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The role of the Eastern member states in the European Union's energy and climate policy

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The Role of the Eastern Member States in the European Union's Energy and Climate Policy

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Working Paper, No. 89/2017

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Abstract

The European Union has been prizing itself for being the global leader in terms of climate change; its triptych approach and the 20-20-20 targets were certainly an enviable effort prior to the United Nations Convention. However, with the economic crisis having left its mark, there has been a decrease in ambitiousness and the paradigm is now dominated by competitiveness. The 2014 energy and climate package and its 2030 targets were therefore not only comparably unambitious but also nonbinding, with only GHG emission reduction being set. With the eastern countries traditionally being not very fond of climate policies, the thesis especially concentrates on where Poland and its coal-based energy system have stood as things developed and therefore assesses the role the country and the broader Visegrad Group had. Asking questions that get at the underlying reasons, the liberal intergovernmental framework is chosen to analyze how domestic preference building in Poland takes place, finding that the conventional energy sector has a tremendous impact on policy making. While Poland absorbed the directives to fit them into existing practices, without causing substantial structural changes, it applied a much more aggressive approach in the run up to the 2030 process, sending clear signals and thereby significantly contributing to the lowered ambitiousness of EU policies. Stemming not exclusively from a turn in the international environment, the learning process of the eastern Member States in the post-accession period played a decisive role in this development.

Keywords: European Union, energy and climate policy, Poland

JEL Codes: Q28, Q48, Q54, Q58, K32

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1. Introduction

Availability and control over energy resources are of vital importance for human life and indispensable for our daily activities. Although the way energy has been appropriated and consumed has changed over history, varying from simple and primitive methods like muscle power over to high-tech and costly methods, some of which were proven to be very hazardous to our planet, it has been and will remain important for mankind. Energy is therefore also one of the greatest reasons for international conflicts and it is not surprising that the European Union (EU), which emerged out of devastating world wars, was founded with aspirations for peace by linking the coal and steel industries of Europe's nation states closely together through the European Coal and Steel Community in 1952, thereby aiming to prevent history from repeating itself. Today there is no doubt that climate change is an imminent problem and its intrinsic tie to energy consumption coupled with steadily increasing demand from developing and developed countries alike has disastrous effects on the planet. However, this relationship was not acknowledged throughout the early phases of the integration process of the EU and energy provision was at the center of attention.

Nevertheless, the EU has come a long way by making swift progress on climate policies since their emergence on the political agenda, carrying the torch internationally. With the issue of climate change increasingly attracting Member States' attention, over time varying energy related issues continually emerged on policy agendas. Enlargements brought more diversified national approaches and interests to the table, sometimes preventing the EU from having "a single voice" and most recently undermining its frontrunner position in international negotiations by urging it to settle for less ambitious climate policy targets, as it did during the post-2020 negotiation. These discrepancies are not surprising since each new member state has a different energy mix, import dependency, market structure and infrastructure. Over time some countries such as Germany and Denmark aimed for more ambitious climate goals, whereas others questioned them and made policy-making processes especially tedious. In this sense, the study departs with a firm belief on the necessity of understanding the underlying reasons of these discrepancies by taking historical developments into consideration and most importantly by scrutinizing preference building processes within Member States. This is especially important when bearing in mind that a policy paradigm can be understood as an interpretive framework which constitutes not only a comprehensible system of standards and ideas that specify policy goals and instruments to be employed, but also the very way they are perceived (Hall 1993:279).

Therefore, a central argument is that the perception of climate change as a concrete problem – being more, equal or less pressing than other problems such as competitiveness or energy security – translates into willingness of the involved actors to sufficiently deal with this problem by placing it on the political agenda, directly affecting future European ambitiousness. This understanding points us in a right direction since the most vehement opposition to ambitious climate policies reportedly came from the post-Soviet eastern Member States, in particular the Poland-led Visegrad Group, making this area of study both relevant and fruitful for further research. Consequently, a good assessment is quite important as the EU aims for a secure supply and competitiveness but also wishes to further pursue its role model position in terms of tackling climate change. The two energy and climate packages of 2009 and 2014 are in this sense deliberately chosen, since by focusing on the development of GHG emissions cuts, renewable energy deployment and energy efficiency targets over time, we have concrete examples to assess the paradigm shift in EU climate and energy policy and see how national preferences manifest themselves in proposals made by the Commission and subsequently adopted by the Council.

Of course, in order to fully grasp the emergence of the paradigm shift in the European energy and climate policy a comprehensive understanding of relevant processes becomes indispensable. Ciambra (2013) for instance, by stressing the importance of having a holistic and all-embracing lens, incorporating various aspects – from market forces to international relations and the environment – draws attention to scarcities within the academic world and argues that none of the many components can be left out when analyzing the development of EU energy policy. Likewise, Dupont acknowledges that unless providing a complete picture by keeping scientific, economic and historical facts in mind, this proves impossible (2013). While admitting these arguments and the obvious fact that such an approach yields richer results, it is understandable that this endeavor would greatly exceed the formal scope of the thesis as not only an inclusion of all relevant European institutions and Member States, but also a thorough analysis of any affected interest groups etc. and their reasons for assuming any given policy preference would be needed. However, this could certainly be subject to further studies.

By concentrating on Poland and the Visegrad Group, the scope of the thesis is seen in this sense as broad enough to assume on one hand a fitting starting point to contribute to uncover the reasons behind the shift in EU preferences, but on the other hand not to get lost in the aforementioned vastness of parameters enabling to assess one of them properly. Accordingly,

the thesis argues that the role of Poland and the Visegrad Group is an important aspect in understanding the changing paradigm of sustainability in the EU's energy and climate policies (see Geden and Fischer 2014, Carey 2015, Fischer and Geden 2015). In this sense, the thesis analyzes how the position of Poland affected the policy process surrounding the two energy and climate packages of 2009 and 2014 by asking the following the research question:

How did Poland and the Visegrad Group affect the paradigm shift between the EU's energy and climate packages?

Although the study of the European integration process has been blessed with many approaches trying to analyze its very nature as well as various factors affecting policy making processes, the particular choice of Liberal Intergovernmentalism (LI) is deemed accurate since it draws attention to intergovernmental bargains reflecting the domestic preferences and interests of eastern Member States drawing on political economic considerations, which in turn affect overall policy making for the sake of consensus building and concluding that real decision-making power is still located at the member state level. LI initially focuses on the process regarding the capital European treaties, however it will in this way be applied to the energy and climate policy of the EU.

To provide an answer to the research question, the thesis starts with a literature review to reveal the current state of the art. Then a proper explanation of the LI approach is provided, followed by an account of Poland's situation, whereby the related actors and power constellations are analyzed before moving to its position and relations within the Visegrad Group. In the next step the processes leading up to the first package as well as Polish implementation experiences will be explained to see if the transposition and adoption of the EU directives was successful or whether it created further problems. As both packages are displayed especially in light of Poland's and the Visegrad Group's positions, their impact on the ambitiousness of the adopted frameworks will then be evaluated in order to carve out relevant changes within these processes to conclude in what way they have affected the paradigm shift. Accordingly, the main research strategy focuses on this threefold analysis of the two packages, while a comparison of the findings on both packages will in the final section lead back to the research question, thereby providing the conclusion together with an evaluation of the LI approach itself, also to elaborate on fitting assumptions or shortcomings of the theory. The analysis itself will be based on a broad range of academic material including first and secondary literature to compare processes and discuss relevant developments.

2. Literature Review

It can be concluded from the amount of studies that the EU's energy and climate policy has been subject to increased scholarly work, whereas depending on the point of departure the focus of the work varies to a great amount. As the research question frames the study in regards to the two packages and Polish influence, the first step will be critically assessing the position of the country. Ancygier's (2013) work on the implementation and the resulting misfit of European renewable energy directives 2001/77/EC and 2009/28/EC proves valuable as it provides a thorough analysis of the country's inner-state power constellations displaying which political, economic and social factors trigger and shape the national position. In his study he thereby identifies the relevant formal and informal competences of these actors which not only influence policy making at the national and European level but also their implementation processes (Ancygier 2013:70). It is concluded that, while having problems in transposition and adaptation of the directives, Poland has over time increasingly transformed from "taking" European policies to "shaping" them, however the study largely focuses on the renewable directives and also does not include the 2014 energy and climate package. Another study incorporating the implementation of the first package directives is provided by Skjærseth (2014) who focuses on how Poland has increasingly become active in shaping EU policies due to its experiences, where he draws upon the concept of "Polonization" used by Ancygier (2013). Therefore, Skjærseth assesses how the policies of the first energy and climate package have been implemented in order to see what consequences it had for the country's further position. Observing that the country was significantly challenged by EU adaptation pressure combined with a 'misfit' of EU policies to Poland's national policies, he concludes that willingness has decreased over time, sparking increased resistance to long-term EU policies.

