
3. The European Council, Council and Member States: jostling for influence

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1. INTRODUCTION

This chapter assesses the role of the European Council, the Council of the EU (hereafter the Council) and Member States in European Union (EU) climate policy. Considering their central political importance for the EU and European integration, surprisingly little scholarly attention has been paid to the European Council and Council, although there are important exceptions (e.g. Hayes-Renshaw and Wallace, 2006; Lewis, 2003, 2022). This has prompted Lewis (2022: 158) to argue that ‘[o]f all the EU institutions, the European Council and the ... Council are perhaps the least documented’. One of the reasons for this relative dearth of studies is that European Council meetings take place behind closed doors and Council meetings as well, except when dealing with legislation. Moreover, the Council structures and procedures are highly complex and have evolved largely informally, at least below the level of ministers.

Much of the general EU studies literature (e.g. Hayes-Renshaw and Wallace, 2006; Lewis, 2003, 2022) and the specialized EU climate policy literature (e.g. Dupont and Oberthür, 2017; Wurzel et al. 2019) has argued that the European Council and the Council each constitute at once a forum for intergovernmental bargaining between Member States (which try to defend their national interests) *and* an EU institution (in which Member States collectively take decisions in the interest of the EU). Lewis (2022: 159) has therefore argued that the European Council and the Council constitutes a ‘complex and variegated institutional construct which equals more than the sum of its parts (the member states)’.

This chapter proceeds as follows: the next two sections analyze the European Council and the Council respectively; the main roles and functions of these two EU institutions are outlined and assessed before their main tasks in EU climate policy are discussed. The penultimate section focuses on the role of EU Member States, before the conclusions summarize the main arguments put forward in this chapter.

2. EUROPEAN COUNCIL

Composition and Remit

The European Council is made up of the Heads of State or Government, who are the most senior political representatives (e.g. the French President, German Chancellor and Italian Prime Minister) of the 27 Member State governments, the European Council President and the European Commission President. The High Representative of the Union for Foreign Affairs and Security Policy also attends when EU foreign affairs issues are on the agenda. Until

2002, the Foreign Ministers also participated in the European Council meetings although this practice has been discontinued. Nowadays the European Council meets formally at least twice every six months. Informal meetings are also occasionally held. In crisis situations (e.g. the Eurozone and migration crises) the number of European Council meetings usually increases significantly.

Article 15 of the Treaty on European Union (TEU) states that '[t]he European Council shall provide the Union with the necessary impetus for its development and shall define the general political guidelines thereof.' The European Council defines the overall direction and political priorities of the EU by focusing primarily on 'high politics' issues or 'bigger picture' issues (Buonanno and Nugent, 2021: 49) for which it offers 'executive-like collective leadership' (Lewis 2022: 156). Buonanno and Nugent (2021: 48–49) have summarized the European Council's main roles as follows: (1) policy initiator, promoter and driver; (2) contributor to the co-ordination of EU policies; (3) final decision-maker, and; (4) forum at the highest political level for building mutual understanding and confidence between Member States.

The European Council does not adopt EU laws which are instead negotiated and agreed on by the Council and the European Parliament (see Petri et al., Chapter 4 in this volume) on the basis of a formal proposal that has to be put forward by the Commission (see Bürgin, Chapter 2 in this volume). However, as will be explained below, the European Council can act as arbiter and final decision-maker for dossiers on which the Council of the EU fails to reach agreement due to significant divergences in the positions of Member States. Moreover, occasionally the European Council issues detailed instructions to the Council or the Commission to act on a particular issue. Curtin (2009: 4) has argued that the European Council 'sometimes gives rather specific instructions to both the Commission and the Council as to (legislative) agenda-setting'. The European Council therefore sits 'politically, though not legally, at the very summit of the EU policy system' (Buonanno and Nugent, 2021: 49).

Origins

Perhaps surprisingly, the European Council only became an EU institution formally with the 2009 Lisbon Treaty. The European Council's origins can be traced to intermittent, informal summit meetings in the 1950s. These became more frequent and institutionalized from 1974 onward following an initiative by the French President Valéry Giscard d'Estaing and the German Chancellor Helmut Schmidt who both wanted the Heads of State or Government to take on a more proactive role in dealing with the negative economic effects of the 1973 oil crisis. Managing serious crises (such as the Eurozone crisis, the refugee crisis and, although to a lesser extent, the climate crisis) which have affected the EU and its Member States has remained one of the European Council's main tasks.

