



College of Europe
Collège d'Europe



Natolin

European Political and Governance Studies /
Etudes politiques et de gouvernance européennes

Bruges Political Research Papers / Cahiers de recherche politique de Bruges

No 91 / October 2023

Repower EU: The authority turn for the EU in energy policies?

Thibault BESNIER

© Thibault BESNIER

About the author

Thibault Besnier is a graduate from Sciences Po Grenoble, where he specialized in European affairs. He then obtained a Master of Arts in European Political and Governance Studies at the College of Europe with a scholarship from the French Ministry of European and Foreign Affairs. Since August 2022, he works as an academic assistant in the College of Europe's European Political and Governance Studies department.

Acknowledgements

The author thanks the editors of the Bruges Political Research Papers and the editorial team for their constructive comments. He also thanks all interviewees for their contribution, without which this research could not have taken place. A particular thanks goes to Prof. Anna Herranz Surralles and Prof. Michele Chang for their valuable comments.

Contact details:

thibault.besnier@coleurope.eu

Editorial Team

Michele Chang, Thibault Besnier, Eness Ciobanu, Nina Guibère, Marie Ketterlin, Íñigo Martín Monterrubio, Aurélien Mornon-Afonso, Thijs Vandebussche, Sanae Youbi, and Olivier Costa

Dijver 11, B-8000 Bruges, Belgium | Tel. +32 (0) 50 477 281 | Fax +32 (0) 50 477 280

email michele.chang@coleurope.eu | website www.coleurope.eu/pol

Views expressed in the Bruges Political Research Papers are solely those of the author(s) and do not necessarily reflect positions of either the series editors or the College of Europe. If you would like to be added to the mailing list and be informed of new publications and department events, please email rina.balbaert@coleurope.eu. Or find us on [X](#), [Instagram](#), and [Facebook](#)

Abstract

The Lisbon Treaty gave the European Union a competence to carry out policies in the field of energy in 2008. Yet this competence remains a shared one, acting in a very crowded and competitive policy field, where both State and non-State actors play a key role. This article will discuss the EU authority in this field in light of the European Green Deal and the 2022 energy crisis, using the concept of liquid authority. It will assess the extent to which the EU is capable of causing deference from other actors in energy policy and analyse the effects of crises over authority dynamics in a given policy field.

INTRODUCTION

The year 2022 was a particularly stressful one for the European Union as it faced yet another major crisis. With war raging on its eastern neighbourhood, energy prices soared to an unprecedented level in the Union, causing economic turmoil. This energy crisis impacted a European Union that just came out of the COVID pandemic and was in the middle of the adoption of a major policy programme, the European Green Deal. Pushed by the Von der Leyen Commission right after the 2019 European elections, this policy plan was meant to be the Union's most ambitious set of policies related to the Green Transition. The Green Deal was meant to build upon the 2018 Energy Union policies to drastically transform the European energy landscape, leading the EU to adopt comprehensive policies in a field where it has only a shared competency. What's more, energy policy only became a shared competency with the 2009 Lisbon Treaty.

Those ambitious goals, the current energy landscape marked by an acute crisis, and the fact that energy policy is a shared competence in a multi-level and multi-actor field asks the question of whether the EU can truly exert authority in the field of energy. Authority is understood here through the concept of "liquid authority" developed by Krisch,¹ who argues that authority can be sustained by social processes causing "*deference*" from subjects towards a particular actor.² Deference implies that there are other sources of authority than law and that authority in a given field can be shared between competing actors. It also means that each actor's authority can vary: authority could have a certain level of "viscosity" instead of being purely "solid".³ The question of the EU's authority and capacity to create deference is even more salient within the context of the Green Deal and the energy crisis. Crises are often crucial

¹ Nico Krisch, "Liquid Authority in Global Governance", *International Theory* 9, no. 2 (July 2017), pp. 237-260, <https://doi.org/10.1017/S1752971916000269>

² *Ibid.*, pp. 240-242.

³ *Ibid.*, pp. 243-245.

moments in policymaking, as they constitute “a phase of questioning, often sudden, of the majority’s perception of a system as functioning ‘normally’, leading to a shared sense of urgency about the need to manage what is analysed as a disorder”.⁴ This can in turn lead to policy change as well as to greater dynamism in power relations.

The 2022 energy crisis is related to the war in Ukraine, where Russia cut its flows of natural gas to Europe to discourage it from actively supporting Ukraine.⁵ This led the EU to try and get out of Russian fossils to shield itself from this threat and disrupt Russia’s economy.⁶ Still, it also led to a dramatic surge in energy prices, driving inflation to very high levels while creating risks of blackouts.⁷ The EU offered a short- to medium-term answer to the crisis through its policy plan “REPowerEU”, presented in two communications, published in March and May 2022. This paper will study the EU’s authority in the energy field to examine what effects a crisis can have on authority in the EU governance system and answer the following research question: *How did the 2022 energy crisis affect the EU’s authority in the field of energy policies?*

Theoretical Framework

This paper will expand the liquid authority framework, a concept salient in EU studies because it allows us to understand better how authority works and evolves in the EU, especially in areas of shared competencies. Herranz-Surralles, Solorio and Fairbrass found out that if the EU initially made authority gains through the Lisbon Treaty, the policy package put forward

4 Arjen Boin *et al.*, *The Politics of Crisis Management: Public Leadership Under Pressure* (Cambridge: Cambridge University Press, 2005), p. 16, <https://doi.org/10.1017/CBO9780511490880>. In Patrick Hassenteufel and Sabine Saurugger, “Crises économiques et processus de changement dans l’action publique : une approche relationnelle”, *Les Politiques publiques dans la crise*, Académique (Paris: Presses de Sciences Po, 2021), p. 2, <https://doi.org/10.3917/scpo.hasse.2021.01.0007>

⁵ America Hernandez and Leonie Kijewski, “Russia slashes Nord Stream gas supply to Europe”, *Politico Europe*, 25 July 2022: [Russia slashes Nord Stream gas supply to Europe – POLITICO](#)

⁶ European Commission, “Communication from the European Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: REPowerEU plan”, *Official journal of the European Union*, COM (2022) 230 final, Brussels, 18 May 2022, p.1. Henceforth “REPowerEU plan communication”.