Scholarly work on how the packages came about in the first place concentrate on various actors such as Member States and the Commission generally being taken as points of departure. Alexander Bürgin (2015) for example, explicitly focuses on the role of the European Commission thereby contributing to the literature on intra-Commission dynamics. By comparing the drafting processes of both packages in 2005/6 and 2013/14 he presents reasons for lacking ambitiousness in the latter proposal, where the failure of the EU's leadership norm during the 2009 Copenhagen Summit as well as a much more heterogeneous setting in the Council when compared to the first process increasingly contributed to this outcome (Bürgin 2015:703). Accordingly, it is concluded that the shifting focus can be

attributed to this changing context with doubts and hesitation of previous supporters of ambitious goals further encouraging the opposition, whereas the energy commissioner's bargaining strategy proved decisive in forging consensus and in the adoption of non-binding targets.

Having a different focus Vaagland (2015) on the other hand takes up a more nation-centric approach in light of the roles of Germany and Poland being the two poles of the "widening interest gap" during the 2014 negotiations. By investigating the negotiation process the author tries to measure both positions and concludes that Poland had the upper-hand with a clear negotiating advantage due to its reluctance for consensus. Nonetheless, Ydersbond (2016) draws attention to the ambiguity of existing attempts to explain decision making processes. By referring to a combined analysis of the advocacy coalition framework, historical institutionalism and liberal intergovernmentalism, varying degrees of stakeholders' influence during the 2030 negotiations are assessed, confirming the Commission's importance in line with the arguments of Bürgin, while also shedding light on member state interests as drawn attention to by Vaagland. Building up on this, the thesis aims to add insights and contribute to this scholarly area by providing a comparison of both processes when looking at the eastern and especially Polish point of view and thereby explaining how Polish domestic preferences have affected the Visegrad and European level and in return, how implementation of the 2007 package itself has affected the same process leading up to the 2014 package. Through this comparison the thesis tries to analyze what role the eastern Member States had in the paradigm shift.

3. European Integration Theory

European integration has been subject to theorizing attempts for over half a century and famous comparisons such as "blind men touching different parts of an elephant" (Puchala 1971) or "an ever busy construction site" (List 1999) have been drawing attention to its inherently dynamic nature while trying to explain this process. In this regard, Bieling and Lerch (2012) explicitly state that no clarification regarding the question of "finality", that is, the question of the final institutional form of the European Union can actually be made, which also means that there is no end to such attempts in sight. By drawing attention to the dialectic on deepening and widening of the Union as well as the difficult ratification process of the Lisbon Treaty – the provisional highlight of the integration dynamic – they give evidence on how conceptual differences of Member States came to the front making clear that

fundamental political controversies have always been very close to one another in the European integration progress (Bieling & Lerch 2012). In line with this argument it must therefore be noted that although further differentiation attempts and an increase in theoretical perspectives stemming from the dynamic development of this complex subject can be displayed, the theoretical debate around the European integration process has been revolving around the two competing traditions of neofunctionalism and intergovernmentalism (Bieling & Lerch 2012, Rittberger & Schimmelfennig 2005).

These two theories diverge around the question of whether integration is a self-dynamic, transformative process or not (Rittberger & Schimmelfennig 2005). Building on Ernst Bernhard Haas' "The Uniting of Europe", neofunctionalism takes on the essential analytical elements of functionalism and argues that institutions formed by respective governments create self-dynamic developments which in turn transform the former through spill-over effects (1958), whereas intergovernmentalism sees the process as inherently in control of nation states that initiate and control its course and outcome to their desires (Hoffmann 1966).

Liberal Intergovernmentalism

Although it is widely accepted that nation states in the European Union have given up sovereignty and accepted supranationality, Moravcsik sees the related decisions to do so as a consequence of the demands from national constituencies, postulating that Member States are still at the center of decision-making, whereby he downplays the zeal of supranationalist approaches (Moravcsik 1993, Puchala 1999:327, Rittberger & Schimmelfennig 2005). Moravcsik's argument is that within nation states, rationally acting private groups and individuals try to enforce their own interests on their states in a domestic competition. The eventual outcome of this process, so argues Moravcsik, is decisively dependent on the distribution of power among the competing social actors as well as the political system in place (Moravcsik 1997, 2002). The state itself, however, is regarded as representative of these preferences, by aggregating and linking the "most important" domestic preferences to the international system, where it is time for cooperation with other nation states (Moravcsik 1997). For his analysis Moravcsik proposes a three-stage model by integrating a liberal theory of (1) national preference building, in which it is analyzed how states form their national preferences and whether they depend on economical or geopolitical interests, followed by (2) a bargaining process subject to relative bargaining powers of Member States and (3) institutional choice, which finally tries to answer why nation states cede sovereignty to international institutions (1998:20).

Steinhilber (2012) stresses that the national preference building process put forward by Moravcsik as the first step is both the core point of departure as well as the central aspect that differs from the traditional intergovernmentalist approach. Pressure from domestic groups and the related social power relations are specifically important in the initial formation of preference building as social actors are competing to influence their respective governments. These preferences are weighted against each other and eventually aggregated to form the national preference. Here it is important to note that in contrast to tactics and strategies, preferences are independent from the international environment or the preferences of other states (Moravcsik 1993: 481). Steinhilber in this regard identifies that it is a theoretical and empirical challenge to identify and explain the social groups and their influence on politics as well as the origins of their preferences (2012).

In order to analyze what eventually determines the preferences of the identified actors and why there is any demand for intergovernmental cooperation at all, Moravcsik reverts to issue-specific commercial liberalism, assuming that economic interests are more decisive than geopolitical considerations for dominant social actors. In this sense, he argues that the European integration process is in the first place aiming to support trade interests by removing barriers through liberalization and concludes that the preferences of economic interest groups are more compelling for governments (Moravcsik 1998, 2002). He reasons that once the national preference formation process on a specific subject is completed, the preferences of the social actors will be taken as stable until intergovernmental bargaining is over. Therefore they cannot influence the national interests represented by their governments, hence the conclusion that Member States are acting as isolated unitary actors in the actual bargaining stage is drawn (Moravcsik 1998:22).

Whereas the first step of national preference-building defines the demand for international cooperation, the second step, namely the bargaining-process, determines the terms of coordination (Moravcsik: 1995). Therefore, a series of assumptions are taken up in his bargaining theory, whereby the complexity of the actual negotiation process itself is reduced in order to make intergovernmental negotiations rational, efficient and predictable, narrowing the scope for strategic maneuvers during negotiations (Steinhilber 2012:150). Moravcsik's first assumption stipulates that the negotiations leading to fundamental European decisions are taking place among voluntarily participating governments free from dictations or military threats (Moravcsik, 1991). It is further noted that the transparent negotiating environment of the EU helps to reduce the importance of factors that restrict the rational behavior of the

actors by providing enough information on different implications and preferences vis-à-vis other Member States. The third assumption is that Member States are not depending on supranational organizations as negotiations have particularly low transaction costs and provide ample opportunities for compromises (Moravcsik, 1998:7). The actual bargaining power vested in each respective Member State is related to the intensity of the sector specific social preferences and depends on alternative options, whereby the greatest negotiation power is possessed by the government which can threaten to veto an agreement thanks to its credible unilateral policy option. Consequently, cooperative solutions tend to take place at the lowest common denominator under the conditions of unanimity, which are generally the case with the large treaty negotiations (Moravcsik 1991:47, Steinhilber, 2012:150). It is therefore indicated that drastic reform steps in the history of the EU have not resulted from unintended spill-over effects or supranational initiatives, but from rational government decisions based on the relative bargaining power of the Member States (Steinhilber, 2012:150).

In the third and final step, international institutions are chosen as the result of interstate bargaining. It must be noted that Moravcsik acknowledges the efficiency-enhancing role of supranational institutions in issues regarding distribution and monitoring (1993). However, he adds that institutions are only reflecting the preferences of national governments as they are conceived as facilitators for securing the compliance of other involved governments by delegating or pooling powers (Moravcsik 1998). In this sense it is plausible to draw the conclusion that the outcome of intergovernmental bargaining in European energy and climate policy is subject to national preferences since Member States still possess strong competences. Institutions can facilitate the integration process, but only as an instrument for Member States, but without being a necessary condition (Steinhilber, 2012:152).