The 2009 Lisbon Treaty created a semi-permanent President of the European Council who is elected for a two-and-half year once-renewable term. Prior to 2009, the European Council was chaired by Member States holding the six-monthly rotating Presidency of the Council. The 2009 Lisbon Treaty also created the position of a High Representative of the Union for Foreign Affairs and Security Policy and set up the European External Action Service (EEAS) the latter of which contributes significantly to the EU's climate diplomacy (e.g. Dupont and Oberthür, 2017: 68; Biedenkopf and Petri, 2021). However, while the small Member States tend to rely more strongly on the EEAS climate diplomacy capacity, the large Member States

often use their own large diplomatic services more heavily for climate diplomacy outreach activities.

The European Council and Climate Issues

Over the years, the European Council has only intermittently offered leadership on EU environmental policy, which often involves relatively technical ‘low politics’ issues. The main exception has been climate change policy, which has developed into a salient ‘high politics’ issue partly because of the EU’s ambition to act as a leader in international climate change politics (Tobin et al., Chapter 13 in this volume; Oberthür and Roche Kelly, 2008; Jordan et al., 2010; Rayner and Jordan, 2013; Dupont and Oberthür, 2017; Wurzel et al., 2017, 2019; Oberthür and Dupont, 2021). Up to the 2000s, the European Council rarely dealt with EU environmental issues. Important exceptions include the summit meeting in Paris in 1972 which gave the starting signal for a common environmental policy shortly after the 1972 UN Stockholm conference had exposed the EU’s lack of such a policy (Bungarten, 1978). Since about 2007, the European Council has become more active in EU and international climate policy, with notable peaks of activity in 2007–2009 and 2014–2015, associated with the 2009 Copenhagen UN climate conference (COP15) and the 2015 Paris UN climate conference (COP21) respectively (Dupont and Oberthür, 2017) as well as in the run-up to the 2021 Glasgow UN climate conference (COP26). Dupont and Oberthür (2017: 66) have therefore argued that ‘the European Council has moved into an increasingly central position in climate policy’.

The European Council’s initial occasional interventions in the EU climate law-making process can be evidenced by its actions during the negotiations of the climate and energy package for 2020, which ran into difficulties at the Council level in 2008. Although the legislative co-decision procedure, which was replaced by the ordinary legislative procedure under the 2009 Lisbon Treaty, was still ongoing between the Council and the EP, detailed compromise solutions were agreed by the European Council in December 2008 (Dupont and Oberthür, 2017: 69). The European Council subsequently asked the Council to integrate its compromise proposal in the negotiations with the EP. Never before had the European Council entered a co-decision process at such a level of detail. Although it does not have formal legislative powers, both the Council and EP nevertheless accepted the European Council’s proposal (e.g. Dupont and Oberthür, 2017; Wurzel et al, 2019). Subsequently more frequent, detailed interventions by the European Council on EU climate policy followed. For example, the European Council under the 2009 Swedish Presidency adopted a detailed position on climate financing, *inter alia* to support climate adaptation measures in Global South countries, after the Ecofin Council had failed to reach agreement and with the aim of improving the chances for success at the 2009 Copenhagen UN climate conference (Wurzel et al. 2019). In this case the European Council was instrumental in positioning the EU as a leader in the run-up to the 2009 UN climate conference which nevertheless ended in failure (e.g. Jordan et al. 2010; Wurzel et al. 2017; Parker and Karlsson, 2018).

The European Council has repeatedly acted as a supreme arbiter on climate change dossiers for which the Council failed to reach agreement due to fundamental differences, especially between the (‘old’) Western European Member States and the (‘new’) Central and Eastern European states (CEES) (e.g. Braun, 2014; Dupont and Oberthür, 2017; Jankowska, 2017; Wurzel et al. 2019). For the 2015 Paris UN climate conference, all Parties had to submit

their Intended Nationally Determined Contributions – essentially voluntary national emission reduction plans – in 2014. Because these plans caused frictions between the CEEs and the Western European Member States, in October 2014 the European Council agreed a detailed plan with a 2030 time horizon which formed the basis for the Environment Council submission (to the UNFCCC Secretariat) in view of the Paris UN climate conference in 2015. Some features of the European Council’s plan found their way into the Commission’s subsequent formal legislative proposals that were required to implement the plan. Although the Commission usually guards its right of initiative jealously, it accepted the European Council’s proposal partly because it significantly increased the likelihood that the Council would accept its formal proposal (Wurzel et al. 2019: 253).

The empirical examples presented above confirm the observation of Hayes-Renshaw and Wallace (2006: 2) that ‘[o]ver the years the European Council ... has become more and more important, operating increasingly as the senior branch of the Council’ (see also Curtin 2009; Puetter 2014; Lewis 2022). Although such a role is not enshrined in the Treaties, it has nevertheless been accepted by the Council and the Commission as well as, although to a lesser degree, the EP. Because the Heads of State or Government wield considerable formal and informal powers on both the EU level and in their respective Member States, Buonanno and Nugent (2021: 47) have asked rhetorically: ‘If the European Council decides to initiate an action, who is to tell it is exceeding its powers or is acting unwisely?’. Having said this, the European Council’s interventions have mainly been aimed at the overall level of the EU’s greenhouse gas emissions reduction targets and the general burden-sharing criteria among Member States. It has been less interventionist with regard to energy efficiency and renewable energy targets, for example.

Shortly after the ambitious European Green Deal (EGD) had been proposed by the Commission, the core objective of climate neutrality by 2050 was endorsed by the European Council in December 2019. When the COVID-19 pandemic rapidly spread in Europe in 2020, many feared that it might derail the EGD, but such fears have not come true (Burns et al. 2020; Rosamond and Dupont 2021). A jumbo-package of legislative proposals encompassing various policy fields (industry, energy, buildings, transport, trade) was submitted by the Commission during 2021 in order to implement the EU’s enhanced 55 per cent (up from 40 per cent) emission reduction target for 2030 and to achieve carbon neutrality by 2050. With rising energy prices, debate has raged within (and outside) the European Council on whether the EU’s climate and energy policies exacerbate those problems and should therefore be downgraded or whether reforms should instead be accelerated in order to ease those problems in the future.

3. THE COUNCIL OF THE EUROPEAN UNION

Unlike the European Council, the Council – or Council of the European Union as it has formally been called since the 2009 Lisbon Treaty – has been a formal EU institution since the 1950s. It ‘was fathered by the 1951 Treaty of Rome and born of the 1957 Treaties of Rome’ (Hayes-Renshaw and Wallace, 2006: 1). Legally speaking, there is only one Council, although the ministers responsible for particular policy areas usually meet separately in functionally differentiated technical Council formations, such as the Environment Council.

The Environment Council, whose first meeting took place in 1973, deals with EU climate issues apart from renewable energy and energy efficiency which are usually dealt with by the Transport, Telecommunications and Energy Council. The Environment Council is still not considered to be as senior a formation as, for example, the Economic and Finance Affairs Council (Ecofin) or the Foreign Affairs Council (e.g. Lewis, 2022; Buonanno and Nugent, 2021) although the EGD is likely to raise its profile. While only one annual Environment Council meeting took place between 1973 and 1982, there were at least two annual meetings between 1982 and 1998. Since 1989, there have regularly been four formal Environment Council meetings per year, and even five in 2009, 2015 and 2016. Most Presidencies also organize one informal meeting of Environment Ministers.

The Council meetings, which are composed of the ministers, constitute only the tip of the iceberg of the Council machinery (Lewis, 2022: 158). They are prepared by the Committee of the Permanent Representatives of the Governments of the Member States to the EU (known as Coreper) and Council Working Groups. Coreper meetings are attended by high-level national officials (ambassadors and deputy ambassadors to the EU) from Member States' Permanent Representations in Brussels. Lewis (2022: 156) has pointed out '[i]n total, the Council system involves thousands of national officials meeting in dozens of working groups, Coreper, ministerial, and summitry settings each month to negotiate and decide on EU proposals'.

The Council Working Groups are attended by attachés from the Permanent Representations who are often assisted by government officials with special expertise. Since 1973, the Environment Working Group has held an average of three to four weekly meetings. Hayes-Renshaw and Wallace (2006: 53) have estimated that approximately 85 to 90 per cent of Council dossiers are agreed on in principle already at the Working Group or Coreper level as so-called A-points which are subsequently adopted by the ministers in the Council without further discussion (see also Lewis, 2013, 2022). However, according to Häge (2008) more than 40 per cent of dossiers are discussed by the Ministers. In any case, the Working Group 'is the workhorse of the Council' (Lewis, 2022: 165) which tries to achieve as much consensus as possible on dossiers which end up either as A-points or B-points (the latter of which have to be discussed) on the agenda for the Council meetings.

The Rotating Presidency

Until the 2009 Lisbon Treaty, the six-monthly rotating EU Presidency, which is taken in turns by Member States according to a pre-determined schedule, was responsible for chairing all meetings of both the European Council and the Council. Since 2009, the Presidency chairs only the Council, including its ministerial, Coreper and Working Group meetings, while the European Council is chaired by a permanent President. The rotating Council Presidency must fulfil the following, at times contradictory, main roles: (1) manager and administrator; (2) honest broker; (3) initiator; (4) point of contact (for other EU institutions and Member States); and (5) external representation (Wurzel, 1996, 2004; Hayes-Renshaw and Wallace, 2006; Lewis, 2022). While the Council Secretariat tends to emphasize the honest broker role, some of the large Member States especially (e.g. France and until Brexit the UK) have stressed the initiator role (Wurzel, 1996, 2004).

Prior to 2009, only incremental reforms occurred to the rotating Presidency. The most important reform was the introduction of the so-called trio Presidency with one large Member State forming part of a team of three Member States which adopt a programme at the begin-

ning of their Presidencies. As the Presidency (together with the Commission and the EEAS) formally represents the EU in international climate negotiations, it is seen as beneficial for the EU's interests that trio Presidencies can draw on the significant diplomatic resources of large Member States.

In the 1990s, different Presidencies tried to bring about the integration of environmental requirements into other policy sectors. The UK's 1992 EU Presidency launched the so-called Cardiff strategy at a European Council meeting in the Welsh capital, according to which all Council formations had to assess how environmental requirements were integrated in the dossiers they dealt with. Environmental policy integration therefore also became one of the rotating Presidency's main tasks (Wurzel, 2004). However, by the early 2010s the Cardiff strategy was 'as dead as a dodo' (Interview, UK official, 2012). With the ambitious EGD, linking climate change policies to major related goals such as the circular economy, sustainable agriculture and sustainable transport, policy integration has once again moved to the top of the EU political agenda (see Rietig and Dupont, Chapter 17 in this volume). It remains to be seen whether the Council and/or European Council (as well as the Commission) will be more successful in achieving climate policy integration compared to environmental policy integration. Climate mainstreaming is facilitated by the fact that the 2021–2027 multiannual financial framework (MFF) foresees a 30 per cent share (up from 20 per cent in the previous period) of the multi-year budget to be used in the various EU policy fields for climate purposes (see Rietig and Dupont, Chapter 17 in this volume).

Council Secretariat

The General Secretariat of the Council (hereafter Council Secretariat) is frequently overlooked in the literature although it is a central actor, ensuring the smooth organization of the Council meetings in Brussels, adherence to EU rules and procedures and acting as a confidential advisor for the rotating Presidency behind the scenes (Wallace, 2003; Hayes-Renshaw and Wallace, 2006; Lewis, 2022: 165–166). Due to various EU enlargements, staffing levels roughly doubled in the Council Secretariat, with a higher increase for translation service staff compared to policy-related officials. In late 2021, approximately 3,000 officials worked for the Council Secretariat. However, only about 300 of them held policy-related positions, approximately 200 were lawyer-linguists and about 800 translators. The remaining staff worked in human resources and other support jobs (Council Secretariat, written communication, 15.12.2021).

The Council Secretariat 'is the administrative backbone and institutional memory of the Council system' (Lewis, 2022: 166). It offers a degree of continuity which the six-monthly rotating Council Presidency cannot provide. While faced with 'increasing numbers of often very technical dossiers' the rotating Council Presidencies 'have come to rely more and more on the advice of a Secretariat with many years of accumulated experience in keeping dossiers moving and finding compromise solutions' (Hayes-Renshaw and Wallace, 2006: 117). The Council Secretariat is 'an important asset and ally of the presidency, providing logistical assistance, offering advice, and helping to find constructive solutions (the famous "presidency compromise")' (Lewis, 2022: 166). However, large Member States, which have greater administrative capacities and staff resources, tend to rely less on the Council Secretariat than small ones (Wurzel, 2004).

Two significant changes have occurred in the Council Secretariat since the mid-2000s. First, since 2009, the European Council has an elected President whose staff is recruited mainly from within the Council Secretariat or other EU institutions. Second, due to the increased political salience of climate change, the Council Secretariat created a separate climate unit within its Environment Directorate General (DG), which later also integrated *inter alia* the Energy and Transport DG.

The EU's Role in International Climate Negotiations

Dupont and Oberthür (2017: 68) have argued that '[i]n practical terms, the Council determines the international negotiation position of the EU with active participation and input from the Commission'. The Council's Working Party on International Environment Issues (WPIEI) has been of central importance for the preparation of international climate conferences where the EU is formally represented by the rotating Presidency. In 2004, a significant reorganization of the structure of the WPIEI was carried out under the Irish EU Presidency (Oberthür and Roche Kelly, 2008; Delreux and Van den Brande, 2013; Wurzel et al. 2019). It introduced so-called issue leaders and lead negotiators who usually stay in place for several years. The main aim of this reform was to achieve greater continuity (beyond the six-monthly Presidency) and access to specialized expertise and skills from Member States and the Commission (Dupont and Oberthür, 2017; Delreux and Van den Brande, 2013). This reform brought about an informal division of labour between the Presidency, Commission and Member States (Delreux and Van den Brande, 2013). Issue leaders and lead negotiators have been recruited from the Commission and Member States with France, Germany and, until Brexit, the UK constituting the most important recruiting grounds – although the Netherlands and more recently Sweden and Finland have also fielded lead negotiators (Bäckstrand and Elgström 2013; Dupont and Oberthür 2017). This fairly extensive informal structure has remained in place after the 2015 Paris UN climate conference.

The complex and somewhat fragmented nature of the EU's procedures and internal structures for coordinating its international position, with several governmental and supranational actors being obliged to reach consensus or at least a workable compromise before entering international negotiations, has sometimes led to suboptimal outcomes. A case in point is the 2009 Copenhagen UN climate conference (COP15) where the Presidency, the Commission and individual Member States continued their EU internal discussions until the final phases of the conference (e.g. Dupont and Oberthür, 2017). Following a more proactive internal coordination approach and greater outreach activities to build alliances with other like-minded environmental leader states and with Global South countries, the EU was considerably more successful in achieving its leadership ambitions during the negotiations of the Paris Agreement at COP21 in 2015 (Oberthür and Groen, 2018; Oberthür and Dupont, 2021).

In contrast to the 2009 Copenhagen UN climate conference, which saw the heavy involvement of the European Council, in particular since the Ecofin Council could not reach agreement on the financing aspects of climate change, the 2015 Paris UN climate conference and the 2021 Glasgow UN climate conference saw the European Council mainly endorsing the conclusions of the Environment Council and the Ecofin Council and issuing a high-level political message underlining the urgency of the matter and asking for swift progress.

As the international climate negotiations aimed at reaching a global (post-Kyoto Protocol) agreement started during the 2004 Buenos Aires UN climate conference and concluded with

the Paris Agreement in 2015, the EU and its Member States had sufficient time to iron out their differences. Initially those negotiations (including the 2009 Copenhagen UN climate conference) still saw some EU internal disagreements (e.g. on climate finance and forests). These disagreements were however significantly less marked during the 2015 Paris UN climate conference and had largely disappeared at the 2021 Glasgow UN climate conference. For the 2021 Glasgow conference, the only outstanding issue that needed to be discussed at the Environment Council level prior to the conference was the so-called common time frames, i.e. whether the mitigation ambition reviews under the Paris Agreement should take place every five or ten years.

The proposed EGD legislation has caused disputes not only among Member States but raised concerns also outside the EU. In particular, the planned Carbon Border Adjustment Mechanism (CBAM), which was intended to put a carbon levy on certain imports to ease the risk of carbon leakage, was likely to run into opposition from some of the EU's main trading partners in the same way as the attempted extension of the EU's emissions trading scheme (ETS) to flights from third countries to the EU and vice versa (see Vogler, Chapter 10 in this volume and Wettestad, Chapter 16 in this volume). The latter was fiercely resisted by the US and China in particular. They applied heavy pressure on large EU Member States, including Germany and France, who in turn pressed for the eventual climbdown by the Commission. Placating some of the EU's major trading partners if CBAM is adopted is likely to require considerable EU diplomatic efforts.

Delegated Legislation

The 2009 Lisbon Treaty paved the way for delegated legislation 'across the full spectrum of EU policy areas, without having to employ the current system of committees of national civil servants ... in order to fill in details of legislation' (Curtin, 2009: 3). Subsequent decisions can be vetoed by Member States only with a qualified majority in the Council (or by the majority of the members of the European Parliament). Delegated legislation has therefore been criticized in the literature for increasing the EU's democratic deficit (e.g. Curtin, 2009). The potential pitfalls of delegated legislation became clear in 2021–2022.

A seemingly technical issue which has raised controversy in the Council and widely beyond is the restriction on the number and types of activities that may be labelled as sustainable, under the so-called Taxonomy Climate Delegated Act.² In 2021, some Member States, including most prominently Finland and Sweden, raised serious objections to a tightening of the rules for using biomass from forests as a sustainable energy source as had been proposed by the Commission (*Euractiv*, 2021).

On 31 December 2021, the Commission published another 'taxonomy' proposal according to which nuclear power stations and gas power plants can (under certain circumstances) be labelled as 'green' for investment purposes (see Eckert, Chapter 6 in this volume). This caused an outcry in several Member States, especially Austria, Germany and Luxembourg, while the Spanish government also raised concerns. Germany's Vice-Chancellor and Economics Minister with responsibility of domestic climate change issues, Robert Habeck (Green Party), accused the Commission of 'greenwashing' (*Deutsche Welle*, 2022). Austria and Luxembourg even threatened to take legal action against the Commission's decision. The German government however did not support legal action because it considered the Commission to be formally on firm legal grounds with its proposal. The Commission had presented its proposal

as a delegated act under the taxonomy procedure, which can be vetoed by Member States only with a qualified majority in the Council (or by the majority of the members of the European Parliament). A qualified majority of Member States opposed to the Commission's proposal did not materialize because France, which relies heavily on nuclear power, was able to drum up sufficient support among the pro-nuclear Member States. Germany has been relying significantly on gas, especially from Russia, while it is phasing out nuclear power and coal at a time when it has embarked on an energy transition towards renewable energy. This helps to explain why Germany's opposition to labelling gas (under certain circumstances) as 'green' was less vociferous than its opposition to labelling nuclear energy as 'green'.

