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Regulatory Talk About Climate Policies: National Plans or Commission Streamlining

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Abstract

National energy and climate plans (NECPs) are a cornerstone of European Union (EU) climate policy. As ‘hard’ soft governance instruments, NECPs allow comparison of member state policies and monitoring of whether they reach EU aims. My argument is that NECPs can be analysed as regulatory talk, with both member states and the Commission using reputational strategies—performative, technical, procedural and moral—to lend authority to their policy descriptions and projections. I show that the technical rhetoric of draft NECPs varies according to domestic capacities. Commission comments are uniform, emphasising performance. Member states do not adapt their final NECPs to the regulatory talk of the Commission. They use the same reputational mix as in the draft NECPs. In sum, the NECPs portray an output-oriented legitimisation strategy, emphasising performance and technical proficiency. The actor bases of the found national variation of regulatory talk and its effects are questions for further research.

Keywords: climate policy; organisational reputation; public policy; regulatory talk; soft governance

Introduction

A central instrument of EU climate policy are *national energy and climate plans* (NECPs), introduced by the Regulation on the Governance of the Energy Union and Climate Action (Regulation (EU) 2018/1999, henceforth ‘Governance Regulation’). In the NECPs, member states outline how they plan to achieve their energy and climate policy aims from 2021 to 2030. The plans are published, evaluated by the European Commission and revised.

Following the logic of *soft governance*, member states publish standardised plans, outlining their policy mix. These plans can be compared. The most and least ambitious member states can be identified, lauded as role models, or blamed and shamed. Although the primary reason for introducing soft governance was the lack of EU competences in many areas of energy policy and sovereignty concerns of member states (Knodt, Ringel, and Müller 2020, 788), the procedure has the potential to foster policy learning (Bocquillon and Maltby 2020, 53–54) and integration of climate and energy policies (Bazzan and Righettini 2023; Oberthür 2019, 24–25; Oberthür and von Homeyer 2023, 456–458).

In the NECPs, member states *describe* and *justify* their energy and climate policies. The literature sees these plans as tenets of ‘hardening’ energy governance and better integration of energy and climate governance (Knodt, Ringel, and Müller 2020, 793; Oberthür and von Homeyer 2023, 456; Schoenefeld and Knodt 2021, 55): The provision of information is a precondition for comparisons and the assessment of goal achievement (Sabel and Zeitlin 2008, 274).

This article starts with the argument that we can analyse the NECPs not only with regard to their policy content but also as ‘regulatory talk’ that legitimises policies (Maor 2020). Consequently, this article applies *reputation theory*. The NECP process induces member states and the Commission to build a reputation for technical, procedural, performative or moral authority and thereby gain authority that supports their policies and cause–effect claims (Busuioc and Rimkutė 2019). For energy and climate policies, four reputational strategies are plausible: Climate policy may be a matter of justification through performance (e.g., reaching defined goals), procedural diligence (e.g., by conforming to procedures and norms), technical proficiency (e.g., referring to the scientific state of the art) or moral appeals (e.g., stressing their moral necessity).

The research question is thus about the reputational strategies used in the NECP process: *How do member states justify their climate and energy policies, how does the Commission justify its comments, and how do member states in turn adapt their reputational strategies to the Commission comments?* This question is relevant, as regulatory talk is no ‘mere rhetoric’. Instead, as EU policy-making becomes more politicised (Busuioc and Jevnaker 2020; Koop and Lodge 2014), the question is not only *which* policies member states and the Commission discuss but also *how* they discuss these policies. This is especially pertinent for the NECPs, as they have to substantiate predictions about the effects of policies, balance competing demands and integrate policy fields under a coherent strategy.

I formulate three pairs of hypotheses about how member states and the Commission interact in their regulatory talk. The first hypothesis pair is *uniform reputational strategy* versus *member state variation*. The *uniform reputational strategy* hypothesis contends that member states talk similarly about energy and climate policies in their NECPs, using performative arguments. The *member state variation* hypothesis holds that member states have varying party systems, capacities and status quo policy performance and hence use different regulatory talk. The second hypothesis pair is *uniform Commission strategy* versus *adaptation to member state strategy*. These two hypotheses differ in their assumption about what makes compliance with Commission recommendations more likely: the consistent self-portrayal of the Commission as a neutral trustee of goal achievement (*uniform Commission strategy*) or its adaptation to the regulatory talk used by the member states (*adaptation to member state strategy*). The third hypothesis pair is *Commission streamlining* versus *member state persistence*. The *Commission streamlining* hypothesis holds that member states adapt the regulatory talk in their final NECPs to the regulatory talk of the Commission. The *member state persistence* hypothesis holds that member states maintain the regulatory talk used in the draft NECPs.

I use an established dictionary coding (Busuioc and Rimkutė 2020) to code draft NECPs, Commission assessment documents and final NECPs according to the dimensions of reputation theory. The variable of interest is the *distribution of reputational dimensions* used by the actors—the *dependent variable is the percentage of technical, procedural, performative or moral terms of all reputational terms*.

The results are consistent with *the member state variation, uniform Commission strategy and member state persistence hypotheses*. *First*, on the surface, member states write similar NECPs, with performative reputation as the dominant dimension. Moral justifications are seldom used. However, below this similar pattern, there is variation in (a) how far member states rely on performative reputation and (b) whether they use procedural or technical reputation as a second dimension. Member states that have fewer capacities

de-emphasise technical reputation. In contrast, the strength of green parties and current climate policy performance are not correlated with the mix of reputational categories. *Second*, Commission comments are homogenous. There is no evidence that the Commission adapts its regulatory talk to that of the member states. *Third*, there is no relation between Commission input and the final NECP. The regulatory talk of the final NECPs is the same as in the draft NECPs.

The limitations of the article are clear. It does *not* study whether member states change policies between draft and final NECPs. However, the article speaks to several debates. *First*, the article extends the scope of reputational theory beyond agencies. Up to now, reputational talk was mainly seen as a device of agencies to construct their authority (Rimkutė 2020). However, member state governments and the Commission also use regulatory talk to legitimise their policies and project an image of authority (for the Commission, see also Müller, Braun, and Fraussen 2022). *Second*, the result that performative arguments dominate the regulatory talk is in line with research on European agencies (Busuioc and Rimkutė 2020; Rimkutė 2020, 396). Arguments about output legitimacy (performative and technical) are more prominent than arguments about input legitimacy (procedural). This is consistent with the regulatory state logic and no surprising result. However, recent research has shown that European regulatory actors use procedural reasoning if they have procedures they can refer to (Fink 2024), and the Governance Regulation establishes many procedural requirements (European Parliament and Council of the European Union 2018, Recitals 28–30, 32). Consequently, one could have expected more procedural reasoning. Moreover, given the politicised nature of energy and climate policies (Marquardt and Lederer 2022; Solorio and Jörgens 2020), even moral arguments could have been expected. *Third*, the article shows how the Governance Regulation generates different legitimisation strategies: Although the procedure uses standardised templates (Ringel and Knodt 2018, 213) and although the Commission uses standardised regulatory talk, member states' regulatory talk varies. This generates interesting research questions about the causes for and effects of this variation. Which audience do member states try to address with their regulatory talk? And does the variation have an impact on which climate policies diffuse, given that policies that are seen as more legitimate diffuse more easily (Lee and Strang 2006; Radaelli 2000)?

The article is structured as follows: The next section outlines the NECP logic. Section 3 applies reputation theory to theorise the strategies of member states and the Commission. Section 4 discusses the research design. Section 5 comprises the analysis. Section 6 concludes the article.

I. Soft Governance in the EU's Energy and Climate Policy

In energy and climate policies, the EU is in a quandary: On the one hand, the EU wants to be a pacesetter for ambitious aims (Eckert 2021; Oberthür and Dupont 2021). On the other hand, the competences of the EU are confined. Although the EU has competences for climate policy (falling under its environmental policy competences, Articles 11 and 191–193 TFEU), Article 194 TFEU establishes shared competences between the EU and its member states in energy policy and gives member states discretion over their energy mix. However, even in areas where the EU has competences, binding measures are hard to achieve because of the conflict lines in the Council of Ministers (Bürgin 2015; von

Homeyer, Oberthür, and Dupont 2022). Moreover, on many issues, there is strategic uncertainty on how best to reach climate goals.