At this point it must be noted that due to the evolution of new theories as well as the reformulation and adaptation of existing ones, the aforementioned comparisons drawing attention to the subject's sheer un-exhaustibility become highly understandable. Therefore, the aim of displaying a rather short account of the theoretical landscape with its two veterans has several purposes. It fittingly sets the stage for the actual theory that will be operationalized – Liberal Intergovernmentalism (LI) – to be introduced, explained and discussed thoroughly without getting lost in a theoretical discussion and without losing focus. Giving the contrast between neofunctionalism and intergovernmentalism is in this regard deemed accurate to make clear where LI positions itself when comparing these two diverging traditions. Nonetheless, for yielding richer inferences that are even closer to reality, using a

compound approach of various theoretical perspectives could prove valuable for further research on the subject. As Tallberg's work on the explanation of *the Institutional Foundations of European Union Negotiations* concludes, any engagement to falsify or prove theoretical frameworks should rather be replaced by attempts to discover explanatory complementarities among the theories (Tallberg 2010:644). LI therefore cannot give a full picture of the issue, however it is still well suited and valuable due to its currency, direct causality, ability to test hypotheses empirically, methodological strictness and small focus (Steinhilber, 2012:145). This is especially important for the scope of the thesis as well as its topic, for LI has not only been used extensively for explaining power relations in the EU, but can also be applied to energy policy in general (Ydersbond 2016:3).

4. Structures, Developments and Preference Building

When looking at the Polish position during the negotiations of the first Energy and Climate Package, it becomes helpful to depart from an understanding of the country's economic transformation as well as the therefrom resulting contextual environment in which relevant actors have been operating, in order to assess how their preferences affected the national stance on energy and climate policies. The results of Bokwa (2007) and Massai (2007) are similar as they stress the main attention of policy making, free from environmental concerns only focusing on industrialization until 1989, where the energy and mining industries in particular had the power to avert initiatives that would oppose their interests. Furthermore, the country's historic dependence on coal becomes visible very easily, as constantly being around 96 percent throughout the 1980-1990's, the share of coal sources in Poland's electricity generation accounted for 91 percent in 2007 (IEA 2011). Reports analyzing the environmental effects of these policies were not disclosed to the public. On the other hand, a number of studies reveal that public opposition against pollution diminished gradually as the post-1989 developments helped to improve air quality. Moreover, the general perception of the Polish, as climate change not being regarded as an imminent problem impeding on their lives, but having much more intense economic considerations is still present (Ancygier 2013, Tews 1999, Szulecka & Szulecki 2013, Skjærseth 2014:11).

Starting from the early 1990's Poland witnessed a series of developments such as a structural free-market reform process of its industries, including privatization of energy intensive sectors and the closure of unprofitable mines (Skjærseth 2014:11). Warsaw also came under the obligations of fulfilling internationally taken decisions and the Ministry of Environment

presented its climate action plan. This was of fundamental importance as it, next to laying out medium- and long-term policies on GHG emission reductions, showed the country's desire to take part in international efforts (Karski 2012:233, Ancygier 2013). Furthermore, the EU's impact on Poland's energy and climate policies started to increase significantly during the harmonization process of its laws while preparing to join the EU, where accession was a vital policy goal both for increased economic development and gaining more power against Russia (Ancygier 2013). In this sense, Podrygala (2008) correctly concludes that the process of EU membership was the main factor responsible for RES development in Poland. Another important document was the Development Strategy for Renewable Energies in 2000, aiming to increase the share of RES in its energy mix to 7.5 percent in 2010 (Oniszk-Poplawska et al. 2003). Ceglarz and Ancygier further demonstrate that CO₂ emissions dropped by nearly 30 percent until 2000, however this was mainly due to the economic transformation process as well as accession conditionality rather than internal desire (Ceglarz & Ancygier 2015:143). This became even more visible once Poland joined the EU, as persuading the Commission on accepting its National Allocation Plan (NAP) created further reluctance and bad reception towards climate issues – the country was only granted a conditional approval leading to a delayed start of the European Emission Trading Scheme (ETS) in 2006 (Karski 2012:237).

According to Ceglarz and Ancygier, inherent reluctance towards climate policies, as well as the general narrative that climate change policies are hindering economic growth and thereby Poland's process of catching up with the wealthier European Member States do not provide a sufficient explanation. Therefore, several contextual factors have to be considered when analyzing the position assumed by the Polish government prior to the 2020 negotiations, being (1) the structure of the energy industry, (2) energy dependence and (3) nuclear energy (Ancygier 2013:171, Ceglarz & Ancygier 2015:141).

Main Structure of the Energy Industry

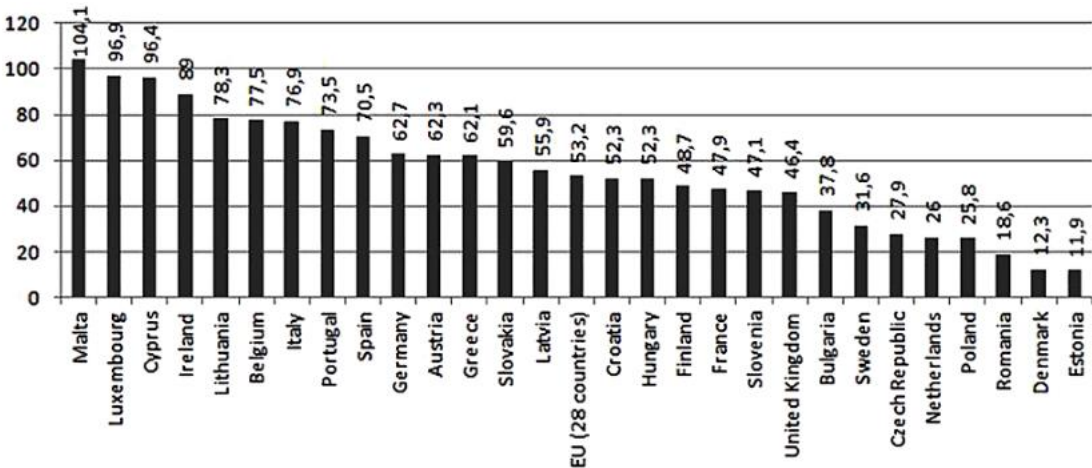
In terms of its energy sector, the consolidations and reforms which took place from the 1990's onward are interestingly of note. Here, Skjærseth observes that the Ministry of the Treasury kept the ownership majority of ENERGA, PGE, ENEA and Tauron (Skjærseth 2014:11). The same author states that the Polish electric power industry was organized into four groups and each of the abovementioned companies became a managing company for one of them. Furthermore, as electricity generation comes mainly from hard coal, whereas renewables – almost exclusively in the form of co-firing of biomass – have no substantial role varying between 4-8 percent, it seems obvious why coal-dominated preferences are championed.

(Skjærseth 2014:11, Ancygier 2013:173). Therefore, it can be correctly argued that these big companies of the conventional energy sector, which both produce and distribute most of the electricity and on top of that are partly owned by the state, have a very dominant influence on the Polish preference building process.

Energy Dependence

In the last decades, Poland had almost no external energy dependence and could mostly rely on its domestic resources and although there has been a steady increase in dependence starting from the mid-1990’s, reaching its all-time peak in 2011, relevant data suggests that in 2007 and 2013, it was with 25.5 and 25.8 percent much better suited than the EU average of 52.8 and 53.2 percent, respectively (Osiecka-Brzeska, K. 2016). Still, energy dependence and security concerns are highly prioritized, also because of the supremacy of Russian natural gas and the Kremlin’s reputation for using it as a means to punish uneasy governments. Such concerns intensified even further following the gas disputes with Ukraine (Goldthau 2008, Bilgin 2009, Sharples 2012, Ancygier 2013:178). Ancygier agrees and confirms that such considerations have been independent of political parties or opinions, as for instance, both the Polish Energy Policy by 2020 under the Democratic Left Alliance as well as the 2030 policy under the Civil Platform strongly argued for decreasing energy dependence by giving emphasis on coal and nuclear energy (2013:178).

Figure 1: Energy dependence of individual Member States in 2013



Source: Osiecka-Brzeska, K. (2016) Conditions for Development of Renewable Energy in Poland. In: Handbook of Research on Green Economic Development Initiatives and Strategies. pp.330

Nuclear Energy

In addition to such supply-based concerns, a 2005 report by the Polish Ministry of Economy forecasted an increase in energy consumption of up to 93 percent in the next 20 years due to quick economic growth and increasing demand (Ministry of Economy 2005:55). Moreover, evidence suggests that Polish energy intensity is still much higher compared to other EU members even if its economy has come a long way in reducing it in the last 20 years, thus it can be concluded that such predictions of future demand, coupled with security concerns, are used as fitting justification attempts of Polish nuclear energy development, as it was claimed to be “*a chance for Poland*” by the then Prime Minister of the Law and Justice Party, Jaroslaw Kaczyński (Ancygier 2013:183, World Energy Council 2014). However, these developments have decisive repercussions for Polish renewable energy policy in general as renewable and nuclear energy can coexist only with great difficulties, competing for transmission infrastructure. It should also be kept in mind that renewable energy production in Poland has already been well below EU average throughout its history (Ancygier 2013:183, Osiecka-Brzeska 2016).

