



**CESP**  
Clingendael European Studies Programme

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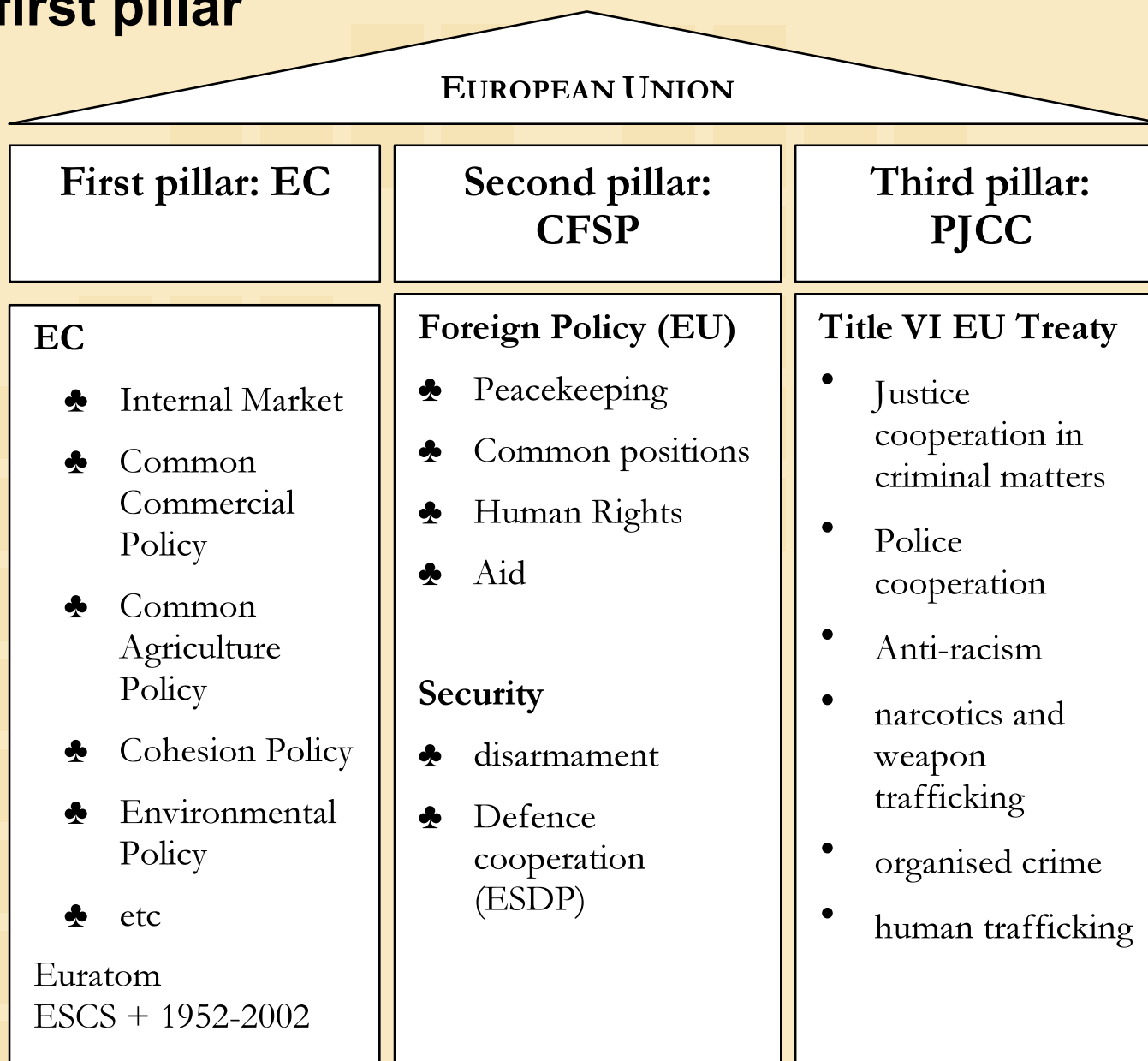
The EU as an Actor in International  
Climate Policy: External  
Competence, Internal Procedure and  
Actual Practice