To solve this quandary and to conform to the treaty bases, the EU combines soft and hard governance instruments. Historically, soft governance instruments were introduced in areas in which the EU lacks competences (Lodge 2007). However, many authors additionally highlight that in policy fields with high strategic uncertainty, policy goals can be best achieved by cycles of reporting, monitoring of policies and goal achievement, and peer reviews (Rangoni and Zeitlin 2020).

The Governance Regulation is a prime example of a ‘hard’ soft governance mechanism (Ringel and Knodt 2018) that combines soft elements (such as the lack of national binding targets for energy efficiency and renewable energy) with ‘hard’ procedural requirements (such as planning and justification obligations) and binding targets on the EU level (for renewable energy and energy efficiency) and the national level (ETS and effort sharing targets). *First*, every 10 years, starting in 2018, member states must draft NECPs. Using a standardised template, member states outline how they want to contribute to the decarbonisation, renewable energy, energy efficiency, energy security and energy market aims of the EU and which policies they plan to implement to reach these aims (European Parliament and Council of the European Union 2018). *Second*, although many of the policies and national aims contained in the plans are not binding (especially in the energy sector, see above), the involvement of the Commission is considerable: The Commission assesses the NECPs, assessing the compatibility of the national goals with EU aims, whether the proposed policies match these aims and the consistency of each given plan with other national plans (Bocquillon and Maltby 2020, 48–51). *Third*, member states revise their plans in light of this assessment. If a member state does not follow the Commission’s recommendations, it has to justify its deviation (Nouicer et al. 2020, 15). To keep the member states on track, biennial progress reports and a progress report after 5 years offer a monitoring mechanism (Nouicer et al. 2020, 19).

Thus, the governance mechanism is ‘soft’ in terms of a lack of binding energy targets on the national level but ‘hard’ in the sense that procedural requirements must be followed, and EU targets must be met through appropriate national contributions. The hope is that these procedural requirements push member states to ambitious climate objectives and consistent policies, as frontrunners and laggards become visible, and member states need to justify why they do not follow Commission recommendations or do not reach their aims (Bocquillon and Maltby 2020, 52).

Some commentators are optimistic about the potential of procedural governance to further EU climate policies. The Governance Regulation is lauded because of its procedural character, as it allows the updating and monitoring of climate and energy policies (Bocquillon and Maltby 2020, 53–54) and integrates the hitherto reporting duties under a coherent umbrella (Bazzan and Righettini 2023; Oberthür 2019). Others argue that the Governance Regulation is still too soft and lacks binding targets and enforcement mechanisms (Ringel and Knodt 2018, 211).

First assessments of the actual policies and aims outlined by the member states in their NECPs show the usual pattern of foot-dragging, fence-sitting and pace-setting known from Europeanisation research. Some member states use the NECPs to pursue ambitious climate objectives, others lag behind, and a large group of member states is undecided

(Maris and Flouros 2021). Furthermore, the degrees of policy integration in the NECPs vary considerably (Bazzan and Righettini 2023).

From the description of the process, it becomes evident that the crucial issue of NECPs is the interaction between the member states and the Commission. Member states draft NECPs, the Commission comments, and member states revise NECPs.

As this discussion has indicated, NECPs are complex documents: Member states have to outline how they plan to reach their energy and climate goals and do so in a credible manner, as goal achievement necessarily implies projections about the future. Current scholarship focuses on the policy content of NECPs (Bazzan and Righettini 2023; Maris and Flouros 2021). However, the future-orientedness of the plans opens the question of the *construction of authority* (Busuioc and Rimkutė 2019). Why should readers of NECPs believe that certain policies will reach some goals in a 10-year time frame? Policies do not speak for themselves but need to be imbued with authority to substantiate their implicit cause-and-effect claims (a core claim of many theories of the policy process [Weible 2023]).

This is the question that this article addresses: The focus is to analyse the *regulatory talk* contained in NECPs: *How do member states justify their climate and energy policies, how does the Commission justify its comments, and how do member states in turn adapt their reputational strategies to the Commission comments?* Consequently, the article uses *reputation theory* to analyse how member states and the Commission talk about energy and climate policies in the NECPs.

II. The Theoretical Idea: Energy and Climate Plans as Regulatory Talk

In recent years, the study of *reputational strategies* of agencies has gained prominence in research on the regulatory state (Maor 2020). First used to explain the behaviour of US agencies (Carpenter 2002), the argument has proven useful to explain the evolution of regulatory agencies in the EU and their attempts to legitimise their actions (Busuioc and Rimkutė 2019).

The argument is that agency behaviour cannot be reduced to their formal mandate, but that agencies strive to cultivate a *reputation* towards vital *audiences* on whose resources they depend. Organisational reputation is defined as ‘a set of beliefs about an organisation’s capacities, intentions, history, and mission that are embedded in a network of multiple audiences’ (Carpenter and Krause 2012, 26). A positive reputation has multiple benefits. Early strands of the literature see reputation as a defensive instrument. A positive reputation can shield an agency from criticism, preserving the powers delegated to an agency (Gilad, Maor, and Bloom 2013; Rimkutė 2018; Verhoest et al. 2023). However, recent research has expanded this research agenda to argue that all kinds of agency activities are driven by reputation-building efforts: doing public consultations (Arras and Beyers 2020), reacting to consultation contributions (Fink and Ruffing 2020), forming networks (Vantaggiato 2019), using scientific expertise (Rimkutė 2018) or explaining policies (Müller, Braun, and Fraussen 2022). Thus, many facets of agency activity can be explained as strategic attempts to communicate a positive reputation.

The article argues that the reputational perspective can be fruitfully applied to member state and Commission behaviour in soft governance institutions like the NECP procedure. For the Commission, the argument can be easily transferred: The European Commission is a bureaucracy that depends on justifying its actions and policies towards its main

audience, namely, the member states (Müller, Braun, and Fraussen 2022). This is especially important for soft governance, as member state compliance with soft law can hardly be enforced using legal instruments, but it can be influenced by the legitimacy of arguments the Commission makes. In that regard, constructing a good reputation can be an important factor in promoting compliance with soft governance.

In systems of soft governance that build on a dialogue between the Commission and member states, member state governments can also be thought of as driven by reputational concerns. Member state governments are not agencies in the sense of reputational theory. However, if member state governments are obliged to justify their aims and policies, they are in a similar situation as an agency defending its decisions. Moreover, in the NECPs, governments provide promises about policies and predictions about their effects. These promises and predictions are more convincing if they are supported by reputation-based authority.

Thus, this article starts with the assumption that the NECP documents by member states and the Commission can be analysed with regard to their reputational strategy. A positive reputation can be achieved on four dimensions (Busuioc and Rimkutė 2019; Carpenter and Krause 2012, 27). A *technical* reputation exists if an actor demonstrates that it has the capacity to fulfil its tasks. Most often, this refers to expertise that allows actors to insulate their conduct from political interference. For energy and climate policies, this dimension implies emphasising the scientific basis of, for example, renewable energy schemes and their predicted effects. *Performative* reputation is strengthened if an actor demonstrates that it executes its tasks in a satisfactory manner. This means referring to success indicators, demonstrating the achievement of externally set aims (which fits the overall logic of the Governance Regulation). *Procedural* reputation means that an actor follows clear rules and procedures. For energy and climate policies, this means emphasising the process by which these policies were developed, for example, performing stakeholder consultations (as mandated in the Governance Regulation). *Moral* reputation is strengthened if an actor refers to publicly held moral notions like the well-being of citizens. To some extent, this dimension is at odds with the depoliticising effects of the other dimensions. However, as energy and climate policies have become politicised in recent years (Solorio and Jörgens 2020), it is at least possible that NECPs also try to address an audience that is open for moral appeals.

The first set of hypotheses concerns the reputational mix member states use in their draft NECPs. Member states may converge towards a uniform reputational strategy in their NECPs (Hypothesis 1a). The likely candidate for this uniformity is the *performative* dimension. The purpose of the NECPs is to let member states explain how they plan to reach their energy and climate goals. Thus, all member states could opt for a performative strategy, emphasising goal achievement and performance of their policies. This corresponds to the idea that NECPs are supposed to harmonise policy planning and offer a joint template (European Parliament and Council of the European Union 2018, Recital 18).

