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BEST WISHES FOR THE NEW YEAR !

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Pictures courtesy of IES

Lectures on Climate Change

Between October and December, the IES organised a lecture series on 'The EU and the fight against Climate Change'. Under the auspices of IES Academic Director Prof. Dr. **Sebastian Oberthür** and IEPP (Institute for European Environmental Policy) Senior Fellow Prof. Dr. **Marc Pallemmaerts**, the IES Autumn Lecture Series has proved to be an enormous success.

The first lecture took place on 1 October and attracted the attention of about 80 interested listeners. IES Academic Director, **Sebastian Oberthür**, presented the lecture series' topic and gave an introduction to EU and international cooperation on climate change.

Oberthür's lecture provided a comprehensive overview of the evolution of international climate change policy and the EU's role in it. Milestones of international climate change policy were the Intergovernmental Panel on Climate Change (IPCC), which was established in 1988 followed by the UN Framework Convention on Climate Change (UNFCCC) in 1992. In 1997, the Kyoto Protocol set another landmark. The Marrakech Accords in 2001 and finally the Bali Roadmap in 2007 did likewise. It is anticipated and hoped that the 2009 Copenhagen meeting will bring about another important agreement.

The UNFCCC aims at the stabilisation of greenhouse gas (GHG) concentrations in the atmosphere at a level that would prevent dangerous climate change. However, it does not contain any specific emission targets. Within the

framework of the UNFCCC, parties meet in regular conferences (COPs) such as last year's Bali meeting and the forthcoming Copenhagen meeting (December 2009). Oberthür's assessment of the UNFCCC was that it only contains weak commitments but it establishes objectives and principles, which provide a platform and the institutional structure for future developments.

The Kyoto Protocol, which was agreed in the framework of the UNFCCC, went further. It contains concrete reduction targets. These stretch over a five year period (2008-2012) and cover major GHG such as CO₂, methane, N₂O, HFCs and some others. One innovative element of the Kyoto Protocol are its market mechanisms. They include the emissions trading scheme (ETS), the clean development mechanism (CDM) and the joint implementation (JI). In the ETS, companies can trade emission allowances depending on whether they emit more or less GHG than they are allowed to. CDM allows companies to invest in projects to reduce emissions in developing countries in order to compensate for their emissions. JI covers projects that reduce emissions in other developed, as opposed to developing, countries. The Kyoto mechanism keeps GHG emissions in developed countries stable but there are no targets for developing countries. Consequently, global emissions can increase. Kyoto Protocol mechanisms enhance ef- [more on p.4](#)



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Senior(s) Corner

Direct Effect, Down Under

Senior Research Fellow Harri Kalimo lecturing in Melbourne

Never heard of horizontal direct effect? Or of subsidiarity? No worries, my Australian mates. Let me explain.



End October, SRF Harri Kalimo was invited to give a week's guest lecture series on the economic law of the European Union at the Monash University in Melbourne, Australia. The post-graduate course consisted mostly of civil servants in the Australian government as well as private sector practitioners. "Considering that the EU is Australia's main trading partner, this is a course that many of our post graduate fellows choose to follow. Another reason for inviting EU experts is to get the latest news on issues of common interest, such as world trade and federal systems", Ann Monotti, the Associate Dean of the Monash Law School, explained to Harri.

Indeed, Monash University has even opened in 2006 a Centre of European and EU Studies to focus on these issues. As the Centre's Director, Pascaline Winand is from Brussels, she and Harri had in fact a chance to exchange views on, not just collaboration and EU issues, but on local news as well. "Looking at Belgium and the EU from a distance—in this case quite a substantial distance—surely gives new perspectives", Pascaline explained. "And although Melbourne, too, is known for the unpredictability of its weather, the ocean is a shorter walk away than it was at home in Brussels", she added, smiling.

Metropolis Conference Bonn

Senior Research Fellow **Richard Lewis** and doctoral candidate **Hannelore Goeman** were in Bonn from October 26th to 31st 2008 for the 13th annual Metropolis conference. Metropolis is a world-wide network of academics, civil servants, non-governmental organizations, practitioners and students on issues of migration and has a joint secretariat in Ottawa and Amsterdam. The conference was the climax of a year's preparation in which Richard participated not only as a member of the international steering committee but also on the scientific committee based in Dusseldorf.

This year the theme of the conference was "Mobility, Integration and Development in a Globalised World" making the connection between how migrants can contribute to the development of their countries of origin whilst integrating into their host societies and how to make one compatible with the other. The conference had strong political support locally in North Rhine-Westfalia, but also nationally in Germany. Armin Laschet, Minister of Intergenerational Affairs, Family, Women and Integration of the state of North Rhine-Westfalia was one of the moving spirits behind the event. Other speakers from political life in Germany included Wolfgang Schauble, Federal Minister of the Interior and Rita Süßmuth, former Bundestag president and chair of the committee which recommended reforms in German immigration and nationality law in 2004.

An important feature of the international Metropolis conferences are the workshops of which there were 90 on this occasion spread over three days. Richard made a presentation at one of them on the subject of "Assessing the Costs and Impacts of Migration Policy- An International Comparison". The discussions which drew an audience of about

40 (surprisingly on a relatively dry subject!) were based on a book published by the International Organisation for Migration of the same title to which Richard contributed.