4. MEMBER STATES

The Council and European Council are the main negotiating forums for member governments to influence the EU's domestic and foreign climate policy. However, Member States also exploit numerous bilateral and multilateral meetings and contacts with other member governments. For example, France, Germany and Italy as well as the Commission are represented in the G7 which has increasingly focused on climate change issues. As Helen Wallace (2003: 338) has pointed out, the 'EU institutions ... do not monopolize the relationships between the governments of the EU member states'. However, this section will focus primarily on alliances between Member States within the European Council and/or Council, while noting that some of these alliances extend also to states outside the EU.

Since the origins of the EU in the 1950s, France and Germany have traditionally had close relations while acting as the engine of European integration (e.g. Hayes-Renshaw and Wallace, 2006). Annual bilateral Franco-German environment minister meetings, which also discuss climate change issues, have taken place since the 1980s. However, the influence of the Franco-German alliance has waned in a greatly enlarged EU made up of 27 Member States. Moreover, Franco-German relations have been less close on environmental issues due to national differences in policy preferences, instruments and regulatory philosophies (Wurzel, 2008). France has traditionally relied heavily on nuclear power which the French government has historically wanted to be recognized as a renewable source of energy (Bocquillon and Evrard, 2017). Such moves have long been strongly opposed by Germany which is due to phase out the use of its domestic nuclear power stations by the end of 2022 in favour of renewable energy such as wind energy and solar power (Jänicke, 2017). However, due to Russia's war on Ukraine and the subsequent energy crisis, the German Chancellor, Olaf Scholz (Social Democratic Party), imposed on his government coalition a compromise decision to extend the operation of three nuclear power stations to mid-April 2023 (*Financial Times*, 17 October 2022). The decision was adopted by the German parliament (*Bundestag*) following a vote on 10 November 2022 in which a majority of Members voted in favour. The decision was welcomed by the French government, although it would have preferred a significantly longer extension from Germany. The Commission's 'taxonomy' decision to label nuclear power as 'green' for investment purposes (see above) has shone a spotlight on Franco-German differences on this issue.

Over the years, a widely accepted informal convention has developed that permanent or quasi permanent alliances should not be formed within the European Council and the Council. One of the main reasons for this convention is that such alliances are seen as detrimental

to finding compromise solutions to controversial dossiers within the European Council and Council (Liefferink and Andersen, 1998; Hayes-Renshaw and Wallace, 2006; Lewis, 2022). Thus, the traditional ‘green trio’ made up of Denmark, Germany and the Netherlands, which was extended to a ‘green sextet’ in 1995 when Austria, Finland and Sweden joined the EU, has never constituted a permanent alliance of environmental leader states (Liefferink and Andersen, 1998; Wurzel, 2008). Instead, such alliances have had ‘to be formed on an issue-by-issue basis and remain[ed] liable to defection’ (Liefferink and Andersen, 1998: 262). This has however not prevented Finland and Sweden from continuing their close cooperation on climate change policy issues with other Nordic Council countries. Within the Nordic Council there is close cooperation on climate change issues between Denmark, Finland and Sweden, which are all EU Member States, and Iceland, Norway, the Faroe Islands, and Greenland, which do not belong to the EU. The Nordic Council countries all tend to promote relatively ambitious climate policy measures.

What has further complicated attempts to build ad hoc alliances between the traditional environmental leader states is the fact that some of them have at least temporarily downgraded their climate policy ambitions. This applied, for example, to Germany and especially the Netherlands during much of the 2010s (e.g. Liefferink et al. 2017). However, the so-called traffic light coalition government, which is made up of the Social Democratic Party, Green Party and the Free Democratic Party (Liberals), which came to power in Germany in December 2021, restored ambition to German climate policy. Although the coalition government which came to power in the Netherlands in January 2022 consisted of the same parties as the previous coalition government, it seriously raised its climate ambitions too. An important trigger for this development was provided by court cases lodged against the Dutch state by activist organization, Urgenda (e.g. Nollkaemper and Burgers, 2020; see Stoczkiewicz, Chapter 9 in this volume). Similarly, in Germany a decision by the constitutional court in 2021 forced the outgoing (grand coalition) government to adopt more ambitious climate policy measures.

