

# The Politicization of Climate Change and its Institutional Effects on the European Union

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The discourse around climate change, its potential threats, and how to effectively tackle it have commanded a lot of media attention in recent years. At the same time, we observe major institutional adaptations of the European Union (EU) climate policy, such as the European Green Deal. Are these reforms institutional responses to a politicization of climate change?

This paper aims to analyze if, and to what extent communicated changing societal demands are taken up by policymakers and translate into legislation on the EU level. EU climate action is divided into three timeframes and analyzed alongside data, conducted from the official Eurobarometer reports and the official Aarhus Convention implementation reports.

In conclusion, opportunity structures and social mobilization of EU citizens have fostered the politicization of the topic. The EU's legislative competence in this policy field has increased tremendously since the beginning of the 21st century. However, the implementation of EU action plans still relies on the national level. Therefore, involving the mobilized and informed public into the national decision-making process is inevitable for both legitimizing stricter national legislation in line with EU law and challenging governmental failure in implementing the same.

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## 1. Introduction

Few other issues command as much attention as climate change does. Climate change and the global impacts on the world population are now omnipresent in public debates, as there is worldwide public and scientific demand to tackle this problem collectively.

The EU leads by example and is making significant effort in engaging in environmental protection and tackling climate change. EU climate and environmental policy is consistent with international agreements within the UN framework. Policymakers on all governance levels are faced with growing popular discontent and public protest. The issue is politically visible, omnipresent and therefore politicized.

There are divergent viewpoints on the politicization of the topic and its impacts on policymaking: is politicization itself allowing for democratic participation<sup>1</sup>, leading to outstanding reforms or fostering populist backlash?

Simon Hix calls recurrent political conflicts in the political system of the EU inevitable and relevant for social acceptance of 'Europe'.<sup>2</sup> Stefano Bartolini claims political conflicts will jeopardize the functionality of the system and encourage the emergence of populist movements.<sup>3</sup> Pepermans and Maesele indicate climate change was not just a '[t]hreat multiplier' but multiplying both agreement and disagreement<sup>4</sup>, as the debate provides ground for recurrent ideological debates between countries and parties.<sup>5</sup>

This paper takes up a positive view of the impacts of a politicization of climate change. Actions taken on the EU- and UN level are based on evidence

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<sup>1</sup> Thomas Risse, *A Community of Europeans? Transnational Identities and Public Spheres* (Cornell University Press 2010); Michael Zürn, 'Politicization Compared: At National, European, and Global Levels' (2019) 26 JEPP 977.

<sup>2</sup> cf Michael Zürn, 'Politisierung als Konzept der Internationalen Beziehungen' in Michael Zürn and Matthias Ecker-Ehrhardt (eds), *Die Politisierung der Weltpolitik. Umkämpfte Internationale Organisationen* (2nd edn, Suhrkamp 2013) 7, 25.

<sup>3</sup> *ibid.*

<sup>4</sup> Yves Pepermans and Pieter Maesele, 'The Politicization of Climate Change: Problem or Solution?' (2016) 7 WIREs Climate Change 478.

<sup>5</sup> *ibid.*

provided by natural scientists, who act as ‘honest brokers’.<sup>6</sup> Prioritizing climate change is based on common ground.<sup>7</sup> A potential politicization that might have influenced the EU to adapt its actions in this policy field is hence perceived as positive.

In the following, the theoretical framework and the development of the EU environmental and climate legislation are presented and analyzed.

## 2. Theory - The concept of politicization

This paper is based on the theoretical approach ‘Politicization as a concept of International Relations’<sup>8</sup>, developed by Michael Zürn; used to analyze the politicization of climate change and to trace the changing public opinion back to changes in the EU climate and environmental law.<sup>9</sup> To underline Zürn’s arguments and, to specify the reasons for the politicization of the EU in general and actors responding to politicization, the theoretical framework is enlarged by EU-specific considerations.

### 2.1 Definition and conceptualization of politicization

A *politicization* entails the public demand for, or the transport of a decision or institution into the political arena.<sup>10</sup> Iris Young specifies ‘... activities in which people organize collectively to regulate or transform some aspects of their shared social condition, along with the communicative activities in which they try to persuade one another to join such collective actions or decide what directions they wish to take’.<sup>11</sup> A politicization requires decisions of collective importance to be made by partly autonomously institutions that are granted considerable discretion.<sup>12</sup>

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<sup>6</sup> Roger A Jr Pielke, *The Honest Broker: Making Sense of Science in Policy and Politics* (CUP 2007).

<sup>7</sup> cf Daniel Sarewitz, ‘Does Climate Change Knowledge Really Matter?’ (2011) 2 WIREs Climate Change 475.

<sup>8</sup> German original: ‘Politisierung als Konzept der Internationalen Beziehungen’.

<sup>9</sup> Zürn, ‘Politisierung als Konzept der Internationalen Beziehungen’ (n 2) 11.

<sup>10</sup> *ibid* 13; Zürn, ‘Politicization Compared: At National, European, and Global Levels’ (n 1) 977.

<sup>11</sup> cf Zürn, ‘Politisierung als Konzept der Internationalen Beziehungen’ (n 2) 13.

<sup>12</sup> *ibid* 30.