⁷ Wilhelmine Preussen, “EU tables €300bn plan to ditch Russian fossil fuels, speed up green transition”, *Politico Europe*, 4 October 2022: [EU tables €300bn plan to ditch Russian fossil fuels, speed up green transition – EURACTIV.com](#)

in 2018 with the Energy Union showed signs of authority loss caused by political contestation.⁸ For instance, renewable energy targets used to be nationally binding and only became binding at the European level with the 2018 Renewable Energy Directive Recast (REDII).⁹

This paper applies this framework to the European Green Deal, the 2022 REPowerEU plan, and their affiliated legislative initiatives. Both plans will be analysed and compared using the framework in order to pinpoint the evolutions that took place in the field of energy policies since the Energy Union, but also to isolate the effects of a crisis over authority. As the paper is about assessing authority, the dependent variable here is the *EU's authority in energy policies*. This paper will build upon the analytical categories developed by Herranz-Surralles, Solorio, and Fairbrass, by operationalizing them into variables and hypotheses: *conferral of authority*, *contestation of authority* and *management of contestation*. It will add to that the variable “*crisis*” to assess the impact of the energy crisis on authority, compared to 2018. In the case of REPowerEU, emphasis will be given on policy proposals, as not all are yet adopted.

1. *The conferral of authority*

This variable tracks how authority moved in the field of energy policies, with an emphasis on two dimensions: vertical, from the Member-States to the EU via the addition of Article 194 (TFUE) on energy in the Lisbon treaty; and horizontal, when power is transferred between actors of the same governance level, for instance between private actors.¹⁰ Here, special attention will be given to how the Commission got the competence to propose an EU-level plan to tackle the crisis and how it handled it.

⁸ *Ibid.*, pp. 12-14.

⁹ European Commission, “Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast)”, *Official journal of the European Union*, L328/82 Brussels, 14 July 2021, Art. 3.

¹⁰ Anna Herranz-Surralles, Israel Solorio, and Jenny Fairbrass, *op. cit.*, pp. 6-7.

2. *The contestation of the EU's authority*

Once authority is conferred, it can also be challenged, as it is a dynamic object: to determine the overall authority of a given actor, one must closely look at the extent to which this authority is contested.¹¹ Contestation can be identified along two dimensions: the intensity, whether contestation is weak or strong; and the nature, whether the contestation is “sovereignty-based” meaning the source of the actor’s authority or whether it is “substance-based”, the actor’s authority is challenged because others disagree on what it does with it.¹²

3. *The EU's contestation management strategies*

The last aspect studied by Herranz-Surrallés, Solorio, and Fairbrass is how the EU manages contestation, particularly the Commission, as the strategy to address this contestation can enhance or damage the EU’s authority.¹³ They identify two main categories of strategies. The first is legal and can be implemented through “formal adjudications” such as court cases or, on the contrary, through flexibility in enforcing legal norms.¹⁴ The second type would be more of a political nature, with (de)politicisation strategies.¹⁵

4. *Crises*

Crisis will be the fourth and last variable of this research, which will be tested in relation to each of the aforementioned, to understand better how the crisis affects the conferral of authority, its contestation and the management of said contestation. This contrasts with the earlier studies that analysed periods of relative calm.

¹¹ *Ibid.*, pp. 7-8.

¹² *Ibid.*

¹³ *Ibid.*, pp. 8-9.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

Hypotheses

The first hypothesis will test how much authority was conferred to the EU since the Energy Union. As the Green Deal is a programme proposed by the Commission, it will be inferred that it increased the EU's authority in the energy field to the detriment of other actors – national, local and private. Furthermore, it is also inferred that the 2022 energy crisis improved the EU's authority, as it put the Union, particularly the Commission, in the driving seat of the crisis response.

H1: Because of the Green Deal and the 2022 energy *crisis*, more *authority* was conferred to the EU, away from national, local and private actors of the governance.

The second hypothesis is related to the *contestation* variable. A post-functionalist assumption will be used to study it: the more integration there is, the more politicisation happens.¹⁶ We will try to see whether the same mechanism of rising contestation happens in normal policymaking times and times of crisis.

H2: The more authority is transferred to the Union in the context of the Green Deal and the 2022 energy crisis, the more contested the EU will be.

H2.1: In relation to the 2022 energy crisis, rising energy prices led to further contestation of the EU's policy.

Finally, we will study the *management strategies* of the EU, in both the case of the Green Deal and REPowerEU. Here, to draw on the terminology used by Herranz-Surralles, Solorio and Fairbrass, two sets of strategies exist when it comes to the management of EU authority: political strategies (“politicisation/de-politicisation” and “cooperation/recalibration

¹⁶ Philippe C. Schmitter and Zoe Lefkofridi, “Neo-Functionalism as a Theory of Disintegration”, *Chinese Political Science Review* 1, no. 1 (March 1, 2016), <https://doi.org/10.1007/s41111-016-0012-4>, pp. 24-29.

of power”)¹⁷ and legal strategies (“formal adjudication”¹⁸ or “flexibility measures”).¹⁹ Existing research shows that the EU, particularly the Commission, tended in the past to try and avoid confrontation, mainly through de-politicisation²⁰ but also flexibility. Therefore, we’ll infer that the same happens here.

H3: To reduce the contestation caused by the Green Deal and the 2022 Energy Crisis, the Commission tried to depoliticise and flexibilise its policies.

Operationalisation

This article will assess each aspect of the theoretical framework built by Herranz-Surralles, Solorio and Fairbrass based on the concept of *liquid authority*. It will first analyse the Green Deal’s impact on the EU’s authority in the energy field and then revisit it in the aftermath of the war in Ukraine. Each part will be structured around the three independent variables already identified: conferral, contestation, and management of the contestation.

The empirical research will be carried out through two main methods: 8 expert interviews and an analysis of primary sources, including news coverage related to REPowerEU. Analysis of both articles and interviews will be used to triangulate the information they provide to reduce the impact of journalist and interviewee biases on the results.

¹⁷ *Ibid.*, p. 6 and pp. 8-9.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ Christine Reh, Edoardo Bressanelli, and Christel Koop, “Responsive Withdrawal? The Politics of EU Agenda-Setting”, *Journal of European Public Policy* 27, no. 3 (March 3, 2020): pp. 419-438, <https://doi.org/10.1080/13501763.2020.1712453>, pp. 433-435.

THE EUROPEAN GREEN DEAL, A NEM MOMENTUM FOR EU AUTHORITY

This section will analyse the Green Deal, and the effects it had on authority dynamics since the Energy Union.

The Green Deal: Integration through the Green Transition

Existing research on energy and authority shows that the Energy Union was a mixed bag for the EU. Through the Lisbon Treaty, the Union had gained a shared competence over energy policy. The geopolitical context in 2018 was also quite favourable to the Union, as it was perceived as legitimate and competent enough to play a greater role in the field of energy.²¹ Though this greater authority also came greater contestation, as Member States were not ready to give up too many competencies in field such as infrastructures and renewable energy uptake. This contestation ultimately led the EU to walk back on some of its priorities, such as sustainability.²²

The European Green Deal changed the situation vastly. In 2019, the newly elected European Commission received a clear mandate to develop a clean transition plan following the European Parliament elections.²³ This plan led to the proposal and then adoption of pieces of legislation raising the Union's ambition: for instance, the Climate Law turned the EU's 2050 carbon neutrality objective into law.²⁴ For energy policies, many existing policies were revisited, with the Renewable Energy Directive coming with a proposed 40% target for renewable energy uptake in Union.²⁵ We can see a value-driven rationale behind this authority

²¹ Anna Herranz-Surrallés, Israel Solorio, and Jenny Fairbrass, *op. cit.*, pp. 12-14.

²² *Ibid.*

²³ European Council, "Special meeting of the European Council (30 June, 1 and 2 July 2019) – Conclusions", *Official Journal of the European Union*, EUCO 18/19, p. 1.

²⁴ European Parliament and Council of the European Union "Regulation (EU) 2021/1119 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law')", *Official Journal of the European Union*, L243/1, 30 June 2021.

²⁵ European Commission, "Proposal for a directive of the European Parliament and of the Council amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652", *Official journal of the European Union*, COM(2021) 557 final, Brussels, 14 July 2021, Henceforth "Renewable Energy Directive III".

shift, as the Green Deal is about promoting sustainability in every EU Policy, and in particular energy policies. As Schunz noted in 2021, the Green Deal marks a fundamental discursive paradigm shift: at the start of the century, sustainability was often framed as a means to generate growth. It was a secondary aspect of otherwise overtly economic focused EU public policies.²⁶ With the Green Deal, sustainability took the lead in almost all policy spheres, particularly energy policies.²⁷ Regarding lateral authority shifts, a significant back and forth starts with the Green Deal. On the one hand, stakeholders and private actors are becoming much more included in EU policymaking, with the creation of industrial alliances underlining private actors' role in policy implementation.²⁸ On the other hand, they are also increasingly constrained: the EU shifted its funding away from gas infrastructure to discourage gas companies from building "stranded assets";²⁹ it also took a more significant role in green finance via the creation of a "green taxonomy", laying out the requirements for an investment to be considered as "green".³⁰ With the Green Deal, the private sector, therefore, both wins and loses what Krisch calls "deference" from other energy actors. The European Green Deal, therefore, constitutes a shift in authority, not only from long-standing EU policymaking in the energy field but also when compared to authority under the Energy Union. We can therefore talk about a "deference" of Member States towards the EU, as they entrust it with leading the transition without being coerced into it in the first place. This deference would then be supplemented with legally binding measures such as the Climate Law, solidifying the EU's

²⁶ Simon Schunz, "The 'European Green Deal' – a Paradigm Shift? Transformations in the European Union's Sustainability Meta-Discourse", *Political Research Exchange* 4, no. 1 (December 31, 2022): 2085121, pp. 19-21, <https://doi.org/10.1080/2474736X.2022.2085121>

²⁷ *Ibid.*

²⁸ For Instance, see: European Commission, "European Clean Hydrogen Alliance", July 2020: [European Clean Hydrogen Alliance \(europa.eu\)](https://european-clean-hydrogen-alliance.europa.eu) [Last Consulted on 31/07/23].

²⁹ Kira Taylor, "Europe risks €87 billion in stranded fossil gas assets, report reveals", *Euractiv*, 9 April 2021: [Europe risks €87 billion in stranded fossil gas assets, report reveals – EURACTIV.com](https://euractiv.com/en/eu-external-relations/europe-risks-87-billion-stranded-fossil-gas-assets-report-reveals)

³⁰ Andy Bounds and Alice Hancock, "EU's new green reporting rules are 'impossible', businesses say", *Financial Times*, 20 May 2023 [EU's new green reporting rules are 'impossible', businesses say | Financial Times \(ft.com\)](https://www.ft.com/content/2023-05-20/eu-green-reporting-rules)

authority.³¹ Though because of the ambition of this policy programme, it also increased the contestation of the EU's authority in this policy field.

Contesting the European Green Deal

Under the Energy Union, vigorous contestation of the EU's authority took place, particularly sovereignty-based authority in areas such as infrastructure.³² With the Green Deal, an interesting change happens. The authority framework used here foresaw substance-based contestation as not emerging "from competition over legal or decision-making authority as such, but from the erosion of agents' authority when they are perceived as failing to act per the established social contract or expectations of those having delegated or deferred authority".³³ More precisely, this type of contestation was meant to only have a horizontal nature, between governments and the private sector, for instance.

New patterns of contestation appear with the Green Deal, which partly fits the trends observed with the Energy Union. Sovereignty-based contestation seem relatively low with Von der Leyen's programme because Member States question less the EU's authority to lead the way for the energy transition. Member States do so even though the EU proposes constraining national competencies, for instance, on energy mix: the necessity to reach 40% of renewable energy uptake by 2030 means that Member States will not be able to do anything they want with their energy mixes. Despite this, one point made clear in interviews is that since the Green Deal, Member States did not challenge the EU's intention to impose targets related to energy mixes, such as renewables.³⁴ This is because they recognise the importance of getting the green transition done and because, even if the targets are high, they still leave substantial margins of

³¹ Nico Krisch, "Liquid Authority in Global Governance", *op. cit.*, pp. 242-244.

³² Herranz Surrallés, Anna, Israel Solorio and Jenny Fairbrass, *op. cit.*, pp. 10-11.

³³ *Ibid.*, p. 8.

³⁴ Interviews A, B and E.

manoeuvre. Sovereignty-based contestation, therefore, keeps decreasing when it comes to energy policies affected by the Green Deal.³⁵

A new form of contestation emerges to replace it through substance-based contestation. Deference towards the EU to lead the transition is not questioned, meaning the Union has been conferred sufficient authority to carry out essential changes in the energy field. Though, just like others could have contested how this authority was used in the Energy Union, some actors contest how the Green Deal is carried out, both governments and the private sector. For instance, while the European Union seeks to empower renewable energy sources, some Member States are keen on pushing for more significant support to other sources of energy: France is keen on preserving a future for nuclear power in a carbon-neutral EU,³⁶ as in 2020, almost 67% of its electricity came from a nuclear source.³⁷ France is pushing heavily for this energy source at the European level, for instance in the debates around the Commission's green taxonomy.³⁸ Another example would be Germany, which defends natural gas by promoting a status of transitional energy for it.³⁹ In this respect, contestation trends from the Energy Union continued to unfold, with a transformation of sovereignty-based contestation into a substance-based one, which is not only horizontal but also vertical: with the Green Deal, contestation changes in nature.

The last novelty of contestation is about local actors. If sovereignty-based contestation from Member States seems to be decreasing with the Green Deal, it is replaced by that of local authorities. It is underlined by one issue all European renewable energy companies face: the

³⁵ *Ibid.*

³⁶ Clara Bauer-Babef, "France trailing behind EU renewable energy goals", *Euractiv*, 6 May 2021: [France trailing behind EU renewable energy goals – EURACTIV.com](#)

³⁷ RTE, "Production Totale Bilan Electrique 2020", *RTE website*: [Production – Production totale : RTE Bilan électrique 2020 \(rte-france.com\)](#) [Last Consulted on 31/07/23].

³⁸ Frédéric Simon and Kira Taylor, "Gas and nuclear: Fate of EU green taxonomy 'now in the hands of von der Leyen'", *Euractiv*, 10 December 2021: [Gas and nuclear: Fate of EU green taxonomy 'now in the hands of von der Leyen' – EURACTIV.com](#)

³⁹ Nikolaus Kurmayer, "Future German Chancellor committed to gas, Greens fall in line", *Euractiv*, 1 November 2021: [Future German Chancellor committed to gas, Greens fall in line – EURACTIV.com](#)

length of obtaining a permit for a renewable energy project.⁴⁰ Those procedures tend to increase in size for several years, often slowed down by local opposition or other issues such as clashes with environmental protection laws.⁴¹ Regarding the former, the resistance to renewable energy projects is becoming quite polarising. In France, for instance, several candidates for the 2021 regional election centred their campaign around the opposition to onshore wind projects.⁴² Sovereignty-based contestation, therefore, still exists but shifted to the local level, while the national level is more focused on substance-based contestation to the EU's authority.

Of course, some contestation that existed before the Green Deal stayed the same. For instance, on joint gas purchases, some Member States like Germany refused the idea, which could be analysed as sovereignty-based contestation.⁴³ Furthermore, classic substance based-contestation still exists: for instance, gas companies challenged the idea of a renewable-only approach under the Green Deal and lobbied intensively to get support for natural gas and obtain at least “a technology-neutral approach” in the Green Deal, as well as a transition energy status.⁴⁴ However, this substance-based contestation by the private sector ought to be nuanced, as Bruch, Ringel, and Knodt showed that the private sector supported the Green Deal. They were even favourable to more ambition on renewable energy with national binding targets instead of indicative ones and calling for more action related to energy efficiency. In this context, horizontal contestation was limited and focused on specific aspects of the Green Deal.⁴⁵

⁴⁰ Kira Taylor, “Permitting issues risk derailing EU’s renewable energy targets, warns wind industry”, *Euractiv*, 24 February 2022: [Permitting issues risk derailing EU’s renewable energy targets, warns wind industry – EURACTIV.com](https://www.euractiv.com/energy/permitting-issues-risk-derailing-eu-s-renewable-energy-targets-warns-wind-industry)

⁴¹ *Ibid.*

⁴² Ouest-France, « Hauts-de-France. Xavier Bertrand fermement opposé aux éoliennes, il se déclare « pro-nucléaire », *News Article*, 22 March 2021: [Hauts-de-France. Xavier Bertrand fermement opposé aux éoliennes, il se déclare « pro-nucléaire » \(ouest-france.fr\)](https://www.ouest-france.fr/hauts-de-france/xavier-bertrand-fermement-oppose-aux-éoliennes-il-se-declare-pro-nucléaire)

⁴³ Sarantis Michalopoulos, “Germany not interested in joint EU gas purchases”, *Euractiv*, 21 October 2021: [Germany not interested in joint EU gas purchases – EURACTIV.com](https://www.euractiv.com/energy/germany-not-interested-in-joint-eu-gas-purchases)

⁴⁴ For instance: Mario Mehren, “The dream of net zero needs gas”, Op-Ed, *Euractiv*, 21 September 2021: [The dream of net zero needs gas – EURACTIV.com](https://www.euractiv.com/energy/the-dream-of-net-zero-needs-gas)

⁴⁵ Nils Bruch, Marc Ringel, and Michèle Knodt, “Clean Energy in the European Green Deal: Perspectives of European Stakeholders”, in *Handbook of Energy Governance in Europe*, ed. Michèle Knodt and Jörg Kemmerzell (Cham: Springer International Publishing, 2022), pp. 383-409, https://doi.org/10.1007/978-3-030-43250-8_79, pp.400-401.

Overall, it is clear that the EU managed to get deference from other actors in the energy field. With the Green Deal, Member States seem to have preferred engaging with the Union to push the transition forward and gain recognition through it rather than opposing it.⁴⁶

The EU and the contestation of its Green Deal

Both substance and sovereignty contestation were opposed to the Green Deal. Though the way they were expressed and the actors representing each radically changed as deference toward the EU in the energy field increased, with substance-based contestation spreading, especially coming from the Member States towards the EU. This change in the contestation's shape leaves the question of how the Union dealt with it.

Regarding the first continuum of contestation management strategies identified by the authority framework of adjudication/flexibility, the Energy Union was characterised by some failed attempts at adjudication by the EU, especially in the Nord Stream II case, where the Commission tried to derail the projects through legal means and the amendment of existing legislation, with very little success.⁴⁷ At the same time, any use of flexibility was difficult to observe and was usually implemented through an unstable mix of hard and soft law, which was expected to change towards fully fledged hard or soft law very soon.⁴⁸ A good example of this would be renewable energy, where Member-States only received indicative targets, leaving the binding ones at the EU level.⁴⁹

In the case of the Green Deal, a different situation occurred with a greater maturing of both strategies. On the one hand, the EU used the Green Deal's momentum to do formal

⁴⁶ Ole Jacob Sending, "Recognition and Liquid Authority", *op. cit.*, pp. 314-317.

⁴⁷ *Ibid.*, pp. 11-12.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

adjudication, preventing any sovereignty-based contestation from rising in opposition to it. An example is the 2021 Climate Law, which enshrined the transition and its net-zero objective into law.⁵⁰ Adjudication allows the EU to solidify its authority in the organisation of the green transition by providing a clear legal framework and creating momentum around an ambitious objective, making it harder for Member States to oppose EU measures on the sole basis of competency.

On the other hand, the EU also sought to address the substance-based contestation that arose instead of the sovereignty-based one through what is called under the authority framework “enhanced cooperation”. Here greater flexibility is sought, especially for policies setting up targets, allowing different pathways for Member States to reach their targets, and preserving their competency over national energy mixes.⁵¹ For instance, if we return to Renewable Energy, the same governance is used for the Energy Union: binding European targets and indicative national ones.⁵² Therefore, contrary to what Herranz-Surrallés et al anticipated, the unstable equilibrium state reached in 2018 mainly remained the same. However, some binding sub-targets were introduced for renewable energies, slightly tipping the balance toward the side of hard law.⁵³ Therefore, each Member State has a different pathway to carbon neutrality under the Green Deal, which shows that the EU uses this contestation management instrument.

Regarding the second continuum on (de) de-politicisation, it is clear that the EU also mobilised it under the Green Deal. First, with the presentation of the Green Deal up until the Fit for 55 policy package presentation, where a lot of politicisation happened alongside a new

⁵⁰ European Parliament and Council of the EU, “Regulation EU 2021/1119 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’)”, *Official Journal of the European Union*, L243/1, 30 June 2021.

⁵¹ Interviews A, B and E.

⁵² Thibault Besnier, “To what extent has the EU Green Deal changed EU energy policies? A Punctuated Equilibrium Theory analysis of the Renewable Energy Directive Revision”, *Bruges Political Research Papers*, n°89, 2022, pp. 27-30.

⁵³ *Loc. cit.*, Thibault Besnier.

momentum for the transition: this comes back to the article by Schunz mentioned before, underlining that the Green Deal was a discursive paradigm shift: discourses around the transition became much more dominant and authoritative for policymakers.⁵⁴ This implies a greater politicisation of sustainability, a trend underlined by all interviewees.⁵⁵

The presentation of the Green Deal and the ensuing period witnessed intense politicisation of energy issues, aiming to quash past contestation. The reverse trend, de-politicisation, happened once the Commission put forward actual policy proposals. This can be the case, for instance, with the Green Taxonomy. This regulation would have at its core delegated acts, a non-legislative act, defining which activities can be considered eligible for green finance – and in a sense, green at all. This meant that a proposal at the core of the Green Deal was to be adopted through a largely technocratic process, designed by expert groups and adopted by the Commission, not co-legislators. Another example touches upon the issue of permitting and local actors' contestation. Before REPowerEU, the Commission largely evaded the issue and initially decided not to reopen the article related to the topic in the 2021 revision of the Renewable Energy Directive.⁵⁶

With the Energy Union, not all of those strategies were efficient. Adjudication had largely failed to produce results on critical files such as Nord Stream II. In contrast, the de-politicisation of some files did not necessarily pan out, some files being more challenging to depoliticise than others⁵⁷. Similar observations can be made on de-politicisation in the case of the Green Deal. On taxonomy, the Commission was forced to involve Member-States further as controversy arose around including gas and nuclear as transition energies.⁵⁸ While the

⁵⁴ *Loc. cit.*, Simon Schunz.

⁵⁵ Interviews A, B.

⁵⁶ Thibault Besnier, *op. cit.*, p. 31.

⁵⁷ Anna Herranz-Surrallés, Israel Solorio, and Jenny Fairbrass, *op. cit.*, pp. 8-9.

⁵⁸ Frédéric Simon, "EU puts green label for nuclear and gas officially on the table", *Euractiv*, 2 February 2022: [EU puts green label for nuclear and gas officially on the table – EURACTIV.com](https://www.euractiv.com/energy/eu-puts-green-label-for-nuclear-and-gas-officially-on-the-table)

aforementioned adjudication cases are harder to assess as they tend to touch upon longer-term goals, the cooperation-type instruments seem to have had some effectiveness: major legislation using it, such as the Renewable Energy Directive, are now adopted.⁵⁹ However, they did not allow for a decrease in contestation coming from local actors, as controversies around permitting would keep developing until today.⁶⁰

To summarise this first part on the Green Deal, the policy programme presented by the Von der Leyen Commission represents a fundamental paradigm shift compared to previous programs: it led to a significant increase in authority for the EU. This empowerment also has the characteristic of being “value-driven”, where the value would pursued would be sustainability, and Member States would entrust the EU with the driving seat of the continent’s green transition. The ambition of the Green Deal also sparked significant controversies: if sovereignty-based contestation and substance-based contestation changed in nature, they also increased compared to the Energy Union, as the EU raised its ambition regarding the green transition. Contestation was addressed with management tools ranging from adjudication and flexibility to (de) politicisation, just like with the Energy Union. Just like in 2018, not all of them proved efficient, but in any case, the war in Ukraine that started in February 2022 significantly changed the situation and created new authority dynamics in the energy field.

⁵⁹ Council of the EU, “Council and Parliament reach provisional deal on renewable energy directive”, *Press Release*, 30 March 2023: [Council and Parliament reach provisional deal on renewable energy directive - Consilium \(europa.eu\)](https://ec.europa.eu/consilium/press/2023-03-30-council-parliament-reach-provisional-deal-renewable-energy-directive)

⁶⁰ For instance, see: Giles Dickson, “It’s time to get serious about speeding up the expansion of wind energy in Europe”, *Euractiv*, 18 April 2023: [It’s time to get serious about speeding up the expansion of wind energy in Europe – EURACTIV.com](https://www.euractiv.com/energy/its-time-to-get-serious-about-speeding-up-the-expansion-of-wind-energy-in-europe/)

THE 2022 ENERGY CRISIS: REDRAWING THE CARDS

This section will analyse the 2022 energy crisis and its aftermath, notably, the European Union's REPowerEU policy plan, presented in March⁶¹ and May 2022⁶² to tackle the crisis. It will update the authority assessment made for the Green Deal and discuss the implications of a crisis on the conferral and contestation of authority and how contestation is managed.

The 2022 energy crisis: the acceleration of the authority conferral

The Green Deal heralded greater authority at the EU level regarding energy policymaking. This field is traditionally characterised by a high number of actors holding authority, from local authorities to the state and the EU itself. As already discussed, this new authority influx from which the EU benefited came with the momentum of the green transition: the Union was entrusted with spearheading the transition and was therefore granted more deference to act in one of its key areas, energy.

Though with the 2022 energy crisis, the situation shifts. The war in Ukraine starts the crisis, as the EU seeks to decouple from Russian fossil fuels, and Russia weaponizes them to deter European countries from assisting Ukraine.⁶³ The EU is quick to react with a first communication in March 2022, announcing a new policy plan to eliminate Russian fossil fuels by 2027, which would then be pressed in a second May 2022 communication. These communications sign the start of a new focus in terms of energy policy. If we use the energy priority triangle identified by Knodt and Ringel, there are three priorities in European energy

⁶¹ European Commission, "Communication from the European Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: REPowerEU: Joint European Action for more affordable, secure and sustainable energy", *Official journal of the European Union*, COM (2022) 108 final, Brussels, 8 Mars 2022, p. 4, henceforth "REPowerEU March 2022 communication".

⁶² REPowerEU plan communication, *op. cit.*, p. 1.

⁶³ America Hernandez, Gas wars: How Putin sent EU energy prices rocketing, Politico Europe, 5 August 2022 <https://www.politico.eu/article/russia-energy-eu-prices-gas-vladimir-putin-ukraine-war-sanctions/>

policymaking: competitiveness, security of supply and sustainability.⁶⁴ They are always mobilised, though, at times, one becomes the primary concern.⁶⁵ With the Green Deal, sustainability would have become the priority, now replaced by the security of supply.⁶⁶ Sustainability, of course, is not written out but is now framed as a tool for the security of supply. At the same time, Commission President Ursula von der Leyen stressed that REPowerEU was not replacing the Green Deal but furthering it:⁶⁷ “REPowerEU is about saying that renewables are not just about the climate it can also be about energy security, something on which we need urgent action”.⁶⁸

This shift of focus could have threatened the EU’s authority because it could have taken away the momentum created by the previous main priority, sustainability. Though quite the contrary, as the Commission realised there was a risk of fragmentation with each Member State coming up with their own solutions to the crisis. It played an entrepreneurial role in coordinating and leading the crisis response.⁶⁹ As underlined by all interviewees, all Member States accepted greater coordination and decision-making at the European level to sort the crisis out. This would be explained largely by the fact they wanted to present a united front to Russia, which was counting on European countries’ infighting to guarantee they wouldn’t help Ukraine.⁷⁰ Through REPowerEU, the Commission managed, on the contrary, to unite all Member States behind a plan of measures to get rid of fossil fuels coming from Russia as of

⁶⁴ Michèle Knodt and Marc Ringel, “European Union Energy Policy: A Discourse Perspective”, in *Handbook of Energy Governance in Europe*, ed. Michèle Knodt and Jörg Kemmerzell (Cham: Springer International Publishing, 2020), pp. 1-22, https://doi.org/10.1007/978-3-319-73526-9_50-2, pp. 3-4.

