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Selianko, Iulii and Andrea Lenschow (2015): 'Energy policy coherence from an intra-institutional perspective: Energy security and environmental policy coordination within the European Commission', in: Christine Neuhold and Sophie Vanhoonacker (eds): 'Dynamics of institutional cooperation in the European Union: Dimensions and effects' *European Integration online Papers (EIoP)*, Special issue 1, Vol. 19, Article 2, <http://eiop.or.at/eiop/texte/2015-002a.htm>, pp. 1-29.

DOI: 10.1695/2015002

Energy policy coherence from an intra-institutional perspective: Energy security and environmental policy coordination within the European Commission

Iulii Selianko

University of Osnabrück, Faculty of Social Sciences,
Department of European Integration

Andrea Lenschow

University of Osnabrück, Faculty of Social Sciences,
Department of European Integration

Abstract: Utilising the theoretical framework of discursive institutionalism, this article investigates the problem of policy incoherence. We suggest focusing on the micro-level of policy-shaping processes through the lenses of discursive institutionalism as it is the most suitable approach to study the combination of institutional factors and actor-interaction.

Empirically we focus on the field of energy policy, where despite the introduction of specific coordinative mechanisms, high levels of policy incoherence prevail. We further zoom in at the preparatory stage of policy-making, where policy coherence can be assumed to be highest, in the intra-institutional politics in the Commission. In this setting we study the implications of intra-institutional coordinative discourse and ask under what conditions it affects policy coherence. In this quest, the process of energy policy-making inside the European Commission is further exemplified by a detailed case study about the Energy Efficiency Directive. Evidence suggests

that even in an institutional context that is formally favourable to policy coordination, policy coherence may fail in highly politicized contexts and within an unproductive mode of coordinative discourse that undermines the moderation of sharply differing ideas between DGs.

Keywords: European Commission; energy policy; environmental policy; institutions; legislative procedure; neo-institutionalism; policy coordination; discourse; political science.

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Introduction

The key focus of this exploratory study is on intra-institutional coordination in the European Commission and its contribution to achieving policy coherence. Despite often being scorned for internal fragmentation and lack of coordination, over the years the Commission has developed a wide range of internal procedures to align its policy proposals and thus contribute to greater EU policy coherence (Jordan and Schout 2006). Our contribution, however, will point to the limitations of the existing mechanisms and show that incoherent policy dossiers continue to be generated inside the Commission. We ask why and under what conditions this is the case.

Theoretically, we build on the framework of discursive institutionalism (DI) as this framework provides a bridge between the institutional context and the interactive processes of policy

argumentation (Schmidt 2010). Though eclectic in its behavioural assumptions, the framework's focus on discourse and argumentation allows us to grasp the process of modelling a joint position from (potentially) diverging positions inside the Commission. Our interest is not in the existence of such a proposal per se, which could be analysed through a rationalist institutional framework, but in the "quality" of the proposal, which requires an analysis of the (degree of) merging of ideas and understandings. In tracing the nature of the "coordinative discourse", we will elaborate on the process of constructing a coherent understanding of policy problems and solutions or failings to do so.

Empirically, our study focuses on the field of energy policy. From its early inception, the regulatory activity in the energy policy area was accompanied by intense coordinative discourse, unfolding inside the European institutions. The need for coordination was driven by the horizontal nature of the policy and divided policy competencies. Arguably, rising awareness of both energy insecurity and the environmental and climate implications of energy use has put new pressure on the EU to develop an effective energy policy while at the same time creating new challenges for maintaining policy coherence (cf. Neuhold and Vanhoonacker 2015, *this special issue*).

Initial reactions to this multiple challenge merged in the formulation of general strategic visions. As early as 1995, the European Commission introduced a heuristic model of a policy triangle balancing three policy objectives: economic competitiveness, environmental sustainability and security of supply. These objectives were set out in successive Commission White and Green Papers, Strategic Energy Reviews and eventually codified in the Treaty of Lisbon¹ (European Commission 1995, 2000, 2005, 2006, 2010). Most recently, the objectives were repeated in the Energy Strategy 2020, the Energy Roadmap 2050 and the Communication on the external dimension of energy policy (European Commission 2010, 2011d).

At the level of single energy policy instruments, however, the EU policy remains fragmented. The newly adopted Energy Efficiency Directive (EED)² is a case in point. The EED was adopted in 2012 to implement the so-called Climate and Energy Package of 2009. The Package had set the three targets of reducing CO₂ emissions by 20%, increasing the share of renewable energy by 20% and increasing energy efficiency by 20% by 2020 and had been praised as a "decisive breakthrough" in linking climate and energy policies (Council of the EU 2009: 1) and thus achieving policy coherence. Nevertheless, as we will show, at the level of the individual legislative proposals, the Package put a strain on intra-institutional coordination inside the Commission and actually risked policy incoherence due to the variety of competing and sometimes contradictory policy ideas aired among the participating DGs.

¹ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community (2007), OJ C 306, 17.12.2007.

² Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC, OJ L 315/1–56, 14.11.2012.

Based on the case study of the EED proposal, this paper analyses how ideational heterogeneity is dealt with inside the European Commission and how this affects policy coherence. Following the discursive institutionalism (DI) framework, we look at the institutional and procedural level as well as at coordinative discourse. Thus, we hope to be able to answer the puzzle why, despite the available coordination mechanisms in the institutional set-up and rules of procedure inside the Commission (Jordan and Schout 2006), incoherent energy policy proposals continue to be generated inside the Commission.

We ask: *To what extent and under what conditions does coordinative discourse affect policy coherence within the Commission?*

With this question in mind, the paper proceeds as follows. The first part introduces the variety of studies on policy coherence and places the present contribution into the research domain concerned with intra-institutional coordination within the European Commission. The second section introduces our analytical framework. The third part presents the case study of the 2012 Energy Efficiency Directive. The paper proceeds by discussing a range of explanatory variables looking first at policy frames employed by the policy actors, second at the institutional context and third, and most importantly, modes of coordinative discourse. The final part of the paper presents the results of the case study and discusses implications for further research.

