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## **IMPLEMENTING EU CLIMATE AND ENERGY POLICIES IN POLAND: POLICY FEEDBACK AND REFORM**

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# IMPLEMENTING EU CLIMATE AND ENERGY POLICIES IN POLAND:

## POLICY FEEDBACK AND REFORM

### Abstract

European Union (EU) climate/energy targets and policies are poised for the first full climate policy cycle – from adoption and implementation of the policy package for 2020, to reform for 2030. A dynamic approach to the ways in which EU policies affect policy development is developed by applying theories of domestic implementation, policy feedback and integration. Implementation experiences in Poland – the ‘least climate ambitious’ EU member state – affected Polish preferences for reformed EU policies. Existing EU policies, their ‘fit’ with Poland’s energy interests and change in anticipation of future EU policies explain much of the variation in preferences. Second, policy feedback from Poland significantly affected the EU 2030 climate and energy framework. As yet, the EU has succeeded only partly in gathering momentum through a ‘snowball’ effect whereby positive policy feedback from implementation generates further steps.

**Keywords:** EU, Poland, climate policy, energy policy, policy feedback, implementation

### Introduction

In December 2008, the European Union (EU) agreed on a legislative package of harmonized climate/energy policies for 2020 to reduce greenhouse gas (GHG) emissions, increase the share of renewable energy consumption and improve energy efficiency (Skjærseth *et al.* 2016). The long-term political challenge is to reform this package for 2030 and beyond, so that the following decades can become stepping stones towards reaching the EU’s target of decarbonization by 2050 (European Council 2009). This requires EU policies that can gain momentum through a ‘snowball effect’, generating positive policy feedback from implementation and facilitating further steps. Successive policy packages, each bringing the EU closer to its long-term target, are necessary, in line with the regular ‘stock-taking’ and increase in ambitions every five years in the Paris Agreement.

The negotiated EU climate and energy policy framework for 2030 shows that some climate/energy policies have been weakened while others have been strengthened (Skjærseth *et al.* 2016). As unanimity serves as the decision-making rule, we would expect the framework to reflect the preferences of the ‘least ambitious’ actor, in the absence of issue-linkages (Underdal 1980).<sup>1</sup> Poland has been the most outspoken opponent of EU climate and related energy policies (Ancygier 2013, Skjærseth 2014, Jankowska 2017)<sup>2</sup> – not

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<sup>1</sup> Generally, the EU has adopted climate and energy targets and policies by unanimity, which has alternately been legally required, politically determined or *de facto* under the ‘shadow of voting’.

<sup>2</sup> Poland is the EU’s sixth largest member-state by population, and has often acted as informal leader of some of the ten Central and East European Countries (CEECs) – mainly the Visegrad Group (V-4), which from 1991 came to include the Czech Republic, Hungary, Poland and Slovakia.

least because mainly indigenous coal accounts for more than 80% of the country's electricity production and about half of its total CO<sub>2</sub> emissions (IEA 2016). What are Poland's experiences from implementing EU 2020 policies, and how have they affected reform of EU policies for 2030?

EU implementation studies have progressed in waves since the mid-1980s (Treib 2008, Di Lucia and Kronsell 2010). Scholars have assessed and explained how member states put EU policies into practice – without exploring the consequences of implementation for member-state preferences and subsequent EU policy development. Likewise, the literature on EU climate and energy policy drawing on EU integration and policy-making theories has generally avoided discussing how implementation affects EU policies over time (Jordan *et al.* 2010, Oberthür and Pallemarts 2010, Dupont and Oberthür 2015, Selin and VanDeveer 2015, Torney 2015, Delreux and Happaerts 2016, Liefferink and Wurzel 2016, Skjærseth *et al.* 2016, Rudinger *et al.* 2017). Here I help bridge this gap between existing EU policies, implementation and EU policy reform, by drawing on theories of implementation, policy feedback and integration, to show how and why policy feedback from implementation in Poland affects EU policy development. Data come from multiple sources, including 13 semi-structured interviews with Polish experts, societal and governmental actors.

First, I outline the analytical framework on how to conceptualize the relationships between existing EU policies, implementation and EU policy reform. I then use Poland as a case to illuminate policy feedback from implementation on EU policy development, before analysing how the policy phases are linked.

## **Implementation, policy feedback, EU reform**

Adoption of the EU climate/energy package for 2020 built on impact assessment of costs and benefits solely at the EU level (Commission 2008). It seems reasonable to assume that implementation of the 2020 package resulted in differing policy experiences among the member states that consequently could affect the reform of EU policies for 2030.