As with all conferences of this kind drawing an audience of 600 or more people, an important aspect is networking. The Metropolis conferences bring together a hugely qualified group of experts on migration which enabled Hannelore to meet many people who can be of assistance in her research on integration.

An innovation at this year's conference was the drafting in of students to work on detailed reports of the plenaries and workshops which are now available on the Metropolis website under the heading "Daily Conference Reports". These reports enable the participants and others to reflect more deeply on the issues discussed and constitute a valuable source of research.



The organisation of the conference was a tour de force and the splendour of the occasion was enhanced by most of the plenary sessions being held in the former Bundestag building which has been transformed into a conference centre, with a hotel being built next door. This is one of the centrepieces of the re-branding of Bonn, after the move of the German capital to Berlin, as an international meeting place and a central location for United Nations agencies in Europe. The climax of the week was a splendid dinner reception at Petersberg, a hotel overlooking the Rhine which has been used for many years as a venue for summit meetings. Petersberg was also the headquarters of the Allied Powers after the Second World War and was the place where Konrad Adenauer signed into being the Federal Republic of Germany in 1949, thus assuring its place as a landmark in German history.

Academic Writing

On 2 December, the IES welcomed researchers from various parts of university (and beyond) to its monthly Research Colloquium. In a very comprehensive way, IES Senior Research Fellow Dr. **Eva Gross** gave an outline of the basics of *academic writing*. What is academic writing? What are the stages of the writing process? What should the novice researcher pay attention to? The planning (with research question, macro and micro structure, ...), drafting, writing, revising, upgrading, finishing and publishing were all explained in this workshop. An audience of (more than) 60 people attended this successful colloquium.

Oberthür @ the Centre

IES Academic Director **Sebastian Oberthür** gave a presentation on "EU Leadership in International Climate Policy: Achievements and Prospects" at the Centre on 19 November 2008. The presentation took place in the context of the UACES Brussels Seminar series (UACES: University Association of Contemporary European Studies). In his presentation, Prof. Oberthür reviewed the record of the EU as an international leader on climate change, provided background on the EU's external climate policy, and assessed progress in the development of domestic EU climate policies. He argued that, even though the financial and economic crisis casts a shadow, conditions for EU leadership on climate change remain relatively favourable. However, the US and several developing countries are on the verge of challenging the EU's international leadership position. To stay in the lead, the EU may in particular have to make further advances in developing its climate policies and integrating climate considerations into other policy areas; further exploit and coordinate the diplomatic potential of EU member states and the European Commission; and address latent or even manifest internal cleavages (e.g. between "old" and "new" member states)

IES joins State Visit to India

Senior Research Fellows **Richard Lewis** and **Theo Jans** of the IES and **Jonathan Holslag** of the *Brussels Institute for Contemporary China Studies* (BICCS) were part of the delegation of about 150 academics and business people from all parts of



Belgium and 35 journalists from both linguistic communities which accompanied the King and Queen of the Belgians on a State Visit to India. The State Visit was for 10 days from November 2nd taking in New Delhi, Mumbai (Bombay) and Chennai (Madras). The Rector of VUB, Prof. Dr. **Paul de Knop** and his counterpart from ULB together with senior colleagues from other universities were also in the delegation.

The business team included prominent people from the diamond sector (which is the most important part of Belgo-Indian trade), representatives from the Federation of Belgian Enterprise, the Port of Antwerp and the CEO's of Tractebel and Besix, a construction company with interests in India. State Visits these days are not just the occasion for pomp and circumstance, but are considered an



opportunity to promote the culture and intellectual capital of the country of the visiting head of state and, above all, to further economic ties.

The IES aspect of the visit had been prepared by Richard Lewis during a visit to New Delhi in September. The objective was to organise an academic conference on EU-India relations and to sign Memoranda of Understanding with Jawaharlal Nehru University (JNU), the prestigious graduate studies only institution, and the Indian Council for Research on International Economic Relations (ICRIER), the premier economic think-tank in Delhi.

The MoU with JNU was signed with some ceremony by Rector de Knop and the Vice Chancellor of JNU in the presence of Foreign Minister and IES Board member **Karel De Gucht**. The signature was followed by a three hour seminar on the theme "*India and the EU in a Changing World Order*" with participation from JNU, VUB and ULB. Mr. De Gucht made a speech which was well received by an audience estimated at about 60 staff and students. Richard Lewis made a presentation on the subject of Managing Risk in a Globalised World in which he evoked, amongst other things, the current financial crisis and how this is affecting India and other developing countries.

The MoU with ICRIER was signed informally at a dinner hosted by Minister De Gucht at which senior academics were present and at which Jonathan



Holslag and Rajiv Kumar, Executive Director of ICRIER, introduced the discussion.

In addition to the ceremonial events (call by the King on President Pratibha Devisingh Patil, Prime Minister Manmohan Singh and Sonia Gandhi, Chair of the ruling Congress Party), there were numerous other business and academic seminars surrounding the visit which delegates were free to attend.