Louise van Schaik

# Content

- EU in Multilateral Environmental Agreements
- Institutional set-up of decision-making and external representation
- The importance of climate change for the EU
- EU position in the international negotiations
- External implications of the '08 climate and energy package
- EU performance in Bali & expectations for Poznán & Copenhagen
- The Lisbon Treaty

# ENV = first pillar (EC)



# External representation EU depends on degree of EC competence

1. Exclusive competence / Common policies:  
E.g. agricultural, fisheries, external trade, internal market, (competition policy), customs
2. Shared competence/ Common and national policies:  
E.g. **environmental**, transport, consumer protection, mergers and acquisition policy
3. Complementary competence/ Additional role EC:  
E.g. education, culture, health, consumers protection, TEN's, industry, research and development, social and employment policy (OMC)
4. Intergovernmental: CFSP/ ESDP
5. Intergovernmental: Area of Freedom Security and Justice (Tampere, The Hague program)

# Three governance levels

- International: UNFCCC, Kyoto Protocol, post-2012 agreement?
- EU policies: ETS, energy efficiency, renewable energy, and other policies
- Transposition of EU laws into national laws
- National climate change policies

## EC Treaty: Environment chapter (since 1987)

- Promoting measures at international level to deal with regional or worldwide environmental problems is explicit objective (art 174:1)
- EC and EU member states both participate in Multilateral Environmental Agreements
  - EC joins as Regional Economic Integration Organisation (REIO)

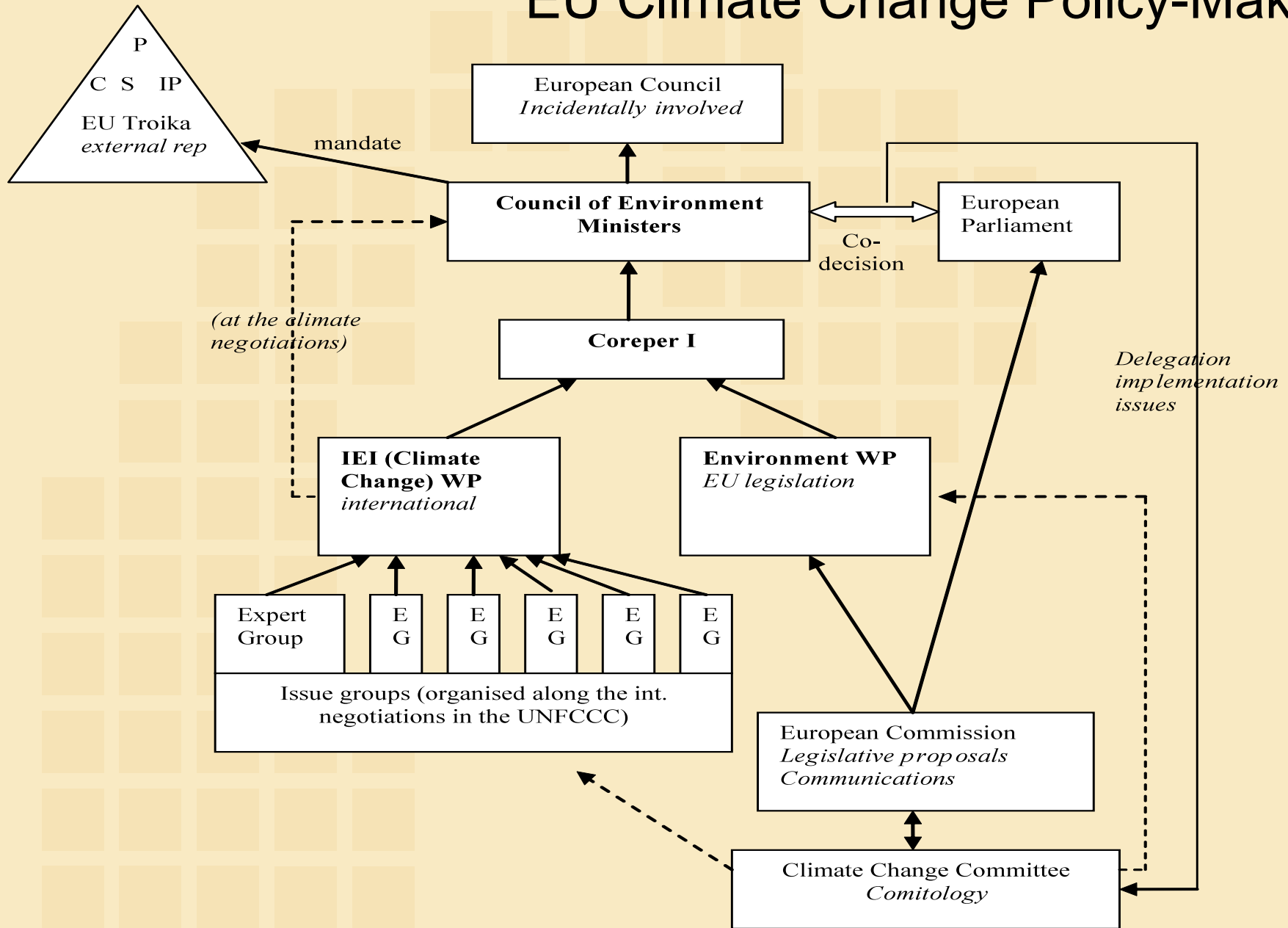
# EU decision making & external representation