1. State of the Art of the Literature

Research about “policy coherence” is blossoming since a number of years (Ashoff 2005; Bigsten 2007; Carbone 2009; Christiansen 2001; Cremona 2008; Gebhard 2011; Krenzler and Schneider 1997; Missiroli 2001; Nuttall 2005; Portela and Raube 2008; see also Baltag and Smith 2015 as well as Marangoni and Vanhoonacker 2015, *this special issue*). A review of the literature reveals, however, that no conceptual clarity has been accomplished so far. The concept of policy coherence was found to be related to such concepts as: policy integration (Jordan and Lenschow 2010; Jordan 2012; Lafferty and Hovden 2003; Meijers and Stead 2004; Solorio 2011), policy interaction (Boonekamp 2006; Braathen 2011; Lakshmanan and Nijkamp 1980; Oikonomou, Flamos and Grafakos 2010; Sorrell et al. 2003) and policy consistency (Krenzler and Schneider 1997). These concepts are widely dispersed in the literature on policy analysis, institutional analysis, intergovernmental management, policy networks (Agranoff 2007) and research on governance (Levi-Faur 2012).

With regard to the European Union, the ability of the European Commission to produce policy coherence has attracted academic attention, both with respect to contributing to EU policy coherence as a party in inter-organisational coordination and from the perspective of internal organisational structures and institutional dynamics.

This paper aims to contribute to the latter question of policy coherence from the intra-institutional perspective (Christiansen 2001; Cram 1994; Metcalfe 2000; Wonka 2008). Studies in this area focus on the political level of the College of Commissioners (Egeberg 2006) and their cabinets

(Donnelly and Ritchie 1997; Egeberg 2006; Egeberg and Heskestad 2010; Spence 2006), as well as on the administrative level (Christiansen 1997; Kassim 2006) especially in the Directorates General (DG). Others have studied the impact of organizational changes in the Commission on the EU policy-making (Bauer 2008; Falkner 2011; Hartlapp 2011). While most of these studies provide structure-based explanations highlighting the role of organisational and procedural aspects, we adopt an agency-based perspective to focus on the coordinative discourse. Without denying a potentially significant role of organisational structures and instruments, we believe that focusing on the language used in internal coordination allows us to trace the construction of policy from the micro-level of actor-interaction without neglecting the role of other relevant factors.

2. Analytical framework

In this section we will elaborate both on the independent and the dependent variables of our analysis. As a first step we introduce the three main explanatory factors for policy coherence, which we derive from the framework of discursive institutionalism. Successively we will elaborate on the concept of policy coherence itself and attempt an operationalization of the term.

2.1. Explanatory model of discursive institutionalism: Ideas, institutions and discourses

Discursive institutionalism focuses on the content of ideas and argumentation in institutional contexts. With regard to policy coordination, discursive institutionalism especially highlights the importance of language in the construction of the policy problem and the articulation of values and policy alternatives. Apart from this discursive dimension, discursive institutionalism also attributes an explanatory role to ideational and institutional conditions (Schmidt 2008).

In order to generate our working hypotheses we build on the scholarly debate on the three above-mentioned conditions. First, in considering the link between ideas and policy coherence we observe two lines of reasoning about relations between ideational conditions and policy coherence. From a Rational Choice (RC) perspective, policy coherence is undermined by the conflict of interests emerging from transnational party preferences, national origin and government positions, the Commissioners' sectoral interests or a mix of factors (Egeberg 2006; Hartlapp 2011; Thomson 2008). Discursive institutionalism, in turn, holds that interests are not pre-determined, but consist of ideas that may be reconstructed. In policy-making the consequences of decisions are hard to determine and policy-makers cannot look out for their "interests" and choose accordingly, as these interests are hard to define with certainty. Instead, they formulate interests through their ideational vision of the situation.³ Ideas of policy-makers

³ In the related literature on environmental policy integration we see an equally rising attention to idea-based explanations. See Nilsson and Eckerberg (2007) as a representative study.

may be distinguished in cognitive ideas – beliefs about the origins and significance of policy problem, the costs and effects of available solutions – and normative ideas – considerations on a legitimate way of decision-making or other values that need to be protected. Both types of ideas of policymakers are also discussed in the literature on policy frames (Daviter 2007; Hajer 1997; Jachtenfuchs 1996; Jordan et al. 2003; Lenschow and Zito 1998; Rein and Schön 1993).

From an explanatory point of view, the identification of diverging ideas or policy frames among policy actors leads us to similar expectations as the identification of conflicting interests, namely the controversies that impair institutional cooperation, undermine comprehensive problem solutions, and inhibit policy coherence accordingly. Yet, from a practical research point of view it is easier to identify (diverging) ideas in available policy narratives (texts and verbal statements) than to identify policy interests of policy actors “behind” such narratives or actors’ behaviour.

This leads us to the following hypothesis:

Coherent policy is more likely when policymakers share normative and cognitive ideas (H1). Some empirical evidence for this hypothesis can be found in the literature on environmental policy integration (Jordan and Lenschow 2010; Lafferty and Hovden 2003; Lenschow 1997, 2002; Nilsson and Eckerberg 2007).

Second, we consider institutional conditions and their link with policy coherence. Again, we can distinguish between a RC and a DI line of reasoning. From the RC perspective, institutional rules can undermine policy coherence when rational policymakers try to maximise the benefits that they get from policy specialisation. When policymakers vigorously protect their policy jurisdictions they may misuse coordinative mechanisms (Jordan and Schout 2006) or abuse procedural advantages (Hartlapp, Metz and Rauh 2013), leading to the incoherence of horizontal policies.