The visit to New Delhi also included a flying visit to Agra and the Taj Mahal in the Belgian Air Force Airbus that also flew the delegation from Brussels and was rounded off with a magnificent buffet dinner in the extensive gardens of the residence of the Belgian ambassador attended by the King and Queen and about 500 guests.

The IES team are conscious of the fact that the MoU's constitute a first step in cooperation with the Indian institutions and the in the coming days there is a need to reflect on how to put flesh on these framework agreements. India is an extremely important partner for Belgium (Belgian trade with India is the third largest in the EU) and, with its population of 1,1 billion of whom about a third are consumers, represents an even greater commercial potential. In addition, the Indian government is committed to a substantial expansion of higher education which can be considered an opportunity for IES and VUB to expand their horizons.

IES-er's at the 4th Pan-European ECPR conference on EU Politics, Riga, Latvia

With 11 parallel streams and themes ranging from EU Law to Integration Theory, the European Consortium for Political Research's Fourth Pan-European Conference on European Union Politics is a high point for specialists. IES researchers Gjovalin Macaj, Hannelore Goeman and Alison Woodward actively enjoyed the lively sessions in the University of Latvia's main building in Riga bringing back network contacts and future references.

Woodward, senior associate researcher at the IES and a member of the scientific committee of the conference, organized 9 sessions on Gender, Diversity and European Integration, including a pair of sessions overlapping with participants from the Migration and European Integration theme. Two major book projects presented their results. The European Public Sphere approaches the democratic discourse from a Habermasian perspective, and papers addressed the challenge of diversity for public sphere theory. EU laws on anti-discrimination and their impact on institutions also came under investigation with book chapters on the challenges of intersectionality. The increasing presence of women in the European Parliament and the traveling of ideas about equality in the enlargement process formed other themes. The papers dealing with the transposition of directives in labour market policies in various countries provided up to date and surprising findings. Woodward plans to submit several of the papers for a special journal issue.

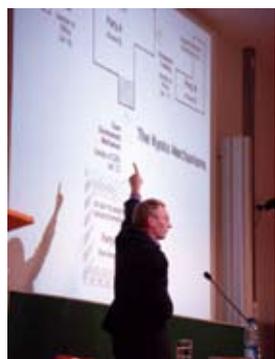
IES PhD student Hannelore Goeman presented her paper 'The emerging migrant framework at the EU level' for scholars focusing on the role of migration in the integration process and got helpful feedback as well as meeting many of the important scholars in the field. The "stream organization" of the conference allows researchers to build up a common reference frame. Macaj, who presented 'The EU's choice for multilateralism' in the session on EU-UN Relations expressed his pleasure at the quality of the discussion and reception of his work. He cited the opportunity, thanks to the scale of the conference, to debate with some of the best known researchers in the field.

A plenary address by Maurizio Ferrera on National Welfare and Integration and a Round Table on Challenges to Europe chaired by President Erik Jones, as well as a very useful session providing insights into the challenges of FP-7 financing and the European Research Area by Peteris Zilgalvis from DG Research added value to the Conference. The traditional over-subscribed and under-flooded cocktail reception held in the historic university rooms gave the IES-ers added networking time. The next conference will be in Lisbon in two years. The IES is already preparing for the event.

Lecture series on the EU and the fight against Climate Change

continued from p.1 efficiency but do not reduce overall emissions. Oberthür's assessment of the Kyoto Protocol was that it is an important first step but insufficient to tackle global warming. However, the Kyoto Protocol is moving in the right direction. It is a solid and flexible institutional structure that constitutes a good basis for further work.

Oberthür also analysed the EU's leadership in international climate change policy since the 1990s. He concluded that this policy changed from rhetorical leadership in the 1990s (the EU was very active at international level but did not follow up with internal implementing measures)



to a driving force in 2007 (Bali Meeting). Internally, it set the unilateral commitment of 20% reduction of CO₂ emissions, of an increase in the share of renewables to 20% and a 20% increase of energy efficiency

by 2020. Yet, many challenges remain. The EU has to ensure internal unity and effective climate change diplomacy (outreach and strategy). The climate/energy package proposed by the Commission, which includes a reform of the ETS, a Renewables Directive and further measures, will have to be adopted and implemented. It remains an open question whether these measures will be sufficient to close the EU's credibility gap.

Oberthür explained that this is partly because climate change is a shared competence between the European Community (EC) and its Member States. This has implications for the EU's role. It raises issues of unity and representation. How can the EU ensure effective negotiations and diplomacy? The EU does not only negotiate externally. It first needs to negotiate internally to agree on a common position. This comes with the risk that if the EU spends too large a share of its negotiating time on internal consensus building, there is not enough time to convince outside parties in external negotiations. This coordination problem is partially resolved by giving the EU Presidency a coordination and representation role. Moreover, the so-called EU Troika, which consists of the current and forthcoming Presidencies plus the Commission, also represents the EU. The Council of Ministers coordinates the internal mechanisms. There are attempts to bring continuity into the negotiation processes by establishing working groups and designating issue leaders. The Commission serves as the "memory" of the negotiation process.