Table 1: Electricity Production from RES

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
EU 28 (%)	14.3	14.8	15.3	16.1	17.0	19.0	19.6	21.7	23.5	25.4
Poland (%)	2.1	2.7	3.0	3.5	4.4	5.8	6.6	8.2	10.7	10.7
Max EU - Austria (%)	61.9	62.4	62.4	64.6	65.2	67.8	65.7	66.0	66.5	68.1
Min EU - Malta (%)	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.6	1.0	1.6
Dynamics EU 2004=100	100.0	103.5	107.0	112.6	118.9	132.9	137.1	151.7	164.3	177.6
Dynamics Poland 2004=100	100.0	128.6	142.9	166.7	209.5	276.2	314.3	390.5	509.5	509.5

Source: Osiecka-Brzeska, K. (2016) Conditions for Development of Renewable Energy in Poland. In: Handbook of Research on Green Economic Development Initiatives and Strategies. pp.330.

The Conventional and Renewable Energy Sectors

The above display provides a firm understanding of the structures and developments in Poland, however a thorough assessment of the industrial players’ and their roles in policy-making is needed. By analyzing the impact that managers in conventional energy industries have on the Ministry of Economy, Heiko Pleines (2006) confirms especially what kind of influence the coal sector has on Polish energy and climate policies. In his study on the political influence of coal lobbies in Poland, Russia and Ukraine Pleiains defines two major

worker's unions, namely, *Solidarity* and *All-Poland Alliance of Trade Unions*, as the main channels of the Polish coal industry. These two are proven to have strong links to the post-Solidarity governments and the Left Democratic Alliance, respectively (Pleines 2006:20-24). This argument is further confirmed when looking at the joint study issued by the leading energy companies, which advised the government "*to be careful*" in supporting RES, as it would, together with the need for purchasing emission certificates, constitute the main threat for the energy sector in the form of increased energy prices. The same study called for investment support in nuclear energy and coal technologies and strongly advised the government to take a firm stance in the relevant 2020 framework negotiations (Ancygier 2013:218). Such statements directly refer to interests of the major companies and effectively call upon policy makers, demonstrating how the energy sector influences the national position of the Polish government.

Another factor which must be underlined when looking at this influence is the very close link that officials from the energy industry and the government have. Officials such as Aleksander Grad from the Ministry of State Treasury or Hanna Trojanowska, who was the government commissioner for nuclear energy, assumed key position in leading energy companies (Ancygier 2013:222). Numerous other organizations such as the Polish Industry Chamber, the Economic Chamber of Energy and Environment or the Energy Market Agency represent the preferences and interests of their members and shareholders and therefore logically voice criticism and opposition towards any *threats* coming from the European level (Ancygier 2013:220).

In contrast, the Institute for Renewable Energy is one of the major proponents for renewable energy and also heavily influenced the aforementioned target of 7.5 percent in the Strategy for Renewable Energies for 2010 via its study, however it is demonstrated that the Ministry of Economy took over a great amount of the competences from the ministry in the area of renewable energy afterwards, leading to a narrowed access point and diminished influence of the institute (Ancygier 2013:222). Other organizations that are criticizing the neglect of renewable energy, as well as issues such as biomass co-firing and oversupply of green certificates, constitute only a small part compared to the conventional energy sector, which contributes enormous sums to the Polish state budget (Ancygier 2013:222-227).

ENGOS and Think Tanks

According to the work of Böhmelt et al. (2015), it seems to be a widely accepted consensus that environmental non-governmental organizations or ENGOS in short, have gained increased influence over policy making in general. By drawing on extensive research conducted in this area they address the direct and indirect channels used by ENGOS to make policies increasingly environmentally friendly and accepted both by policy makers as well as citizens (Böhmelt et al. 2015:3). However, they also conclude that the political system and power relations may be contingent to prove this argument. Although having observed an increased presence in the case of Poland during the last decade, especially with the creation of the Climate Coalition in 2002, it is mentioned that reports issued by ENGOS are subject to distrust by the government, whereas arguments or objections are not taken to heart and merely lead the government to explain some of its controversial policies without changing its course (Ancygier 2013:231). Furthermore, data suggests that climate change awareness as well as general public acknowledgment of ENGOS is still low, moreover representatives lack effective channels for influencing decision makers (Andonova 2005, Ancygier 2013, Global Challenges Foundation 2014). Another influential aspect is the lack of independent think tanks and the Government's dependence on biased opinions, as for instance EnergSys and KPMG Poland actively represent the interests of the conventional energy sector by preparing reports on the negative impacts of the Energy and Climate Package and further stress the importance of coal and nuclear (Ancygier 2013: 232-34).

The Government

The Ministry of Economy, clearly overrides the attempts of the Ministry for Environment, by favoring policies that support conventional industries and energy sectors. The domination of the Ministry of Economy by individuals with strong connections to the mining industry is also interesting to note (Ancygier 2013:193). The implication for Polish policy-making can further be understood when looking at certain examples, such as the case of Marcin Korolec who was nominated as the Minister of Environment, although being previously involved in the negotiation process of the first Energy and Climate Package, ensuring Poland would get significant concessions in emission auctioning (Ancygier 2013:196). Together with the Ministry for Economy, the Ministry of the Treasury is another important actor assuming an increased role for the financing and justification of the nuclear program (Ancygier 2013:202).

In the Polish case, the display of the contextual factors as well as the actors in play have shown that the preferences of the conventional energy and mining sector have a tremendous impact on the policy making of the government. As Marcinkiewicz and Tosun (2015), emphasize, the issue of climate change is not salient in Polish politics, since political parties criticize ambitious climate policies almost unanimously, regardless of political orientation of the governments in office. In this sense, Pronińska (2013) compares political elites to *hostages of the energy lobbies* focusing on short-term policy goals. The absence of a social counterweight that would help to balance these powers is also an important factor, whereas a long-term transformation of the energy sector would lead to social and economic tensions (Bokwa 2007, Pronińska 2013:63). This dominant narrative is greatly pushed through various channels like workers' unions, think tanks and the media, not falling short to advocate nuclear as a clean energy source or display the Polish-European struggle as a *battle* (Ancygier 2013:235).

Studies suggest that there is a lack of infrastructure for the diversification of the energy mix, which basically depends on two traditional fossil fuels. Furthermore, existing formal barriers and government declarations are proof that without European pressure, support for RES will remain limited (Pronińska 2013, Szulecki et al. 2015). However, what is even more important is that policy makers themselves are tightly connected to conventional energy industries and actively argue for coal and nuclear energy sources, whereas renewable energy is not only seen as insufficient but also the cause for increasing energy prices. Conversely, the Ministry of Environment or ENGOs do not influence policy making in a way that could change the dominant narrative of coal and nuclear energy being seen as both indispensable for energy security and affordable prices. In parallel with Moravcsik's argument that governments aggregate the preferences of the strongest interest groups, it can be concluded that interests of the conventional energy sector have been deeply anchored in the position of the Polish government, trying to limit ambitious goals at the EU level.

5. The Visegrad Group and the 2020 Framework

The work of Sattich draws attention to the widely shared expectation that the eastern enlargement would lead to negative repercussions for European climate policy (Sattich 2013:70). Accordingly, various studies draw attention to the fact that during the 2020 negotiations especially the countries of the Visegrad Group had been at the forefront of those opposing ambitious climate policies (Riedel 2008, Ancygier 2013, Sattich 2013, Skjærseth

2014). Being a formal body of cooperation, the Visegrad Group was founded in 1991 by Poland, the Czech Republic, Hungary and Slovakia – with the aim of achieving common goals as well as overcoming communist remnants and regional tensions (Minárik 2014:4, Skjærseth 2014:14). All four of these countries joined the European Union in 2004 (Sedelmeier 2014:1-2). Szulecki et al. (2016) as well as Bocquillon and Maltby (2015) stress that similar to Poland, the rest of the Visegrad Group still struggles with a post-communist economic legacy and conventional power sectors, not giving high importance to climate change. Hungary and the Czech Republic are large emitters, although having witnessed a decrease in total emissions between 1990 and 2007, primarily due to the economic transformation processes (Pronińska 2013:61, Bocquillon & Maltby 2015:6). Energy prices and domestic fossil fuel consumption are especially important issues in these countries, whereas energy security has increasingly become salient as these countries are highly dependent on imported gas and oil (Geden & Fischer 2014, Minárik 2014).