Discursive institutionalism, by contrast, follows the constructivist position arguing that the institutional factor necessary for policy coherence is equality – the unobstructed input of arguments into the policy deliberation, that facilitates “ideal speech situation” (Habermas 1996: 323). Policy incoherence is expected when the institutional framework is highly politicized, biases the policy discourse in the direction of certain policy frames and constrains decision-makers’ reflections with an emphasis on fast problem-solving (Checkel 2005). While we look out for policy actors “using” the institutional framework in their favour, we will focus on the latter perspective as this is complementary with our overall assumption that (institutional) opportunities for a coordinative discourse help achieving consistency.

We hypothesize: *Coherent policy is more likely when institutional norms and procedures establish equality among actors and when deliberation takes place in a non-politicized environment (H2).*

Third, as already mentioned, discursive institutionalism places confidence in the explanatory value of coordinative discourse – a process where policymakers deliberate ideas in backroom negotiations or move debates to the bureaucratic level. Discourses are argued to have a varying influence on policy coherence depending on the mode of argumentation. The “soft mode” refers

to the argumentation, which entails the mutual adjustment of preferences. Employing this mode of discourse, policymakers restrain from threats and aim to integrate policy views in a coherent manner. The “hard mode” refers to bargaining strategies relying primarily on trade-offs and devaluing any change of initial preference. Using the hard modes of discourse policymakers rely on unconditional language and do not attempt to reconcile diverging positions (Baumgartner and Jones 2010; Lynggaard 2007; McKibben 2010; Schattschneider 1957; Susskind 2008).

This leads us to the third hypothesis: *Coherent policy is less likely when policymakers use hard modes of interaction and bargain merely in a tit-for-tat manner (H3).*

After deriving hypotheses on the conditions for achieving policy coherence from the DI framework, we now break the concept of policy coherence into measurable variables.

2.2. Policy coherence as dependent variable

Following Underdal (1980: 162) we approach policy coherence as the process and outcome of policy-making, which meets three qualities: comprehensiveness, aggregation and consistency. This definition provides an opportunity to analyse three subsequent policy-making stages: comprehensiveness at the input stage; aggregation at the processing stage; consistency at the output stage.⁴ Note, that we focus our analysis on the Commission; therefore, these stages are considered as steps in the policy preparation phase taking place in the Commission resulting in a policy proposal presented to the Council and the Parliament.

Comprehensiveness refers to the policy problem definition. The definition of a “policy problem” is essential because it shapes the decision premises before analysing consequences and policy alternatives (Hajer 1997: 344). The problem definition is believed to be a “meta-decision” or “decision about decision”. Hence, the analysis of comprehensiveness focuses on the scope of the policy problem revealed in the cognitive and normative ideas voiced by policy actors.

Aggregation refers to the redefinition and alignment of initial policy objectives in light of new evidence and contrasting arguments. This view rests on a constructivist perspective which rejects a static conception of a policy position and assumes the possibility of preferences redefinition and alignment by means of argumentative policy-making (Eberlein and Radaelli 2010). Empirically, we analyse if and how policymakers change their framing of the policy problem over time.

We consider policy instruments *consistent* when they are complementary in supporting the realisation of the range of policy objectives introduced by policymakers. With regard to measures introduced as part of the Climate and Energy Package therefore, consistency requires respect for the combined “20-20-20” goals and, even further, may be measured against acknowledging additional environmental and economic impacts emphasized by policymakers. The evaluation of consistency is based on an analysis of the proposed policy design.

⁴ Policy output refers to the decisions that aim to deliver a policy outcome.

2.3. Methodology

In our exploratory research we relied on a qualitative case-study analysis and used a combination of methods including process tracing and discourse analysis. We used process tracing as a method that allowed identifying a chain of events and organising the data collected in a systematic way. Process tracing helped to identify the institutional and political context where discursive interactions took place as well as to detect narratives. These were analysed at a later stage by way of using the method of discourse analysis and focusing on policy frames (Rein and Schön 1996; Fischer 2003).

Frame analysis was used to uncover how the policy problems were defined in written texts and how policy solutions were communicated between the institutional actors (discursive modes). Overall, 30 official documents were analysed. The documents which were included in this discourse analysis consisted of the legislative proposals, staff working papers, explanatory memoranda, which accompanied the proposals as well as earlier communications.⁵ The case of the Energy Efficiency Directive was chosen because it is a vivid example of policy horizontality, falling under the competences of more than one Commissioner, as will be explained below.

With regard to discourse analysis, scholars often discount the micro-level of actor-interaction because it is difficult to get a hold of the intra-institutional discourses and generate a set of solid evidence. Nevertheless, we attempted to increase the reliability and validity of the study by additionally analysing minutes of the meetings, conducting five semi-structured, in-depth interviews with the Directorates General (DG) officials and members of the cabinet of the Commissioner as well as two exploratory interviews with administrators of the European Parliament who worked on the same dossier.

3. The case of the 2012 Energy Efficiency Directive

On 22 June 2011, the College of Commissioners adopted the proposal for an Energy Efficiency Directive (European Commission 2011a). Before its adoption, the early version of the proposal went through the long process of internal coordination. The first draft originated in DG Energy, attracted major amendments from the DG Climate Action (DG Clima), and was completed with a deal at the level of the cabinets of Commissioners Oettinger (Energy) and Hedegaard (Climate Action).

⁵ The analysed documents (1240 pages in total) included: Communication on “A Roadmap for moving to a competitive low carbon economy in 2050” (COM(2011) 112), Staff working documents: SEC(2011) 287, SEC(2011) 288, SEC(2011) 289); Explanatory Memorandum of the Proposal for a Directive on energy efficiency (COM(2011) 370), Staff Working Papers accompanying the EED: SEC(2011) 780 SEC(2011) 779; as well as in Communication Energy Efficiency Plan 2011 (COM (2011) 109) and Staff Working Documents: SEC (2011) 275, SEC (2011) 276, SEC (2011) 277, SEC (2011) 278, SEC (2011) 279, SEC (2011) 280.