The rival hypothesis is that member states are so diverse in their starting points—existing climate policy performance, structure of their economy, ideological leaning of their parties and regulatory styles (Brendler 2022)—that they do not write NECPs with a similar reputational strategy.¹ Some member states may see energy and climate policies

¹This corresponds to the claim that even agencies in the same field use different reputational strategies depending on factors like tasks, age or capacities (Busuioc and Rimkutė 2020; Fink and Ruffing 2020).

as a technical matter, others may justify their policies using moral arguments, and others may insist that they follow appropriate procedures. Thus, Hypothesis 1b holds that there is no uniform regulatory talk in the draft NECPs.

To explain the variation of reputational strategies, the hypotheses of reputational theory are inappropriate, as these are often agency-related factors such as task portfolio or age (Busuioc and Rimkutė 2020; Verhoest et al. 2023). These factors can hardly be transferred to governments. However, comparative policy research suggests some ‘usual suspects’ to explain variation between member states: partisan ideology, capacity considerations and current compliance with EU goals. *First*, green parties are closely associated with the achievement of climate goals (Jensen and Spoon 2011). The strength of green parties in a member state could thus be correlated with a larger emphasis on the performative dimension. *Second*, recent studies stress that not all actors have the same *capacity* to choose their reputational strategy (Fink and Ruffing 2020). By analogy, the *structure of the economy* influences which reputational strategy can be used: If countries have only a low-tech manufacturing sector, a technical reputation seems less plausible. *Third*, the *current climate performance* might impact how member states describe their climate policies in the NECPs. If they already have low CO₂ emissions, member states can emphasise the performative dimension.²

Hypothesis 1a: (Uniform member state reputational strategy): Member states show similar reputational strategies in their draft NECPs, most likely emphasising the performative dimension.

Hypothesis 1b: (Member state variation): Member states show differing reputational strategies in their draft NECPs, with different member states emphasising different reputational dimensions.

Hypothesis 1b.1: (Member state variation—political): The stronger green parties are in a member state, the more that member state will use the performative reputational dimension in its draft NECP.

Hypothesis 1b.2: (Member state variation—economical): The less advanced the manufacturing sector in a member state is, the less that member state will use the technical reputational dimension in its draft NECP.

Hypothesis 1b.3: (Member state variation—current performance): The lower the CO₂ emissions of a member state are, the more that member state will use the performative reputational dimension in its draft NECP.

For the Commission, the pair of hypotheses is similarly structured. The assumption is that the Commission uses the NECP process to steer member states towards

²These hypotheses on national variation should be seen as tentative first steps in theory building on national variation of regulatory talk. More fine-grained arguments about different national audiences (e.g., taking into account rhetorical strategies by political parties or interest groups) can inform further research.

the implementation of ambitious climate policies. Thus, it needs to construct a position of authority. The question is whether this works better by portraying itself as a neutral trustee or by adapting its regulatory talk to the one used by member states.

The *first* option is to legitimise comments as a trustee of an abstract cause: the achievement of climate goals. In this way, the Commission portrays itself as a neutral bureaucracy intent on reaching abstract aims with technical proficiency (Majone 1997) and legitimises its comments using the performative dimension. Thus, the Commission will emphasise in its NECP assessments whether the national policies are suited to achieving the EU's climate policy goals.

The rival hypothesis is postulated by persuasion theory (Checkel 2001). This strand of research emphasises the importance of constructing a position of authority—similar to the reputation literature—but argues that this works better if the message is adapted to the recipient (Checkel 2001, 563). We should observe a strategic Commission (Blom-Hansen and Senninger 2021) that tailors its messages to the recipient (Müller, Braun, and Fraussen 2022; Rauh 2023), in our case, member states. Thus, the *second* option is to legitimize comments by adapting the reputational strategy to the strategies used by member states: The Commission *mirrors* the reputational strategy that member states use in their draft NECPs—emphasizing the procedural dimension if member states use procedural talk, emphasizing the technical dimension if member states talk technical and so on.

Hypothesis 2a: (Uniform Commission reputational strategy): The Commission employs the same reputational strategy in its comments to all member state NECPs, most likely emphasising the performative dimension.

Hypothesis 2b: (Commission adaptation strategy): The Commission adapts the reputational strategies in its comments to the strategies that member states use in their NECPs.

Last but not least, the question is how member states' regulatory talk is related to the Commission's comments. The first hypothesis is that member states adapt their regulatory talk to the talk used by the Commission. This pattern is suggested by the logic of the procedure: Member states will adapt the reputational strategy used in their NECPs to the dimensions that the Commission addressed most. For example, if the Commission emphasises technical issues in its comments (and therefore constructs its authority as built on technical proficiency), there might be good reasons for member states to emphasise their own technical proficiency as a form of counterauthority. The alternative hypothesis is that member state differences persist. Member states may see no need to adapt to the regulatory talk of the Commission and keep on using the regulatory talk they used in their draft NECP, for example, because they already have formulated their reputational profile in their draft NECP and try to maintain that profile (similar to the concept of reputational uniqueness, see Rimkutė 2020).

Hypothesis 3a: (Commission streamlining): The revised NECPs by the member states reflect the reputational dimensions that the Commission uses in its comments.

Hypothesis 3b: (Member state persistence): The revised NECPs by the member states use the same mix of reputational strategies as their original NECPs, bearing no relation to the reputational strategy used in the Commission's comments.

Thus, in sum, the hypotheses trace the development of NECP documents—draft NECP, Commission assessment and final NECP—and theorise how member states and the Commission use regulatory talk.

III. Data and Methods: Dictionary Coding of Reputational Dimensions

To operationalise the *dependent* variable, I use an established dictionary of reputational terms (Busuioc and Rimkutė 2020) to code the English translations of the first draft NECPs, the corresponding Commission staff working documents and the final NECPs. The dictionary codes terms like knowledge, science or data as evidence for a technical reputational strategy; terms like deliver, achieve or success as evidence for a performative reputational strategy; terms like legal, rule or consult as evidence for a legal–procedural strategy; and finally, terms like consumer, honest or trust as evidence for a moral reputational strategy.³

In how far this measurement reflects actual *strategy*—conscious choice of wording by the actors—is an open question that cannot be answered by a quantitative approach. Much of the quantitative reputation literature simply infers strategy from aggregate information about textual patterns (Fink 2024; Müller, Braun, and Fraussen 2022; Rimkutė 2020). However, there is growing evidence from mixed-methods studies that reputational concerns impact how actors produce texts (Müller and Braun 2021; Piquet 2021). For the article at hand, the pragmatic choice is to follow reputation theory in assuming that actors craft their reputation strategically. For the case at hand, this means to assume theoretically that member states and the Commission deliberately craft NECPs and comments. This assumption leads to observable implications in the form of textual patterns that emerge if certain strategies are followed. Thus, the conclusion can only be that textual patterns are consistent with assumed reputational strategies, but not that these patterns necessarily indicate the presence of these strategies on the actor level. To reach that conclusion, qualitative research (e.g., interviews with the actors) is necessary.

Table 1 shows that there is ample textual material to code: The draft NECPs, on average, have 57,000 words and a huge variation from 22,000 to 108,000 words. The Commission assessments are more standardised in length, with 12,000 words on average and little variation. Table 1 also shows that the length of the NECPs increases considerably between draft and final version: The NECPs grow to 96,000 words on average.

Table 2 illustrates the coding with some examples. Although not perfectly capturing every term, the dictionary coding allows characterising documents as to whether they use technical ('demand-driven dynamic optimisation model'), performative ('well above

³See Appendix A for the dictionary. On the downside, this dictionary may underestimate the number of policy-field specific terms, as it does not contain specific terms related to climate policy (e.g., 'renewable energy' for technical, 'Member State aims' for performative, 'progress report' for procedural or 'extinction' for moral terms). However, the dictionary is established in reputational research and offers comparability to earlier studies. Moreover, the analysis is not built on the *absolute* frequency of terms but on the *relative weight* of different reputational dimensions.

Table 1: Descriptive overview over documents used.

Type of document	No. of documents	Mean number of words	SD	Minimum number of words	Maximum number of words
Draft NECP	27	57,888	22.947	22,099	108,580
Commission assessment	27	11,971	1.150	10,367	14,459
Final NECP	27	96,879	31.880	51,845	169,054

Table 2: Example coding.