These assumptions are implicitly based on the *theory of social differentiation*. According to this theory, social subsystems compete for decision-making competences, ultimately assigning the actor and level most suitable to make the decision.<sup>13</sup>

The political arena is perceived superordinate, producing binding decisions and acting as a forum for public debates on the good and correctness of both the decision-making process and the decision itself.<sup>14</sup> The public is the ‘gatekeeper’ between the legislative power and the civil society. The political arena constitutes a sphere of communication, accessible by the wide public. It is exploited and shaped by interactions between politicians, experts, journalists, and members of the civil society.<sup>15</sup> A politicization occurs when a problem or a controversial decision (and the discussion of how to handle it) is taken out of the social subsystem and into the public sphere.<sup>16</sup> The attempt to assign the decision-making competence from the national to the international level is a politicization, too. In the EU context, this is perceived to pave the way for changes.<sup>17</sup>

## 2.2 Social mobilization and opportunity structures

Social mobilization and opportunity structures activate individuals to form and engage in networks. Social mobilization is eased due to:

1. Reduced transaction costs for information: Internet and cheap flights eased the economic exchange and communication all over the world. This is a necessary condition to build international networks and to get in touch with Environmental NGOs (ENGOS).
2. Global educational expansion and skill revolution enable more citizens to critically review politics and, to capture the relevance of universal morals and norms.<sup>18</sup>

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<sup>13</sup> Zürn, ‘Politisierung als Konzept der Internationalen Beziehungen’ (n 2) 13.

<sup>14</sup> *ibid* 16.

<sup>15</sup> *ibid* 17.

<sup>16</sup> *ibid*.

<sup>17</sup> Edoardo Bressanelli, Christel Koop and Christine Reh, ‘EU Actors Under Pressure: Politicisation and Depoliticisation as Strategic Responses’ (2020) 27 JEPP 329, 330.

<sup>18</sup> Zürn, ‘Politisierung als Konzept der Internationalen Beziehungen’ (n 2) 30.

Individuals being informed and mobilized can critically question status quo.<sup>19</sup> Opportunity structures enable citizens to actively engage within ENGOs and institutions: there is media attention to natural hazards, international conferences etc.

To measure a politicization, Michael Zürn provides three indicators along three levels:

1. *Micro level*: individuals and data about their voting behavior and personal engagement
2. *Meso level*: in which political arenas are NGOs and IGs organized? Do we see more organized protests transnationally?
3. *Macro-level*: which questions are publicly processed? Are the organizations and institutions opening for citizens?

Opening is understood as communication process in which persons (not generally entitled to participate in decision-making) are given the opportunity to directly or indirectly exert influence by adding knowledge, expressing preferences, and giving informed feedback.<sup>20</sup> Concrete examples of citizen participation are (online) citizen- and stakeholder consultations.<sup>21</sup>

The question is: how can we connect these changing societal demands and institutional responses?

### 3. Institutional framework and actors

At the EU level, particularly non-majoritarian institutions (Commission, European Central Bank), originally designed to be insulated from public opinion and domestic electoral cycles, are heavily influenced by public opinion. They

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<sup>19</sup> Jürgen Habermas, 'Kommunikative Rationalität und grenzüberschreitende Politik: eine Replik' in Peter Niesen and Benjamin Herborth (eds), *Anarchie der kommunikativen Freiheit: Jürgen Habermas und die Theorie der internationalen Politik* (Suhrkamp 2007) 427, 430.

<sup>20</sup> Jörg Radtke and Ortwin Renn, 'Partizipation und bürgerschaftliches Engagement in der Energiewende' in Jörg Radtke and Weert Canzler (eds), *Energiewende* (Springer 2019) 283, 293.

<sup>21</sup> Ortwin Renn, 'Bürgerbeteiligung in der Klimapolitik: Erfahrungen, Grenzen und Aussichten' (2020) 33 *Forschungsjournal Soziale Bewegungen* 125, 135 f.

respond to bottom-up functional- as well as political pressures.<sup>22</sup> In the case of environmental and climate protection in the EU, the active participation of citizens and communication between the public and policymakers is inevitable, since such far-reaching policy interventions must be legitimized in the political arena and, given that, policymakers are representing the people's will.<sup>23</sup>

The Commission, as the agenda setter, is involved in the following: the policymaking process, initiating new legislation, monitoring, and evaluating the progress made by the Member States (MS). Even though the EU has gained legislative power in the field of environmental action to develop a comprehensive legal framework, climate change falls under the concurrent legislation with shared legislative competence between MS and EU. Since Directives are the instrument of choice in EU environmental legislation, the MS shall adjust their national legislation, but are granted more flexibility in the process of implementation itself.<sup>24</sup>

A politicization could result in an institutional opening for the public. More access rights could contribute to MS complying to EU standards and laws in the future. This paper will therefore focus on whether the public gets informed and consulted in the decision-making process within the field of environmental protection and climate change mitigation.

## 4. Analysis

The indicators for measuring the extent of a politicization will be adjusted and applied to the case of climate action at the EU level.

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<sup>22</sup> Bressanelli, Koop and Reh (n 17) 331; Frank Schimmelfennig, 'Politicisation Management in the European Union' (2020) 27 JEPP 342, 343 f.

<sup>23</sup> Renn (n 21) 125.

<sup>24</sup> Andreas Hofmann, 'Left to Interest Groups? On the Prospects for Enforcing Environmental Law in the European Union' (2019) 28 Environmental Politics 342, 342; Tanja Börzel and Aron Buzogány, 'Compliance with EU Environmental Law. The Iceberg is Melting' (2019) 28 Environmental Politics 315, 315.

## 4.1 EU climate action 1999-2009

### 4.1.1 2020 Climate and Energy Package

In late 2007, the ‘2020 climate and energy package’ was introduced. The program enacted into legislation in 2009 and set out the EU’s climate goals for 2020:<sup>25</sup>

- Reducing greenhouse gas emissions by 20% (compared to 1990)
- Increasing the share of renewable energy by 20%
- Improving energy efficiency by 20%

To meet these goals, the EU is engaging in severe issue-related areas, such as emission trading and reduction of emissions in the MS. The EU has established an ‘Emission trading system’ (ETS). Around 45% of all EU greenhouse gas emissions are covered by the ETS.<sup>26</sup>

To cover the remaining 55% of greenhouse gas emissions (e.g. housing, agriculture, waste, transport without aviation), binding national emission reduction targets were set within the framework of the Effort Sharing Decision (ESD)<sup>27</sup> in the form of individual annual emission allocations (AEAs)<sup>28</sup>. Each country is obligated to report its emissions to be monitored by the Commission. The ESD provides the MS with some ‘flexibility’ in the way of implementation. This flexibility might encourage States in reaching the goal and cooperating, whilst providing some loopholes for richer countries. Within the State, overachievements can be carried over to any year up to 2020 to compensate any possible underachievement.<sup>29</sup> Between the States, the ESD allows transfer of

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<sup>25</sup> European Commission, ‘2020 Climate and Energy Package’ (European Commission 2020) <[https://ec.europa.eu/clima/policies/strategies/2020\\_en](https://ec.europa.eu/clima/policies/strategies/2020_en)> accessed 2 August 2020.