Oberthür's lecture was followed by a question and answer session, extending the scope of discussion to other actors such as the US and China and asking how important their leadership or the lack of it is. Also the revision of the EU ETS was discussed in greater detail.

On 8 October, the IES-IEEP lecture series under the supervision of IES Senior Research Fellow **Harri Kalimo** took a careful look at the science behind the global climate change policy. The issue has become focal for the climate change discussions, as the United States in particular has questioned the reliability and accuracy of the data that have guided the talks.

In the opening presentation, Dr. **Malte Meinshausen** from the *Potsdam Institute for Climate Impact Research (PIK)* presented a "hierarchy of visions". The hierarchy consists of four dimensions for assessing the scientific evidence on climate change:



impacts on the physical environment, temperature variations, concentrations of particulates in the air, as well as global emissions. Measured by any one of these standards, the time for the global community is not running out—it has already done so. What then? As Malte phrased it: the party is over and most of the wine has been drunk: how should the remaining scarce bottles be divided? Should the industrial countries, who have the largest historical share, now face particular constraints?

Dr. **Bill Hare**, also from PIK, looked at the interactions between the science of climate change and EU's policy measures. In general, Bill explained, there has been a gradual convergence between science and EU's policy making. EU has generally taken two to three years in shifting its targets in response to the reports of the Intergovernmental Panel on Climate Change. The main question is whether the EU can retain its leadership in global climate policy next year. Such leadership would be critical, but is by no means certain.

Professor **Jean-Pascal van Ypersele** from UCL concluded the evening's lecture by sharing his helicopter vision from his position as the vice chair of the IPCC. In his view it is not just the public sector that has to take action. Private sector, by harnessing the full forces of entrepreneurship to climate change, also has an important role. Jean-Pascal also emphasized the economics of the discussion. With a global carbon market and everyone playing along, in 2020 the mitigation costs would be less than 0.12 % of global GDP. This means that it is not that costly to protect the climate—just that it needs to be done in due time.

The third lecture in the IES-IEEP Autumn Lecture Series took place on Wednesday, 15 October 2008 and was titled "*EU Climate Policies: State and Perspectives*". Speakers were Dr. **Marc Pallemarts**

(IEEP) and Mr. **Stephan Singer** (WWF International). The lecture was dedicated to the EU Climate Policies, its history, current state and future perspective.

Dr. Pallemarts described the development of EU Climate Change Policy dividing it into specific stages based on essential milestones, amongst them the Hague Summit, Rio Summit, signing of UNFCCC, signing of Kyoto Protocol, Bonn agreements, Marrakesh Accords, entry into force of Kyoto Protocol, Montreal COP/MOP, Bali Conference as well the future Copenhagen Conference. He stressed the strong relationship between international climate regime development and EU Climate Change policy progress. He also reviewed European climate legislation following this process.



Mr. **Stephan Singer** initiated his speech by indicating the role of Marc Pallemarts as head of Belgium's national delegation in climate regime negotiations. In his presentation he concentrated on CO₂ emissions to prevent 2°C increase of temperature and possible scenarios related to these issues. Current emissions and historic responsibility in this area were discussed in the context of the developed and developing countries' interests as well as specific meaning of "equity" in this context. The EU energy/climate package policy was examined as a mean of emission reduction. Mr. Singer presented the point of view of an NGO on international climate change negotiations.

Sebastian Oberthür (IES) and **Marc Pallemarts** (IEEP) chaired the fourth lecture in the series on 22nd October 2008. They welcomed two expert speakers, **Patrick ten Brink** of the IEEP and **Christian Hey**, Secretary General of the German Advisory Council on the Environment, to present and discuss the topic "Mitigating CO₂ emissions from cars".

Patrick ten Brink opened the lecture with an informative presentation on the development of legislative proposals in the EU on the mitigation of CO₂ emissions from cars, tracing the development from voluntary agreements with car manufacturers, to current proposals for legislation on targeted reductions. He presented the current legislative proposals in depth – focussing on the instruments, targets and costs involved. With the recent Parliamentary endorsement of the current legislative proposal, and the fact that the Environment Council meeting that very day had agreed to support the proposal in its current form, with a target of reducing CO₂ emissions from cars to 120g/km by 2013, the speaker indicated that there is justification for optimism for legislation at the European level. Mr. ten Brink concluded his presentation by discussing

future developments and advocating the need for long-term thinking and the need to work towards the vision of a complete decarbonisation of the car sector by 2050.

Christian Hey from the German Advisory Council on the Environment then took the floor to discuss what he described as the 'German paradox'. The presentation focussed on why Germany, as a key driver of the climate agenda nationally, at EU level and internationally, would be a laggard with regard to implementing legislation on CO₂ emissions from cars. After considering various explanations, including the importance of the automotive industry in Germany, the federal state system there, and the tax relief system, amongst others, Mr. Hey concluded that the current legislative proposals could be considered an opportunity for Germany to develop its ecological industry.

Following the presentations, there was some lively discussion between the speakers and the audience, with questions and comments on various aspects of the topic, including the need for subsidies for



the car industry, the aim of 0% emissions, bio fuels, consumer awareness, and the failure of the voluntary agreements to produce the promised results. The discussion permitted further clarification of several of the points raised by the speakers in their presentations, which was warmly appreciated by the large audience that attended the lecture.