The policy feedback literature provides a starting point for understanding how the adoption, implementation and reform phases are linked. Since the 1980s, the study of policy feedback has focused on how existing policies affect politics and policy development (Béland, 2010). Jordan and Matt (2014) define 'policy feedback' as effects flowing from adopted (EU) policies on actors' original preferences and the reformed policy in question.

Effects on member states manifest themselves through domestic implementation of EU legislation. 'Implementation' refers here to legal transposition and application – the process of converting EU policies into national policies and measures, resulting in behavioural change among actors that cause the problem, provide solutions, or both (Treib 2008, Skjærseth *et al.* 2016). Research has shown that actors' initial preferences when policies are adopted matter for implementation and compliance with EU requirements (e.g. Di Lucia and Kronsell 2010). Policy feedback builds on this insight, examining how implementation matters for original preferences and the reformed policy in question. Implementation processes can affect actors' appetite for new and reformed EU policies, as new information can change basic policy preferences (Bennett and Howlett 1992). In the early adoption stage of the policy cycle, actors generally have limited information on the causes and consequences of problems and solutions. They enter a cooperative process by

discovering, inventing and exploring their own interests as well as possible solutions (Underdal 1991, Young 1991).

The literature has focused mainly on *positive* feedback that reinforces subsequent policy initiatives (see Jordan and Matt 2014). Implementation of climate/energy legislation can entail various benefits – like energy security, ‘green’ jobs, energy technological innovation and alleviation of related problems. However, the political, administrative and economic costs and resources invested in implementation also shape implementation experiences. These can spur *negative* feedback that undermines reformed policies.

The ‘fit’ between EU requirements and domestic status quo is likely to affect types of feedback. Differences between EU requirements and national energy interests and policies lead to ‘misfit’, pressuring member states to agree to a change from the status quo.<sup>3</sup> This ‘goodness-of-fit’ line of thought builds on the assumption that countries will resist implementation of EU policies that require fundamental changes to the status quo (Knill and Lenschow 2000, Knill 2001, Treib 2008).<sup>4</sup> But states are not always motivated to preserve the present state of affairs. The complementary ‘domestic politics’ approach relaxes the assumption that states are necessarily motivated to preserve the status quo (Treib 2008, Di Lucia and Kronsell 2010, Borrás *et al.* 2015, Skjærseth *et al.* 2016). Domestic politics may change after EU policies are adopted – new governments may have different preferences and may introduce new priorities when EU policies are implemented. Societal actors may be strengthened or weakened by new EU policies, and may gain or lose political influence.<sup>5</sup>

This leads to our first set of propositions that focus on policy feedback effects on original preferences: high mismatch between EU climate/energy requirements and national energy interests and policies will lead to negative policy feedback. This will manifest itself in negative implementation experiences (costs > benefits) for pivotal actors, and opposition to more ambitious EU policies.<sup>6</sup> ‘Pivotal’ actors are those whose agreement is necessary to change the status quo (Tsebelis 2002; Bayulgen and Ladewig, 2017).

Low mismatch will lead to positive feedback: positive implementation experiences (benefits > costs) for pivotal actors, and support to more ambitious EU policies. The relationship between EU requirements and national energy interests and policies will not necessarily shape the policy feedback if domestic politics change. To assess these propositions, I examine the ‘match’ between Poland’s preferences and the EU 2020 policy package, the implementation process and new preferences for the EU 2030 climate and energy framework.

To qualify as policy feedback, (new) preferences should affect the reformed EU policy in question. This links policy feedback to theories of EU integration and policymaking that have varying views on member-state ability to shape EU policies (Skjærseth 2017). Progress in EU climate policy can be propelled by increasingly ambitious member-state governments, or by autonomous supranational institutions pushing for more ambitious climate policy.

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<sup>3</sup> ‘Energy interests’ are here used narrowly, as energy import dependency and the share of various fossil fuels in the energy mix.

<sup>4</sup> The ‘goodness-of-fit approach’ has been criticized for having weak explanatory power, for excluding actor interests and for being static (Treib 2008). When this approach is applied to implementation in Poland, energy interests and dynamic development are included.

<sup>5</sup> It is possible to expand the domestic politics approach to include additional variables related to state-society relationships (see Skjærseth *et al.* 2016).

<sup>6</sup> The actual size and distribution of costs and benefits from implementation are extremely difficult to measure in Poland. In the empirical analysis, I focus on how pivotal actors perceive costs and benefits.

*Liberal Intergovernmentalism* (LI) sees EU policy-making and integration as mainly a result of interstate bargaining, making member-state interests and preferences the key to explaining EU climate and energy policy reform for 2030 (Moravcsik 1998, 1999, Moravcsik and Schimmelfennig 2009). Domestic implementation experiences can affect the preferences of the least ambitious member states, feeding into subsequent intergovernmental negotiations. Unanimity drives EU policies towards the lowest common denominator.

*Supranationalism* challenges this view by emphasizing the independent influence of supranational institutions (Pollack 1997, Sweet 1997). European integration has weakened the state through the growing influence of autonomous supranational institutions, transnational non-state actors at EU level, and co-decision with the European Parliament (Marks *et al.* 1996, Hooghe and Marks 2001, Fairbrass and Jordan 2004). Supranationalism leads us to expect that change in member-state preferences will not necessarily be reflected in reformed EU policies. The positions of supranational actors (in addition to member states) will feed into and shape legislative proposals of the European Commission, decision-making and the EU reform.

This leads to the second set of propositions that focus on feedback effects on the reformed EU policy in question: positive policy feedback from implementation in the least climate-ambitious member state will increase the ambitiousness of the 2030 climate and energy framework; negative policy feedback from implementation in the least climate-ambitious member state will decrease it. However, change in the preferences of the least ambitious will not necessarily affect the ambition level of the 2030 climate and energy framework, if progress is propelled by autonomous supranational institutions. To assess these propositions, I examine the Commission's 2030 climate and energy framework proposal, Polish responses in the context of the negotiations, and the climate and energy policy framework agreed for 2030.

Poland stands out as a 'laggard' member state, but with the capacity to shape EU climate/energy policies in line with its preferences when unanimity is necessary. However, policy feedback from implementation will come from all affected member states. Examination of member states that also represent 'leaders' and 'intermediates' would give a more complete picture of EU policy development (Wurzel *et al.*, 2017), but space does not allow for an extension of cases here.

Policy feedback in the EU can follow two main pathways that lead to different policy-cycle dynamics when unanimity is required. The first creates a 'snowball' effect whereby positive policy feedback from implementation in the least ambitious member states facilitates further steps at the EU level. The second creates a 'retardation' effect whereby negative policy feedback from implementation impedes further steps at the EU level. These dynamics may well co-exist and apply to different EU policy-package components. The following empirical analysis explores policy feedback from Poland's implementation of EU 2020 policies and the consequences for EU 2030 reform.

## EU 2020 policies, Polish implementation and preference change

### *Preferences for EU 2020 policies*

In January 2008, the Commission formally proposed a climate and energy package of binding policies: to cut GHG emissions by 20% by 2020 compared to 1990 levels, and to increase the share of renewables and energy efficiency to 20%. The core package negotiated during 2008 included: a strengthening and harmonization of the EU Emissions Trading System (ETS) covering large industrial emitters; a decision on effort-sharing (ESD) among member states for non-ETS sectors, like transport and agriculture; a renewable energy directive (RED) for promoting renewable energy sources; and the world's first legal framework for safe capture and storage of carbon (CCS).<sup>7</sup>

To make all this politically feasible at the EU level, the climate and energy package included compensation to poorer member states, predominantly the Central and East European Countries (CEECs). Binding national targets in the non-ETS sectors and for the share of EU energy consumption from renewable energy sources were based mainly on GDP/capita. Auctioning revenues from the revised ETS was to compensate lower-income member states through a 'solidarity fund.' The emphasis on CCS was meant to provide an attractive solution for the coal industry, and consequently for Poland. The package also aimed at providing new low-carbon opportunities – by reducing the need for imported hydrocarbons and strengthening energy security, creating new 'green' jobs and stimulating energy-technological innovation.

In Warsaw, the first government of Donald Tusk had taken office in October 2007. Poland entered negotiations on the EU package with a hesitant and somewhat mixed attitude. On the one hand, its GHG emissions had dropped significantly since 1989 as a result of modernization of the economy; and, as a major importer of oil and gas from Russia, Poland's focus on the internal energy market and affordable and secure energy supply was in line with EU priorities.<sup>8</sup> On the other hand, Poland was opposed to the EU ETS, which it feared would punish coal by carbon pricing, and to the EU's ambition of showing leadership-by-example in the upcoming international climate negotiations in Copenhagen. Poland did not reject the proposed package, but initially took an active, agreement-oriented role in proposing amendments (Jankowska 2017, p.152), coordinating its position with the Visegrad Group.<sup>9</sup>

The European Council adopted the package by unanimity, in one single round (Skjærseth and Wettestad 2010). Poland fronted the opposition, requesting three specific changes to the proposed revision of the ETS: price controls in the form of a carbon-price ceiling; free allowances for electric power plants;<sup>10</sup> and more financial assistance from auctioning revenues. The coalition of many CEECs, headed by Poland, threatened to veto the whole package unless the energy situations in these countries were sufficiently taken into account (Ancygier 2013, p. 126). Commission representatives then travelled to Warsaw to 'sell' the climate and energy package by emphasizing synergies and new low-carbon

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<sup>7</sup> Policies related to the 2008 package on energy efficiency, fuel quality and car emissions were proposed according to a different time schedule.