<sup>26</sup> European Commission, ‘2020 Climate and Energy Package’ (n 25).

<sup>27</sup> Decision 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community’s greenhouse gas emission reduction commitments up to 2020 [2009] OJ L140/136 (ESD).

<sup>28</sup> Ranging from a 20% cut for the richest EU members to a max. 20% increase for the least wealthy states.

<sup>29</sup> ESD, article 3 IV.

AEAs by e.g. selling part of the one nation's AEA for a given year between 2013-2019 to another MS.<sup>30</sup>

Under the Renewable Energy Directive<sup>31</sup>, EU MS have to comply with proportional, binding, national targets.<sup>32</sup> The Directive provides so-called 'cooperation mechanisms': statistical transfers, joint projects and joint support schemes, acknowledging the differences in willingness and ability of the MS and indicating that cooperation can contribute to achieving common goals.<sup>33</sup> In the case of statistical transfers, the amount of renewable energy is deducted from one country's progress table and added to another country's balance.<sup>34</sup>

Achieving the goals of the 2020 package should foster the EU's energy security by detaching dependency on energy imports. In the long run, the EU is aiming for a European Energy Union. The focus on green growth will create new jobs and make Europe more competitive.<sup>35</sup> This first comprehensive Climate and Energy Package established joint strategies and goals, and provided, without question, ground for a deeper integration and harmonization of EU climate policies.

To shed light on the public's influence on the development of climate policy in the EU in accordance with Zürn's considerations. The indicators on the three levels are analyzed in the following.

Interplay between institutional adaptations and public demands will be analyzed by applying the three indicators to measure politicization to the present case of EU climate action. The data is derived from the Eurobarometer surveys, Aarhus Convention implementation reports, and general information is provided by the EU. Analyzing and comparing the Eurobarometer survey data appears to be useful, since the European institutions have published regular public opinion surveys since 1973. These surveys measure, in detail, the opinion

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<sup>30</sup> ESD, article 3 V.

<sup>31</sup> Council Directive (EC) 2009/28 of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC [2009] OJ L140/16.

<sup>32</sup> 10% Malta–49% Sweden increasing the share of renewables in their energy consumption by 2020.

<sup>33</sup> European Commission (n 25).

<sup>34</sup> *ibid.*

<sup>35</sup> *ibid.*



of citizens' perceptions and expectations on EU action in a variety of issue areas.<sup>36</sup> The implementation reports will provide further oversight over institutional opening and citizen participation in the EU.

#### 4.1.2 Micro-level analysis 1999-2009

A stringent micro-level analysis, in accordance with Zürn, would entail analyzing the EU citizen's voting behavior, pointing out their perception of and trust in the EU.

The only EU institution elected by Europeans is the European Parliament (EP). The overall distribution of seats between 1990 and 2019 does not reveal any significant increase in favor of green parties.<sup>37</sup> Still, it is imperative to note that – except for the right-wing populist party Identity Group (ID) – all parties in the present EP attach importance to environmental protection, independent from their political ideology. This shows that environmental claims are omnipresent.

##### 4.1.2.1 Perception of and trust in the EU

In 2002, a third of Europeans saw the EU as 'the best level for taking decisions about protecting the environment';<sup>38</sup> about a third preferred stricter regulations and demand more environmental awareness.<sup>39</sup> This had changed in 2007: 67% of respondents prefer environmental protection decisions to be made jointly within the EU rather than by national governments (28%); 82% perceive harmonized European environmental legislation as necessary for effective action; 80% agree the EU should assist third state countries in adapting to higher environmental standards, and; 78% would even accept increased EU-funding

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<sup>36</sup> 'Eurobarometer' (*European Parliament*, 2021) <<https://www.europarl.europa.eu/at-your-service/en/be-heard/eurobarometer>> accessed 4 May 2021.

<sup>37</sup> cf European Parliament, '2019 European Election Results' (European Parliament 2019) <<https://europarl.europa.eu/election-results-2019/en/tools/widget-country/2019-2024/>> accessed 2 August 2020.

<sup>38</sup> European Opinion Research Group, 'The Attitudes of Europeans Towards the Environment (Eurobarometer)' (EORG 2002) 58, 24.

<sup>39</sup> *ibid.*

for environmental protection.<sup>40</sup> The demand to transport a political decision from the national level to the transnational level can be concluded to be a politicization of the issue.

#### 4.1.2.2 Individual engagement

The results show that the highest influence on respondents' quality of life in 2007 are environment (80%) and economic factors (84%).<sup>41</sup> They generally favor an active 'green' attitude, however, because of unseen urgency, this does not automatically translate into activism and environmental-friendly behavior; own actions depend on a wider societal solidarity. In 2002, 65% of the respondents claim that their efforts will only have an impact if others also try. Only 12% share a 'purely altruistic attitude'.<sup>42</sup> At the other extreme, 10% acknowledge a rather pessimistic 'wait-and-see' attitude, not even trying because it does not have any impact if others do not try.<sup>43</sup> Even in 2007 Europeans barely see their consumption habits as part of the problem and are not willing to adjust their lifestyles.<sup>44</sup> This might be correlated to the extent to change which EU citizens feel informed about, and are aware of environmental topics and their long-term-impacts. This will be examined within the macro-level analysis.