Art 174:4 Environment Chapter TEC refers to Art 300, which states that Commission represents the EC, but it also states that:

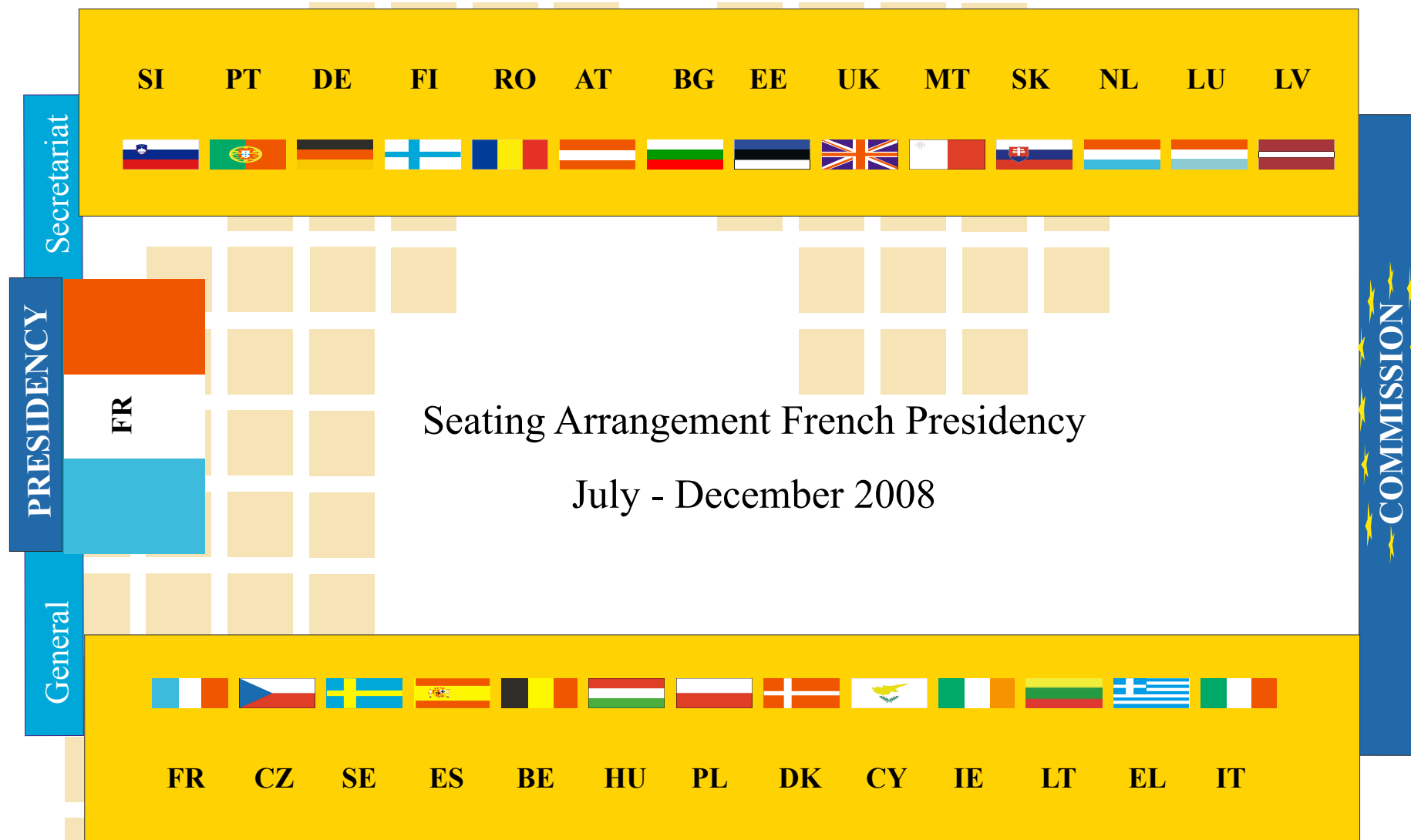
“the previous subparagraph shall be without prejudice to member states’ competence to negotiate in international bodies and to conclude international agreements”