The fifth lecture of the IES Autumn Lecture Series was dedicated to the EU Emissions Trading Scheme (ETS) and welcomed two speakers: Ms. **Yvon Slingenberg** from the European Commission (DG Environment) and Mr. **Jørgen Wettestad**, from the Fridtjof Nansen Institute (FNI), Lysaker, Norway.

Yvon Slingenberg presented the EU Emissions Trading Scheme (ETS), starting from the context that led to its creation and going through all the stages of its development. Briefly mentioning the most important climate challenges we are facing, she then introduced the audience to the theory and initial design of the carbon market, emphasizing the need for a market-based instrument allowing for a targeted environmental policy. The speaker went on by presenting the development of the ETS from a historical perspective, focusing on the main changes that took place from one phase to the other. In the first stage (2005-2007) the infrastructure and main principles behind the mechanism were established; however, experience proved that the cap on emissions was very loose, the allocation rules were cumbersome and opaque and there was a risk of distortion of competition. The second stage (2008-2012) attempts to address all these challenges, with the issuing of fewer allowances on the market and the extension of the auctioning practice, among other measures. The third phase



(2013-2020) will be governed by the Climate and Energy package that is currently going through the EU legislative process as a matter of highest political priority; the main approach behind the Package is based on the principles of cost-effectiveness and fair distribution. Towards the end of her presentation, Ms. Slingenberg focused on the content of the revised ETS that would enter into force after 2013. The revised mechanism would envisage a single EU-wide cap on emissions and a linear decrease of this cap until 2020 and beyond. Full auctioning would be introduced for the power industry and a transitional partial free allocation would be maintained for other industries, but only on the basis of Community benchmarks. She concluded by summarizing the costs and benefits of the Package and reminding the audience about the main outstanding issues and the tentative timetable for adoption.

Jørgen Wettestad focused on two important aspects of the ETS design: the harmonization/ centralization of the rules, especially regarding cap setting, and the external interaction policy. The transition from a decentralized system, where each Member State imposed its own rules on cap setting, to a very centralized one, with a unique EU-wide cap on emissions, was analyzed from three different perspectives: the Member States' view, EU's view and the global view. The speaker's conclusion on this point is that the centralization came as a "requested revolution", from the Member States, with the Commission playing an important role in supporting what he called "its pet policy" and with the global developments as a conditioning factor. As for the tightening of the external interaction policy, Mr. Wettestad considered it to be first and foremost a Commission proposal that already met opposition from Member states. Therefore, he suggested that a softening of this measure might be used as a last resort "sweetener" to get the Package adopted. The speaker concluded by assessing the use of "multi-level lenses" as very useful in the analysis of a tool as complex as the ETS.

The two presentations were followed by a lively debate, confirming the relevance of the topic for various industry sectors as well as in academic circles.

On 12 November, the sixth lecture in the series featured Mr. **Tom Howes** of the EC DG Transport and Energy, and Dr. **Jason Anderson** of the IEEP. Mr. Howes started his presentation by giving a brief background of the renewable energy policy of the EC, explaining the three pillars of the energy policy - sustainability, security of supply and competitiveness. He gave an overview of the policy initiatives to date, and emphasized the current legislative proposal that sets legally binding targets by 2020.

This proposal covers the assessment of national

energy efficiency, the development of the Emission Trading System (ETS), the development of new national targets to achieve 10% GHG reduction in the non-ETS sector, a framework for CO₂ capture and storage, new guidelines on state aid and the new directive on renewable energy. All these measures, geared towards substantially reducing CO₂ emissions are calculated to cost between € 10-18 billion.

Mr. Howes concluded by discussing bio-fuels, which he labeled as 'essentially a good thing'. The EC is taking measures to ensure that only 'good' bio-fuels are being used, ie second generation bio-fuels providing a minimum of 35% GHG reduction, generated from material that does not come from sensitive areas and where an impact assessment is done. To conclude, Mr. Howes hoped that in 2009, the whole package will be adopted.

Dr. Anderson elaborated on the various scenarios as to how the renewable energy market will grow. Whereas some types of renewable energy seem to



have reached their peak (eg hydro power), others have a high potential for growing (eg wind, solar). Actions vary in different member states: whereas the UK, for instance, has the highest potential of increasing the use of renewable energy sources, it currently has the lowest level of production. Different member states also have different practices and subsidy schemes.

Dr. Anderson discussed the obstacles and means to overcome barriers of renewable energy consumption, such as enforcing non-compliance penalties and reducing subsidies for competing industries. He criticized the exclusion of certain sectors (eg the aviation industry) and warned that renewables must be taken seriously. When the EU plan is to decarbonise by 2050, it is odd that at the same time there is research being conducted on building new pipelines for oil.

Anderson criticised the biofuel policy of the EC, by stressing that the reality is different than what is written on paper. Despite the undertaking not to harm sensitive areas, illegal logging occurs, and the biofuel proposal is likely to be at the cost of tropical rainforests.

Finally, the topic of consumer behaviour was briefly touched upon; highlighting that energy need is of course linked to how much energy is being used, and how many household appliances are in homes and workplaces. In implementation, energy efficiency is tricky, as the demand may continue to increase in spite of more efficient products.