<sup>8</sup> Interviews with representatives of the Ministry of Foreign Affairs.

<sup>9</sup> Polish Presidency Programme 2008/2009.

<sup>10</sup> Poland particularly opposed full auctioning from 2013.

opportunities. On 12 December 2008, a final compromise was reached on the ETS: Poland and other CEECs won concessions that would postpone the phase-in of auctioning for power plants and increase the solidarity fund from 10% to 12% of the auctioned allowances – well below the demanded 30%. However, Poland did not get acceptance of a carbon-price ceiling.

Negotiations on the CCS proposal introduced significant changes in measures to incentivize CCS (Chiavari 2010). After long and complex negotiations, the European Parliament and the Council agreed to set aside 300 million allowances from the ETS New Entrants' Reserve (NER-300) for co-financing up to 12 commercial CCS demonstration projects and new renewable energy technologies. Poland was positive toward CCS funding, but opposed CO<sub>2</sub> emissions limits on power stations, intended to force the use of CCS on future coal power. Concerning renewables, the Polish government sent somewhat mixed signals: positive to co-firing biomass and coal as the cheapest option, but also concerned about increases in electricity prices. Poland worried that a binding target on renewables could force the country to invest in more expensive energy sources (Skjærseth 2013). It also argued for a somewhat lower share than the proposed 15% increase in renewables for Poland (Ancygier 2013, p. 333), but the Polish government presented this demand with significantly less force compared to the ETS derogations. For sectors outside the ETS included in the Effort Sharing Decision, Poland accepted a national target of 14% increase in GHG emissions by 2020 compared to 2005.

The upshot was significant but varying 'distance' between Polish preferences, put forward with differing intensities, and the negotiated EU-level package. Poland was deeply opposed to a more ambitious ETS and managed to get several concessions, but these were still far from meeting Polish demands. On RED, Poland had to accept a somewhat stricter renewables target than its government preferred. It had no experience with CCS, but welcomed the CCS Directive and the NER-300. The Polish government viewed the proposed Polish ESD target of 14% increase in emissions as generous, and accepted it without resistance. Despite variations among specific EU policies, significant changes to Poland's status quo would apparently be necessary.

### *Implementation of EU 2020 policies*

Poland has systematically attempted to make the revised ETS fit with its coal-based electricity production. It exploited derogations for free allowances in the power sector to reinforce coal power, decided against using auctioning revenues for climate projects, and opposed benchmark rules for energy-intensive industry based on products, arguing that the fuel-mix (coal) should be taken into account (Skjærseth *et al.* 2016). Poland also opposed subsequent Commission initiatives to stabilize and increase the carbon price by postponing (backloading) the auctioning of 900 million allowances and the adoption of the Market Stability Reserve in 2015.<sup>11</sup> However, resistance to implementing the ETS proved generally unsuccessful: Poland lost in most cases and had to accept the Commission's interpretation or the will of the majority (Skjærseth 2014). Paradoxically, the low carbon price that coincided with the revision of the ETS made the trading system less threatening to Polish coal than expected. It is illustrative that Poland developed new coal capacity alongside its implementation of the EU ETS (Szulecki *et al.* 2016).

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<sup>11</sup> The carbon price plunged, from nearly EUR 30 in spring 2008 to just above EUR 5 in spring 2014, and remained low until 2017.

The same pattern of making EU policies fit coal is evident concerning the Renewable Energy Directive (RED). Implementation of the Directive has had a bumpy ride in Poland, characterized by draft legal proposals, consultations, amendments and new draft proposals (Ancygier 2013). A recurrent issue has been whether new legislation should reduce support for co-firing biomass and coal, or increase support for less mature technologies and smaller local energy groups through feed-in tariffs.<sup>12</sup> The RED includes a binding target for Poland to increase the share of renewable energy consumption from 7.2% in 2005 to 15% by 2020. In March 2013, the Commission referred Poland to the European Court of Justice for failure to transpose the RED, and proposed high daily penalties based on the duration and gravity of this infringement (Commission 2013). The Polish government finally transposed the RED in 2015, nearly five years after the EU deadline. Jankowska (2017) has characterized the new RED rules as unambitious and tailored to the interests of the large coal-based energy groups.

For Poland, CCS could provide an opportunity to combine its coal industry with an ambitious climate policy, but implementation of the CCS Directive has been a lengthy and unfortunate process. The Polish government (the Ministry of the Environment and the Ministry of Economy) aimed to construct two large demonstration projects by 2015 as part of the wider EU CCS programme (IEA 2011). The operators have cancelled both projects, mainly for lack of funding, but also because of legal barriers following Poland's delayed and deficient transposition of the CCS Directive (ClientEarth 2013, p. 42, Jendroska 2014). Lack of funding is due partly to the low carbon price, which has weakened the NER-300 and provided scant incentives for CCS investments. This low-carbon opportunity specifically tailored for coal plants and countries like Poland is defunct, at least for the time being.

The Effort Sharing Decision (ESD) establishes differentiated annual national GHG emissions targets for the non-ETS sectors, 2005–2020. As a relatively poor EU country, the ESD allows Poland to increase its emissions by 14% in sectors not covered by the ETS. Despite slow progress, Poland has projected 2020 ESD emissions below the 2020 annual targets under existing national policies and measures (EEA 2014). If Poland does not succeed, the ESD includes several flexibility mechanisms that should ensure goal attainment (Skjærseth *et al.* 2016).

Thus, Poland tried to defend the status quo when implementing those parts of the 2020 climate and energy package that required significant changes. This observation is reinforced by stability in domestic politics. First, Donald Tusk, chairman of the Civic Platform, led the two Polish majority governments from September 2007 until autumn 2014, when the EU adopted the 2030 climate and energy framework. In times of majority rule, only legislative proposals from the government get through the Parliament – so Tusk's government had full authority, within the limits set by EU law, over the implementation process since the EU climate/energy package negotiations. Tusk engaged repeatedly in Polish energy policy, viewing nuclear, coal and shale gas as the answer to energy dependency and the expected increase in demand for electricity, gas and oil. In November 2015, the Law and Justice Party (PiS) took power after making a pledge to coalminers not to close a single mine (Olszewski 2017). In fact, there are virtually no political parties in the Polish parliament that support long-term EU climate policy (Bukowski 2013). Independent of their right/left adherence or their participation in government, MPs are generally negative toward EU climate initiatives (Marcinkiewicz and Tosun 2015).<sup>13</sup>

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<sup>12</sup> Interviews with the Ministry of Economy.

<sup>13</sup> The absence of a left/right divide on climate change is common to the CEECs, probably due to the low salience of climate change and differing meanings of left/right identification (McCright *et al.* 2016).

Second, Poland's electricity producers and energy-intensive industry were united in opposing the EU climate and energy package. The four state-owned electric power groups form a pivotal bloc with considerable political influence – particularly in their protection of coal, opposition to carbon pricing and reluctance to utilize renewables other than co-firing (Ancygier 2013, Szulecki *et al.* 2015). These groups' key resource – coal – enjoys wide political support: no political party has taken a clear position on limiting the role of coal in the economy (Bukowski 2013).

The Polish Chamber of Commerce – representing over 150 business organizations – prepared an assessment of EU climate and energy policies (EnergSys 2012). For the energy sector, the Polish Chamber expected electricity prices to increase with implementation of the EU 2020 package. The annual costs for Poland would rise sharply, weakening its industrial competitiveness, in turn leading to lower economic activity and higher unemployment. Costs would be concentrated on the conventional energy industry.<sup>14</sup> This assessment identified few benefits from low emission technologies, except for biomass technologies. The Polish Chamber did not see innovation and first-mover advantages in wind or solar, dominated by foreign companies, as viable options. Relatively low societal concern for climate change and willingness to take action in Poland reinforced this emphasis on the negative consequences of EU climate/energy policies (Ministry of Environment 2013a, Eurobarometer 2014).

Opposition to EU 2020 policies was partly rooted in fears of the EU's long-term decarbonization effort by 2050. However, the package has not yet affected Polish ETS or non-ETS sectors significantly – because of the EU economic crisis, falling emissions, low carbon prices, free allowances for energy-intensive industry, and auctioning derogations for electric power industry using co-firing of biomass and coal as the main renewable strategy. Instead of becoming a threat to Polish coal, the EU ETS has actually served as a source of government income from the 'solidarity fund' and auctioning revenues.

Nevertheless, the resistance from industry has been effectively channelled to governmental decision-makers. Dissatisfaction with the EU package peaked in 2012, when Poland's main opposition party presented – unsuccessfully – a resolution in the Parliament calling for renegotiation of the EU climate and energy package (Ancygier 2013). Poland's blocking of the Commission's energy- and low-carbon roadmaps for 2050 followed – a move welcomed by representatives of all parties in the Polish Parliament. The counterforces favouring an ambitious climate policy appear weak: Poland's environmental movement is active on climate change, but enjoys limited support and political influence.<sup>15</sup>

### *Preferences for EU 2030 policies*

In 2013, the Commission started consultations on new and reformed EU climate and energy targets and policies for 2030. To varying degrees, Poland opposed more ambitious long-term EU policies (Ibec 2013, Ministry of the Environment 2013b). First, Poland was against any new binding national targets on renewables, arguing that subsidies for renewables in the energy-production sector should be withdrawn. Second, the Polish government had come to

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<sup>14</sup> These are the views of the conventional energy industry. Independent studies have argued that a transition to a low-carbon economy in Poland will benefit investors and economic growth, reduce energy consumption, develop technology, create jobs, raise the level of energy security and improve health (see e.g. Bukowski 2013).

<sup>15</sup> Interviews with representatives for Institute for Sustainable Development, Green Party and PISM.

see CCS as obstructing the development of clean-coal technologies.<sup>16</sup> Third, Poland – reluctantly – accepted the EU ETS as the main instrument for reducing GHG emissions from power production and energy intensive industries in the EU. Fourth, Poland accepted continuation of effort-sharing in non-ETS sectors based on GDP per capita. All this indicates some noteworthy changes in Polish preferences. Despite initially accepting the RED, Poland was now unwilling to agree to new, binding national targets. It had initially welcomed CCS, but no longer. Opposition to the EU ETS had apparently eased somewhat. Poland did not change its stance on the ESD based on GDP per capita.

Thus, the overall empirical pattern indicates a relationship of varying ‘fit’ between Polish preferences and different EU policies for 2020, with mixed implementation experiences and varying ambitions for EU 2030 policies.

### **Linking Polish preferences to the EU 2030 policy framework**

Did Polish preferences affect the reformed EU climate/energy framework for 2030? In January 2014, following consultations with member states and other stakeholders, the Commission adopted the 2030 proposal, which included a 40% reduction of GHGs as a binding EU unilateral target (Commission 2014). The Commission proposed a renewable energy target of at least 27% by 2030: this was slightly above expected developments in Commission ‘business-as-usual’ scenarios and would not be translated into new and binding national targets. The proposal did not mention CCS, or propose new CCS goals. The Commission’s proposal partly reflected Polish preferences.

Still, initial responses to the proposal showed deep divisions between two groups of states. The first was the Green Growth Group, an informal grouping of like-minded energy, climate and environment ministers from 13 EU member states. This group issued a joint statement prior to the March 2014 European Council, endorsing the core elements as set out by the Commission (Green Growth Group 2014). Poland led the other group, supported by other CEECs that agreed on a common list of demands.<sup>17</sup> Their major points were full national sovereignty over the energy mix and protection of coal, more EU subsidies to modernize energy systems, and a heavier burden on the ‘rich’ EU countries that were pressing for a more ambitious climate policy. Poland also demanded that the 2030 policy framework be adopted after Paris, attempting to rein in EU leadership efforts. Compared to Poland’s earlier blocking of the 2050 roadmaps, the focus on demands might signal a more constructive attitude, probably because of preferences already taken into account by the Commission proposals on CCS and renewables.

Adoption of the climate and energy policy framework for 2030 required unanimity in the European Council, as with the targets and policies for 2020. Poland demanded that targets and policies be negotiated together in one round, in order to get control over the subsequent development of legislation based on a new framework. This stance of Poland in alliance with other CEECs led to a sense of drama in the summer and early autumn of 2014.

In October 2014, the European Council adopted a compromise on the new 2030 climate and energy framework. This included the new binding goal of at least 40% reduction in GHG emissions, 27% increase in renewable energy (binding only at EU level), and an

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<sup>16</sup> I.e. technologies for improving the efficiency of extraction, processing and disposal of coal.

<sup>17</sup> Interviews with representatives of the Ministry of Environment.

indicative target of 27% increase in energy efficiency. Concessions granted to Poland and its allies included the text of the first paragraph in the conclusions from the heads of states and governments. It states that the European Council will keep all the elements of the framework under review and will continue to provide strategic orientations as appropriate – notably with respect to consensus on ETS, non-ETS, interconnections and energy efficiency (European Council 2014). This paragraph would appear to give Poland greater control over subsequent legislative developments. Second, the European Council would revert to the framework after Paris – a formulation which could also be interpreted as a concession to Poland.

Poland and other low-income CEEC member states have received several further concessions, including ETS auctioning derogations for the electric-power sector, and subsidies through various funds. The agreement proposed a new ‘modernization fund’ to give Poland over 40% of the revenues for modernizing its energy sector. It adopted no new goals or policies for CCS, although CCS will remain eligible for NER funding. Finally, the framework recognizes indigenous coal and shale gas as important energy security options. Full respect for the freedom of member states to determine their energy mix is explicitly included.

The Council was to revert to the framework after Paris – indicating that the targets might be adjusted in light of the outcome. The 1.5<sup>o</sup>C aspirational goal agreed in Paris was more ambitious than the EU targets, which are based on the ‘80–95% by 2050’ to limit global warming to 2.0<sup>o</sup>C (European Council 2009). However, the Commission and the European Council concluded that the EU 2020 and 2030 targets would remain unchanged after Paris (Commission 2016, European Council 2016). The Commission has proposed more detailed climate/energy legislation to fill the 2030 climate and energy framework.

## **Discussion: implementation, policy feedback and EU reform**

The empirical analysis has revealed some interesting changes in Polish preferences and EU climate/energy policies (Insert Table 1 here). Starting with effects on original preferences, the first expectation was that high mismatch between EU requirements and national energy interests and policies will lead to negative policy feedback. Empirical support for this proposition is mixed. Concerning the RED and CCS, there was negative feedback from implementation. Poland invested significant resources in opposing implementation of the RED, to make this instrument fit with coal as the key energy interest. It vigorously opposed implementation – a process characterized by a focus on costs among pivotal actors, not benefits and new opportunities. This resulted in strong opposition to new binding targets in the deliberations on the reformed EU policies. Poland was not enthusiastic about the RED in the first place, and opposition to new EU policies grew throughout the implementation process. Concerning CCS, the situation was different. After originally welcoming the CCS directive and EU CCS targets, Poland came out in opposition to any new CCS policies for 2030, arguing that CCS obstructed the development of clean-coal technologies. This change in preferences was related to poor implementation experiences – pilot projects that failed to materialize and provide benefits – but not to ‘mismatch’ between EU requirements and original preferences.

I expected low mismatch to lead to positive feedback. The ESD partly fits this proposition. This instrument did not require significant change in the status quo for Poland,

and preferences for 2030 remained unchanged: Poland accepted the principle of new binding national targets in the non-ETS sectors based on GDP/cap. As Poland did not need to adopt any new policies and measures to attain its generous 2020 target, the ESD indicates that the absence of negative implementation experiences is sufficient to counter opposition to more ambitious EU policies.

However, the EU ETS does not conform to any of the propositions. Misfit was high, as carbon pricing was expected to punish Poland's key energy resource – coal. Unsurprisingly, implementation experiences were negative: the Polish government actively, albeit unsuccessfully, resisted implementation that threatened the status quo. It also opposed the Commission's efforts to fix the revised ETS Directive by temporarily removing surplus allowances from the carbon market. Still, Poland accepted a more stringent ETS as a key pillar in the new EU 2030 framework. The main reasons appear linked to the instrument itself and change in anticipations. Application of the ETS Directive has generally involved responses made by industrial firms, as no specific national targets have been set for emission reduction in the ETS sectors. Poland's responses and activities have been outward-looking, directed at Brussels and the EU-wide instrument itself. The combination of revenues and subsidies from the ETS and the collapse in the carbon price made the system more appealing and less threatening to the government and industry than expected.

Changes in domestic politics have not played an important role in explaining the type of policy feedback. The Polish government and conventional energy industry were the main pivotal actors for implementing EU climate/energy policies. The government remained basically the same, from the time of the EU 2020 package to the 2030 framework. Domestic politics – particularly the close link between the conventional energy industry and the government – is important for explaining feedback, but *change* in domestic politics can hardly explain Poland's implementation experiences and types of policy feedback.

Thus, we see a relationship between experiences from implementation and types of policy feedback. Further, differing experiences from policy-package components have led to varying policy feedback and new preferences for reformed EU policies. However, we need a broader approach than 'fit' and domestic politics to explain why implementation experiences and types of feedback processes differ, as illustrated by the EU ETS. One additional factor identified in the analysis is the content of the policy instrument itself. Another factor is that anticipations of policy direction over the long term affect policy feedback.

Polish implementation experiences and change in preferences on specific policies fed into the negotiations on the new EU 2030 climate and energy framework, through the Commission's consultations and directly in European Council negotiations. Our first expectation was that negative policy feedback from implementation in the least ambitious member state would reduce the ambition of the 2030 framework, whereas positive policy feedback from implementation would increase ambitiousness.