= Shared competence/ mixed agreements; for international positions, this means decision-making by consensus

# EU Climate Change Policy-Making



# EU coordination & role of the rotating presidency



## EU external representation in practice....



**Subscript:** Thomas Becker, EU, identified [...] the need for deeper absolute emission reduction commitments for developed countries, and measurable and incentivized action by developing countries (Source Earth Negotiations Bulletin, Sept '07).

# Issue leaders & lead negotiators

- Delegation of external representation on a specific issue to a single person for a longer term (at the level of senior officials)
- Objective: to ensure more continuity, consistency & negotiating capacity EU
- Increased need for coordination among the EU external representatives and with presidency delegation

# Climate change: high politics for EU

- Convinced of the scientific evidence and urgency
- Resembles how the EU sees itself in the world
  - Normative power: Effective multilateralism & Sustainable development
  - Foreign policy victory: EU saved Kyoto despite US opposition and stood truly united
- Link with energy security & costs
- Legitimises European integration project
  - A concrete project where added value EU is obvious

# Influence EU?



# Criteria for EU leadership in post-2012 negotiations

## – Content:

- Domestic performance: EU able to reduce GHG emissions at low cost (leading by example)
- Synergy of EU position with preferences other states & finding ways to stimulate agreement between US and DCs
- EU able to offer funds for adaptation & clean technologies to DCs

## – Form

- EU Presidency + issue leaders & lead negotiators
- lead negotiator able to be flexible and to commit
- EU as diplomatic and strategic negotiator (play at different levels, link negotiations in various international fora)

# EU domestic objectives: European Council (March 07)

- 20% GHG reduction compared to 1990; 30% when other developed countries take up a comparable commitment
- 20 % energy efficiency improvement
- 20% renewables share of final energy consumption
- 10% biofuels in transport, with
  - production being sustainable
  - second generation biofuels commercially available

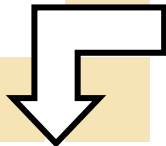
# 08 climate action and renewable energy (CARE) package

- Revision of EU Emissions Trading System (the ETS)
- Effort sharing in non ETS sectors
- Directive on promotion of renewable energy
- Directive on carbon capture and storage
- Revised environmental state aid guidelines
- Directive on car emissions (proposed earlier)