The proposal primarily aimed at contributing to the 20% energy efficiency objective by 2020. In advancing a mix of measures for the member states in the area of the energy efficiency, the proposal overlapped with the EU Energy Trading System (ETS), which also provides incentives to reduce energy consumption. It therefore posed a challenge for horizontal policy coherence. The case study proceeds as follows: we first present our assessment of policy coherence (outcome) and then explore what has caused such outcome (explanatory conditions).

3.1. Evaluation of policy coherence

Before proceeding to our findings, we explain how the proposal for the EED scored negatively against all three criteria of policy coherence: the problem definition proved far from comprehensive; policy priorities were narrowly aggregated; and consistency suffered from a notable lack of complementarity with the ETS directive.⁶

3.1.1. Comprehensiveness

The proposal of the EED narrowly focused on the problem of energy security (European Commission, 2011b:12) and failed to incorporate two problem dimensions aired by policy actors outside DG Energy. First, the initial proposal as well as the accompanying impact assessment disregarded the external climate and environmental dimensions of energy efficiency, i.e. “carbon leakage” and the displacement of pollution into other policy sectors or across EU borders. These dimensions had been emphasized by Commissioner Hedegaard and DG Climate Action (Harvey 2011). Second, the EED draft omitted to explicitly establish the link to the 2050 objective for limiting the effects of climate change, again a perspective offered by DG Climate Action to the debate (Interviews 2, 5).

3.1.2. Aggregation

There were no instances of realignment of policy priorities in the process of elaborating the initial draft prepared by DG Energy in light of the amendments offered by DG Climate. Furthermore, the opportunities for reconciling policy priorities were disregarded. The combined effects of the proposed obligations (energy efficiency scheme and district energy efficiency installations) and the existing ETS measures were not evaluated. An all-encompassing evaluation of policy alternatives was not carried out either. The impact assessment, which was carried out by DG

⁶ Directive 2009/28/EC of the European Parliament and of the Council 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, OJ L 140/16-62, 5.6.2009.

Energy, disregarded the effects of the Energy Efficiency Directive on the carbon price as well as effects on sectors already covered by the ETS. Furthermore, the assessment failed to include assumptions from the Resource Efficiency Flagship Initiative, the Climate 2050 Communication, and the Energy Decarbonisation Roadmap.

3.1.3. Consistency

In assessing the level of consistency we need to limit our analysis as some more detail is required according to the criteria stipulated above. Given the relevance of the ETS in the overall Climate and Energy Package, we chose to investigate the level of consistency of the Energy Efficiency Directive proposal and the ETS in meeting economic efficiency and environmental goals.

First, let us consider economic efficiency. Arguably, the EED is undermining the economic efficiency of the ETS without compensating for the loss. At first sight, the EED appears to reduce the costs of compliance with the ETS as energy efficiency brings down the price of emission allowances, lowering the costs for sectors covered by the ETS. Indeed, immediately after the European Commission proposed the EED on the 22nd of June 2011, the price for emission allowances dropped by 20% (Sartor 2012). However, at closer examination it becomes obvious that the overall costs of reaching the emissions objective will increase. First, the cost of achieving the emission “cap” now amounts to the sum of the ETS and the EED compliance costs. Experience of certain states, where similar policy instruments already co-exist, shows the this sum is higher than that of a single ETS (Harrison et al. 2005) and, in the long-run, the ETS-EED overlap will raise additional administrative costs to manage “joint” policy implementation. Indeed, the June 2011 drop of the emission prices did not reflect the effectiveness of the new legislation, but rather the market perception of the proposed intervention (Interview 2, 3).

Second, the EED-ETS overlap is economically inefficient because it prolongs the transformation period towards the low-carbon economy.⁷ The EED is demanding new investments in energy saving technologies without providing the means. The directive asks member state to “facilitate the multiple streams of financing” (Article 20), but de facto these investments remain linked to the ETS revenues, which pushed downwards by the EED (see above). Thus, the EED-ETS overlap creates a vicious circle where the increased use of command-and-control instruments (in the form of the EED) lowers the carbon price and this, ultimately, raises the requirement for new regulatory measures.

To avoid the negative effect of the overlap, the EED would have to incorporate certain adjustments to tighten the ETS cap. However, the DG Energy rejected the amendment proposed by the DG Climate suggesting to set aside 1,400 MtCO₂ (Interview 1, 2, 3). Instead of making adjustments, a vague note was added to the Article 19.5 of the EED proposal (European

⁷ A lock-in effect appears due to the lack of economic motivations to invest in energy efficient technologies.

Commission 2011a: 31), promising that the DG Energy would monitor the impacts on the ETS Directive, the Renewables Directive and the Directive on the Energy Performance of Buildings.⁸

In addition to harming economic efficiency and contrary to political rhetoric, the EED-ETS combination produces little added value in terms of emission reductions. DG Energy estimated that the EED might reduce emissions by 450 MtCO₂ due to a significant drop in energy demand. However, such estimation was over-optimistic, because the proposal did not guard against a risk of rebound effects,⁹ targeted the same groups exposed to the ETS and allowed for opt-outs. First, rebound effects are expected especially in the area of the so-called cogeneration systems.¹⁰ The EED obliges member states to develop cogeneration plans (Article 10 EED). However, because cogeneration installations produce less electricity, the other installations may want to compensate this gap by producing power via carbon-intensive methods. Such outcome can offset up to 50% of the projected emission reduction. Second, the EED stops short of providing reductions in addition to the ETS, because it targets the same sectoral groups (Article 10.3 EED), namely large electricity generation and industrial installations. By omitting small business and households, the EED cannot tap large additional emission reductions.¹¹ Third, while the EED obliged the member states to set up “energy efficiency schemes” with annual savings equal to 1.5% of energy sales (Article 6 EED), the same article allowed member states to report already existing energy efficiency measures instead of new measures.¹² Thus, for example, the actual target for the UK amounts to around 0,5% instead of 1,5%. Once more, DG Energy did not assess how these opt-outs would affect the level of the CO₂ emissions.

