of Justice.

10. Is there anything additional you would like to mention or point out to me on the topic?

The preparatory process of delegated acts under the EU Taxonomy Regulation is often criticised as very intransparent (and in my view rightly so). The composition of the TEG is rather imbalanced and not sufficiently inclusive. Not much information is made publicly available by TEG and/or MSEG.

Questions about Germany's position:

- I. How would you describe Germany's position in general towards the EU's Taxonomy Regulation and the Delegated Acts (mainly the Climate Delegated Act and the Complimentary Climate Delegated Act)?

For quite a long time no official position was given by the German government. There was a high-level bilateral meeting between Chancellor Scholz and President Macron that helped building the compromise for EU negotiations.

- II. What do you consider the most important part of the German position on the Regulation/the Delegated Acts?

The split views between the different coalition partners (ministers Habeck and Lemke) were weakening the German position.

- III. The European Commission amended the EU Taxonomy proposal after feedback from stakeholders and Member States in 2018/19 – do you see German opinions reflected in the changes?

No comment (I did not follow the Taxonomy Regulation at the time).

- IV. How influential is Germany on the European stage? And specifically in the matter of financial and energy regulation (in the EU Taxonomy Regulation)?

The German position very often influences the position of other (smaller) Member States. Several Member States very often are even awaiting the German position before concluding on their own one. In this respect Germany can be very influential and central for building compromises at EU level. However, in recent times, Germany more often than not was not able to present a position due to differences among the coalition partners and hence causing some kind of vacuum or at least irritation and/or delay of decision making at EU level.

- V. Germany had national elections in 2021 and transitioned from a Große Koalition (Grand Coalition) to a left leaning coalition between the SPD, the Greens and the FDP.

a. Where do you see the differences in the German position on EU's Taxonomy (especially since the economics and climate ministry is now held by the Greens)? Are there any?

b. Has the Merkel-led pro-Russia energy position been obliterated due to the war in Ukraine or was the new coalition already in the process of formatting a different attitude?

During the Merkel government there were also different opinions between different German ministries that impacted the presentation of a

German position at EU level. In general terms, the Merkel government strongly advocated in favour of gas.

The coalition treaty of the new Scholz government also generally committed to gas as a transition fuel (see [Coalition Treaty here](#), page 59). However, the implementation made differences in views of the different partners more obvious and difficult. Excerpt German Coalition Treaty of 2021:

“Gas und Wasserstoff Eine Energieinfrastruktur für erneuerbaren Strom und Wasserstoff ist eine Voraussetzung für die europäische Handlungsfähigkeit und Wettbewerbsfähigkeit im 21. Jahrhundert. Wir wollen die Energieversorgung für Deutschland und Europa diversifizieren. Für energiepolitische Projekte auch in Deutschland gilt das europäische Energierecht. Wir beschleunigen den massiven Ausbau der Erneuerbare Energien und die Errichtung moderner Gaskraftwerke, um den im Laufe der nächsten Jahre steigenden Strom- und Energiebedarf zu wettbewerbsfähigen Preisen zu decken. Die bis zur Versorgungssicherheit durch Erneuerbare Energien notwendigen Gaskraftwerke müssen so gebaut werden, dass sie auf klimaneutrale Gase (H2-ready) umgestellt werden können. Erdgas ist für eine Übergangszeit unverzichtbar. Die Wasserstoffstrategie wird 2022 fortgeschrieben. Ziel ist ein schneller Markthochlauf. Erste Priorität hat die einheimische Erzeugung auf Basis Erneuerbarer Energien. Für einen schnellen Hochlauf und bis 59 zu einer günstigen Versorgung mit grünem Wasserstoff setzen wir auf eine technologieoffene Ausgestaltung der Wasserstoffregulatorik.“

- VI. Scholars have found evidence that Germany puts European interests before domestic benefits³⁶ - do you think that is accurate?

³⁶ Verhoff & Niemann (2011) find in their assessment of the 2007 German Council Presidency that instead of using it to its domestic advantage and strengthening the EU's ties with Russia, Germany focussed on keeping the worries of the Eastern European countries down by not forming tighter bonds.

Not necessarily. Merkel government reinforced energy ties with Russia and drove an isolated Nord Stream II position at the EU level. During Presidency times, however, Germany indeed tries (perhaps more than other Member States) to be “an honest broker”.

- a. Would you say you see that that attitude is reflected in the German position on EU Taxonomy Regulation (e.g., no veto in the Council for the inclusion of nuclear power as green)?

Not necessarily. This is in my view the result of the political deal found between France and Germany on the delegated act before the EU vote was taking place.

- b. Do you think this trend has increased or decreased since the new government took over in 2021? And why do you think that is?

Perhaps yes, but also political priorities and attitudes as such changed with the new government.

- c. This trend is in contrast to other countries’ attitudes in EU political negotiations – Emmanuel Macron, for example, used his term as Council President to push French domestic issues in the first half of 2022 and bolster his support at home. Would you therefore say that Germany is an outlier in how it behaves itself in European affairs? Or are there other states that display a similar attitude?

France is indeed more direct in its positioning and consideration of national interests, also during times of holding the EU Presidency.

- VII. What German domestic actors would you consider highly influential for the positioning of Germany in energy matters on the European level (e.g., the German Federation of Industries (BDI), NGOs (Fridays For Future, Greenpeace, Bund für Umwelt und Naturschutz Deutschland), etc.)?

All of them plus Agora Energiewende, Deutsche Energieagentur (DENA), BdEW, energy intensive industries (e.g.: VCI, WV Stahl) Fridays for Future movement or Deutsche Umwelthilfe.

- VIII. The Taxonomy Regulation currently includes only a limited number of sectors (list provided below) – which ones do you consider especially impactful for the German economy? The yellow highlighted ones. And were

sectors excluded that benefitted Germany (e.g., less impact on the domestic economy, etc.)?

a. Currently included sectors:

- i. Forestry
- ii. Environmental protection and restoration activities
- iii. Manufacturing
- iv. Energy
- v. Water supply, sewage, waste management and remedies
- vi. Transport
- vii. Construction and real estate
- viii. Information and communication
- ix. Professional, scientific and technical activities
- x. Financial and insurance activities
- xi. Education
- xii. Human health and social assistance activities
- xiii. Art, entertainment and recreation

b. The sectors marked in red were especially controversial – and all three sectors are central to the German economy, did the German government advocate for relief for these sectors? Or did Germany strive for harmony at the European level and swallowed its concerns?

Germany generally supported the EU direction for setting an EU Taxonomy Regulation. Requests for changes were rather targeted and more motivated by helping to design a more workable EU Taxonomy Regulation rather than requests for reliefs for industrial sectors.

c. The agricultural sector is also noticeably absent – was that in Germany's interest (since it produces less than 1% of German GDP)?

Do not know.

IX. With the EU's Taxonomy Regulation as it is right now – to what degree do you think the German position is reflected? Could Germany have achieved a better result for its domestic audience?

Yes, by voicing its proposals earlier in the EU legislative process earlier and in better alignment/transparency with its domestic stakeholders.

X. Is there anything additional you would like to mention on the topic?

Since the delegated act nuclear/gas has been challenged in front of the European Court of Justice, there is still no legal certainty for affected stakeholders regarding gas as a transition fuel up to now. This also impacts investment decisions for the transition.

Questions about Italy's position:

Since you are an expert in Germany's political position I assume Italy's might not be as familiar to you. If you do happen to know information that could be useful about the Italian national positioning, please feel free to express it here: