

## Reinforcing the EU's Green Deal Diplomacy: Recommendations for the Next Commission

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### Executive Summary

- > The European Green Deal (EGD) has important external dimensions, subsumed under the European Union (EU)'s 'Green Deal Diplomacy'. As an input into the debate about better exploiting the potential of this Green Deal Diplomacy during the EU's legislative term 2024-2029, this policy brief argues that:
  - > To be credible as an actor in Green Deal Diplomacy, the EU needs to consistently deliver domestically on its EGD targets.
  - > To anchor its EGD goals in its diplomatic action, the EU must mainstream them in its external policy-making, implementation – via an upgrade of the Green Diplomacy Network – and policy evaluation so as to stringently monitor their external effectiveness and revise ineffective activities.
  - > In its relations with enlargement and neighbourhood, trade and development partners, as well as in bilateral exchanges and multilateral fora, EU Green Deal Diplomacy needs to work in a more goal-oriented and inclusive fashion, both by creating jointly owned 'win-win' partnerships around the green transition and reinforcing cooperation with non-EU civil society actors to promote greater buy-in and enhance the prospects of effective joint delivery.
- > Key to successfully implementing these proposals will be key EU stakeholders' political commitment to the EGD agenda, most notably that of its member states.

The European Green Deal (EGD) has been the flagship activity of the European Union (EU) for the past four years. Geared towards a socio-ecological transformation to make Europe the first carbon-neutral continent and protect its natural capital, it comprises internal and external dimensions. When it was proposed in December 2019, the European Commission (2019, 2) stressed that the aims of the EGD "will not be achieved by Europe acting alone". By introducing the notion of "Green Deal Diplomacy" (GDD), the Commission clearly articulated the need to "convinc[e] and support ... others to take on their share of promoting more sustainable development" (ibid., 20).

This policy brief builds on the EU's pre- and post-EGD experience as a 'Global Leader' in Green Deal-related policy fields to reflect upon the future of the EU's GDD. It assumes that the European Union will renew its commitment to the main objectives of the EGD for the legislative term 2024-2029 and offers recommendations on bolstering its external dimensions to reinforce its external effectiveness in a global context characterised by ongoing environmental degradation and complex geopolitical challenges. Intended as an input into the debates about the future design of the EGD and its GDD, its content synthesises the key insights of a collective reflection exercise of a group of students in the M.A. in EU International Relations and Diplomacy Studies at the College of Europe.

The EU has typically deployed four main ways to promote its EGD-related policies externally: leveraging the 'Brussels Effect' (Bradford 2020) to promote its domestic, often precautionary standards; 'externalising' its internal climate, energy and environmental policies to candidate and enlargement countries; using trade and development policies to influence domestic preferences regarding EGD-related policies; and bilateral as well as multilateral climate, energy and environmental diplomacy. Leaving aside the Brussels Effect, which relies on the attractiveness of the EU's single market and typically does not involve deliberate external action, the other three forms serve as focal points and structuring features of this policy brief. It asks how each of them can be further

strengthened to make the EU an effective Green Deal Diplomacy actor. For each form, the policy brief differentiates between the three main EGD policy areas: climate, energy and environmental policy. Although all three are shared competences and increasingly intertwined, there are fundamental differences between them, rooted in policy sector-specific path-dependencies as well as different degrees of communitarisation: whereas climate and the environment have reached high levels of integration based on Article 191 of the Treaty on the Functioning of the EU (TFEU), energy (especially the choice of energy sources) partially remains the prerogative of EU member states in line with Article 194 TFEU.

The policy brief first introduces the forms of EU external engagement. The subsequent three sections then succinctly and selectively discuss current initiatives and their shortcomings before offering policy recommendations on each form and drawing conclusions. The policy brief argues that the EU's future **Green Deal Diplomacy can only be effective if the EU:**

- **gets its own house in order**, which implies delivering on its domestic EGD targets and binding itself institutionally to a larger extent to its aims, for instance via anchoring mainstreaming requirements in its workflows;
- **works in a more goal-oriented and inclusive fashion with its partners at various levels**, implying the **creation of jointly owned 'win-win' partnerships around the green transition with third countries** as well as **reinforced cooperation with non-EU civil society actors** – non-governmental organisations (NGOs) and businesses – to promote greater buy-in and enhance the prospects of effective joint delivery; and
- **focuses more stringently on the effects of its GDD**, which it needs to better trace to adapt its action accordingly.

### Forms of EU external engagement regarding the EGD

The external engagement of the EU based on its internal policies essentially takes four forms (Schunz et al. 2018). The first form comprises the unintended effects of the EU's 'being', i.e. its legal and policy *acquis*. This form is embodied by the 'Brussels Effect', that is, "the EU's unilateral ability to regulate the global marketplace" by diffusing its domestic regulatory standards via the attractiveness of its single market (Bradford 2020, 1). Whereas this Effect has allowed the EU to shape certain global standards, for instance product standards for electronic devices, emphasis is placed here on the EU's GDD involving deliberate external action.

Such deliberate action can come, second, in the form of an 'externalisation' of EU internal policies, that is, an active transfer of its *acquis* to third countries, which results in the 'functional' extension of its internal – climate, environmental and/or energy – regime, notably to its neighbours (Lavenex and Schimmelfennig 2009). This transfer typically involves the leveraging of the prospects of closer partnership or EU mem-

bership and the use of corresponding incentivising tools (e.g. financial support).

A third form concentrates on 'policy nexus management', which depicts the strategic shaping of the intersection between an internal EU policy (e.g. on climate change) and an external policy serving as a lever (e.g. trade or development policy). Creating a synergetic relationship between them can allow the EU to promote EGD-related policy goals. An example are the Trade and Sustainable Development (TSD) chapters which introduce EU climate and environmental aims into its Free Trade Agreements (FTAs).

A fourth form concerns genuine 'sectoral' climate, environmental and/or energy diplomacy, involving both bilateral (e.g. EU-Egypt Renewable Hydrogen Partnership) and multilateral (e.g. within United Nations environmental regimes) negotiations with third countries.

The boundaries between these forms of external engagement are not always clear-cut, and hybrids of them might at times emerge. At the same time, the EU can – and arguably should, from a strategic perspective, – combine different forms to develop a multi-faceted GDD.

### Externalising the EGD in EU neighbouring regions

When externalising EGD aims, the EU is mainly focused on countries in the Western Balkans and the Eastern Partnership (EaP), but also the Southern Mediterranean. Prominent policy initiatives for exporting its climate, energy and environmental *acquis* include legal approximation through the Energy Community and the 2020 Green Agenda for the Western Balkans (GAWB). As part of these efforts, the EU inter alia seeks to externalise its Emissions Trading System (ETS) to its neighbours. This section discusses select proposals on how the EU can turn externalisation into a more effective component of its future Green Deal Diplomacy.

#### *Climate change: externalise the Just Transition Fund*

*Haritz Echarren Febles, Clément Gilliot, José Salcedo Jiménez, Daniel Nielsen, Fabian Puckschamel and Jonathan Tavenier*

The promotion of the EU's ETS as a major aspect of the externalisation of its climate *acquis*, offering a stimulus for states to reduce their emissions through quotas and carbon pricing, is not a cost-free solution. The adaptive pressure it brings about constitutes a high financial burden for carbon-dependent industries in third countries, with repercussions on the labour force, aggravated by existing differences between the economic indicators of the EU on the one hand and the Western Balkan and EaP countries on the other. In its efforts aimed at externalising the ETS via the Energy Community and initiatives like the GAWB, the EU fails to fully take account of these local conditions.

To facilitate the externalisation of the ETS to countries in the Western Balkans (and beyond), and to transcend the 'Initiative for coal regions in transition in the Western Balkans and

Ukraine' (European Commission 2022a), the EU must ensure that their transition to climate-neutral economies is just. The **externalisation of the Just Transition Mechanism**, originally established to facilitate the green transition within the EU member states only (European Commission 2023a), to the third countries in question **would allow them to reduce the cost of the transition and compensate for the negative economic consequences of the ETS-related carbon pricing**. The Just Transition Fund as the main financial facility of the Mechanism could particularly target the most carbon-dependent regions and include the most vulnerable sectors in the relevant third countries. The financial attractiveness of the Just Transition Mechanism can then be used to further encourage the EU's neighbours to take over and effectively implement relevant EU climate law.

To ensure the smooth functioning of the Mechanism, the third countries in question would need to agree on 'Just Transition Plans' with the Commission, which would address the territories and sectors that are especially carbon-dependent and vulnerable to the side effects of decarbonisation and contain proposals on how to mitigate the imbalances created by the ETS. In this way, the Mechanism would allow for a joint ownership of the net-zero transition in Western Balkan and EaP countries.

**Energy: create an institution to foster cooperation on green hydrogen**

*Gizem Baygün, Maud de Jong, Adrian Hangl, Javier Rodríguez Martín, Görkem Özkan and Bianca Zavanone*

The EU's main instrument to externalise its energy-related *acquis* to the Western Balkans and certain EaP countries is the Energy Community. This organisation is based on the principle that participating third countries adopt the relevant EU *acquis* in exchange for integration into the EU energy market and progress regarding their accession to the EU. Although the Energy Community certainly brings advantages to its non-EU parties, its approach towards externalising energy policies has remained Eurocentric and led to tendencies to impose the *acquis* onto third states without considering their needs and interests. As a result, these countries may lack the capacity to adopt EU rules or might do it incorrectly.

To externalise its *acquis* more effectively, the EU should learn from the experience of the Energy Community and to a larger extent take into account and satisfy the interests of 'law-importing' countries. One of the best ways to create such 'win-win' cooperation would be to establish truly 'common' institutions with third countries, founded on the principle of joint ownership. This would enable the EU to better gauge the existing obstacles to the adoption of its norms, and devise, together with its partner countries, the most effective solutions, avoiding conflicts with local legislation or (energy security) interests.

In recent energy policy proposals, such as REPowerEU or the Hydrogen Strategy (European Commission 2022b, 2023b), the EU pays significant attention to green hydrogen

production in third countries, including its neighbouring regions, as an integral part of the clean energy transition. **Creating a common institution to allow for exchanges with hydrogen partner countries based on mutually binding commitments** would allow the EU to ensure that its hydrogen production and trade norms are adopted and implemented beyond its borders and facilitate third-country green hydrogen production for the benefit of local use and importation into the Union. Such an institution could initially focus on neighbouring countries and mark an intermediate step towards the development of a 'Global European Hydrogen Facility' stipulated in the REPowerEU communication.

**Environment: develop innovative ways to involve civil society actors**

*Theodora Christodoulou, Eric Gengler, Victor Hellgren, Leire Lopez de Goicoechea, Ghizlan Rebbah and Konstantin Reiners*

Current shortcomings of the externalisation of the EU's environmental *acquis* are best illustrated by its initiatives in the Western Balkans. In relation to the GAWB, it has been argued that "progress on reaching the commitments still has been slow. The lack of clear timetables and clarity on specific pathways in the Action Plan ... has resulted in very little implementation" (CAN-Europe 2022). In this context, the NGO Forum on the Implementation of the GAWB, which enables knowledge exchange among key civil society representatives in the region, is a promising initiative. However, the latter are exclusively considered as 'facilitators'. In cases where local public and private actors do not want to comply with EU environmental standards, NGOs have no capabilities for monitoring and spurring legal enforcement.

To further empower civil society, the **EU should enable capable NGOs to fulfil their 'facilitator' function** and advise authorities when non-compliance with EU environmental standards is caused by a lack of expertise. Simultaneously, the **EU should consider giving NGOs a 'watchdog' function to oversee the implementation of environmental norms on the ground**. Simplifying the identification of breaches and their reporting to the Commission or national courts would enhance EU monitoring and compliance capacities.

Other measures in neighbouring countries are aimed at increasing public sector capacity to implement EU environmental standards. TAIEX (Technical Assistance and Information Exchange) and TWINNING initiatives are focused on spurring contacts between EU and third-country government structures. The initiatives are useful but exclude assistance to civil society actors or private companies. Moreover, they do not ensure that expertise is shared with the latter, even though these players are very relevant for the implementation of EU *acquis*. For that reason, **TAIEX and TWINNING should be expanded to provide environment-related expertise to relevant businesses and NGOs**, which will increase their capacity to take suitable and precise actions in line with EGD goals. Additionally, the EU should facilitate private sector-oriented conferences and workshops in neighbouring

countries to enable the establishment of multi-stakeholder alliances between governments, civil society and private companies which could exchange best practices and coordinate work in line with EU environmental objectives.

### **Policy nexus management: mainstreaming EGD objectives in EU trade and development policies**

A key instrument used by the EU to manage policy nexuses involving climate, energy or environmental objectives is the inclusion of Trade and Sustainable Development or Energy and Critical Raw Materials chapters in its Free Trade Agreements. Recent TSD chapters comprise, for instance, commitments binding the EU and its partner countries to the implementation of the Paris Agreement. Leaving aside possible nexuses involving other external policies (e.g. security policy), this section offers several proposals regarding the enhanced use of, primarily, trade policies as part of the EU's future Green Deal Diplomacy.

### **Climate change: enhance the enforcement and ex-post evaluation of TSD chapters**

*Vasyl Havrylyshyn, Emma Maréchal, Sophie Kamrad and Ihor Zakharchenko*

When the EU includes climate provisions in TSD chapters, three key challenges typically arise. First, the EU's preference for soft enforcement mechanisms, that is, dialogues with third-country governments and civil society organisations (CSOs), implies that third countries do not face any penalties (e.g., loss of trade preferences) in case of non-compliance with agreed provisions. Second, there is no systematic use of mechanisms allowing for a precise ex-post evaluation of the effectiveness of TSD chapters. Third, climate concerns usually remain secondary to trade policy objectives in such agreements. These challenges lead to a fundamental gap between the commitments made on paper and actual outcomes.

To address the problem of non-compliance, the EU should **improve the enforcement of TSD chapters**. This can be achieved by **strengthening local CSOs and enhancing third-country governments and civil society actors' capacities** for the implementation of climate provisions by stepping up financial assistance, experience-sharing and training opportunities. Furthermore, the EU should systematically, including retroactively, **introduce a sanctions-based dispute settlement mechanism into all its TSD chapters** to ensure that the integration of climate objectives into its trade policy becomes enforceable and accountable.

To further enhance this accountability, the **ex-post evaluation of Free Trade Agreements, including their TSD chapters, should be improved by introducing a systematic and thorough ex-post impact assessment mechanism**. This mechanism must focus on the outcomes of these Agreements in light of their original goals, examine to what extent and how the goals were achieved and what main obstacles were faced. To enhance transparency, such reviews should be

publicly discussed. Such a tailor-made evaluation mechanism would allow to adjust existing policies where necessary and contribute to a better and more nuanced policy management of the climate-trade nexus.

Finally, the EU should **reinforce climate mainstreaming** across all its policies, calling into question its current practice of prioritising trade policy objectives over climate considerations. Concretely, this could be achieved by institutionalising attention to mainstreaming via building a climate focus into Commission and Council workflows at the levels of both external policy-making and implementation in the trade domain and regarding other external policies.