Actor	Document	Example sentences
Austria	NECP1	Austria also has a long-standing <i>TTT expert TTT</i> committee electricity interconnection level in Austria was 15.3%, well above the <i>2020 PPP target PPP</i> of 10%. one of the key functions of the climate protection act is to ensure a <i>LLL</i> <i>process LLL</i> developing climate protection measures ... to <i>MMM protect MMM</i> energy <i>MMM consumers MMM</i> ...
Commission	Comments on Latvia	The <i>TTT model TTT</i> used is a demand driven dynamic optimisation <i>TTT</i> <i>model TTT</i> , Such incentives include measures to <i>PPP achieve PPP</i> the reduction of heating tariffs ... private partnership projects accepted in accordance with the <i>LLL</i> <i>procedure LLL</i> laid down only half of all identified <i>MMM protected MMM</i> users receive support to cover <i>MMM protected MMM</i> user's electricity costs
Finland	Final NECP	... the potential of the circular economy to make a significant contribution to reaching Finland's energy and climate <i>PPP goals PPP</i> , to its climate policy and to reducing greenhouse gas emissions, but without <i>TTT quantifying</i> <i>TTT</i> the potential for reducing GHG emissions. Further <i>TTT quantification</i> <i>TTT</i> efforts would benefit future plans, in line with the most recent <i>TTT</i> <i>scientific TTT TTT evidence TTT</i> ... encouraged to <i>LLL consult LLL</i> the commission recommendation of 14 October 2020 on energy poverty and its accompanying staff working <i>LLL</i> <i>document LLL</i> providing guidance ... explores the importance of <i>MMM protecting MMM</i> biodiversity ...

Abbreviations: LLL, legal-procedural; MMM, moral; PPP, performative; TTT, technical.

the 2020 target'), procedural ('in accordance with the procedure') or moral ('protected users') reasoning.

I calculate the total number of reputational terms for each document and derive the percentages of the four reputational dimensions. Each document has a number of reputational words that form the baseline of 100%, and this baseline is divided into the four reputational strategies—for example, 25% technical, 25% performative, 25% procedural and 25% moral. The figure of interest is not the precise percentage but the relation of reputational strategies—what is the reputational 'mix' the member states and the Commission use: Do they emphasise one dimension at the expense of the other dimensions?

Table 3: Descriptive overview over independent variables used for member state variation hypothesis.

Type of document	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>Min</i>	<i>Max</i>	<i>Source</i>
Strength of green parties in parliament	27	2.82	4.27	0	15	(Armingeon, Engler, and Leemann 2022)
Employment in low-tech manufacturing % total employment	26	6.3	2.42	1.3	10.3	(European Commission 2022; Teorell et al. 2023)
CO ₂ emissions per capita (t)	27	6.68	2.69	3.19	15.3	World Bank, EN.ATM.CO2E.KT

To operationalise the *independent variables* for the member state variation hypothesis (Hypothesis 1b), I use the proportion of green parties in parliament from the Comparative Political Data Set (Armingeon, Engler, and Leemann 2022), the share of people working in low-tech manufacturing as a variable indicating capacities (European Commission 2022; Teorell et al. 2023)⁴ and CO₂ emissions per capita (all data for 2018, the year of the draft NECPs). All three variables show considerable variation (see Table 3): There are member states with strong green parties in parliament (e.g., Luxembourg with 15% or the Netherlands with 12.6%), as well as member states without any green parties in parliament at all (e.g., Spain or Estonia). There are member states with a small low-tech manufacturing sector (e.g., Denmark or Luxembourg) and also member states where 10% of all employees work in low-tech manufacturing (e.g., Bulgaria or Lithuania). And there are member states with rather low CO₂ emissions per capita (e.g., Sweden) and member states with high CO₂ emissions per capita (e.g., Luxembourg).⁵

IV. Empirical Analysis: Member State Variation, Commission Streamlining?

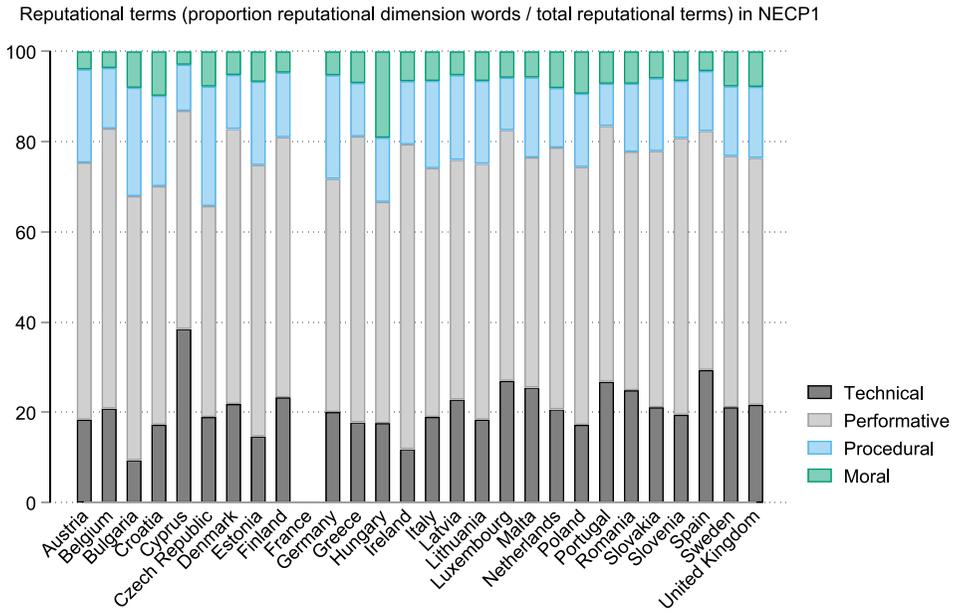
The first question concerns hypothesis pair 1a/1b: Do member states use the same reputational dimensions in their draft NECPs, or do their documents vary? On the one hand, there are homogeneous patterns: In all draft NECPs, the performative dimension is most prevalent (see Figure 1). This is not surprising, given the emphasis of the NECP process on climate goal achievement. Moreover, in nearly all NECPs, the moral dimension is the least used dimension.⁶ On the other hand, there is variation beneath this uniformity: The performative dimension is the most used dimension in all NECPs, but its share ranges from 47% (Czech Republic) to 67% (Ireland). Moreover, the NECPs vary in the second most used dimension. For 19 countries, technical arguments are the second most used dimension (e.g., Cyprus with 38% or Spain with 29%). For seven member states,

⁴One could think of other measures of capacity that tap into more dimensions of capacity. However, in the Quality of Governance Dataset, the low-tech manufacturing variable is negatively correlated with many other variables indicating technical–scientific capacity, for example, researchers in all sectors as percentage of total employment or fixed subscriptions to high-speed access to the public internet.

⁵The results do not change if we use greenhouse gas emissions instead of CO₂ emissions. The two indicators are highly correlated.

⁶The exception is the Hungarian NECP. The Hungarian draft NECP is among the shortest drafts (32,000 words as compared to the average 57,000 words), uses very few reputational terms and often mentions consumer protection ('protect' being counted as a moral term).

Figure 1: Reputational dimensions in draft NECPs. Based on own dictionary coding, no official English translation of French NECP is available. [Colour figure can be viewed at wileyonlinelibrary.com]



procedural arguments are the second most used dimension (e.g., the Czech Republic with 26% or Germany with 22%).⁷

To some extent, these results corroborate existing findings on reputational strategies in the European administrative space (Busuioc and Rimkutė 2020; Rimkutė 2020, 396): Performative and technical arguments dominate, consistent with a reputational strategy built on output legitimacy⁸: Combatting climate change seems to be a matter of technical proficiency and performance. The comparatively rare occurrence of procedural arguments is somewhat surprising. Previous research has shown that references to procedures are an often-used legitimising device in EU rule-making (Fink 2024), and the Governance Regulation offers ample opportunities to refer to procedures.⁹ The lack of moral arguments dovetails with the regulatory state perspective (Busuioc and Rimkutė 2020). It means that the NECPs rhetorically steer climate policies away from the moral framing that can be prevalent in social movements (Molder et al. 2021) or parliamentary debates (Salgado and Bos 2024).

⁷To put these figures into context, European agencies in their communications use about 41% performative, 38% technical, 14% procedural and 5% moral terms (Rimkutė 2020, 396).

⁸Busuioc and Rimkutė (2020) equate technical and performative arguments with output legitimacy and procedural arguments with input legitimacy.

⁹Besides references to macroprocedural requirements (preparing the NECPs, public consultations, coordination with other member states, etc.), the Governance Regulation contains opportunities to justify the choice of indicators, scenarios or impact assessments with reference to established procedures.

Table 4: OLS regression models explaining the proportion of technical, performative, procedural and moral terms in the draft NECPs.

	(1)	(2)	(3)	(4)
	<i>Technical</i>	<i>Performative</i>	<i>Procedural</i>	<i>Moral</i>
Share of seats in parliament: Green	−0.07 (−0.17)	−0.08 (−0.23)	−0.05 (−0.17)	0.20 (0.96)
Employment in low-tech manufacturing (total) % total employment	−1.31** (−2.25)	0.01 (0.02)	0.75 (1.63)	0.55* (1.72)
CO ₂ per capita	−0.37 (−0.72)	0.36 (0.73)	0.23 (0.57)	−0.22 (−0.78)
Constant	31.89*** (5.95)	53.83*** (10.55)	10.01** (2.37)	4.27 (1.45)
Observations	26	26	26	26
Adjusted R ²	0.13	−0.11	0.05	0.04

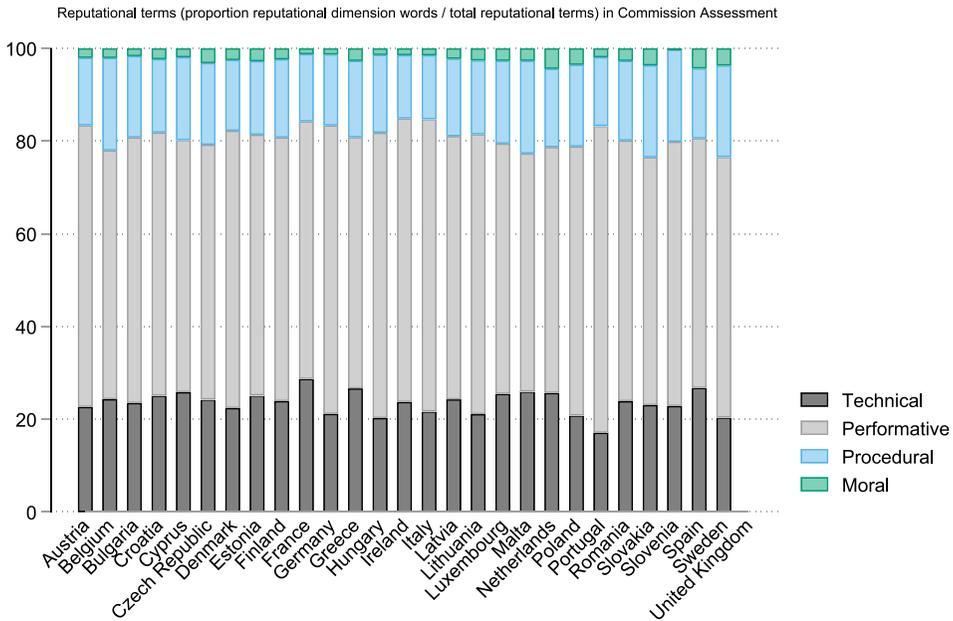
Note: *t* statistics in parentheses. * $p < 0.1$, ** $p < 0.05$ and *** $p < 0.01$.

Thus, on balance, there seems to be some evidence for Hypothesis 1b: Although there is a similar pattern of emphasising performative arguments, the NECP template does not induce member states to produce documents with homogeneous regulatory talk. The common template for NECPs does not induce member states to uniform regulatory talk. Moreover, the variation found is correlated with domestic factors. Especially the technical reputational dimension co-varies with the capacity variable (see Table 4): The less capacity member states have—operationalised as large, low-tech manufacturing—the less member states use technical arguments in their draft NECPs. This might not be the most surprising result but corroborates the capacity–reputation nexus found in other studies (Fink and Ruffing 2020). An interesting point is the *lack* of correlation with the two other variables: Countries with strong green parties do not use significantly different rhetoric in their draft NECPs, and successful member states do not use significantly different rhetoric in their NECPs. However, the operationalisation of these domestic factors is not very nuanced. Case studies could elucidate how domestic capacity constraints translate into NECP rhetoric.

In comparison to the draft NECPs, the Commission assessments are more homogenous (see Figure 2). The rank order of reputational dimensions is always the same. In all documents, performative arguments are most often used (ranging from 51% in the assessment of Malta's NECP to 66% in the assessment of Portugal), with technical arguments as the second most used dimension (ranging from 17% in the assessment of Portugal's NECP to 28% for France) and procedural terms coming in on the third place (ranging from 13% in the assessment of Ireland's or Italy's NECP to 19% for Sweden or Slovenia). Moral arguments are hardly ever used.

Thus, the Commission assessments of the member state's NECPs are a more standardised text (cf. Figure 1 to Figure 2). Moreover, there is little indication that the variation of reputational dimensions in the Commission assessment is related to the variation

Figure 2: Reputational dimensions in Commission assessments of draft NECPs. Based on own dictionary coding. [Colour figure can be viewed at wileyonlinelibrary.com]

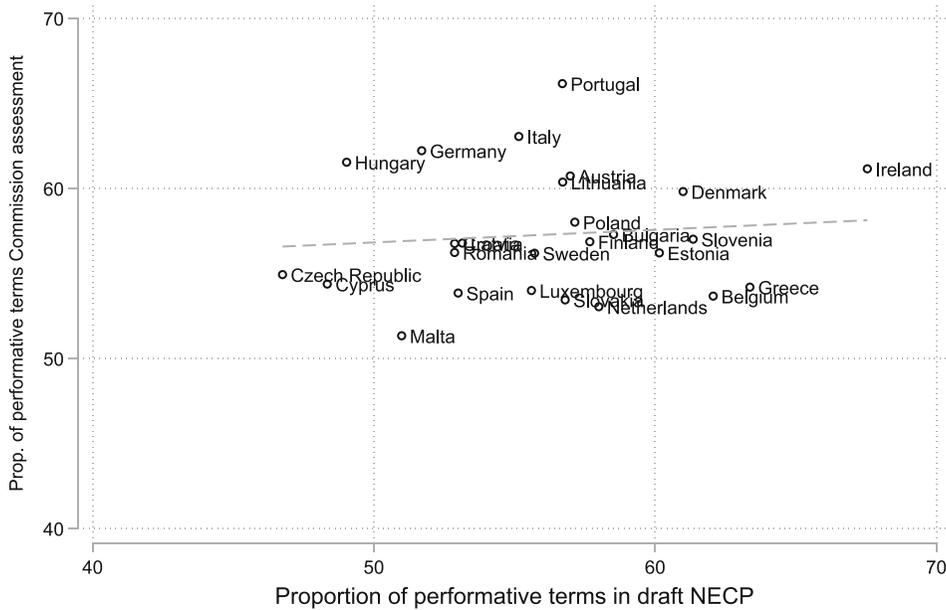


in the draft NECPs. Figure 3 illustrates this for the performative dimension.¹⁰ The precise location of the countries is less important than the overall pattern: *First*, the variation of reputational dimensions is larger in the draft NECPs than in the Commission comments (member states are spread out widely on the *x* axis, but Commission comments cluster on the *y* axis). *Second*, the regression line shows no relation between the proportion of performative terms in the draft NECPs and the corresponding Commission comments. Notwithstanding the distribution of reputational dimensions in the draft NECPs, the Commission produces standardised assessments; Hypothesis 2a can be corroborated. In light of the theoretical discussion, the regulatory talk of the Commission is consistent with a regulatory state rhetorical strategy, which emphasises the image of an impartial bureaucracy. This is no trivial result: Given that the Commission has few formal ways of enforcing the NECP goals, a more varied regulatory talk that adapts to member state strategies was *ex ante* equally likely.

The third question is the distribution of reputational dimensions in the final NECPs. Here, a visual inspection suggests that member state differences persist (Figure 4). Similar to the draft NECPs, the performative dimension is the most used dimension (ranging from 45% in Malta's NECP to 67% in Finland's NECP). Also similar to the draft NECP, many countries rely on technical arguments as the second most used reputational dimension (e.g., Hungary with 35% or Cyprus with 36%, in total 22 countries). Four countries use procedural arguments as their second most used dimension (e.g., Latvia with 15% or Lithuania with 23%).

¹⁰Plots for the other dimensions can be found in Appendix A; the main message does not change.

Figure 3: Relation between proportion of performative reputational terms in draft NECPs and corresponding Commission comments.



If we compare the distribution of reputational dimensions between draft and final NECPs in the aggregate (Table 5), no clear picture emerges. On the one hand, there are some streamlining effects: The range between the most extreme countries on the technical, procedural and moral dimensions decreases between draft and final NECPs. On the other hand, for the performative dimension, this range increases. If we take the standard deviation as a measure of variation that looks at all cases, the standard deviation slightly decreases for the procedural and moral dimension but increases for the technical and performative dimension. Thus, there seems to be some streamlining at the extremes between draft and final NECPs, but on the whole, the reputational mix used by member states does not become more homogenous.

If we probe beyond the aggregate statistics, there is no relation between the reputational dimensions in the final NECPs and the dimensions used in the Commission assessment. In the OLS models, there is always a high correlation between the reputational dimensions in the final NECP and the reputational dimensions in the draft NECP but no correlation with the reputational dimensions used in the Commission assessment (see Table 6).¹¹ Hence, the results corroborate Hypothesis 3b: Member state reputational strategies persist.¹²

¹¹The result does not change if the dependent variable is the *difference* between reputational proportions between draft NECP and final NECP, and OLS regressions model the impact of the Commission comments on the *change* of proportions (see Appendix A).

¹²However, as with the models in Table 4, there is still unexplained variation. This variation is probably due to factors that were unaccounted for in the models in Table 4 (domestic factors that explain the reputational mix).

Figure 4: Reputational dimensions in final NECPs. Based on own dictionary coding. [Colour figure can be viewed at wileyonlinelibrary.com]

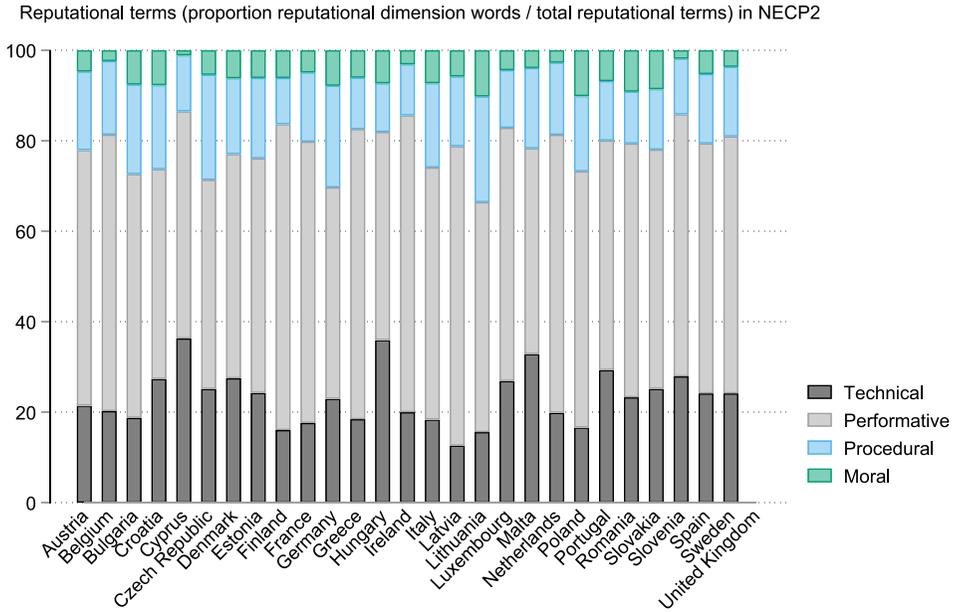


Table 5: Descriptive statistics of reputational dimensions in draft NECPs versus final NECPs.

Dimension	NECP	Min	Country	Mean	SD	Max	Country	Range
Technical	Draft	9.42	BG	20.97	5.62	38.51	CY	29.09
	Final	12.63	LV	23.30	6.01	36.30	CY	23.67
Performative	Draft	46.74	CZ	56.06	4.75	67.54	IE	20.80
	Final	45.48	MT	55.17	6.57	67.59	FI	22.11
Procedural	Draft	9.37	PT	16.12	4.24	26.50	CZ	17.13
	Final	10.21	FI	15.74	3.73	23.37	LT	13.16
Moral	Draft	2.92	CY	6.83	2.95	19.09	HU	16.17
	Final	1.10	CY	5.78	2.42	10.20	LT	9.10

Figure 5 illustrates this result for the performative dimension.¹³ Member states use the regulatory talk of the draft NECP also in the final NECP. Member states with an emphasis on performative terms like Ireland keep this emphasis, and member states that used comparatively few performative terms in their draft NECP like the Czech Republic still use only comparatively few performative terms in their final NECP. This finding is remarkable as the size of the NECPs has nearly doubled (see Table 1): Member states could use the revisions to change the balance of reputational strategies, but they do not. This finding should not be interpreted as lack of policy responsiveness. Member states could

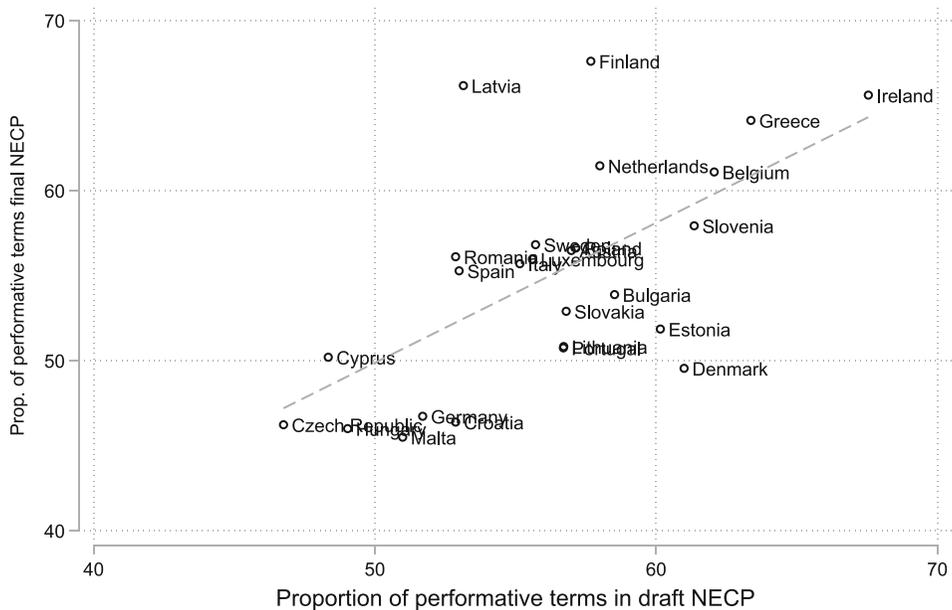
¹³See Appendix A for plots of the other dimensions.

Table 6: OLS regression models explaining proportion of reputational dimensions in final NECP.

	(1)	(2)	(3)	(4)
	Technical	Performative	Procedural	Moral
Technical terms in draft NECP	0.49** (0.20)			
Technical terms in Commission assessment	-0.27 (0.49)			
Performative terms in draft NECP		0.85*** (0.22)		
Performative terms in Commission assessment		-0.36 (0.29)		
Procedural terms in draft NECP			0.67*** (0.12)	
Procedural terms in Commission assessment			-0.12 (0.27)	
Moral terms in draft NECP				0.29* (0.16)
Moral terms in Commission assessment				0.38 (0.50)
Constant	19.62 (11.53)	27.84 (19.67)	6.92 (5.08)	2.96 (1.76)
Observations	26	26	26	26
Adjusted R^2	0.14	0.36	0.56	0.06

Note: Standard errors in parentheses. * $p < 0.1$, ** $p < 0.05$ and *** $p < 0.01$.

Figure 5: Relation between proportion of performative reputational terms in draft NECPs and corresponding final NECPs.



have changed their policies to comply with Commission comments without changing their rhetoric.