#### 4.1.3 Meso-level analysis 1999-2009

In accordance with Zürn, a major implicatory for a politicization on the meso-level is in which political arenas ENGOS are organized and command public attention.

The Eurobarometer report in 2002 provides evidence of growing environmental protest, originally arising in the industrialized countries of northern Europe spilling-over to southern Europe. The reason could be a rise in

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<sup>40</sup> European Commission, 'Attitudes of European Citizens Towards the Environment' (Summary Special Eurobarometer 295, 2008) 9.

<sup>41</sup> *ibid* 3.

<sup>42</sup> European Opinion Research Group (n 38).

<sup>43</sup> *ibid*.

<sup>44</sup> European Commission, 'Attitudes of European Citizens Towards the Environment' (n 40).

the standard of living but a fall in the quality of life (damage to the environment, etc.) through production and concerns about its externalities.<sup>45</sup>

Regarding the environment, Europeans especially show trust in environmental protection associations and scientists; whereas, businesses are observed as least trustworthy (1% approval).<sup>46</sup> ENGOS can foster 'output legitimacy' by providing technical expertise and ensure 'input legitimacy' by mobilizing public support for EU policies and policy proposals.<sup>47</sup>

Besides the European Environmental Bureau (EEB), other recognized ENGOS, such as Friends of the Earth (FoE), Greenpeace, Worldwide Fund for Nature (WWF) and Climate Action Network (CAN) are settled in Brussels to influence EU politics more effectively.<sup>48</sup> CAN Europe developed into a large and important network, bringing together 130 member organizations from more than 25 MS by 2009.<sup>49</sup> The EEB, FoE, Greenpeace and WWF remain central players since they cover a wide range of EU environmental issues (including climate change) and represent many members/supporters.<sup>50</sup>

Wurzel and Connelly (2010) show that Brussels-based ENGOS tend to coordinate their interests and to cooperate.<sup>51</sup> The reasons for doing so are:

1. most European offices lack financial resources and staff;
2. ENGO's might be heterogeneous but still have similar goals;
3. on the EU level, like-minded ENGOS do not compete for support and media attention whereas they do on the national level and;
4. the chance of influencing the actions of EU institutional actors aiming at increasing the EU's political legitimacy increases.<sup>52</sup>

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<sup>45</sup> European Opinion Research Group (n 38) 12.

<sup>46</sup> *ibid* 4.

<sup>47</sup> Rüdiger KW Wurzel and James Connelly, 'The European Union as a Leader in International Climate Change Politics' (Routledge 2010) 214, 215.

<sup>48</sup> *ibid* 215.

<sup>49</sup> *ibid* 214.

<sup>50</sup> *ibid*

<sup>51</sup> *ibid*

<sup>52</sup> *ibid* 215.

NGOs do not just aim to influence policy outputs, but to set the agenda and spread awareness among citizens, ‘thereby ... altering voter's preferences regarding the actions politicians should take to combat it’.<sup>53</sup>

To put it in a nutshell: ENGOS are informing the wider public and successfully doing so on the European level working as allies. Unsurprisingly, the MS perceive ENGOS as being leaders in terms of environmental education.<sup>54</sup>

#### 4.1.4 Macro-level analysis 1999-2009

On the macro-level, the analysis aims to reveal which questions are publicly processed and if the institutions are opening for citizen participation.

##### 4.1.4.1 Publicly processed questions

According to the Eurobarometer survey from 2002, the problems linked to industrial safety (e.g. pollution of the seas, coasts, rivers, lakes) worry European citizens most. In these areas we observe an increase in public attention ranking from 10-21 percentage points (pp) (Table 1). Some topics have caught more media attention than others: They are either popular because people are already aware of, or very specific issues with an extremely high profile in the media<sup>55</sup> (climate change, destruction of the ozone layer). ‘Natural disasters’, ‘air pollution’, ‘climate change’, ‘urban problems’, and ‘destruction of the ozone layer’ are environmental concerns about which Europeans feel ‘very well’ or ‘fairly well informed’ (more than 50%) in 2002.<sup>56</sup>

In 2007, EU citizens were most concerned about global environmental issues, including climate change (57%), pollution of water (42%), and air (40%). There is demand for information and transparency in terms of environmental issues: merely 5% of the respondents claim to be very well-informed, about 50% to be well-informed. Alarmingly 42% of Europeans feel insufficiently informed about environmental issues in 2007.<sup>57</sup>

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<sup>53</sup> *ibid.*

<sup>54</sup> The United Nations Economic Commission for Europe, ‘Synthesis Report on the Status of Implementation of the Convention’ (UNECE 2008) 4, 9 n 38.

<sup>55</sup> European Opinion Research Group (n 38).

<sup>56</sup> *ibid.*

<sup>57</sup> European Commission, ‘Attitudes of European Citizens Towards the Environment’ (n 40) 4.

**Table 1: Share of environmental concerns 1999**

<b>Propositions</b>	<b>1999</b>	<b>2002</b>	<b>Discrepancy</b>
Air pollution	35	44	+9
Natural disasters	22	43	+21
Pollution of the seas and coasts	32	42	+10
Pollution of rivers and lakes	27	42	+15
The progressive elimination of tropical rain forests	39	41	+3
The extinction of animals and plant species	27	37	+10
Industrial waste management	35	37	+2
Urban problems (traffic, public transport, green spaces, etc.)	23	21	-2
Hunting and shooting	15	17	+2
Damage caused by tourism	10	17	+7
Source: European Opinion Research Group (n 38) 13			

Lack of information and transparency has an impact on the individual's behavior. In the present case, the lack of information in environmental regards goes hand in hand with the (un)willingness of citizens to change their behavior, as it appears not that urgent.

#### 4.1.4.2 Institutional opening

In the aftermath of the Maastricht referendum, the Union's democratic and civic ambition was extended, and provisions on European citizenship were given.<sup>58</sup> To establish a more inclusive governance framework, allowing participation, the 'Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters'<sup>59</sup>, known as 'Aarhus Convention', was negotiated within the scope of the UN Economic Commission for Europe in 1998. The Convention aimed at involving, consulting, and

<sup>58</sup> Bressanelli, Koop and Reh (n 17) 332.

<sup>59</sup> Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (opened for signature 22 December 1998, entered into force 30 October 2001) 2161 UNTS 447 (Aarhus Convention).

informing the ‘Public’<sup>60</sup> in terms of EU environmental- and climate action, and at giving citizens access rights to the CJEU.

The EU and its MS ratified the Aarhus Convention only seven years later, in 2005. What seems contradictory at first sight, is just part of a ‘legal tradition of the EU’.<sup>61</sup> International instruments, such as the Aarhus Convention, are ratified after the national laws and regulations have already been introduced to implement such international treaties. To implement the Aarhus Convention’s provisions on the EU as well as on the national level<sup>62</sup> before even ratifying the international treaty, the Commission introduced corresponding Directives.

In 2003, the Directive on public access to environmental information<sup>63</sup> and the Directive on public participation in planning processes,<sup>64</sup> respectively were passed and entered into force.<sup>65</sup> So, the MS were legally bound to implement those Directives. To further bind the EU institutions, these two Directives were combined and incorporated into a Regulation, the so-called ‘Aarhus Regulation’ which entered in force in September 2006 and into application in July 2007.<sup>66</sup>

Even though the level of information, as the Eurobarometer from 2007 indicates, is not optimal yet, there seem to be positive developments in terms of institutional opening in the EU. As the mandatory 2008 Aarhus Convention implementation report indicates, the MS are making efforts to transpose the

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<sup>60</sup> Public = natural and legal persons, their associations, organizations, and groups (incl. ENGOs) (Aarhus Convention, art. 2 IV-V).

<sup>61</sup> United Nations Economic Commission for Europe, ‘Synthesis Report on the implementation of the Convention’ (UNECE 2005) 18, 4.

<sup>62</sup> Börzel and Buzogány (n 24) 317.

<sup>63</sup> Council Directive (EC) 2003/4 of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC [2003] OJ L41/26.

<sup>64</sup> Council Directive (EC) 2003/35 of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC [2003] OJ L156/17.

<sup>65</sup> cf Hofmann (n 24) 351.

<sup>66</sup> Council Regulation (EC)1367/2006 of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies [2006] OJ L264/1.

relevant legal provisions by amending their national legislation.<sup>67</sup> This leads to an advanced level of implementation with regard to access to information and to public participation in decision-making in the EU.<sup>68</sup> Also, many EU countries started including ENGOs in environmental decision-making bodies, working groups or advisory bodies for national and international forums.<sup>69</sup> Some MS e.g. indicated that they engage in organizing consultations major environmental stakeholder, such as civil society organizations at the national level. Furthermore, many MS reported they would strengthen existing information offices and open more to establish ‘points of contact’ between institutions, citizens, and ENGOs.<sup>70</sup>

It will be interesting to see whether the implementation reports of the following years reveal further improvement in the implementation of the Aarhus Convention. This would be the case if citizens and ENGOs likewise were better informed and frequently consulted.

## 4.2 EU climate action 2009-2014

### 4.2.1 2030 Climate and Energy Framework

In 2014 the European Council adopted the framework that sets out the following strategy and targets for 2030:<sup>71</sup>

- Reducing greenhouse gas emissions by at least 40% (from 1990 levels)
- Increase the share of renewable energy to at least 27%
- Improving energy efficiency by at least 27%

MS should adopt integrated national energy and climate plans (NECPs) and corresponding long-term strategies for the period 2021-2030. A common approach for 2030 provides regulatory certainty for investors and eases coordinated EU action. Progress towards a low-carbon economy and an Energy Union is to be achieved to supply affordable and secure energy for Europeans

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<sup>67</sup> United Nations Economic Commission for Europe (n 54) 6 n 24.

<sup>68</sup> *ibid* 6 n 30.

<sup>69</sup> *ibid* 9 n 39.

<sup>70</sup> *ibid* 12 n 57.

<sup>71</sup> Commission, ‘A policy framework for climate and energy in the period from 2020-2030’ COM (2014) 15 final.

through detaching from dependency on energy imports. Besides stressing economic and job prospects, it will provide health benefits.<sup>72</sup>

#### 4.2.2 Micro-level analysis 2009-2014

##### 4.2.2.1 Perception of and trust in the EU

Unlike in earlier years, there has been a significant rise in Europeans agreeing on national governments to primary having the duty to pass environmental and climate policies (48%); while, in 2013, 41% think the responsibility lies with business and industry (41%) or the EU (39%).<sup>73</sup> This can be perceived as trying to re-politicize the issue by evading the discourse from the supranational level.

A reason for this might be that ETS is not driving investments in low-carbon technologies as expected. Unless the required sustainable technologies are in place, setting the EU goals to e.g. increase the share of renewable energies too high, would be politically infeasible. Rather, more ambitious national policies might fungate as ‘best practices’ which can cushion the shortcomings of the ETS<sup>74</sup> and provide ground for future EU legislation. Correspondingly, in 2013, 92% thought it was important for their government to provide support for improving energy efficiency, with around half (51%) saying that it is ‘very important’ for their government to do so.<sup>75</sup> 90% of the respondents place importance on their government to set targets to increase the amount of renewable energy used by 2030, with 49% saying the target is ‘very important’.<sup>76</sup>

Energy safety also played a role in 2013: 70% agreed that reducing fossil fuel imports from outside the EU could provide the EU with economic benefits, 26% say they ‘totally agree’.<sup>77</sup> This is emphasized in the aim of the EU to create an Energy Union.