New Publications from our Institute

IES Working Papers

Over the past few months, the IES published two new IES Working Papers that can be downloaded from our website <http://www.ies.be/publications/>



The standard of proof in EC merger control: the implications of the Sony BMG saga by IES Researcher **Ben Van Rompuy**

One of the most important developments in EC competition policy during 2006 was the Court of First Instance's (CFI) *Impala v. Commission* judgment annulling the European Commission's approval of the merger between the music units of Sony and Bertelsmann. It harshly criticized the Commission's Decision because it found that the evidence relied on was not capable of substantiating the conclusion. This was the first time that a merger decision was annulled for not meeting the requisite legal standard for authorizing the merger. Consequently, the CFI raised fundamental questions about the standard of proof incumbent on the Commission in its merger review procedures. On July 10, 2008, the European Court of Justice overturned *Impala*, yet it did not resolve the fundamental question underlying the judicial review of the Sony BMG Decision; does the Commission have the necessary resources and expertise to meet the Court's standard of proof? This paper addresses the wider implications of the Sony BMG saga for the Commission's future handling of complex merger investigations. It argues that the Commission may have set itself an impossible precedent in the second approval of the merger. While the Commission has made a substantial attempt to meet the high standard of proof imposed by the ECJ, it is doubtful that it will be able to jump the fence again in a similar fashion under normal procedural circumstances.



The Strategic Planning of EURFOR TCHAD / RCA by IES Researcher **Alexander Mattelaer**

On 28 January 2008 the European Union launched the military operation EURFOR in Chad and the Central African Republic. Its mandate was to contribute to the security of the civilian population, the numerous refugees from neighbouring Darfur and the local presence of the United Nations. This paper describes and analyses the planning process of this operation at the political-strategic and military-strategic levels with the aim of understanding how the military instrument was intended to generate the desired political effects. The paper argues that, from a military perspective, the EURFOR operation is based on the concept of humanitarian deterrence: the threat

of military force is used to discourage potential spoilers from targeting the civilian population. As with any military operation, the planning of EURFOR was plagued by various elements of friction. At least some of this friction seems to flow from the mismatch in expectations between the political-strategic and military-strategic levels. The various political and military-technical constraints within which the operation was planned resulted in an operational posture that is less decisive than what the political ambitions would have suggested.

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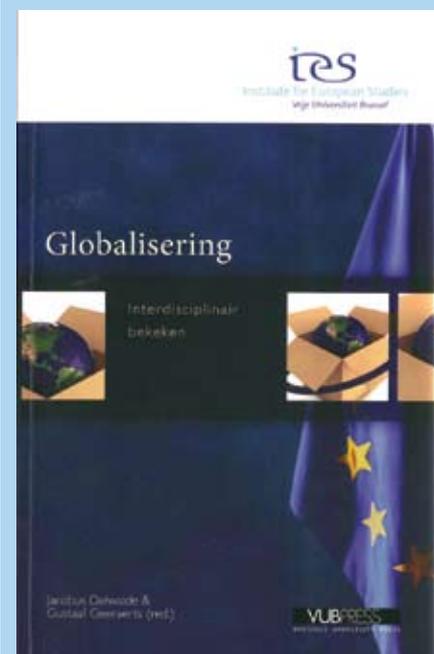
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New IES (hand)book on Globalisation



The IES is proud to present the twelfth book in its book series called 'Globalisering interdisciplinair bekeken' (Interdisciplinary views on Globalisation). This book aspires to be the most challenging volume in Dutch on globalization, and is edited by Prof. Dr. **Gustaaf Geeraerts** (VUB, BICCS) and Prof. Dr. **Jacobus Delwaide** (KUB / VUB).

Fifteen authors spanning five different disciplines explain extensively the causes, forms and effects of globalisation. Amongst them is James Rosenau, the godfather of the study of globalisation, who, for the first time in Dutch, elaborates on his innovative views on the dynamics of globalisation.

This new IES book unfolds various layers of globalisation, ranging from historical over political, socio-economic and judicial aspects. The different contributions explain the social impact of globalization, the globalization of justice and judicial norms, the globalization of communication, globalization and environment, global governance and world government, and the role and adaptability of international organizations.

The IES is delighted to host Prof. Dr. **Rik Coolhaert** (Egmont / UGent) at the Belgian Federal Parliament to officially present this book to the public and press on **6 February at 11:00**.

IES/IEEP Policy Forum on Sustainable Production & Consumption

On Friday, 24 October, the Institute for European Studies (IES) together with the Institute for European Environmental Policy (IEEP) organised an Environmental Policy Forum on "The Action Plan for Sustainable Consumption and Production (SCP) and Sustainable Industrial Policy (SIP)". The members of the panel for this event were Bettina Lorz, Principal Administrator for SCP at DG Environment who presented the Commission's Action Plan which was launched in July 2008 (see below), and Katja Biedenkopf, researcher at the IES who presented some preliminary findings of a research project on sustainable consumption policy (ASCEE) that the IES is currently conducting together with a German and a Norwegian institute. The event was chaired by IES Academic Director Sebastian Oberthür with Marc Pallemarts (Senior Research Fellow and Head of the Environmental Governance Research Team at the IEPP) completing the panel. 26 persons attended the forum.