Considering these negative impacts of the EED on the effectiveness of the ETS and the failure to compensate through additional emission reductions in sectors not covered by the ETS, the two directives must be considered non-complementary. Instead, this proposal outcome reveals a conflict between DG Energy and DG Climate with their contrasting policy beliefs as will be shown below.

⁸ Directive 2009/28/EC of the European Parliament and of the Council 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, OJ L140/16-62, 5.6.2009; Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community, OJ L140/63-89, 5.6.2009; Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings, OJ L 153/13-35, 18.6.2010 accordingly.

⁹ The rebound effect refers to the systemic responses to the introduction of energy efficiency measures leading to higher consumption patterns offsetting the beneficial effects of the newly introduced measures.

¹⁰ Energy co-generation is the type of energy efficiency measures to increase energy recovery from generation (the recapture of heat). For example, the heat-and-power equipment and district heating-and-cooling installations are the cogeneration systems.

¹¹ EED and ETS target industrial installations with a heat input above 20 MW.

¹² Member states such as the UK, France, Italy, Denmark and Belgium already have the Tradable White Certificates schemes on the national level and can report saving reached four years before and three years after the year of 2014. Furthermore, the companies in these countries can meet the ETS obligations by selling white certificates obtained via the energy efficiency schemes (double counting).

3.2. Explanatory conditions

We now turn to the dynamics of the intra-institutional coordination between DG Energy and DG Climate and assess the explanatory contribution of discursive institutionalism. The analysis focuses on the three explanatory conditions as reflected in the hypotheses and starts with assessing the underlying ideas of the involved institutional actors, before presenting the institutional context conditions and depicting the modes of coordinative discourse. We no longer systematically distinguish the three features of policy coherence – comprehensiveness, aggregation and consistency – as they follow the same explanatory patterns. They gain different relevance in the analysis of the policy process from problem definition (comprehensiveness), policy formulation (aggregation) and policy design (consistency).

3.2.1. Normative and cognitive ideas

The early version of the EED legislative proposal went through a series of amendments during its preparatory process. The first draft originated in DG Energy and was substantially amended by DG Climate. We will show that problems of reaching policy coherence in the final proposal are rooted in two contradictory policy frames embedded within the DG Energy and DG Climate, respectively.

Energy security frame versus climate mitigation frame

In order to reveal perceptions and ideas behind different policy proposals, a number of documents were examined with the help of policy frame analysis (see above for the methodology). The analysis brought two distinct perspectives to the fore. The first constellation of normative and cognitive ideas adopted by the lead DG Energy constitutes the Energy Security Frame (ESF). A parallel set of ideas was exhibited by DG Climate and termed Climate Mitigation Frame (CMF). ESF and CMF were fundamentally different regarding problem definitions and corresponding solutions. Apart from differences with regard to the priority goals, the frames differed in their comprehensiveness. While the CMF encompassed a relatively comprehensive problem definition, the ESF included a more restricted perspective as we explain below (see Table 1).

Table 1: Ideal-type policy frames

	<i>Energy Security Frame</i>	<i>Climate Mitigation Frame</i>
Problem definition	<ul style="list-style-type: none"> - prioritised values of economic growth and energy security - international competitiveness and independence from energy imports - focus on intra-EU implications 	<ul style="list-style-type: none"> - prioritised values of decarbonisation and environmental security - low-carbon economy and green growth in the long term - focus includes external environmental implications
Preferred solution	<ul style="list-style-type: none"> - regulatory framework - opposition to carbon-pricing instruments 	<ul style="list-style-type: none"> - market-based instruments - opposition to double coverage of sectors by market-based and regulatory instruments

Source: authors' compilation

Problem definition and value prioritization

The problem definition in the EED proposal mirrored the normative and cognitive ideas encompassed in the ESF. Energy Commissioner, Günther Oettinger and DG Energy, especially prioritized the values of competitiveness and economic growth. On various occasions which preceded the proposal, Commissioner Oettinger stressed the urgency of economic growth (Oettinger 2010: 8), while DG Energy emphasized that the EU economic growth was “seriously endangered” by high energy dependence and insecure energy supply (European Commission 2011b: 1). Thus, parallel to the value of economic growth, the ESF placed a strong emphasis on the value of energy security. In the ESF’s storyline the energy dependency and inefficient energy use made the EU economy less competitive in the global economic arena. Consequently, if the energy efficiency measures were not in place the EU's economy risked losing untapped economic revenue worth € 190 billion in energy import savings annually. Further costs would materialize in the form of continuous energy supply risks, higher energy bills, greater unemployment and fewer business opportunities.¹³

DG Climate in turn, held a diverging set of background ideas, running along the lines of the CMF. The CMF recognizes the problem of meeting the energy efficiency objective in a more comprehensive way. This policy frame highlights the goal of decarbonisation, integrating it with energy security and economic competitiveness. The emphasis is placed on “sustainable growth” (European Commission 2011g: 3), competitive low carbon economy which reduces the threat of

¹³ Staff Working Document on Energy Efficiency Plan (SEC(2011) 277) made a cross-reference to the assumptions in COM(2006) 545 where the savings have been estimated in 368 Mtn in 2020; at 88\$/oil barrel in 2008 this equalled € 190 billion.

climate change, and the risk of oil crises (European Commission 2011g: 14). In addition, the CMF encompasses the external dimension in the problem definition, including the problem of carbon leakage. DG Climate regularly pointed to the inconsistency of the external dimension of climate mitigation (European Commission 2010a). The concern referred to the fact that industries move their production to non-EU countries and increase electricity imports from countries with CO₂-intensive technologies. These risks of increased carbon leakage on the electricity sector were not evaluated in the EED's impact assessment, led by DG Energy.