Thus, on balance, there is evidence for Hypotheses 1b, 2a and 3b. In plain terms: *First*, the evidence for Hypothesis 1b is most equivocal. On the one hand, the common NECP template works insofar as member states most often use performative talk. On the other hand, the share of performative terms varies, and whether procedural or technical talk is used in a supporting role also varies. Moreover, this variation is systematically related to domestic factors: Member states with less capacities use proportionally less technical reputation terms in their reputational mix. Strong green parties and current climate performance are not related to the regulatory talk. *Second*, the Commission produces standardised assessments that emphasise the performative dimension, followed by the technical and the procedural reputational dimension. The remaining variation has no relation to the variation of reputational dimensions in the draft NECPs. That is, the Commission portrays itself as an impartial bureaucracy and trustee of abstract climate goals. *Third*, member states do not adapt their regulatory talk to that of the Commission. Even though the final NECPs are nearly double the length of the draft NECPs, the final NECPs exhibit a similar mix of reputational dimensions as the draft NECPs.

Conclusion

This article has studied the regulatory talk of EU member states and the European Commission when drafting, commenting on and revising NECPs. It combines theories of soft governance (Rangoni and Zeitlin 2020) and reputational strategies (Maor 2020; Rimkutė 2020) to elucidate how these actors describe and justify their energy and climate policies.

This focus is relevant because regulatory talk legitimises policies, and legitimisation of policies is a cornerstone of soft governance. Member states are supposed to describe their energy and climate policies in NECPs using standardised templates so that comparisons become possible and the mechanism can nudge them towards efficient climate policies. Reputational theory holds that these documents are used to build a reputation for being good performers, followers of rules, technically proficient or morally responsible. That is, regulatory talk is not only about communicating facts but also about portraying an image. Although this theory has up to now mostly been applied to agencies, this article shows that communication by governments and the Commission can also be analysed as regulatory talk.

My study shows that the regulatory talk of member states—the wording in which they describe their climate policies—varies systematically. Member states that have less capacities to portray themselves as technical forerunners use less technical descriptions. The Commission, on the other hand, uses its comments in a uniform way, always emphasising performance. Member states do not seem to adapt their regulatory talk to the Commission comments in a systematic way. Their regulatory talk in the final NECPs looks very much like the reputational mix they used in their draft NECPs. Output legitimacy dominates. Both member states and the Commission emphasise performance, followed by technical and procedural arguments. Moral arguments are virtually absent. This might be seen as a foregone conclusion: This is what the NECP process is

all about, and this is in line with previous research on European agencies (Busuioc and Rimkutė 2020). However, given the considerable politicisation of energy and climate policies (Marquardt and Lederer 2022), one could have expected more moral arguments. Turning that argument into a prediction: If the politicisation of energy and climate policies is ever increasing, this could be reflected in current and upcoming updates of the NECPs. Moreover, recent research has shown that EU energy policy-making offers actors ample opportunities to use procedural reputation—claiming that they ‘followed the procedures’ (Fink 2024)—and that this ‘following the procedures’ is emphasised by actors with little resources (Fink and Ruffing 2020). This could also apply to the NECPs: By definition, the Governance Regulation is a procedural device, outlining procedures that have to be followed on the macro level (preparation of NECPs, public consultations, etc.) and on the micro level (procedures and legal frameworks for impact assessments, measurements, etc.). Thus, one could have expected a more balanced mix of reputational dimensions, including more procedural terms. However, the NECPs emphasise performative and technical terms that correspond to a depoliticising logic.

The article cannot make claims about substantive policy change between the draft NECP and the final NECP—member states may change their policies while using the same regulatory talk, or they may leave their policies unchanged and use different rhetoric. What we can learn from the analysis is that on the rhetorical level—in the regulatory talk—there is variation between member states that can be explained by domestic factors, and that is not systematically related to the regulatory talk of the Commission.

However, on the level of regulatory talk, several observations are warranted that link these results to broader discussions. *First*, for reputation studies, the pertinent question is whether we can infer strategic motives for text production from aggregate patterns in textual data. This is an approach often taken (Fink 2024; Müller, Braun, and Fraussen 2022; Rimkutė 2020), but further research must probe this connection using qualitative studies on the actor level.

Second, the finding opens the question where the variation of national regulatory talk comes from. Although the three hypotheses—capacities, political ideology and current goal achievement—are plausible, they are not yet thoroughly connected to the audience concept important for the reputational approach. Thus, further research needs to specify how governments define their target audience for the NECPs and which groups of audiences approach the NECP process with which demands.

Third, the effects of regulatory talk should be studied. The question is how varying reputational strategies impact the effectiveness of the NECP process. On the one hand, national flexibility in describing and legitimising policies is a desirable feature (Zeitlin and Rangoni 2023). On the other hand, the question is what the variation of regulatory talk means for the NECP process as a device of policy learning. If we follow rationalist theories of policy learning (Meseguer 2006), different rhetoric does not matter: Actors rationally update their beliefs on the basis of information about successful policies. Successful climate policies will diffuse. However, many theories emphasise the bounded rationality of policy learning. Hence, different legitimisation strategies cause biases in how actors perceive policies and learn lessons. Actors might not learn from the best policies but from those policies that are most convincingly constructed as legitimate (Lee and Strang 2006; Radaelli 2000). Thus, an open question is whether the reputational strategies used by

member states have an impact on policy learning. Are there some legitimising strategies that ‘catch on’ and cause policy diffusion?

Fourth, an interesting question is how the depoliticising strategy resonates with the politicisation of climate policy (Marquardt and Lederer 2022), regulatory politics (Busuioc and Jevnaker 2020) and European integration (Hooghe and Marks 2009). The regulatory talk contained in the NECPs is one of de-politicisation through performance and technical quality. If we associate performative and technical reputation with output legitimacy (Busuioc and Rimkutė 2020), then in comparison, input legitimacy in the form of procedural arguments is rarely used and moral arguments hardly ever. This might be just as well. NECPs may be technical documents for a nationally varying but mainly administrative audience. Still, the open question is whether this strategy can be upheld in the face of increasing demands for more responsive policy-making by a diverse set of audiences.

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A: Appendix

Table A1. Operationalization of reputational dimensions.

<i>Keyword categories</i>	<i>Keywords</i>
Technical reputation	reliab test analy assess calcul data evidence examin expert investigat knowledge likelihood methodolog model profession qualitat quantify quantitat research robust science scientif stud stud technic
Performative reputation	deliver enforce result achieve action adopt decision application assertive complia comply effecti efficien goal improv inspect objective oblige outcome output performance restrict success timely target
Legal–procedural reputation	consult formal independen protocol process rule document information appeal judicial legal liability management procedur provisions requirement
Moral reputation	protect values consumer credibility dialogue engagement ethic honest inclusiv integrity moral openness precaution safeguard societal transpar trust

Table A2. OLS models of the difference in reputational dimensions between draft NECP and final NECP.

	(1)	(2)	(3)	(4)
	Technical	Performative	Procedural	Moral
Technical terms in Commission assessment	-0.51 (0.54)			
Performative terms in Commission assessment		-0.38 (0.29)		
Procedural terms in Commission assessment			-0.05 (0.30)	
Moral terms in Commission assessment				0.55 (0.67)
Constant	14.49 (12.62)	20.55 (16.40)	0.48 (5.14)	-2.32 (1.75)
Observations	26	26	26	26
Adjusted R^2	-0.00	0.03	-0.04	-0.01

Note: Standard errors in parentheses.
 * $p < 0.1$, ** $p < 0.05$ and *** $p < 0.01$.

Figure A1. Figure 3 plotted for the procedural dimension.

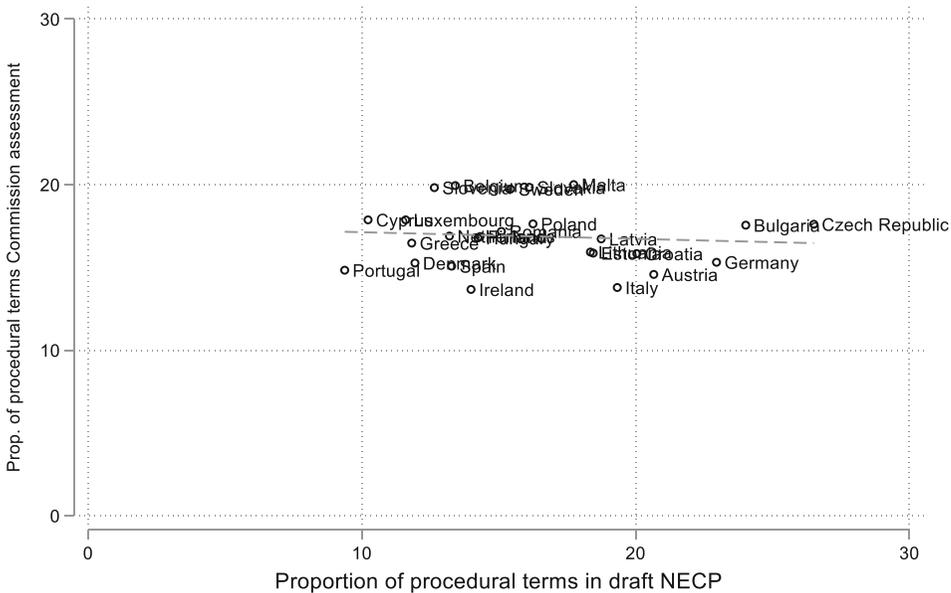


Figure A2. Figure 3 plotted for the technical dimension.