Bettina Lorz began her presentation on the Action Plan by stressing the fact that unsustainable production and consumption is a phenomenon at the roots of most environmental problems (degradation of natural ecosystems etc.) She then highlighted that 70-80% of consumption impacts are caused by food and drink products, housing (buildings, occupancy, appliances), and private transport. The Action Plan focuses on three issues.

The challenges that Ms Lorz identified are to re-

duce environmental stress in a growing economy, to seize economic opportunities ("do more with less"), and to move towards an energy and resource efficient economy. The response provided by the Action Plan as explained by Ms Lorz is to stimulate demand for better products and production technologies, to continuously improve environmental products' performance over their life-cycle, and to enable consumers and retailers to make better choices. Ms Lorz then elaborated on the Action Plan core elements (better products, smarter consumption, leaner production, and action at global level) and clearly distinguished the mandatory processes from the voluntary actions (and ensuing monitoring processes). Ms Lorz ended her presentation by providing the audience with a roadmap for future action.

Sebastian Oberthür then gave the floor to Katja Biedenkopf who, in response to Ms Lorz' presentation, presented some preliminary findings of a research project on sustainable consumption policy that the IES is currently conducting together with IOEW from Germany and SIFO from Norway. The ASCEE project focuses on innovative approaches to sustainable policy. In January 2009 the final report including policy recommendations will be launched. A main preliminary recommendation is to understand sustainable consumption as a policy field in its own right. Ms Biedenkopf stressed that SCP has two sides: one is improving the efficiency of products and the other is changes in consumption patterns

and the reduction of consumption levels. With regard to the Action Plan, Ms Biedenkopf regretted that the document focuses too much on products and the supply side. Sustainable consumption does not only include more efficient consumption but also changes in behaviours and life-styles. Sustainable consumption policy should be about enabling consumers to become more sustainable and about changing consumption patterns. When only addressing the product side, there is a risk of rebound effects. Consumers could purchase an efficient appliance but use it in addition to the old one, or the appliance could be used more intensively, or consumers could buy a larger number of appliances. In every one of these cases the overall efficiency gain could be negligible or even lead to a higher use of resources. The Action Plan, however, contains some consumer information instruments. Undoubtedly, provision of information is very important - but not enough. Consumption is shaped by habits, routines and attitudes that require more than informational policy instruments in order to be changed.

The floor was then opened for questions. Amongst others, the following issues were raised: a question by Marc Pallemarts and that surfaced several times was whether or not the Commission had gathered sufficient data (for example to set targets, or on the ecological footprint of the activities, sectors considered, etc). It was also emphasised that the life-cycle approach has become the most used and is endorsed in the Action Plan. As for the Council reaction to this Action Plan, it was reported that the Council had provided the Commission with political support (even though such a support was not equally strong regarding all aspects of the Action Plan).

Five destinations, three countries and two continents: SRF Eva Gross on the move

Autumn 2008 was one of intense travel, academic exchange and outreach activities for SRF Eva Gross that added colourful stamps to an increasingly worn passport. In September and October Eva Gross attended academic conferences in Edinburgh and Seoul and participated in a one-day seminar in Tel Aviv that was hosted by the Friedrich Ebert Stiftung and that brought together experts from Israel and the EU to discuss both soft and hard security issues facing the Middle East as well as areas for EU-Israel cooperation. At the JACES Conference in Edinburgh from

1-3 September 2008, Eva Gross presented two papers with results of ongoing and completed research projects. One paper discussed German commitments to EU security and defense policies in crisis decision-making and the other analyzed European commitments to security sector reform in Afghanistan against the backdrop of an increasingly insecure environment and increasing calls for transatlantic burden sharing on the part of the US. A two-day conference in Seoul on 30-31 October engaged with the concept of soft power, the EU's soft power, and ways for South Korea to emulate the EU's example. Eva Gross presented a short paper on the limits of European soft power, highlighting that in view of



the EU's growing ambitions in the field of security and defense, the soft power that the EU possesses does not suffice in bringing about effective policy change - instead, the lack of military capability and the reluctance to engage under an EU label serve to diminish EU visibility and weaken its soft power. On 13 November Eva travelled to Bath to attend a conference on 'EU Conflict Resolution in the South Caucasus: Learning from the Balkan Experience'. In the company of another VUB representative (Prof. Bruno Coppieters was also present) Eva was discussed on a panel that addressed potential lessons from EU state-building and conflict management activities in the Balkans.

Eva's intellectual engagement and insights on ESDP, European efforts in Afghanistan and transatlantic relations was not limited to academic conferences but also extended to a number of networking and outreach activities in the Brussels area. In September she gave a lecture (jointly with former UK Ambassador to Afghanistan, Ronald Nash) on the international engagement in Afghanistan at the Belgian Royal High Institute for Defence. In October, she commented on the EULEX mission in Kosovo at an event hosted by the European Policy Centre (EPC) - and on 5 November, Eva

debated the implications of the outcome of the US election at a lunch meeting of the Boell Stiftung in the Residence Palace.