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<sup>72</sup> *ibid.*

<sup>73</sup> European Commission, ‘Climate Change Report’ (Special Eurobarometer 409, 2014) 2.

<sup>74</sup> *ibid* 2 f.

<sup>75</sup> *ibid* 6.

<sup>76</sup> European Commission, ‘Climate Change’ (Summary Special Eurobarometer 435, 2015) 6.

<sup>77</sup> *ibid.*



#### 4.2.2.2 Individual engagement

49% of respondents are aware of having acted to fight climate change in 2015, but when they were prompted with a list of specific actions, even 93% of them claim to have been acting.<sup>78</sup>

**Table 2: Individual actions taken over time**

Individual actions	2007 (in %)	2013 (in %)	Discrepancy (in pp)
Separating and recycling waste	59	69	+10
Buying fewer disposable items	30	51	+21
Buying seasonal and regional	21	36	+15
Selecting energy-efficient household appliances	17	34	+17
Using environmentally friendly transportation	28	28	0

Source: Own illustration, based on European Commission, 'Attitudes of European citizens towards the environment' (n 40); European Commission, 'Climate change' (n 76)

Despite not using more environmental-friendly transportation, awareness and willingness to personally contribute has increased tremendously between 2007 and 2013. Most significant is that fewer disposable items, such as plastic bags, were bought (+21 pp), followed by choosing household appliances by energy efficiency (+17 pp). In 2013, 36% of the respondents claimed to rather buy seasonal and regional (+15 pp). While 59% of all respondents have already separated and recycled their household waste in 2007, this number has increased by ten pp, lifting it up to 69%.

In contrast to the findings accounting for the prior period (1999-2009), Europeans have become more aware of the disastrous consequences of climate change and are therefore willing to personally engage and to some extent, adapt their behavior in favor of the climate.

<sup>78</sup> European Commission, 'Climate Change' (n 76) 10.

### 4.2.3 Meso-level analysis 2009-2014

Working on multiple levels, ENGOs continue to educate the public in terms of the environment. Thus, they have become an active part of ‘the political dialogue held on current legislative projects, especially at EU level, including regarding the development of programs and policies in the environmental sector’<sup>79</sup>, as EU countries reported. This shows once again the power and the importance of ENGOs for environmental and climate policy to deliver. They are among the most important stakeholders in this issue area.

### 4.2.4 Macro-level analysis 2009-2014

#### 4.2.4.1 Institutional opening

The Aarhus Convention Implementation Report of 2011 provides relevant information:

‘Almost all Parties followed the guidance, asserting that they involved the public at an early stage through consultations ...’<sup>80</sup> Therefore, publishing updated versions of MS’s previous reports and opening it for public commenting or organizing e.g. public hearings as a forum to discuss the draft of the most recent national report with concerned citizens and other stakeholders became common practice in most EU countries.<sup>81</sup>

Several MS even actively informed ENGOs about the consultation and attached a questionnaire inviting their comments and proposals on which issues shall be discussed in detail.<sup>82</sup>

In many countries the public had the opportunity to directly send an e-mail to their national ministry of environment stating their point of view and their concerns.<sup>83</sup> Thus, ENGOs get direct access, not only to environmental action of the government, but more importantly, to the relevant institution on the national level.

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<sup>79</sup> United Nations Economic Commission for Europe, ‘Synthesis Report on the Implementation of the Convention’ (UNECE 2011) 7, 9 n 44.

<sup>80</sup> *ibid* 7 n 14.

<sup>81</sup> United Nations Economic Commission for Europe (n 79) 7 n 14.

<sup>82</sup> *ibid*.

<sup>83</sup> *ibid* 8 n 15.

EU countries thus reported ‘providing information to the public and public authorities about proposed and existing activities, which may significantly affect the environment’.<sup>84</sup>

This provision of information helps dissolving former lack of transparency. Whereas ENGOs still play a significant role in raising awareness and mobilizing the public, the state takes part of this ‘educational duty’. By acting more transparent and opening national institutions for public discourse, sustainable change is more likely.

To sum up the prior findings: the public is more actively involved in, and informed about national climate action. Thus, climate change-awareness rises and people acknowledge effective action. Still, the original targets set, in 2014, for 2030, were only minor adaptations of the 2020 action plan. Merely the goal to reduce greenhouse gas emissions by up to 40% is an ambitious goal. Binding legislation on the EU level shall not only be politically but also technically feasible. Especially in the face of a financial crisis, slowing down, not only investments in general, but particularly investments in sustainable technologies, could not have been more ambitious.

### 4.3 EU climate action 2014-2020

The IPCC report from 2014 (published 2016) empathizes the need for strong and urgent actions to reduce greenhouse gas emissions that otherwise will have dangerous and irreversible impacts in the future.<sup>85</sup>

#### 4.3.1 Green Deal and European Climate Law

Taking the evidence, provided by the ‘honest broker’ IPCC into account, the targets for renewables and energy efficiency for 2021-2030 were revised upwards in 2018 to

- (1) move the EU towards a climate-neutral economy and to;
- (2) implement duties under the Paris Agreement.

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<sup>84</sup> *ibid* 14 n 78.

<sup>85</sup> Intergovernmental Panel on Climate Change (IPCC), ‘Climate Change 2014 Mitigation of Climate Fifth Assessment Report (Summary for Policymakers)’ (2014). <[www.ipcc.ch/site/assets/uploads/2018/02/ipcc\\_wg3\\_ar5\\_summary-for-policymakers.pdf](http://www.ipcc.ch/site/assets/uploads/2018/02/ipcc_wg3_ar5_summary-for-policymakers.pdf)> accessed 31 July 2020.