⁶⁵ *Ibid.*

⁶⁶ Caroline Kuzemko et al., “Russia’s War on Ukraine, European Energy Policy Responses & Implications for Sustainable Transformations”, *Energy Research & Social Science* 93 (November 1, 2022): 102842, <https://doi.org/10.1016/j.erss.2022.102842>.

⁶⁷ Ursula von der Leyen, “Press statement by President von der Leyen on the Commission’s proposals regarding REPowerEU, defence investment gaps and the relief and reconstruction of Ukraine”, European Commission, 18 May 2022: [Statement by the President on the Commission’s proposals \(europa.eu\)](https://ec.europa.eu/press-room/en/press-statements/detail/18-05-2022-ursula-von-der-leyen-statement-repower-eu)

⁶⁸ Interview with High-Level Commission Official, in discussion with the author Online, 8 May 2023, henceforth “Interview C”.

⁶⁹ Interview with Dirk Buschle, Vice-Secretary General of the Energy Union, in discussion with the author, Bruges, 28 April 2023, henceforth “Interview A”.

⁷⁰ Interview with Phuc Nguyen, Energy policies research fellow at Institut Jacques Delors, In discussion with the author online 17 May 2023, henceforth “Interview E”.

2027. Of course, the need to stay united was not the only motor for such cohesion. Some interviewees also stressed that policymakers had realised the importance of renewables in today's energy markets and wished to support them: "It wasn't accepted on a psychological level, but rather because of the acknowledgements of the economy's changes: there was simply a "click"."⁷¹

Notably, this transfer of authority was not only from the national to the European level. A horizontal one happened, with the Commission proposing emergency legislation to tighten its market grip. For instance, the storage regulation is a concrete case of the EU intervening in a market to order private actors to refill storage, as they wouldn't do so given the market signals of the time.⁷² Similarly, the EU started a joint gas purchasing platform to aggregate EU countries' gas demand and turn the Union into a natural gas buyer.⁷³ The crisis, therefore, led the Union to increase its control over private actors.

The 2022 energy crisis, therefore, led to a new upward authority transfer and a lateral one, which would be motivated by reasons of a functional nature – the EU being well positioned to coordinate the crisis response at a European level. An EU unified crisis response would also allow to show a united front against the invasion of Ukraine, something policymakers felt the need to demonstrate to Russia. The underlying rationale for taking the lead in energy policies is again the security of supply, just like with the Energy Union, with a "Green tint" added. But an essential difference with the Energy Union is that more authority is transferred to the EU because of this crisis, as it can revise its existing proposals to increase its ambition while also intervening in energy markets. All of this while putting the European Parliament aside through urgency legislation. We can, therefore, clearly observe the effects a crisis can have on authority

⁷¹ Interview with High-Level Commission Official, In-discussion with the author, Bruxelles, 6 June 2023, henceforth "Interview F".

⁷² *Ibid.*

⁷³ *Ibid.*

in the EU here: it can trigger a more significant authority shift than in “normal” times, here in favour of the EU level, through the Commission’s entrepreneurship, as aforementioned. This now asks the question of how the crisis affected contestation.

The 2022 Crisis: shock and awe

The 2022 crisis led to a refocus of energy policy priorities which further improved the EU’s authority in the field in a manner not seen in “normal times” of policymaking. This poses the question of whether this authority changed. With the Green Deal, it already shifted to a substance-based contestation, not targeted from the private sector towards public institutions and vice-versa as would typically be the case, but from Member States towards the EU. Furthermore, some sovereignty-based contestation persisted, despite this type of concern vastly receding thanks to the Green Deal’s momentum.

The nature of the contestation with the 2022 energy crisis appears to have mostly remained the same as with the Green Deal, though contestation levels seem to become much more dynamic in times of crisis. In the months preceding the start of the war in Ukraine, there was a tendency from Member States to provide unilateral solutions to the rising energy prices,⁷⁴ primarily through budgetary tools. Unilateral crisis relief policies were a real threat to the EU because it threatened the single market’s cohesion, as not all Member States could spend their time through the crisis. Yet the start of the war created a general sense of shock and, as already mentioned, a common thrive for unity to face the consequences of the war, including with energy.⁷⁵ This meant that joint gas purchases, which Member States once contested on sovereignty grounds, were suddenly considered and even approved.

⁷⁴ Matúš Mišík and Andrej Nosko, “Each One for Themselves: Exploring the Energy Security Paradox of the European Union,” *Energy Research & Social Science* 99 (May 2023): 103074, <https://doi.org/10.1016/j.erss.2023.103074>. Also Interview A and E.

⁷⁵ Interview A, B, E, F and Interview with Thomas Pellerin Carlin, Director for the Institute for Climate Economics’ Europe Programme, In discussion with the author, Online, 11 May 2023, henceforth “Interview D”.

This should not be interpreted as sovereignty-based contestation disappearing: the common gas purchase platform only covers 3,5% of the EU's 2022 gas consumption. Member States were also keen on preserving their sovereignty in other fields: Spain and Portugal, for instance, requested to temporarily exit the European electricity market to subsidise their energy production and reduce energy prices.⁷⁶ In other words, some Member States suspended an EU policy to pursue their own, as they were unsatisfied with the EU's response. Though this was also done with the Commission's approval, hinting that it still retained deference.⁷⁷ In sum, sovereignty-based contestation to the EU's authority dropped in the crisis context without totally disappearing.