Rounding up her academic and outreach activities, Eva Gross was invited to join the academic advisory board of a 3-year research project headed by Dr. Christoph Meyer at King's College, London. Funded by the ERC the FORESIGHT project aims at identifying early warning mechanisms to aide policy formulation in conflict prevention. The one-day event, held on 7 November in London, included presentations by Dr. Meyer, the post-doctoral researcher as well as the two doctoral researchers recruited for the project in order to receive feedback on the further conceptualization of the project. In addition to staff from King's College, including Dr. Theo Farrell who heads the research advisory board, William Shapcott, Director of SitCen, the EU Joint Situation Centre, also attended to provide insight from a policy perspective. Participants were not just enthusiastic about the project, but also agreed that it was a brilliant opportunity to discuss and input research at its conceptual stage rather than comment on a finished product.

The end of November, finally, brought Eva's travel schedule full circle, as she attended the 40th Anniversary Dinner of the European Institute at the University of Edinburgh on 28 November as a representative of the IES.

Summer School announcement

6th Inter-University Summer School on the European Decision-Making Process

13th - 24th July 2009

Brussels • Vienna

Register before 15 April!

More info: <http://www.ies.be/summerschool/>

Alexander at the ESDC

From 3 to 5 December 2008, Alexander participated in the ESDP Pilot Course on EU Mission Planning Processes organised by the European Security and Defence College (ESDC). In this three-day



seminar sponsored by the French Presidency, the participants engaged in a dialogue with the planners of EU military and civilian operations on the various aspects of their work. This culminated in a planning exercise designed to save the fictional country of Alisia from sliding into civil war. Having just completed his IES Working Paper on the planning of the EUFOR operation in Chad and the Central African Republic (cf. abstract elsewhere in this Newsletter), Alexander proved the IES could bring cutting-edge academic expertise to technical policy debates in the area of EU foreign policy.

The IES Calendar of Events 2009

The IES is organizing, in collaboration with BICCS, a lecture series entitled "Taking stock of the EU-Asia security strategy". Starting 28 January 2009, we are inviting experts in the field to participate in a two-hour lecture on various aspects of the EU's Asia policy. The lectures take place (in principle) every week in lecture theatre D.0.05 of the VUB. Please register via the IES website.

Tuesday 20 January '09 IES 'Rome' Room, 15:00	IES Research Colloquium: "Expert Interviews" by IES Senior Research Fellow Richard Lewis
Wednesday 21 January '09 VUB Aula D.0.05, 18:00	Post-Lecture Series Special: The EU Climate/Energy Package: internal and external implications by Jos Delbeke, Acting Director-General, European Commission DG Environment
Tuesday 27 January '09 IES 'Rome' Room, 15:00	IES Research Colloquium: "The EU, China and Taiwan" Research Progress Presentation by IES Researcher Sigrid Winkler
Wednesday 28 January '09 Egmont Palace, tbc	IES-BICCS Lecture Series on EU Security Strategy towards Asia: "Taking stock of the EU-Asia security strategy" by H.E. Benita Ferrero-Waldner, Commissioner for External Relations (in collaboration with the EPC and Egmont)
Tuesday 03 February '09 IES 'Rome' Room, 15:00	IES Research Colloquium: "Multi-level analysis" by Tim Reeskens, KU Leuven
Wednesday 04 February '09 VUB Aula, 18:00	IES-BICCS Lecture Series on EU Security Strategy towards Asia: "Defining the EU's security interests in Asia" by François Godement (Centre Asie Sciences Po) and James Moran (EC, Head Asia Unit at DG Relex)
Friday 06 February '09 Belgian Parliament, 11:00	Official Book Presentation Press Conference & presentation of the IES Book "Globalisatie" (ed. Geeraerts / Delwaide) by Prof. Dr. Rik Coolsaet (Egmont)
Wednesday 11 February '09 VUB Aula, 18:00	IES-BICCS Lecture Series on EU Security Strategy towards Asia: "Defining the EU's security interests in Asia" by François Godement (Centre Asie Sciences Po) and James Moran (EC, Head Asia Unit at DG Relex)
Tuesday 17 February '09 IES 'Rome' Room, 15:00	IES Research Colloquium: "Climate Change Policy integration at EU level" Research Progress Presentation by IES Researcher Claire Roche-Kelly
Wednesday 18 February '09 VUB Aula, 18:00	IES-BICCS Lecture Series on EU Security Strategy towards Asia: "Securing Pakghanistan" by Neil Melvin (Kent University) and Eva Gross (IES)
Tuesday 25 February '09 IES 'Rome' Room, 15:00	IES-BICCS Lecture Series on EU Security Strategy towards Asia: "Asian dimension of EU strategy towards Russia" by Robert Ross (Boston University) and Fraser Cameron (Eurasia Centre)

If you wish to register for one of the events described above, please write to ies@vub.ac.be or contact us directly on +32(0)2/629.1222 (or fax +32(0)2/629.1809)
Conversely, if the IES can co-operate in an EU-related activity, please let us know!
Updated information can be obtained from our website, at <http://www.ies.be/>