Similarly, Buchan emphasizes that as being part of the “coal coalition” and importing over half of its gas from Russia, the Czech Republic’s position is similar to Poland (2010:55). He further adds that Hungary is also largely concerned with energy security as its total reliance on gas is 45 percent, mostly from Russia, whereas Slovakia is entirely dependent (Buchan 2010:6,63). Therefore, it can be correctly argued that not only have these concern been a distraction from climate policies, but also opened a window of opportunity for Polish policy makers. According to the demonstration of Maltby, newer Member States can influence European policy- and decision-making by gradually learning “the rules of the game” and through strategic alliance-building. Here, they draw attention to Poland engagement in alliance-building activities in the group by capitalizing on Russian supply disruptions in order to achieve increased receptiveness to its preferences (Maltby 2013:17). In this sense, Szulecki et al. (2016) as well as Ancygier (2013:23) agree that Poland has been voicing its concerns the loudest and has been the strongest representative by assuming a pivotal role in the Visegrad Group.

The 2020 Energy and Climate Framework

When analyzing the run up to the energy and climate package proposal, the Green Paper on sustainable, competitive and secure energy issued by the DG Energy in 2006 arguing for an integrated energy and climate policy approach and thereby placing its importance high on the Commission’s agenda should be noted (Commission 2006, Skjærseth 2016). The paper faced various critique by different parties like the German environment minister and the green

movement for having too little focus on renewables and climate policy and its lack of binding targets (Skjærseth 2013:18). Therefore, the Commission was called upon to prepare a new energy policy for the following year with clear timetables in line with these arguments. Several aspects were eventually decisive in the initiation process of the package and various factors such as the new Energy and Environment Commissioners' priorities in coordinating these policy fields and the therefrom resulting mutual support of DG Environment and DG Energy as well as the approval of the biggest Member States being Germany, France and the UK can be underlined (Skjærseth 2016:514).

Following these developments, the Commission issued two communications by DG Environment and DG Energy in January 2007, both arguing for radical steps in terms of climate change and industrial low-carbon transformation, and laid out the targets for increasing energy efficiency and the share of renewable energy and especially decreasing greenhouse gas emissions by 20 percent (Commission, 2007a, 2007b). In this instance, these targets were a genuine compromise between the two DGs and also proof the narrative was dominated by the paradigm of sustainability, which was especially important since this would represent the EU's efforts on international climate leadership (Skjærseth 2013:20). After a swift response by the Parliament and the adoption of the key elements by the Council, the Commission formally proposed the package in January 2008. Following unanimous agreement in the Council, the Energy and Climate Package was formally adopted in 2009 and was to be implemented through further comitology and national follow-up plans, whereas the 20-20-20 targets of emission reduction as well as increases in energy efficiency renewable energy shares were to be reached by the year 2020 (Skjærseth 2013, Bürgin 2015, Vaagland 2015, Ydersbond 2016:23).

As illustrated by Ydersbond (2016), a set of binding legislation was issued in order to reach these goals. The revised Emissions Trading Scheme (ETS) included a progressive replacement of free allocation by auctioning and the introduction of a single, gradually declining cap instead of national caps. Together with the Effort Sharing Decision (ESD), which would require a reduction of GHG emissions by those sectors not initially covered in the ETS, these two measures were to be applied to reach the EU-wide GHG emission reduction target of 20 percent by 2020. The target itself was translated into national targets depending on the relative wealth of Member States (Froggatt 2015:15, Vaagland 2015:32). The binding share of renewable energy would be supported through the Renewable Energy Directive (Vaagland 2015:32). Whereas the directive on Carbon Capture and Storage (CCS)

was included in order to stimulate the establishment of environmentally safe storage facilities (Froggatt 2015, Vaagland 2015 Ydersbond 2016). Actions to mitigate climate change were hereby centered and underscored by the Commission as being mutually supportive. Energy would be used more efficiently, decreasing the need for fossil fuel imports and lessening vulnerability to external fluctuations in prices and at the same time create new jobs in Europe (Skjærseth, 2014:15).

Even though unanimity was eventually reached several issues were at stake during the negotiation and allocation processes. To illuminate these contrasting national positions Bürgin's (2015) account of various arguments surrounding the policy goals proves helpful as he stresses that the issue of binding targets made the undertaking more controversial even for otherwise supportive countries (Bürgin 2015:696). Skjærseth's work draws similar attention to the controversial issue of whether the targets were to be of indicative or binding nature; countries like the UK and Germany were generously subsidizing their renewables sectors and argued for a binding RES target. However, some new Member States as well as France and Finland opposed this idea – the latter two also pushing for the recognition of nuclear as low-carbon energies (Skjærseth 2013:23). Bürgin furthermore adds Italy as a vehement opponent to ambitiously set renewable energy and GHG reduction targets next to coal-dependent Visegrad countries like Poland and the Czech Republic, arguing it would harm European competitiveness (Bürgin 2015:696). These positions and arguments of various Member States comply with the arguments that nation states have been acting according to the result of their domestic preferences, hence it is accurate to say that the package was designed to reflect economic differences within the EU for consensus building. In this equation it is not surprising that Poland tried to limit ambitiousness and get concessions. For instance, the work of various authors suggests how Poland, related to its reservation on a binding renewable energy target, pushed for conditionality on an international agreement in Copenhagen and aimed for exemption in the case of a failing consensus (Skjærseth 2013:23, Skjærseth 2014:14, Ceglaz & Ancygier 2015). Having one of the largest coal reservoirs, it felt similarly threatened by the EU's narrative on GHG reduction and had reservation regarding the ETS, where it argued for free allowances, a carbon price ceiling as a price control as well as increased financial assistance from ETS auctioning revenues (Riedel 2008, Skjærseth 2014:16).

Under these circumstances, it is not surprising that Poland coordinated its position with other eastern Member States, therefore the Environment Ministers of the Visegrad Group issued a

list of objections and similar issues were raised under the Polish lead (Visegrad Group 2008, Bocquillon & Maltby 2015, Ydersbond 2016). Distinctive aspects criticized by the Visegrad Group were the Commission's reluctance to acknowledge past achievements in GHG emission reduction as well as the assumed baseline of 2005 instead of 1990. A more flexible approach towards the GHG target and stronger carbon leakage safeguards were demanded, whereas the ETS was criticized for the costs of full auctioning (Skjærseth 2014:15, Bocquillon & Maltby 2015:7). As Bocquillon and Maltby (2015) further emphasize, they were supported by the energy dependent Baltic States. Representatives of the Commission were urged to personally travel to Poland in order to "sell" the package as it was threatened to be vetoed by this Polish-led coalition (Skjærseth 2014:16). In this sense, Jankowska (2011) as well as Ceglaz and Ancygier (2015) stress that significant concessions were gained during the negotiations mostly because of this threat. Poorer countries were given side-payments and different national targets for the overall set of the 20-20-20 goals, for example, their targets for the ESD and RES were based on their GDP, whereas a solidarity fund should furthermore help to compensate them by using auctioning revenues in the ETS. Measures to limit the negative impacts particularly on their coal industries were also included (Skjærseth 2014:15).