Furthermore, CMF embraces a broader time-perspective on the policy problem. Energy efficiency measures are viewed in this frame as a complementary and integrated tool necessary to meet the climate objectives beyond 2020 (reducing GHG emissions by 80-95% compared with 1990 by 2050). In order to reach an 80% domestic reduction in 2050 in a cost-efficient way, DG Climate believed energy efficiency regulation should complement the ETS instrument. Thus, the DG Climate advocated adjustments to the EED in order to guarantee that carbon prices will increase gradually to reach €100 per ton of CO₂ by 2050 (European Commission 2011p: 6).

As we outlined above, DG Energy finally omitted the projections concerning the 2050 climate objective and dismissed any adjustments suggested by DG Climate in the text of the EED proposal as the stories told were perceived incompatible. We still need to find out, why no attempts were made to overcome this gap (see section 3.2.2.).

Policy solutions

Not only the problem definition and priority objectives, but also the policy instruments proposed reflect the distinctiveness of the two policy frames encountered inside the Commission. Along the lines of the ESF, Commissioner Oettinger and DG Energy placed confidence in top-down regulatory instruments.¹⁴ The ESF implies scepticism towards market-based solutions such as carbon pricing and their effectiveness with regard to the energy efficiency objective. DG Energy pointed to “insufficient price signals” (European Commission 2011r and European Commission 2011j: 46) as the main barrier to the achievement of energy savings. The energy efficiency market was claimed to develop too slowly to secure the energy savings potential. Market-based instruments were associated with price volatility of the emission allowances, harmful subsidies and regulated prices and therefore considered ineffective in the long term. Especially with respect to reaping the potentials of the cogeneration by the heat and power (CHP) sector, the ETS was claimed to be inadequate to overcome market barriers and “provide strong market signals for an increased penetration of CHP” (European Commission 2011j: 52). The ETS was even blamed to create harmful obstacles for the co-generation industry.

¹⁴ While it is not unlikely, it cannot be determined in this analysis to what extent the preference of policy instruments inside the Öttinger DG is attributable to a German policy style.

The ESF preference for regulatory policy instruments centred on judgements about the “cost-effectiveness” of alternative policy measures. The principle of cost-effectiveness was linked exclusively to investments and their pay-back time and policy instruments were “ranked” according to their potential to achieve energy savings that guarantee the return of investments in a shortest possible period (within the lifetime of the saving technology or even sooner). In other words, only the measures with a positive net value were considered acceptable. The cost-effectiveness was contrasted to the “technical potential” of alternative solutions (best available technology to save energy regardless of costs). These ideas found their roots in the earlier studies prepared by DG Energy.

DG Climate, in turn, presented alternative ideas clustered within the CMF. Cognitive ideas within the CMF rested on the grounds of conventional environmental economic theory. This theory holds that economic incentives (i.e. carbon price) are more cost-effective solutions to encourage energy producers and consumers to reduce CO₂ emissions compared to regulatory policy. It is argued that through clear price signals all of the problems associated with energy efficiency (including economic externalities) can be easily tackled. The CMF maintains that, in areas already covered by the carbon price, other policies are pointless and must be eliminated for the sake of effective climate change mitigation. The danger of market failures can be overcome as long as the carbon price is high enough: “There simply must be a price that is able to fix the market malfunction. There is no need for additional regulation” (Interview 1).

The two alternative frames propagated by DG Energy and DG Climate clearly clash with regard to suitable policy instruments. The policy outcome, namely the EED proposal, illustrates that this clash was not resolved and that the frames have not been merged or “mutated” into a comprehensive perspective. On the contrary, the ideas incorporated in the ESF dominate the proposal while the ideas of the CMF got an inferior placement in the text of the proposal. The failure to achieve a comprehensive problem framing also foreclosed the possibility of selecting policy instruments in different directive (EED and ETS) that harmonized with each other. These findings match similar results found in the study by Kurze and Lenschow (2012) using the case of carbon storage to illustrate how a narrower, economy-centered frame dominated the discourse connecting energy policy and climate mitigation policy, replacing a more comprehensive policy frame including also wider environmental concerns. Yet, the question remains why no evidence of an alignment of conflicting ideas can be detected despite the reported efforts in the Commission to improve policy coordination.

3.2.2. Institutional context conditions in the case of Energy Efficiency Directive

In this section we will look at the institutional context conditions that may be responsible for the relative marginalisation of DG Climate and its perspective. The fact that the final text of the EED proposal was agreed according to the oral procedure (European Commission 2011e) was the first hint that pointed to the internal conflict. The application of the oral procedure instead of a written procedure points to contradictions, which had not been resolved by available coordination

mechanisms. We now take a closer look at this situation and search for evidence of inequality and/or politicisation making effective coordination less likely.

Unequal institutional context and suppression of arguments

Surprisingly, the case of internal decision making on the energy efficiency proposal illustrates that deliberation on the proposal took place in an institutional context characterised by respect for procedural equality. This was true, although the Commission portfolios clearly assign responsibility for energy efficiency to the Energy Commissioner. Thus DG Energy was given the status of the lead DG (*chef de file*) and was placed in the position to set the agenda. Yet, provisions in the rules of procedures helped to maintain equality with other parties inside the Commission. According to the rules of procedures any member of the Commission may request his/her responsible DG to intervene in draft preparation before or during inter-service consultations and express disagreement. Rules guarantee that each participating DG and cabinet has an equal voice in the inter-service consultations. Article 23(1) of the Rules of Procedure foresees that the lead department works in close co-operation and in a coordinated fashion with all departments “with a legitimate interest in the initiative by virtue of their powers or responsibilities or the nature of the subject”. Article 23(2) specifies that such cooperation must be launched from the beginning of the preparatory work. The Manual of Operational Procedures further stipulates that: “Proposals presented to the Commission for decision should be based on the balanced advice of the different departments concerned” (European Commission 1981:12).

The case study confirmed that the above principles were respected. At the level of *ex ante* and actual inter-service consultation, no evidence was found that arguments had been suppressed. DG Energy consulted all relevant departments and gave them enough time to express concerns with regard to policy coherence. At the end of consultation, the lead department had appropriately attached to its report all views expressed, including those of DG Climate.