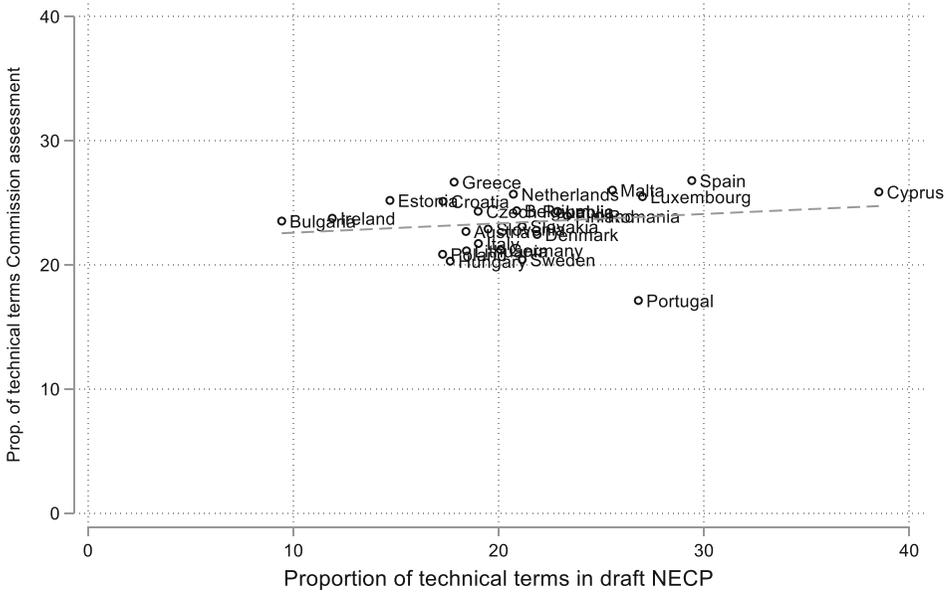


Figure A3. Figure 3 plotted for the moral dimension.

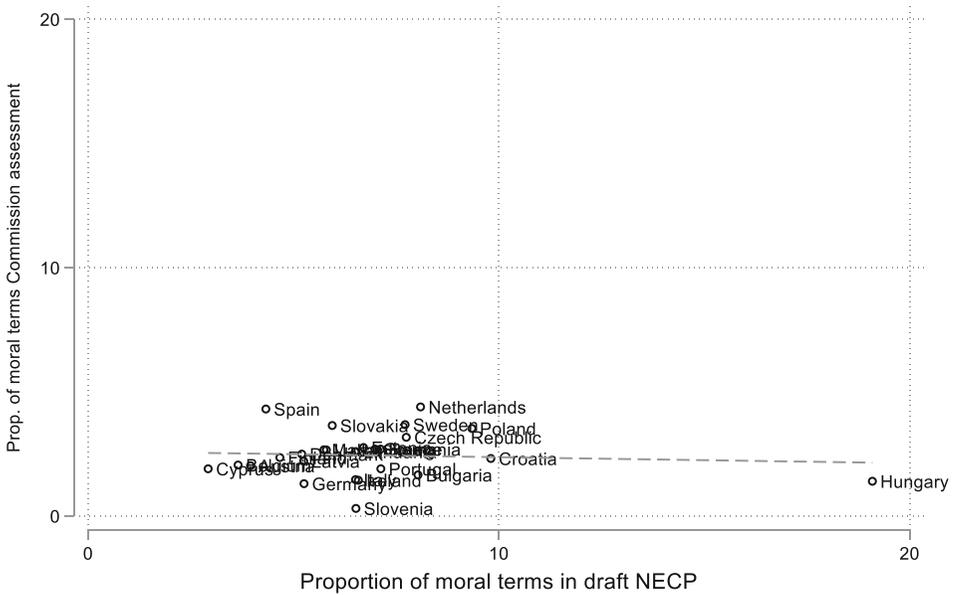


Figure A4. Figure 5 plotted for the technical dimension.

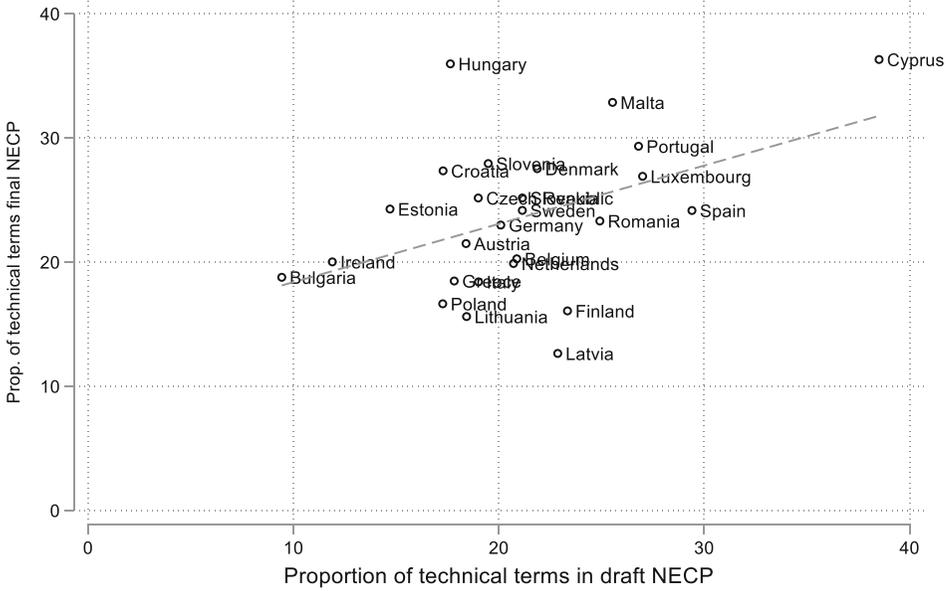


Figure A5. Figure 5 plotted for the procedural dimension.

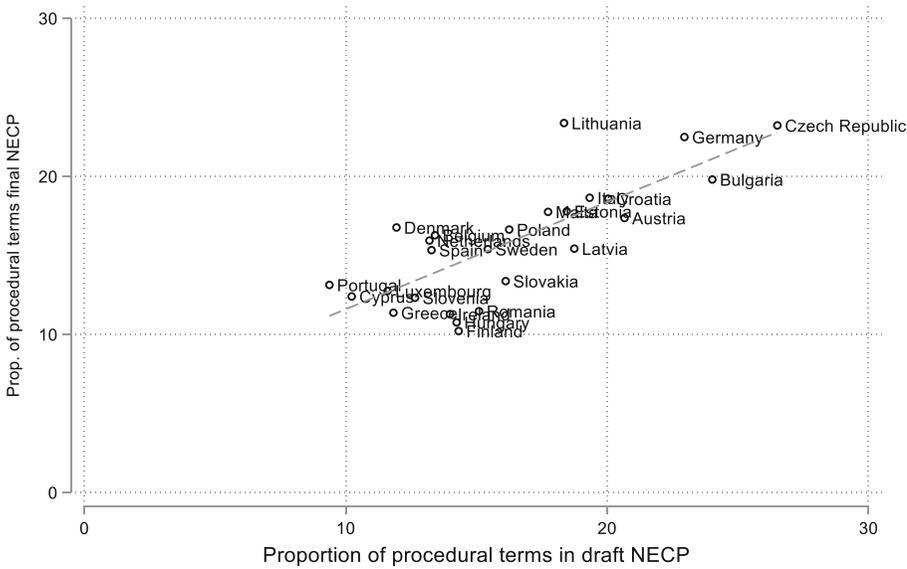


Figure A6. Figure 5 plotted for the moral dimension.