### **Energy: assess and strengthen the resilience of critical infrastructure of partner countries**

*Cemre Aydinlioglu, Samuele Bernardi, Alexandre Capitini, Manuel De Simone, Taymour Elmasry and Ilke Verbist*

The EU faces several challenges when pursuing its external energy policy goals related to diversifying its energy suppliers and increasing the share of renewables in its energy imports. For one, third countries often lack the necessary financial resources and investments to engage in a costly green energy transition, hindering their chances of becoming relevant partners for the EU. Second, and importantly, the pursuit of EU green energy objectives risks creating new vulnerabilities related notably to the steady supply of critical raw materials required for renewable energy technologies. This brings into focus the internal stability and security situation of the countries with which the EU wishes to partner for the green energy transition. To ensure its own energy security, the EU needs to solidly monitor the resilience of these third countries and of the joint critical infrastructure.

In response to the first issue, the EU could **introduce a Joint Procurement clause in agreements with (developing) countries**, which would facilitate their access to its tender platform, allow them to purchase renewable technologies at affordable prices and, subsequently, supply negotiated amounts of renewable energy to the EU.

Second, the EU should **set up, within its free trade and partnership agreements, joint, early-warning mechanisms with third countries**, which would assess the resilience of their critical infrastructure. These mechanisms could take the form of a 'traffic light system' with a gradation of 'highly resilient-resilient/moderately risky-highly risky' and would enable the EU and its partners to better evaluate risks and avoid mutual over-dependency.

Third, and complementing the early-warning mechanism, to collect relevant information on its security of supply and prevent security threats to its partners, the EU should **establish dialogues on the resilience of critical infrastructure with third countries** as part of Energy and Raw Materials chapters in its FTAs or by concluding *ad hoc* "mini-deals" (Cernat 2023).





To address these points, the Union should, first and foremost, **strive to centralise the negotiations of energy agreements with third countries at the EU level** beyond the 'EU Energy Platform' for joint gas and hydrogen purchases created with the REPowerEU communication (European Commission 2022b). This presupposes that the EU adopts unified positions which will give it greater bargaining power. Additionally, this would help prevent deals that benefit certain member states to the detriment of others, unlike in the past. However, to make such a centralisation possible, member states must agree to give up some sovereignty in the energy policy domain – which, despite arguments pleading in favour of it, may be very challenging, requiring a reform of Article 194 TFEU.

Second, to accelerate the domestic and global green energy transition and advance its energy diversification, the EU should **further increase its bilateral engagement to create 'win-win' partnerships aimed at accelerating the green energy transition**. As also foreseen in its 2022 external energy engagement strategy (European Commission 2022c), the EU can do more to facilitate third countries' decarbonisation through financial support, technical assistance, and various other incentives. This should be done, for instance, by establishing new Just Energy Transition Partnerships, including with emerging economies beyond the BASIC (Brazil, South Africa, India, China) that are bound to become major emitters over the coming decades.

Finally, when designing novel bilateral energy partnerships with third countries, the EU should **ensure risk mitigation by including a combination of financial incentives and stringent monitoring measures to enable due compliance with the terms of energy agreements**.

***Environment: increase the capacity of developing countries to comply with environmental norms and enhance the Green Diplomacy Network***

*Liselotte Dubois, Margaux Jérôme, Andrea Kovacs, Hugo Specht, Smaranda Tarus and Marco Zarzana*

In relation to its environmental diplomacy and environment-trade policy nexus management efforts, the EU has been criticised for trying to impose environmental standards on third countries that these latter find challenging to implement. An example is the recent EU Regulation on Deforestation-Free Products (EUDR), which obliges third-country stakeholders to trace production processes to respect 'due diligence' requirements. Doing so represents a high hurdle for some and risks excluding these players from the EU market, diverting their products to markets with lower environmental standards.