The CEES and Visegrád Countries

Since the accession of the CEES in the 2000s, the East–West split between Member States on EU environmental policy in general and climate policy in particular has become more dominant than the traditional North–South split on these issues (Börzel, 2000). Braun (2014: 457) has argued that the EU has failed to diffuse norms such as ecological modernization to the CEES (see Fitch-Roy and Bailey, Chapter 12 in this volume). Particularly with regard to EU climate change policy the CEES, spurred on by Poland, have tried to form more durable alliances to oppose proposals which they regard as overly ambitious and damaging to their economies (Braun, 2014; Jankowska, 2017; Wurzel et al. 2019).

The CEES are characterized by lower GDP levels, often high coal dependency and strong reliance on gas especially from Russia which all constitute important explanatory factors for the often serious divide between the environmental leader states among the Western European Member State and especially the Visegrád group within the CEES (Braun, 2014; Jankowska, 2017; Wurzel et al. 2019). However, with Russia’s full-scale invasion of Ukraine in early 2022, pressure has increased significantly on the CEES and Germany in particular to find alternative energy sources.

The Visegrád countries – Czechia, Hungary, Poland, and Slovakia devised highly institutionalized co-ordination mechanisms to agree a common stance on EU environmental and

climate policy proposals (Wurzel et al. 2019). The Visegrád group's regular meetings, which are chaired by fixed-term presidencies among its members, seem to go against the convention (noted above) of *not* forming permanent coalitions. In contrast to the green trio/sextet, on climate policy the Visegrád countries primarily aim to stake out positions that are very far away from the middle ground and therefore do not contribute to ambitious compromises with other Member States.

Over time, the Visegrád group has tried to expand its reach to other countries (including Bulgaria and Romania) and invited the then newly acceded Croatia as an observer. This has had the effect of making the enlarged group less homogenous, while Poland's dominance within the group has increasingly been challenged by other Visegrád countries. Moreover, on energy issues the Visegrád countries frequently take different positions. Slovakia and Czechia both strongly favour nuclear power while highly coal-dependent Poland, which contrary to most other Member States has not yet fixed a legally binding phasing out date for coal, has been taken to the Court of Justice of the European Union (CJEU) by Czechia (which was joined by the Commission) over the coal mine in Turów near the Czech and German border (see Stoczkiewicz, Chapter 9 in this volume).

One of the Visegrád group's main aims has been to be allowed to progress more slowly towards full decarbonization than other Member States which ought to take on a bigger share in the EU's collective greenhouse gas emission reduction targets. With the targets and timetables enshrined in the EGD becoming more concrete, in particular through the 2021 Fit for 55 package (including policies with a 2030 time horizon to further reduce greenhouse gas emissions), increase of energy efficiency and shift to renewable energy sources, the East–West divide has become more marked.

Poland especially has not shied away from making its voice heard. For example, the Polish Prime Minister, Mateusz Morawiecki (Law and Justice Party – PiS), made a scathing attack on the proposed reform of the EU ETS, which, in his view, will lead to the 'economic destabilization' of the CEES, in an article in an influential German conservative broadsheet in late 2021 (FAZ, 2021). This position should also be seen in the context of the rule of law debate in Poland and Hungary, in particular the conditionality mechanism for the Next Generation EU recovery funds, which threatens to hold up disbursement on the basis of the alleged infringements of EU's fundamental principles in both countries.

Green Growth Group and Green Diplomacy Network

Some Member States reacted to the perceived lack of environmental ambition of the Visegrád group by forming the Green Growth Group (GGG) in the early 2010s. The GGG is a fairly large, loose alliance with a small secretariat (but without a presidency) which was initiated by the UK. Membership of the GGG has fluctuated between ten and 17 European states (some of which are not EU Member States), including Austria, Belgium, Germany, Denmark, Spain, Estonia, Finland, France, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Sweden, Slovakia, the UK and Norway (Wurzel et al. 2019). Its activities include annual ministerial meetings, stakeholder meetings and thematic workshops. For example, the GGG held a meeting a few days before the Environment Council meeting on 6 October 2021 which discussed, *inter alia*, the EU's position for the Glasgow UN climate conference in November 2021. The GGG's ministers hold informal meetings in the margins of the Environment

Council where, however, they do not speak and/or act on behalf of the group. While promoting more ambitious climate and energy targets the GGG has often tried to enlist the EP.

In 2003, the Green Diplomacy Network (GDN) was set up by Member States which are keen to integrate environmental objectives into the EU's foreign policy. Bi- and trilateral initiatives have also taken place among Member States which have made climate change an important priority of their domestic foreign policies. Moreover, the Foreign Ministries of France, Germany and the UK undertook coordinated outreach activities in the run-up to the 2015 UN Paris climate conference (Wurzel et al. 2019). These trilateral activities took place outside the GDN and in addition to EEAS's outreach activities on climate issues on which especially the small Member States with fewer diplomatic staff resources rely more heavily (see also Biedenkopf and Petri, 2021).