Interviewees also confirmed that no single DG and cabinet managed to build a strong enough coalition to outnumber other positions. As a result, intra-Commission negotiations took place in the environment of “power balance” (Interview 1, 5). Insiders also often referred to the normative side of equality with the significance of the collegiality principle (Interview 4). This principle was no longer associated solely with the College, but also stretched vertically through the DGs (Interview 4, 2). This helped to create a shared responsibility for coherence and cooperation, especially at the times of challenging legislative work (Interview 3).

As suspected, therefore, the institutional context seems insufficient to explain the outcome and must be viewed in combination with other conditions. Organisational and procedural reforms in the Commission to ensure a higher level of coordination appear insufficient for ensuring policy coherence. We therefore propose to move from the structural to the agency-dimension of intra-organisational dynamics.

Politicised environment and biased arbitration

While formally equal representation of actors and ideas holds true at all levels, the lower, administrative levels are generally reputed to be more favourable to resolve internal cleavages than the higher, political levels (Egeberg 2012; Hartlapp, Metz and Rauh 2013). While the current institutional rules provide enough venues where non-politicised negotiations can take place, there are only two stages where the coordinative discourse is likely to reach a higher degree of politicisation: immediately prior (“special chefs”) and after the meetings of Heads of Cabinet (known under the acronym “Hebdo”). Table 2 distinguishes the less from the potentially more politicised venues.

Table 2: Deliberation venues within the Commission

Venues	Level and frequency
<i>Less politicised venues</i>	
Inter-departmental consultations between technical experts on the level of services	<i>ad hoc</i> , informal meetings/e-mail exchanges initiated by lead DG before formal inter-service consultations
Inter-Service consultations among the DGs	consultations via CIS-Net intranet application (either “fast-track” consultation meeting or 10 to 15 working days for replies and amendments)
Secretary-General and Heads of DGs	weekly
Head of Cabinet and the Director-General	weekly meetings synchronising cabinet and services
Director-General and Commissioner	monthly meeting
Sub-groups of Commissioners	ad-hoc planning meetings
<i>More politicized venues</i>	
“Special chefs”: Members from each Commissioner’s Cabinet, a Legal Service representative and the SG. (policy officers from lead DG are often invited)	Tuesdays and Thursdays meetings chaired by a member of the President’s Cabinet
“Hebdo”: Cabinet Chefs, the Director-General of the Legal Service and the Director-General of the Spokesperson’s Service	Monday meetings before the College meeting
College of Commissioners	Wednesday meetings

Source: compilation based on Jordan and Schout 2006, Christiansen 1997, Wonka 2008 and authors’ data.

The early stages of negotiations are non-politicised because the meetings take place in an environment of uncertainty when national positions are vaguely known. Highly complex energy dossiers also force the services to rely on the greater input from the technical experts. Greater

involvement of experts before the cabinets' engagement steers the deliberation into less confrontational modes. Furthermore, the participation of the Secretariat General (SG),¹⁵ acting as an "honest broker", helps to smooth the confrontations in case disagreements arise between the services (Cock 2011). Although the SG's intervention is limited to procedural issues, the image of neutrality facilitates coordinative discourse. The less-politicised environment is also maintained by the Impact Assessment Board, which comprises officials from several DGs and is commonly seen as an objective actor. Organisational principles provide further opportunities of less politicized venues such as the Climate Change group of Commissioners (Sampol 2010).

Despite the available "non-politicised venues", however, the final agreement on the Energy Efficiency proposal was taken in a politicised environment. The Cabinets did not intervene during ex-ante inter-service consultations on the EED. According to the minutes of the Special Chefs meeting, a number of important points were indeed resolved here. The parties agreed to amend the text in order to ensure the internal consistency of the different elements of the proposal (Annex II and Article 5) and ensure the consistency of the proposal in relation to texts adopted by the Commission with regard to state aid. The "Special Chefs" further agreed to make the text less prescriptive and give more flexibility to the member states that faced severe budgetary constraints.

However, agreement could not be reached about the amendment proposed by Commissioner Hedegaard on the possible effects of the proposal vis-à-vis third countries and with regard to set-asides of emission allowances. Consequently, these issues were transferred to the level of Heads of Cabinets, who also failed to accommodate energy efficiency and climate objectives and chose a narrow aggregation of preferences (European Commission 2011c). As evident from the minutes of the College meeting, the proposal was finally adopted by the oral procedure without discussion, but in the telling absence of Commissioner Hedegaard (as an "A point").¹⁶

In summary, the mere availability of non-politicised venues was no sufficient condition to achieve policy coherence. Given the distance between the different policy ideas entered into the negotiations of the EED proposal, it is no surprise that higher, typically more politicised levels become involved. We now need to ask under what conditions a mutual understanding on a coherent perspective can nevertheless be reached at this level. In line with the DI framework, insiders suggest that discursive factors played a decisive role (Interview 2, 3, 4) with hard bargaining language obstructing mutual alignment.

In order to have a more complete picture, the analysis therefore proceeds to the overview of the modes of discourse employed during the negotiation on the EED proposal.

¹⁵ The SG ensures that collective work on cross-cutting dossiers starts at an early stage of policy development. The SG also anticipates potential problems and issues early warnings to the DGs and the Cabinets. (European Commission 2010: 11).

¹⁶ Commissioner Hedegaard was represented by the Head of Cabinet, Mr Vis.

3.2.3. *Modes of discourse*

As noted above, the final text of the proposal was agreed after a long process of internal deliberations on various organisational levels of the European Commission. During the internal policy-making process, an intense coordinative discourse took place between DG Clima and DG Energy. It is the mode of those deliberations that forms the focus of this section.