In late 2018, after having conducted extensive analysis and stakeholder consultation, the Commission published its strategic vision on climate neutrality, which stipulates the public discussion in the following months.<sup>86</sup> To underline the commitment, the European Green Deal was passed in late 2019. The EU's future commitment goes far beyond former actions: by 2050, Europe aims to become the first climate-neutral continent.<sup>87</sup>

To reach the goal, the following policy initiatives will be taken:

- European Climate Law ‘... to ensure that all EU policies contribute to this goal and that all sectors of the economy and society engage proportionally’.<sup>88</sup>
- European Climate Pact to foster engagement among citizens from all parts of society.

Based on a comprehensive impact assessment, as well as on analysis of the NECPs, and stakeholder contributions, the Commission will propose a new EU ambition to foster a reduction of greenhouse gas emissions by 2030.<sup>89</sup>

### 4.3.2 Micro-level analysis 2014-2020

#### 4.3.2.1 Perception of, and trust in the EU

The more active role decisions on the national level play is displayed in the Eurobarometer in 2015: National governments are perceived to be responsible for addressing climate change (42% approval), followed by businesses and industry (35%) on par with the EU (35%).<sup>90</sup> There is a shift of responsibilities: whereas, every fourth European felt personally responsible in 2013; in 2015, only 19% felt alike. The remaining 6pp were ‘transferred’ to the share of respondents perceived to be a collective duty.<sup>91</sup>

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<sup>86</sup> European Commission, ‘EU Climate Action and the European Green Deal’ (2020) <[https://ec.europa.eu/clima/policies/eu-climate-action\\_en](https://ec.europa.eu/clima/policies/eu-climate-action_en)> accessed 02. August 2020.

<sup>87</sup> *ibid.*

<sup>88</sup> European Commission (n 86).

<sup>89</sup> *ibid.*

<sup>90</sup> European Commission, ‘Climate Change’ (n 76).

<sup>91</sup> *ibid.*

In 2015, more than 9 out of 10 respondents, from all over Europe, agreed on the policymaker's consideration that using energy more efficiently will boost the economy and create more jobs in Europe.<sup>92</sup>

The aim to ensure energy security and build an EU Energy Union in the future is deeply supported among citizens. In 2015, 65% of the respondents found that reducing fossil fuel imports from third countries can increase the security of the EU's energy supplies.<sup>93</sup> The consensus grew stronger, until 2019; now, 72% of respondents agree on this.<sup>94</sup>

#### 4.3.2.2 Individual engagement

**Table 3: Individual engagement between 2007-2019**

<b>Individual actions</b>	<b>2007 (in %)</b>	<b>2013 (in %)</b>	<b>2015 (in %)</b>	<b>2019 (in %)</b>
Separating and recycling waste	59	69	74	75
Buying fewer disposable items	30	51	57	62
Buying seasonal and regional	21	36	49	No data available
Selecting energy-efficient household appliances	17	34	42	48
Using environmentally friendly transportation	28	28	36	37
Source: Own illustration, based on Source: Own illustration, based on European Commission, 'Attitudes of European citizens towards the environment' (n 40); European Commission, 'Climate Change Report' (n 73); European Commission, 'Climate Change' (n 92); European Commission, 'Climate change' (n 76)				

We observe increased awareness until 2019, along with incorporating climate-friendly behavior and conscious consumption habits. This marks an

<sup>92</sup> European Commission, 'Climate Change' (Summary Special Eurobarometer 490, 2019) 12.

<sup>93</sup> *ibid* 15.

<sup>94</sup> European Commission, 'Climate Change' (n 76) 4.

important difference in the Europeans' behavior. As Table 3 shows, this especially accounts when it comes to buying fewer disposable items, eating regional and seasonal products, or selecting energy-efficient household appliances. Europeans seem to have realized the power of their own actions.

### 4.3.3 Meso-level analysis 2014-2020

Besides being actively consulted and informed about environmental matters, the ENGOS managed to further establish their position, e.g. by networking and collaborating on the EU level. By now the CAN-Europe network consists of over 140 member organizations in 35 European countries, representing about 1700 NGOs and more than 40 million citizens.<sup>95</sup> Starting in the 1980s, the most important and popular ENGOS were established in Brussels. Additionally, throughout the last two years, a grassroots democratic organization of pupils and students, the Fridays for Future (FFF), gained immense media attention: publicly blaming EU officials for polluting the planet and putting economic development before sustainability.

FFF's main goal is to make climate protection a policy priority. Besides striking every Friday in cities around Europe, the young activists, just like many other ENGOS and climate networks, use social media platforms to spread their message to morally pressure policymakers and mobilize the younger generation.<sup>96</sup> Greta Thunberg and her fellow strikers created the hashtag #FridaysForFuture to spread their message on Social Media.<sup>97</sup>

FFF does not only play an important role in mobilizing young people in Europe, but acts worldwide: on the 15<sup>th</sup> of November .2019, FFF called for a global climate strike. Around 1.8 million participants responded worldwide to this call: not only pupils and students, FFF was also supported by regional, national, and international support organizations, including 'Scientists for Future' and 'Parents for Future'. FFF aims to spread awareness and has organized camps and seminars. During the COVID-19 pandemic FFF also held online-

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<sup>95</sup> CAN Europe, 'Members' (2020) <[www.caneurope.org/member-directory?force=1](http://www.caneurope.org/member-directory?force=1)> accessed 31 July 2020.

<sup>96</sup> Fridays for Future Europe, 'Who we are' (FFF-EU, 2020) <<https://fridaysforfuture.org/what-we-do/who-we-are/>> accessed 6 September 2020.