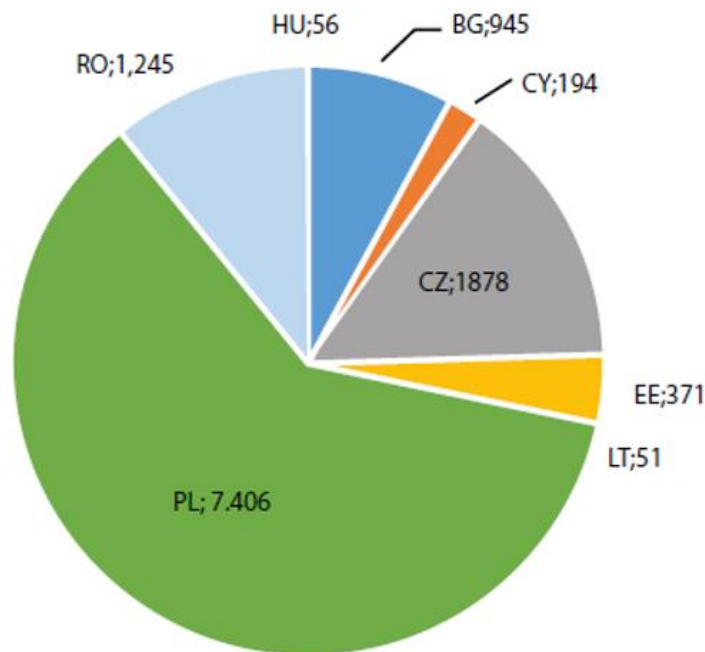
Therefore, it can be concluded that eastern efforts manifested themselves in changes and concessions after complex and long negotiations, for example the final compromise on the revised ETS directive included a postponed phase-in of auctioning as well as derogations from the main auctioning principle in the form of free allowances for eligible stations to an extent of up to 70 percent until 2019, thereby aiming to decrease free allowances to zero by 2020. In the same time, Member States making use of such free allocations were obligated to diversify their energy mix and increase efficiency by modernizing their energy sectors by an at least matching amount to free allocations – all Visegrad Countries except Slovakia made use of this, whereas data suggests that Poland has been designated as the main beneficiary of this special treatment and received more than half of the total free allowances under Article 10C of the Directive (Figure 2) (Skjærseth 2014, Löfgren et al. 2015, Carbon Market Watch 2016). It was further decided that as 88 percent of the allowances to be auctioned yearly would be distributed among Member States, a further 10 percent were granted to ten poorer Member States and the additional 2 percent to those which had reached emission reductions of at least 20 percent in 2005 as compared to 1990, whereas Poland initially argued for 30 percent (Skjærseth 2014: 17). It should be mentioned that Poland prioritized its resources in terms of political capital in order to create room for concessions on the ETS whereby it settled

on a more ambitious RES target of 15 percent during the negotiations, although the RES Directive was also undesirable because of concerns for high electricity prices due to RES subsidies (Ancygier 2013:334, Skjærseth 2014).

As part of the Effort Sharing Decision, Poland accepted a target of a 14 percent increase in its GHG emissions compared to 2005 for sectors not included in the ETS (World Bank 2011:10). On the other hand, Skjærseth stresses that significant changes were achieved in regards to incentivizing CCS as the inclusion of 300 million allowances being set aside from the ETS New Entrants' Reserve to co-finance new renewable energy technologies and demonstration projects was decided, whereas the initial Commission proposal only included the carbon price mechanism as an incentive. The idea of limiting CO₂ emissions on power stations faced objections by Central and Eastern states, especially Poland, fearing high CCS costs (Skjærseth 2014:16).

The conclusion of the negotiations and the eventual compromise can be interpreted as a linkage of northwestern Member States' interests calling for sustainability and ambitious targets with the concerns of newer, and particularly eastern, Member States, which became even more salient after the 2006 Ukrainian-Russian gas dispute (Bürgin 2015:695). This can also be an explanation considering the fact that Polish interests were not met in their entirety, still receiving several concessions. Examples are the 14 percent ESD target as well as the inclusion of the NER-300, but also the strict renewables target. As drawn attention to by Ydersbond (2016) several aspects have to be taken into account as why this ambitious undertaking was eventually successful. For once, the Central and Eastern European Member States were fairly new in the EU. Moreover, the attention of Poland, the front-runner of the Visegrad Group, was increasingly drawn to the United Nation Framework Convention on Climate Change (UNFCCC) Conference as its host. It is also worthwhile mentioning that the package was decided before the crisis hit the EU and thereby created a window of opportunity (Ydersbond 2016:24). However, this changed later on as European energy and climate policy started to be increasingly dominated by the paradigm of competitiveness (Geden & Fischer 2014:24).

Figure 2: Free emission allowances per member state in million EUR (2013-2019)



Source: Carbon Market Watch (2016) Fossil fuel subsidies from Europe’s carbon market: The lessons learnt with Article 10c of the ETS Directive and recommendations for the post-2020 period. Policy Briefing, April 2016, pp.3.

6. Polish Implementation and Consequences

As Poland agreed to the package as well as the Council’s overall 2050 goal to decarbonize the EU by 80-95 percent, it committed itself to implement these policies between 2009 and 2020 (Council 2009). However, as noted by Ceglaz and Ancygier, the acceptance of EU policies did not necessarily result in political acceptance as well, which is easily observable in the Polish case where the two major political parties – the Law and Justice Party and Civic Platform – blamed each other for the “mistake”, the former being in charge of accepting the targets in 2007 and the latter for agreeing on the package one year later (Ceglaz & Ancygier 2015:150). Skjærseth (2014) argues that the implementation of EU policies, in this case the energy and climate package between 2009 and 2020, by converting them into domestic measures and policies can result in problem solving but also problem causing behavioral changes. The author further stresses the somewhat obscure nature of this process by arguing that legal transposition of new regulations does not necessarily mean proper application. Being absent from a causal relationship, it depends on the domain of the activities (Skjærseth 2014:3-4). When assessing implementation efforts, a further differentiation of “absorption” and “transformation” can be made. Whereas the former implies the simple adaptation of new

policies within the existing system without substantial modification, the later implies a more profound change where permanent steps in investment and production are taken (Radaelli 2003). In this sense, it can be concluded that mainly opposing the energy and climate package, Poland has sought ways to absorb its directives within existing practices and policies, whereas no significant change in behavior were forced (Skjærseth 2014:29).

Significant transposition problems have been encountered in regards to the RES, ETS and CCS Directives. As for instance, in 2013 Poland was referred to the European Court of Justice (ECJ) for still not having fully transposed the 2009/28/EC directive on renewable energy including the binding target of 15 percent RES in gross total consumption to be achieved by 2020, whereas the design of any support schemes and measures lays within the country's autonomy (Ancygier 2013, Skjærseth 2014, Parliament 2015). However, Skjærseth correctly states that existing Polish policy focuses on complementing existing support practices like biofuels obligation and the technology neutral green certificate system with additional instruments for renewables aiming to stimulate various technologies such as wind and solar energy, whereas special attention is being paid to biogas and biomass – the later to be expected to prevail as the most important renewable energy source. Therefore, the RES Directive mainly benefits short-lived co-combustion of coal and biomass, limiting prospects for the future development of low-carbon energy. Other measures include loans, grants and subsidies for grid connection (Skjærseth 2014:24-26). Although, the country has so far been successful and even exceeded its interim targets of 8.8 percent for 2011/12 and 9.5 percent for 2013/14, findings from the latest Commission progress report suggest that an achievement of the 2020 target is uncertain under present policies (Commission 2015, Parliament 2015).

Poland witnessed increased problems with the ETS. Traditionally having problems with formulating its NAPs, Poland's NAP for the period of 2008-2012 was rejected twice, whereas a final compromise was struck with the Commission allowing for 208 million tons of CO₂ emission (Slusarczyk 2011:51). Similarly, it had problems with the third phase which would cover 2013-2020, failing to transpose the 2009/29/EC directive in time and leading to the second stage of the EU infringement procedure (European Union Court of Justice 2014). More recent work of Meijknecht (2015) even further illuminates this problem as Directive 2009/29/EC was only fully transposed in 2015 through a legal act adopted by the Polish Parliament. In this sense, Skjærseth (2014) states that even after the adoption of the revised ETS Directive, Polish efforts to adapt the ETS to its traditional practices and coal based electricity production continued and the coal power sector was reinforced by exploiting

derogations for free allowances. It can therefore clearly be argued that the Polish energy mix was not diversified as a result of Article 10c, but instead further locked-in carbon intensive energy production with only 8.5 percent of investment in RES and 29 out of 31 projects being supportive to biomass co-firing with coal (Carbon Market Watch 2016). Poland's increased opposition to deal with the over-allocation of allowances and the low carbon price was not fruitful as it lost the cases it took to the ECJ (Skjærseth 2014:22).

Turning to Jendroska, one finds that Poland witnessed similar problems from the RES Directive in transposing the directive 2009/31/EC on CCS due to legal and administrative fragmentation, although this would have enabled better clarity for investors (Jendroska 2014). In line with this argument, the long and confusing process created uncertainties for investors and concurrent with the transposition process all CCS pilot projects were cancelled, whereas national legislation for transposing the CCS Directive was not agreed until September 2013 (Skjærseth 2014:22). The government's undertaking of building two large projects being part of the wider EU CCS program were in this regard cancelled because of legal barriers stemming from this process as well as a lack of funding (Skjærseth 2014:23).

Considering the short-termed 2020 targets, implementation can be regarded as partly successful, since both the 15 percent RES as well as the 14 percent ESD targets are within reach. However, in light of the wider goal of decarbonization it is clear that Poland is determined to use its indigenous coal as its primary source, whereas renewable energy is limited almost exclusively to co-firing of biomass with coal. The delayed transposition of the CCS and the therefrom resulting uncertainty, coupled with a lack of funding posed increasing barriers and led to the cancellation of pilot projects. To be truthful, Polish policies concentrated on absorbing the energy and climate package directives by mainly fitting them into existing practices without much change in behavior (Skjærseth 2014:29). It should be emphasized once more that Polish implementation is heavily influenced by its specific power constellations and domestic preferences, which correspond to the absorption efforts of coal-based practices (Skjærseth 2014).