Another recurrent critique of the EU's environmental diplomacy relates to its use of 'double standards': while promoting or enforcing environmental regulations internationally, the EU does not always apply them itself, e.g., by not preventing the export of certain chemicals banned for outdoor use in Europe (e.g. neonicotinoids) to developing countries.

To address these points of critique, greater emphasis should be placed on **helping developing countries fulfil EU requirements concerning deforestation and due diligence more generally**. This could be achieved via capacity-building measures that enhance the ability to comply with EU requirements and enable joint control by EU and local stakeholders over compliance with the EUDR. The same recommendation should also apply to other environmental standards the EU strives to enforce via due diligence measures.

Additionally, **significantly strengthening the EU's Green Diplomacy Network (GDN)** would not only further improve co-operation with developing and other third countries, but also help tackle the 'double standards' criticism. The GDN can play a role in better understanding local contexts as well as thoroughly explaining EU policies abroad. It can thus help devise and subsequently implement more tailor-made agreements with third countries. To this end, a local GDN cluster should be formed in each country with an EU Delegation, preferably piloted by a Delegation staff member with environmental expertise. This would facilitate exchanges with local governments, CSOs and environmental experts on the ground. Additionally, the GDN should be more strongly institutionalised as a virtual network to allow for sharing ideas and best environmental practices, but also to feed third-country stakeholders' critique of the EU's policies back into its policy making so as allow for reinforcing its Green Deal Diplomacy.

## Conclusion

This policy brief offers a set of proposals to bolster the EU's Green Deal Diplomacy during the Union's next legislative term. It starts from the premise that the EU will continue to embrace the Green Deal's objectives and argues that its first major effort must consist in delivering domestically on those. This will give it the credibility to subsequently refine, improve and better integrate the various facets of its GDD, that is, step up its action aimed at convincing neighbouring countries (including enlargement candidates) to take over elements of its EGD-related *acquis*, work with trade and development partners on shared objectives to jointly fight environmental degradation and further the green energy transition, and engage third countries through bi- and multilateral climate-, energy- and environment-specific diplomatic activities.

Each of these forms of GDD would benefit from stronger institutionalisation, anchoring EGD aims across the policy cycle. At the policy-making stage, the obligation to mainstream EGD aims into EU external action needs to be more stringently adhered to and monitored. The GDD's implementation, in turn, would strongly benefit from upgrading the Green Diplomacy Network to a tightly knit, strong cooperation framework promoting EGD goals abroad. Finally, policy evaluation should be systematised by stringently monitoring the external effectiveness of the GDD. This implies not just assessing whether EGD goals have been

included in agreements with third countries, or whether EU *acquis* has been integrated into such countries' domestic laws, but also to what extent the underlying goals have been attained. Such audits should be transparent and inform refined GDD activities.

Additionally, whether working with partners in the neighbourhood, via trade deals, in bilateral exchanges or multilateral regimes, the EU will need to make its diplomatic efforts more goal-oriented, inclusive and just. It needs to work more closely with third-country governments and societal actors to

design agreements that represent opportunities for both parties to develop more sustainably. Creating such 'win-win' partnerships requires more tailor-made approaches and more extensive EU offers to support others in their transition efforts.

To successfully implement the proposals advanced in this policy brief, coherence among EU member states and institutions, which centrally depends on their political commitment to the EGD agenda, will be of the essence.

## Further Reading

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This policy brief is the result of a collective reflection effort by a **group of students in the M.A. on EU International Relations and Diplomacy Studies** within the framework of the course "External Dimensions of EU Internal Policies: Climate Change, Energy and the Environment", taught in September-October 2023 at the College of Europe in Bruges.

It offers a structured compilation of the students' main ideas about the future of the external dimensions of the European Green Deal for the period 2024-2029.

The editing of this brief was completed under the responsibility of the course instructor, Prof. Simon Schunz, and the Academic Assistant of the course, Olha Bykova, both from the EU International Relations and Diplomacy Studies Department at the College of Europe in Bruges.

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