Brexit and the Threat of Dismantling EU Climate Policy Measures

The ambiguous role of the UK in EU environmental policy prior to Brexit merits brief mention. Although a relatively progressive climate actor, whose departure from the EU in 2021 has weakened the alliance of more ambitious Member States (Moore, Chapter 23 in this volume; Rayner and Jordan, 2017), the UK consistently vetoed on sovereignty grounds any attempts to adopt eco-taxes on the EU level. It seems unlikely, however, that the UK's departure will pave the way for the re-tabling of the Commission's 1992 proposal for an EU-wide carbon/energy tax. The adoption of EU tax measures requires unanimity and Member States such as Ireland and Spain (under Conservative governments) have voiced opposition.

Over the years there have been several attempts to 'roll back' and/or to dismantle EU environmental policy (e.g. Wurzel, 2002; Bauer et al. 2012; Burns and Tobin, 2016). The 2008 financial/Eurozone and the COVID-19 crises further pushed onto the defensive proponents of ambitious EU environmental policy (including climate) measures although, so far, they have not resulted in a scaling back of the EU's climate ambitions (e.g. Burns and Tobin, 2016; Burns et al. 2020; Rosamond and Dupont, 2021). In the 2010s, environmental EU laws were again in danger of being dismantled, this time motivated by administrative simplification, 'fitness checks' and cost-effectiveness considerations which reflect the preferences of industry more strongly than environmental concerns. EU climate policy has however remained relatively insulated from roll-back or policy-dismantling initiatives (Wurzel et al. 2017, 2019; Rosamond and Dupont, 2021). However, concerns particularly among the CEES about the potential negative impact of the EU's relatively ambitious climate policies on their national economies were reignited by a steep rise in gas and oil prices in 2021/22. Russia's invasion of Ukraine has exacerbated the issue of rising gas and oil prices. The Commission's 2020 review of Member States' National Energy and Climate Plans did prominently flag up the need for a 'just transition', which will require significant EU funding especially for coal-dependent Member States such as Poland, as a precondition for the EU's successful transition to climate neutrality by 2050 (European Commission, 2020; see also Bürgin, Chapter 2 in this volume; Leppänen and Liefferink, 2022).

5. CONCLUSION

The European Council and the Council each constitute at once supranational EU institutions in which Member States collectively take decisions in the interest of the EU *and* intergovernmental bargaining arenas for Member States which try to defend their national interests. While the Environment Council has dealt with climate issues since the 1980s, the European Council focused more regularly on climate policy issues only after they became politically salient ‘high politics’ issues. Since about 2007, the European Council has become more active in EU and international climate policy, with notable peaks of activity in 2007–2009 and 2014–2015, associated with the 2009 Copenhagen UN climate conference (COP15) and the 2015 Paris UN climate conference respectively as well as in the run-up to the 2021 Glasgow UN climate conference. Although the European Council is meant to define only the general political directions and priorities for the EU, in recent years it has issued sometimes fairly detailed instructions to the Council (and the Commission) to act on a particular climate policy issue.

The Environment Council focuses on EU climate dossiers while renewable energy and energy efficiency are usually dealt with by the Transport, Telecommunications and Energy Council. Council meetings constitute only the tip of the iceberg of the Council machinery. They are prepared by Coreper and Council Working Groups which try to achieve as much consensus as possible on dossiers before they are placed on the agenda of Council meetings. The Council’s Working Party on International Environment Issues has been of central importance for the preparation of international climate conferences where the EU is formally represented by the rotating Presidency. Since 2004, a semi-permanent structure with issue leaders and lead negotiators has been in place and has led to an informal division of labour between the Presidency, Commission and Member States. The Council’s internal structures and administrative capacities to deal with EU and international climate issues have changed considerably over the years. This seems to confirm Helen Wallace’s (2003) assessment that the Council is an ‘institutional chameleon’.

Over time there have also been significant changes in the relationships between Member States on EU climate issues, with different alliances emerging inside and outside the European Council and Council. Member States have frequently disagreed about the level of ambition for EU climate policies. The widely accepted informal convention that permanent or quasi permanent alliances between groups of Member States should not be formed within the European Council and/or the Council was repeatedly challenged by the Visegrád countries during the 2010s. This challenge, in conjunction with the decline of the relevance of the green trio/sextet of countries, triggered the setting up of the Green Growth Group, both of which have, however, purposefully remained ad hoc alliances.

NOTES

1. The views expressed by Maurizio Di Lullo are his own and in no way reflect the views of the Council or the European Council.
2. Under the terms of Regulation (EU) 2020/852 ‘on the establishment of a framework to facilitate sustainable investment’.

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