Increased Polish Resistance

The Polish case indicates that asymmetrical interests attached to coal-based energy security concerns and long-term decarbonization policies have been important in shaping its increasing opposition towards European efforts. Pressure for accepting the package was followed by weak implementation and sparked further resistance, with this opinion being shared by the industry, succeeding policy makers as well as opposition parties alike (Ancygier 2013,

Skjærseth 2014, Marcinkiewicz & Tosun 2015). Interestingly to note is the increasing coordination among relevant ministries upon the adoption of the first energy and climate package, leading to even further opposition, as for instance the Ministries of Economy, Environment and Finance jointly engaged in analyzing negative implications of EU policies in the form of impact assessments for the following 2030 framework. Adding to this, Poland's dissent intensified even further with the fruitless legal disputes it had with the Commission. The failure of the 2009 Copenhagen Summit contributed to Poland's position as well, since by reaching consensus prior to this event the EU had hoped to capitalize on accordingly high expectations and possibly high global targets (Skjærseth 2014). This continuing dissent further materialized with subsequent Polish vetoes on the Commission's proposals in 2011. First, the conclusion on the first low-carbon economy roadmap for 2050, which foresaw a further reduction in GHG emissions by strengthening the ETS and stabilizing the carbon price in order to reach 80 percent by 2050 was single-handedly vetoed, although it was accepted by the rest of the EU Member States (Commission, 2011a, Ancygier 2013, Skjærseth, 2013). Moreover, the Energy Roadmap 2050, emphasizing energy efficiency and the increased use of renewables was also vetoed on the grounds of competitiveness and international conditionality (Commission 2011b, Council 2012, Skjærseth 2014). According to Fischer and Geden (2013) this came as a surprise for many since no binding obligations were entailed, the underlying aim was to signal Polish concerns in regards to post-2020 energy and climate policies, as the country had doubts especially regarding pressure on its own energy mix as well as on the EU's tendency to decouple its emission reduction policy from international progress. Furthermore, it becomes fairly clear that any perceptions of the one-man opposition to an ambitious policy is deceptive as Poland was supported by the Visegrad countries during the process of determining post-2020 actions (Fischer & Geden, 2013:9, Visegrad Group 2013:3). As stressed by Gradziuk (2014), Poland's main reservations were still the issues of preserving a coal-based energy mix as well as securing energy security and affordable energy prices. In 2013 for instance, it heavily opposed the idea of "backloading" aiming to raise prices of emission allowances by postponing them from 2013-2015 until 2019-2020 (Gradziuk 2014:11). Despite being criticized for its unambitious climate policy, Warsaw kept emphasizing its past GHG reduction achievements, while arguing that further action on decarbonizing would have serious implications on its energy sector meaning higher energy prices as well as being threatening to its energy security (Gradziuk 2014).

In line with Sobják's (2013) arguments it becomes visible how Poland used its term of the

Visegrad Group presidency in 2013 to further advocate the notion of economic growth and competitiveness in regards to climate policy. Supported by Bulgaria and Romania, the Visegrad countries have collectively argued for assuming a paradigm of competitiveness as opposed to ambitious climate policy, trying to diminish arguments from other Member States on a post-2020 framework. According to Ceglarz and Ancygier, increased Polish engagement prior to the 2030 negotiations was visible, as for example all five founding members of the Central European Energy Partners Organization consisted of Polish companies, whereas 15 of the 23 members were Polish in 2014. This organization was founded by leading energy companies and organizations in 2010 in order to influence the energy and climate policy at EU level, emphasizing that the economic development and competitiveness of Central and Eastern European Member States were being harmed by European energy and climate policy causing high energy prices. However, this time campaigning started well before the actual process of discussion, which in turn implies increased learning from unsuccessful past experiences (Ceglarz & Ancygier 2015:151).

7. The 2030 Framework

Although discussions on post-2020 policies had been ongoing for over several years, the legislative process commenced with the Green Paper on a 2030 framework for climate and energy policies issued by the Commission in 2013 (Commission 2013a, Gawlikowska-Fyk 2014). The work of Ydersbond (2016) reveals that during this process several options on possible formulations of targets, reforms of existing policies and implementation were discussed. According to the author ambitious Member States being Germany, Denmark, Sweden, Austria, Belgium, Portugal and Ireland advocated the adoption of ambitious, binding targets that would be mutually reinforcing. However, in contrast to the formal cooperation of the Visegrad Group this group of Member States had a rather late as well as loose formation and collaboration process (Ydersbond 2016:28). When the Commission issued a communication in January 2014 proposing a 40 percent reduction in GHG emissions and a 27 percent increase in RES which would be binding at the EU level, leaving the energy efficiency target to be determined after the summer, it was criticized by the Parliament, the renewables industry and ENGOs for being too weak and unambitious. The 40 percent target was the minimum figure for remaining on track for achieving the long-term GHG emission reduction target of 80-95% by 2050 and formulations on the binding nature of the targets had only been added at the last moment due to pressure from countries like Germany. The proposal also included a reform of the ETS (Commission 2014a, Erbach 2014, Gawlikowska-

Fyk 2014, Ydersbond 2016:30).

It is interesting to note, that the Commission's own impact assessment accompanying the communication underlined that binding triptych targets in GHG reduction, energy efficiency and RES would have been mutually enforcing, leading to increased positive long-term effects. However, this discrepancy can be traced back to previous experience and the therefrom resulting reservations to bring more ambitious Member States and laggards on board, as for instance the Visegrad Group argued for including only a technology neutral target of GHG emissions reduction and no new binding RES or energy efficiency targets (Council 2014a, Visegrad Group 2014a, Visegrad Group 2014b:1, Ydersbond 2016). The Visegrad Group further argued for conditioning the new policy framework by solidarity and effort sharing mechanisms in ETS and non-ETS sectors based on previous criteria, whereas strong emphasis was given to energy prices and competitiveness as well as sovereignty over the national energy mix referring to Article 194 of the Treaty (Visegrad Group 2014b:1-2). Convincing these countries was therefore especially important in order to achieve consensus and avert a possible veto, which was an actual threat well until October 2014 when the final summit took place. Under the leadership of Poland, the Visegrad Group did not want to rush the 2030 framework arguing for international conditionality and further pointed to the 2015 international meeting in Paris (CEE Oktober 2014, Visegrad Group 2014b).

The final deal on the new 2030 framework was not struck until October 2014, although previously expected to take place in the Council meeting in March. Reasons for this delay were the opposition to the proposed targets by the Visegrad Group and recently raised energy security considerations due to the third Ukraine crisis (Council 2014b, Ydersbond 2016:34). This issue was especially salient as several Eastern and Southern European countries are heavily dependent on Russia, which had been exerting political power while granting better deals for companies in friendly Member States. In this relation, an Energy Union was proposed by Poland in spring 2014 to reduce the Kremlin's market power through common gas purchasing (Grätz 2009, Helén 2010, Mulder 2016, Ydersbond 2016). Ydersbond argues that besides postponing the initial conclusion, this crisis also contributed to the rhetoric of an ambitious energy efficiency target in the new package as stronger emphasis was given on how increased engagement would not only lower demand but also increase energy security (Ydersbond 2016:36). Therefore, in line with this argument, a target of increasing efficiency by 30 percent was proposed by the Commission, although merely a 25-27 percent increase would have been required for achieving the 40 percent GHG reduction target (Commission

2014b). However, binding targets on energy efficiency and renewable energy were heavily opposed by the Visegrad Group (Visegrad Group 2014b). Especially Poland had been opposing the idea of binding targets and argued for only one target of 35 percent in GHG emission reduction (Ydersbond 2016:52).

Finally, after lengthy negotiation the Council agreed on only one binding GHG emission reduction target of 40 percent and an EU-wide binding renewable energy target of 27 percent, whereas the indicative energy efficiency target was lowered to 27 percent. Interconnection was aimed to reach at least 10 percent in 2020 with the objective to reach 15 percent in 2030. The ETS reform included a yearly reduction of allowances by 2.2 percent (Council 2014c). Besides not having to accept binding RES and energy efficiency targets, the Visegrad countries received several concessions in this final agreement in order to implement the policies, for instance, the practice of free allowances and burden-sharing for sectors not covered in the ETS would continue just as solidarity and structural funds.