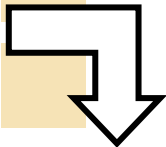
**GHG Target:  
-20% compared to 1990**



**-14% compared to 2005**



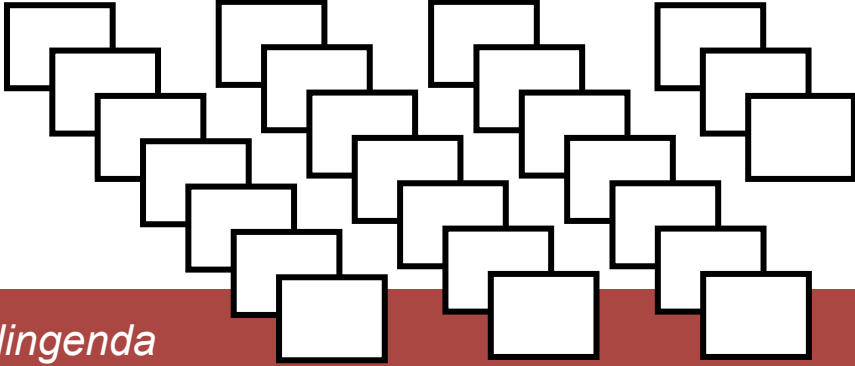
**EU ETS  
-21% compared  
to 2005**



**Non ETS sectors  
-10% compared to 2005**



**27 Member State targets, stretching from -20% to +20%**



Source: EC presentation

# '08 climate and energy package: external implications

- In case of Copenhagen agreement:
  - From 20 to 30 % reduction
  - Increased use of CDM
- In case no Copenhagen agreement:
  - Carbon equalisation mechanism (possible)
- 2005 as a baseline (instead of 1990)
- GDP/ capita used as distribution key for sharing efforts among EU MS
- Possible use revenues auctioning ETS allowances for climate-related activities in EU and developing countries

# Content: EU position in the post-2012 climate negotiations

- Shared vision (2 degrees)
- Deeper cuts by industrialised countries
- New additional efforts by Developing Countries
- Continuation flex mex (CDM!)
- Technology transfer
- Adaptation
- Sectoral approaches (also for aviation and maritime)
- Deforestation

# Outcome Bali Summit

- Adaptation Fund
- Launch of negotiations (Poznan, 2008; Copenhagen, 2009)
- Footnote reference to shared vision, deeper cuts
- Beyond Annex I and non-Annex I
- Deforestation
- Sectoral approaches (but no aviation and maritime)
- Technology transfer..
- Finance and investment.. (beyond the environment..)
- Mitigation and adaptation
- Process: AWG further commitments (KP) and AWG long-term cooperative action (UNFCCC)

# EU performance in Bali

- A number of issues was achieved
- EU managed to make alliance with DCs (all united against the US..)
- EU stayed united

# From Bali to Copenhagen

- Four negotiating sessions in 2008:
  - 31 March - 4 April, Bangkok AWG-LCA 1 & AWG-KP 5
  - June (SB-meetings, Bonn)
  - August (Accra)
- Poznan: COP 14/ MOP 4 (Dec 2008)
- Copenhagen (Dec 2009)

# The EU's international position: realistic or wishful thinking?

- EU has proven leadership track record and is important player
- But, now much deeper cuts are required
- And then we were 27...
- Economic crisis & EU's ability to offer funds to DCs
- Success in Copenhagen depends on consensus between US & Developing Countries
- Post-2012 agreement may look very different from the Kyoto Protocol (= EU ready for that?)
- Ability to achieve GHG reductions at home (adoption CARE package is crucial!)

# Potential implications Lisbon Treaty for EU's role in climate negotiations?

- ReMIT HR/VP (“EU foreign policy coordinator”) and European External Action Service
- European Parliament power of consent over conclusion int. Treaties
- Climate change action at int. level explicitly mentioned in environment chapter
- New energy chapter

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# Thank you!

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