<sup>97</sup> *ibid.*

strikes webinars with climate scientists and politicians.<sup>98</sup> Between the 5<sup>th</sup> – 9<sup>th</sup> August 2019, 450 FFF-delegates from 38 European country federations held the ‘Smile for Future’ summit in Lausanne, Switzerland. Their corresponding Lausanne Climate Declaration states: ‘What happens in the next months and years will determine how the future of humankind will look like. Our collective extinction is a scarily realistic outcome’.<sup>99</sup> Greta Thunberg was a speaker at the World Climate Summit, where she accused governments of risking the younger generation’s future by acting selfish and only acting economically motivated.

#### 4.3.4 Macro-level analysis 2014-2020

##### 4.3.4.1 Publicly processed questions

In 2015, 91% of respondents claimed that climate change is a serious problem; 69% even considered climate change to be ‘very serious’.<sup>100</sup> In 2019, awareness had grown: 93% of the Europeans thought of climate change as a serious problem, of which 79% viewed climate change to be ‘very serious’.<sup>101</sup> There seems to be similar consensus among the respondents: fighting climate change will only be effective if *all* countries participate and cooperate.<sup>102</sup>

##### 4.3.4.2 Institutional opening

To tackle the urgent problem of climate change and to likewise meet the duties of the Aarhus Convention, the Commission installed a ‘better regulation agenda’ in 2017 to inform and consult citizens and stakeholders about the governance process. The agenda requires EU action to be based on scientific evidence and understanding of its impacts. One important goal is to listen more to the people it affects. In terms of enforcement, integrated monitoring and reporting rules were installed. It is stated that ‘[a]pplying these principles will help the

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<sup>98</sup> Fridays for Future Europe, ‘Actions’ (FFF-EU, 2020) <<https://fridaysforfuture.org/what-we-do/actions/>> accessed 5 September 2020.

<sup>99</sup> Fridays for Future Europe, ‘Lausanne Climate Declaration’ (FFF-EU 2019) 1, 2.

<sup>100</sup> European Commission, ‘Climate Change’ (n 92) 5.

<sup>101</sup> *ibid* 3.

<sup>102</sup> European Commission, ‘Climate Change’ (n 92) 13.

Commission to meet its objective at minimum cost and administrative burden. It also responds to concerns raised by EU citizens'.<sup>103</sup>

It is reasonable to say that, especially in the past five years, former paths have been dissolved. The regulation on transparency, information and participation in the decision-making process impelled. The EU has revisited the 2030-goals for the share of renewable energy and reduction of CO<sub>2</sub>-emissions by 5,5 pp. The informed, mobilized public can refer to established media as well as to social media. The younger generation is the main beneficiary and organize protests using new social media platforms. Incorporating more ambitious EU goals in national legislation is eased by consulting and involving the public. This, on the other hand, paves the way for more collective action and higher standards all over Europe in the long run. The Green Deal will be followed by a Climate Law, a regulation to be effectively enforced.<sup>104</sup>

## 5. Conclusion

The global scope and the agreements in the framework of the UN, especially the Aarhus Convention contributes to public interest, social mobility, and engagement. After having shown the development of both public opinion and institutional adaptations in the past two decades, there is need to draw a conclusion.

The aim of this paper is to investigate whether the reforms and adaptations in this specific policy field in the past 20 years can be traced back to the politicization of the issue. It seems reasonable to conclude that European climate policy developed over time and follows 'learning-by-doing approaches' in order to tackle the complex and new problematiques of climate change and its impacts.<sup>105</sup> The topic is highly politicized and commands a lot of media attention.

In the beginning of the 21<sup>st</sup> century, European policymaker had to face the 'mammoth-task' of making consumers and producers in the MS change their

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<sup>103</sup> European Commission, 'Better Regulation: Why and How' (2020) <[https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how\\_en](https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en)> accessed 02 August 2020.

<sup>104</sup> European Commission, 'EU Climate Action and the European Green Deal' (n 86).

<sup>105</sup> Jos Delbeke & Peter Vis, *EU Climate Policy Explained* (Routledge 2015), 1.



habits and reduce CO<sub>2</sub> emissions to effectively tackle climate change.<sup>106</sup> European policymakers could not have done it by themselves: they were highly dependent on ENGOs publicly spreading climate change awareness and communicating public demands to the policymakers. As a byproduct of globalization and technologic development in recent years, ENGOs can access information about natural hazards or global companies slashing and burning rainforests to set up production facilities, or drill oil holes, and have the media reach to inform and to mobilize citizens. The mobilized public, on the other hand, has adjusted its standards and demands effective climate action. Consequently, policymakers on both national and EU level must respond and take up these demands, by imposing stricter legislation. Taking the multi-level governance in the EU and some opposing state governments into account, this becomes even harder to achieve. However, given that more ambitious climate action directly intervenes in e.g. citizens consumption habits (e.g. ban on single-use plastic) or ways of transportation (ban on specific vehicles), it highly depends on this very public legitimation and support.

This has led to considerable success in cleaning up pollution, decoupling emissions from economic growth, and fostering global technological leadership.<sup>107</sup> Bressanelli and colleagues call this a 'bottom-up politicization of 'Europe' along three dimensions:

- (1) the Union's work and its policies have become more publicly visible and therefore need to be communicated transparently;
- (2) European integration has increased controversies and polarization throughout the whole political spectrum and;
- (3) engagement with the EU is not only left to elite actors and experts anymore.<sup>108</sup>

The best example hereof is the Aarhus Convention. The resulting obligation is firstly to inform the public about political decisions concerning the environment and climate change and secondly, to actively encourage EU citizens' participation in the decision-making process.

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<sup>106</sup> *ibid.*

<sup>107</sup> *ibid.*

<sup>108</sup> Bressanelli and others (n 17) 330.

Therefore, it is reasonable to conclude that the politicization of the topic, accompanied by institutional opening and communication between policymakers and citizens or ENGOs, has laid the foundation for legitimizing a more ambitious EU approach. The governments will have to implement the Green Deal and the corresponding EU Climate Law in the following years, regardless of their national preferences.