Changing Paradigms and the Eastern Role

Although the targets of both energy and climate packages have been successfully adopted by all Member States of the European Union, the context in which they were drafted and negotiated as well as their scope significantly differed as priorities of Member States were affected during the lead up to the second process. The package eventually constituted a weakening of the previous targets and the EU's sustainability-related ambitions, whereas the outcome was regarded as an achievement by the Polish government (Council 2014c, Skjærseth 2014, Ydersbond 2016). In this sense, several authors mention the shift in priorities and the resulting paradigm shift when comparing both frameworks (Ancygier 2013, Gawlikowska-Fyk 2014, Geden & Fischer 2014, Ydersbond 2016). Notably different from the first package for instance, the second process was clearly affected by the global economic crisis leaving its mark on Member States that increasingly started voicing their concerns about energy prices and competitiveness of their industries, while the Russia-Ukraine crisis put energy security higher on the agenda as well (Formuszewicz & Gawlikowska-Fyk 2014, Ydersbond 2016:33). Furthermore, the failure of the UN climate summit gave reason to question the EU's climate leadership role making international negotiations less important, adding to the frictions inside the EU. In this sense, Fischer and Geden state that international climate negotiations had been used to push for more ambitious policy making at the EU level, however these arguments started to erode following the Copenhagen summit (Fischer & Geden 2015).

This failure combined with the recession signs in the EU were the most important factors affecting the post-2020 debate on new energy and climate policies. In line with Bürgin's (2015) account, the lack of the Commission's ambitiousness in the 2030 proposal for the sake of achieving consensus therefore becomes understandable. However, the proposal was met by critique both from the camp of more ambitious Member States for being too weak as well as Poland and the Visegrad Group arguing for international conditionality, whereas the lack of developments on the international arena and the resulting ambiguity were often cited arguments for less ambitious targets. This ambiguity was also reflected in the 2030 targets as a review clause was presented by ambitious countries and the Visegrad Group alike as a chance to raise/lower ambitions, constituting a "constructive ambiguity" and enabling consensus in the Council (Fischer & Geden 2015:5). Buchan et al. (2014) make clear that the EU in this sense committed itself prior to the United Nations conference in 2015, thereby aiming to preserve its international leadership position by reaching consensus. However, they further conclude that politicians agreeing on the 2030 framework were not as serious on tackling change as their predecessors (Buchan et al. 2014:6). Gawlikowska-Fyk (2014) argues that the paradigm has therefore shifted towards having a more pragmatic approach, as far-reaching targets were not included in the Commission's 2030 proposal.

When looking at how Poland influenced these developments it becomes evident, that its dissent had not started to emerge with the economic crisis or failure in the UN summits, but was already present during the first package negotiations, therefore receiving concessions to accept and better adopt the policies. However, as the study of Carey (2015) points out, they were increasingly able to push for the paradigm of competitiveness against the paradigm of sustainability during the 2030 negotiations, gaining significant concessions and achieving the adoption of flexible non-binding targets (Carey 2015:10). This shift cannot only be attributed to the crisis or international failure, as these countries have increasingly gained experience and joined the process in a more organized and informed matter (Carey 2015). Especially Poland assumed a leading role in challenging European policies ever since the adoption of the first package, whereas its prioritization of the ETS during the 2020 negotiations led to an otherwise unwanted nationally binding RES target. However, it learned from these experiences which is in line with its unilateral vetoes in 2011, sending clear signs to the Commission by employing the pre-emptive veto strategy as a defense mechanism to protect its domestic actors (Ancygier 2013:130).

The liberal intergovernmentalist approach therefore provides explanation regarding the

underlying reasons of these developments, as the coal-dependent energy sector and its unmatched influence on the domestic preference-building process is obvious. Whereas, following high set climate ambitions would result in a profound change of these structures. In this sense, as drawn attention to by Ancygier (2013) and Skjærseth (2014) especially the Polish implementation mentality of absorbing the directives of the first packages into present coal-based practices and the resulting problems when pressured by the Commission led to increased reluctance (Ancygier 2013, Skjærseth 2014). Accordingly, the work of Skjærseth (2014) indicates that implementation feedback in Poland cultivated increased resistance and failed to generate a positive snowball effect. One proof for this adverse development is the fact that it had repeated legal disputes with the Commission. Through active coalition building Poland further pursued its strategy, using its Visegrad Group presidency in 2013 to advocate the notion of economic growth and competitiveness in regards to climate to climate policy. As the issue of energy prices due to increased RES deployment is highly salient in Poland, these activities are also in line with Moravcsik's argument why stakeholders, such as energy intensive industries summoned significant lobbying capacities to protect their interests (Ydersbond 2016). European level activities such as the Central European Energy Partners also consisted mainly of Polish organizations (Ceglarz & Ancygier 2015:151).

8. Conclusion

To seek an answer to the research question which asked for the role of the Visegrad Group, and especially that of Poland in the paradigm shift in European energy and climate policy, the thesis started from an understanding of shifting European preferences based on the 2020 and 2030 targets. Recent documents and studies were evaluated to confirm that, unlike in the run up to 2007, the economic crisis had left its mark on Europe, thereby leading to an increased emphasis on competitiveness and growth. Another important factor was the international failure during the Copenhagen Summit in 2009, which had previously been used to argue for ambitious policies and binding triptych targets. This constellation can also be an explaining parameter of the actual impact of Poland and the Visegrad Group, which increased their opposition during the second process following these events. Another important factor was the actual implementation process of the first package and the therefrom resulting experiences in Poland. Although having gained concessions, implementation policies concentrated on absorbing the directives by mainly fitting them into existing coal-based practices without much change in behavior, thereby complying with the preferences of the conventional sector.

However, in order to fully grasp the reasons how and why the Polish position changed between the two packages, its learning process must also be considered. On the interstate arena Poland had been engaging with the Visegrad Group, however following the economic crisis as well as the UN Summit it assumed an increasing role in advocating competitiveness and growth and thereby forged a powerful alliance. As these countries increasingly gained experience and joined the process in a more organized and informed manner, and also because of increased learning from unsuccessful past experiences, they started campaigning well before the actual process of discussion and displayed a significant will to shape EU policy-making, as opposed to the prior process when they had not yet been familiar with European policy-making upon accession and had to accept unwanted binding targets during the 2020 negotiations. Especially Poland assumed a leading role in challenging European policies ever since the adoption of the first package and understood that preventing EU endeavors in the future required harsher action, thus pre-emptive vetoes on the non-binding proposals in 2011 were a sign to the Commission that an ambitious post-2020 framework could not be viable. Accordingly, already crisis struck and being aware that such targets as existed before would not lead to consensus in the Council, the Commission came up with a much weaker proposal on the 2030 framework, although even its own assessment showed that ambitiously set efficiency targets could have created synergies and further limit import dependency. However, also having the Paris agreement in mind it wanted to step up as a global climate leader by committing itself beforehand, which was repeatedly criticized by the Visegrad Group. Consequently, this consensus granting several concessions to poorer countries as well as the non-binding goals constituted a weakening of the previous targets and a shift towards less ambitious policy-making.

For the actual analysis, the theoretical framework of liberal intergovernmentalism was presented together with its three-step explanation of interstate bargaining processes, arguing that nation states first aggregate the most important national preferences and accordingly protect them on the interstate arena. In the course of the analysis this proved to be correct for the Polish case as the conventional energy industry is so powerful that succeeding governments have throughout the years always tried to protect their interests, while politics itself is very interlinked with big companies with officials frequently assuming key positions. The thesis further proved that ENGOs have very limited access points to policy-making and public awareness to climate issues is surprisingly low, whereas the issues of energy security and energy prices are highly salient. This central approach of the thesis, namely elaborating

the topic from a state-centric viewpoint and focusing on such political bargains proved fitting. However, it must be acknowledged that LI has some limitations and is not enough to fully explain the complex processes and their outcomes. Therefore, it should be wise to complement it with alternative approaches, since national governments are very well restrained by certain mechanisms. Although processes at national levels pervade the European level, authority is dispersed and there are many interacting structures at work entangling and blurring these different levels. For this reason, upcoming studies should be based on wider theoretical foundations not trying to rule each other out, and should rather engage in discovering explanatory complementarities.

In conclusion, the thesis argues that the EU should focus on realities and a new policy narrative both union-wide and globally, as the wider-2050 goals of decarbonization will not be attainable otherwise. Poland, on the other hand, cannot be expected to divorce coal so easily even under European pressure, it should rather be expected that it will keep trying to absorb policies. Although the Commission's shift towards a more pragmatic approach is seen as a *Polish victory*, active measures should be taken to transform its coal-based energy by providing investment predictability as coal has not only economic but also social constraints, and most certainly will not burn forever.

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