The new EU 2030 framework represents a compromise to satisfy major veto players, with substantial concessions to Poland and other CEECs. Several other CEECs with similar implementation experiences followed Poland (Skjærseth *et al.* 2016). The agreement reflects unfavourable experiences with implementing CCS and the RED. The EU adopted no new targets or bold measures for incentivizing for CCS – and the Commission initiated CCS as the key technological and political solution for bridging the gap between climate policy and energy security concerns, particularly for member states dependent on indigenous coal. The renewable energy target has been somewhat strengthened at the EU level (from 20% to 27%), but is weakened by the absence of new, binding national targets for attaining the EU

target. The combination of binding national renewables targets and support schemes for 2020 has proven essential for promoting greater renewable energy consumption in the EU (Skjærseth *et al.* 2016).

The agreement also reflects how the ETS proved more appealing and less threatening than expected, and how the ESD did not require significant changes to the status quo. The EU ETS and the ESD emerged as the main instruments for achieving the 40% GHG reduction target. Implementing these instruments for 2020 has entailed significantly lower costs and implementation effort than expected before the financial crisis unfolded fully.

Finally, observations indicate that the preferences of the least ambitious states have only partly shaped the EU 2030 framework, which was adopted by unanimity. As Poland had accepted a 40% GHG reduction target already before the December 2015 COP21, the preferences of the least climate-ambitious member state are clearly not the only explanation for the framework. Several other member states – including Germany, the UK and France – pushed for the 40% target. For Poland, the political costs of not giving anything would be high. Although member states have driven the reform process, the European Commission and the European Parliament have pushed for ambitious 2030 targets and policies (Skjærseth *et al.* 2016). Mediating between different member-state interests, the Commission proposed a reformed package that to some extent took previous experiences into account and linked policies to provide compensation to poorer member states, enhancing the scope for mutual benefits. Finally, the EU had sought a leadership-by-example role in international climate policies since the 1990s, and realized it would lose all credibility if it failed to submit an ambitious contribution well before the Paris summit. The combination of these factors contributed to softening Polish resistance.

## Conclusions

I have demonstrated how existing EU climate/energy policies affect EU policy development through implementation. Analysis of policy feedback from the relationship between Poland and the EU shows that one important causal pathway goes between implementation experiences and change in Polish preferences; another goes between change in the preferences of ‘the least climate-ambitious’ member state and reformed EU policies.

The first conclusion concerns the consequences of implementation for Poland’s original preferences. I found a clear relationship between experiences from implementation processes and types of feedback. Positive implementation experiences – or at least the absence of negative ones – led to support for or acceptance of more ambitious EU policies, whereas negative experiences led to opposition to more ambitious EU policies. The ‘fit’ between EU requirements and Polish energy interests and policies can partly explain different types of feedback, but change in domestic politics had little explanatory power. Further, we see that the type of the EU policy instrument itself and anticipations of future EU policy direction are important in explaining whether policy feedback is positive or negative.

The second conclusion is that types of feedback in the ‘least climate-ambitious’ member states partly shape reformed EU policies. Negative feedback on CCS and the Renewable Energy Directive led to reduced ambitions at the EU level, while the absence of negative feedback for the EU ETS and the ESD led to increased ambitions. This observation resonates with Liberal Intergovernmentalism, emphasizing the significance of member state interests and preferences as the main driver in EU policymaking. However, that the EU

policy reform was shaped by other drivers as well, including autonomous supranational actors, resonates with Supranationalism. This indicates that positive policy feedback – or the absence of negative feedback – from implementation in the least ambitious member states is a necessary but not sufficient condition for more ambitious policies for the EU as a whole.

Future research on EU climate/energy policy development should examine policy feedback from implementation in member states that also represent ‘leaders’ and ‘intermediates’. This can give a more complete picture of EU policy dynamics, particularly when qualified majority voting is applied for more detailed legislation. Study of more cases could also add to our understanding of policy feedback for the various categories of member states.

Thus far, the EU has succeeded only partly in gathering momentum through a ‘snowball’ effect whereby positive policy feedback from implementation generates further steps. To deliver on the 2030 framework as a stepping-stone towards 2050 decarbonization, the EU will have to adopt a range of successive climate and energy policies that can generate positive implementation experiences in the member states. To understand the causes of long-term EU policy development, scholars must pay greater attention to how existing EU policies affect politics and policy development. The literature on EU climate and energy policies drawing on EU integration theory has largely avoided examining policy development over time. Further, studies should combine general ‘macro’ theories of EU integration and policy-making with a ‘micro’ approach based on policy feedback from implementation experiences, for greater explanatory power.

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Table 1: Polish preferences and EU climate/energy policy development

EU policies	Preferences on policies for 2020	Preferences on policies for 2030	EU 2030 framework outcome
ETS	Opposed/accepted	Accepted	Key pillar
RED	Accepted	Opposed	Binding national targets abolished
CCS	Welcomed	Opposed	No new targets and policies
ESD	Accepted	Accepted	Key pillar