The dominant discursive mode of deliberations between the institutional actors was found to be a form of *hard bargaining mode*. The deliberations were guided by the tight mandates received by the services from their heads of cabinets. During negotiations on the clause regarding the overlap of EED coverage with the ETS, the Cabinet of Commissioner Hedegaard insisted on including a paragraph limiting the scope of the EED to sectors outside the ETS coverage and left the administrator with the little scope of manoeuvre during negotiations (Interviews 1, 2, 4, 5, 7). Officials of DG Energy rejected this proposal. The strict directives from Commissioner Oettinger's cabinet prohibited any concessions in this question (Interview 2). As a result, the actors involved searched for compromises in the form of "deals" and trade-offs, and no longer for complementary solutions.

While the outcome cannot be predicted, flexible mandates or mandates without clear directions would have allowed for a softer, problem-solving mode of coordinative discourse and increase the likelihood of a coherent policy outcome.

In short, it is the mode of discourse rather than merely the observation that the final agreement was reached at the highest and politicised venue that explains the level of policy coherence. The tight mandates and the subsequent hard mode of bargaining between the lower administrative levels only made the involvement of the political level necessary. We assume that hard negotiation tactics may have been the expression of strategic considerations of the Commissioners. We also recognise that the discourse may be part of a broader strategy of both DGs. Therefore, our analysis should not be understood as a rebuttal of rationalist assumptions, but to argue that in addition to the given institutional context, interactive modes have an important explanatory value for policy coherence.

Conclusion

From the outset, our study was exploratory in its nature, seeking to broaden the understanding of policy coherence and institutional coordination within the European Commission. We attempted to shed some light on the implications of discourse on day-to-day policy-making and examine conditions under which the intra-institutional coordinative discourse affects policy coherence. In addition, the study attempted to develop an improved analytical framework. It allows us to contribute a number of tentative conclusions to the literature on intra-institutional coordination.

First and foremost, we observe that with energy policy-making becoming more interlinked with related policy sectors, the European Commission is confronted with numerous policy discourses and faces enormous challenges for producing coherent policy. The services of the European

Commission find themselves strongly embedded into different policy frames with a variety of competing policy ideas. The case study uncovered internal disagreements on the definition and the scope of the policy problem as well as adequate policy solutions between the two main DGs engaged in the development of the Energy Efficiency Directive legislative proposal.

With regard to analytical improvements, we suggested to advance the concept of policy coherence and proposed a way to its operationalization. We argue that greater accuracy in the analysis of policy initiatives can be achieved by analysing such coherence indicators as comprehensiveness, aggregation and consistency. When analysing our case against these criteria, we found that the Energy Efficiency Directive proposal exhibited a lack of consistency, only narrowly aggregated policy priorities and limited comprehensiveness regarding the problem definition.

With regard to our research framework, we show that an analysis based on the “logic of argumentation” provides additional explanatory depth. Discursive institutionalism has helped to uncover some of the micro-level dynamics explaining the outcome more fully than mere attention to formal and normative institutional structures. In our case study, such highly promoted norms of decision-making in the European Commission as collegiality seemed to crumble at the highest level inside the Commission. Such an observation undermines explanations of policy coherence that rely exclusively on the logic of appropriateness (social institutionalism). Furthermore, the flexibility of the applied framework allowed us to account for the conditions of rational institutionalism and ensured we did not overlook the logic of consequences. The case study checked for the strategic attempts of involved DGs to interpret the rules of procedure in order to gain benefits. The evidence, however, suggests the rules of procedures were not abused and strategic behaviour was limited at the lower levels of policy coordination. The climate mitigation frame represented by DG Climate had received formal attention at all lower negotiation venues and the rules of procedures did not create inequalities elsewhere. Nevertheless, we do not exclude a strategic behaviour of DG Climate in occasions when its position is overlooked.

With regard to the core research question, we show that coordinative structures and procedures inside the Commission do not suffice to prevent policy incoherence and we suggest that the occurrence of hard modes of coordinative discourse deserves greater attention as an additional factor in the configuration of explanatory conditions. If we step outside the scope of our current study and venture into explaining why the leading DG with Commissioner Oettinger kept the upper hand, we could point to the combination of conditions such as the rhetorical and diplomatic skills of the actors involved, existing recourse inequality between the DGs as well as possible new values of appropriate behaviour cherished inside the College of Commissioners.

Thus, with regard to future research, we recognise a need to explore in detail the use of a strategic bargaining by Commissioners and provide further evidence about the role of Commissioners’ power and personality as well as the relative weight of the DGs. Furthermore, we propose expanding the evidence base beyond a single case related to energy policy. Clearly, for reaching a higher generalisation of results, future work may explore the field of energy policy and should also include other policy sectors. Equally, the utility of the DI model to explain institutional

coordination should be tested in other institutional contexts. Although other contributions to this special issue adopt different theoretical perspectives, they will nevertheless add to the cumulative knowledge needed in this regard.

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List of Interviews

1. Interview, Member of the Commissioner Hedegaard's Cabinet (08.02.2013).
2. Interview, European Commission official, DG Climate (13.02.13).
3. Interview, European Commission official, DG Energy (04.06.2012).
4. Interview, European Commission official, Sec Gen, Internal Market and Sustainability Unit (12.02.2013).
5. Interview, Member of the Commissioner Oettinger's Cabinet (20.02.2013).
6. Interview, Assistant to the Member of European Parliament (MEP) (10.02.2012).
7. Interview, Administrator, ITRE Secretariat, European Parliament (20.01.2012).

Contact

Iulii Selianko: Marie Curie PhD candidate at University of Osnabrück, Faculty of Social Sciences, Department of European Integration.

M.A. Iulii Selianko
Faculty of Social Sciences
Department of European Integration
Postfach 44 69
49069 Osnabrück
Germany
E-mail: iulii.selianko@uni-osnabrueck.de

Andrea Lenschow: Jean Monnet Chair and Professor of European Integration at University of Osnabrück, Faculty of Social Sciences, Department of European Integration.

Prof. Dr. Andrea Lenschow
Faculty of Social Sciences
Department of European Integration
Postfach 44 69
49069 Osnabrück
Germany
E-mail: andrea.lenschow@uni-osnabrueck.de