Very soon afterwards, though, as the shock faded away, substance-based contestation started to kick in. The most notable example is linked to the short-term crisis response measures coming with REPowerEU: the funding of natural gas projects.⁷⁸ As Russia kept European gas supplies low for months after the start of the war and the reduction in fossil fuel imports through Russian pipelines to European countries, there was a fear that Europe would run out of natural gas in the following winter.⁷⁹ Potential natural gas shortages led the Commission to include dispositions related to this energy vector in its plan, including the aforementioned ones on minimum supplies and joint purchasing. But it also added to those provisions to cofinance liquefied natural gas infrastructure to increase gas importations from countries other than Russia.⁸⁰ Those measures stirred many criticisms, in particular from civil society, unhappy with the fact that the EU was financing fossil fuels rollout – in opposition to its Green Deal

⁷⁶ Alice Hancock, Sam Fleming and Tom Wilson, "What are the EU's plans to curb electricity prices?", *Financial Times*, 1 September 2022: [What are the EU's plans to curb electricity prices? | Financial Times \(ft.com\)](https://www.ft.com/content/1c1c1c1c-1c1c-1c1c-1c1c-1c1c1c1c1c1c)

⁷⁷ *Ibid.*

⁷⁸ Interview D, also see for instance: GreenPeace European Unit, "EU Commission's REPowerEU plan puts energy giants above people", Press Release, 18 May 2022: [EU Commission's REPowerEU plan puts energy giants above people - Greenpeace European Unit](https://www.greenpeace.org/eu-international/press-releases/eu-commission-repower-eu-plan-puts-energy-giants-above-people/)

⁷⁹ Interview C and F.

⁸⁰ REPowerEU plan communication, *op. cit.*, pp. 12-14.

commitments – and using money normally dedicated to the transition to do it, such as money from the Emission Trading System’ stability reserve.⁸¹

This is financial support for LNG, via loans and state aid: direct financing of fossil fuels. If one were to judge the EU on this only criteria, one could say that the EIB, which continues to refuse to invest in fossil gas, is now more pro-climate than the Commission.⁸²

To summarise, the Green Deal led to substance-based contestation to replace the sovereignty-based one and to shift it from Member States to the EU, and the 2022 energy crisis reinforced that trend. Sovereignty-based contestation further receded, without disappearing altogether, while substance-based contestation flared, but this time coming from the civil society. Such a trend hints towards a “rally behind the flag” effect, which increased deference towards the EU, mainly coming from Member States. It also, just like in the Green Deal’s case, reinforces the argument that the EU successfully created deference, with most actors of the energy governance actively engaging in and with the EU’s policy in the field rather than rejecting them.⁸³

REPowerEU, a contestation management vessel

The two first effects of the crisis are a sharp increase in deference towards the EU, despite a return to security of supply as a primary goal for energy policies, and a muted contestation of it, mainly coming from civil society. This leaves the question of how the EU dealt with contestation to its approach in times of energy crisis.

The first noteworthy trend is the reappearance of adjudication: the EU seem to have used the crisis as a window of opportunity to solidify its position in the energy sphere through hard law and by tackling Green Deal related contestation. One example is the recast of many

⁸¹ *Loc. cit.*, Interview D.

⁸² *Ibid.*

⁸³ *Loc. cit.*, N. Krisch.

Green Deal proposals, such as the Renewable Energy Directive and the Energy Efficiency Directive. In each case, the Commission proposed to raise the targets from 40% renewable energy uptake to 45% and from 9% energy savings to 13% by 2030, respectively.⁸⁴ Interviews clearly show that REPowerEU did not radically alter negotiation dynamics on those files. Yet, it still gave the necessary impetus for the EU to go the extra mile and raise its targets even higher.⁸⁵ This means that the EU used the crisis to increase its influence on national energy mixes and policies even further.

With the renewable energy targets, the implication is more the appearance of a right to control the energy mix. What's important here is that Member States remain involved and in charge of implementation: it's a precarious balance in the final analysis.⁸⁶

Another important case of adjudication is about permitting of renewable energy projects. This issue rose to the agenda with the proposition of a third renewable energy directive, as private sector actors in the field of renewables complained that they were struggling to roll out renewable energy production sites, despite having the funding for it. Amongst the primary reasons behind this slowness are local actors' opposition to renewable energy projects and administrative inefficiencies,⁸⁷ all of which the EU struggled to tackle.⁸⁸ With REPowerEU and the rising centrality of renewable energy for the Union's security of energy supply, the EU tried to solve the issue through adjudication by adding to the renewable energy directive a provision which would allow Member States to automatically recognise renewable energy projects as being of public interest.⁸⁹ This would hasten permitting procedures by removing one assessment step and reducing local actor's leeway to oppose such projects. We can therefore see two successful cases of adjudication used in crisis time: on the

⁸⁴ REPowerEU plan communication, *op. cit.*, p. 3 and p. 6 respectively.

⁸⁵ Interview B and E.

⁸⁶ Interview E.

⁸⁷ Thibault Besnier, "To what extent has the EU Green Deal changed EU energy policies? A Punctuated Equilibrium Theory analysis of the Renewable Energy Directive Revision", *op. cit.*, p. 24.

⁸⁸ *Ibid.*

⁸⁹ REPowerEU plan communication, *op. cit.*, p. 11.

one hand, an increase in Union’s energy targets, and on the other, an interference in the renewable energy project permitting procedure.

If adjudication happens in some instances, the Commission, through its REPowerEU, also pushed for a lot of flexibility, just like in the Green Deal. This can be seen in most legislation proposed, whether it be new or just a revision, where Member States are still given a significant leeway or keep the one they had. For instance, that is the case with Renewable Energy and Energy efficiency targets, which remain binding at a European level only.⁹⁰ This is also the case with initiatives such as the common gas purchasing platform, where Member States are not obliged to participate.⁹¹ Finally, a significant development with the crisis has been the relaxing State Aid rule to allow Member States to support their economies in rising energy prices.⁹² Rather than trying to impose a common way of tackling the crisis by softening those rules, the EU rather orientates Member States’ policies without constraining them to the point of creating contestation. Overall, many interviewees called the REPowerEU “soft” in the sense that many of its measures are not constraining, meaning that if the EU gets more deference in the crisis, it still exercises restraint to gather the support of Member States and avoid any further sovereignty-based contestation.

Regarding the substance-based contestation, the EU does not address the bulk of the civil society’s uproar on support for natural gas. Instead, it seems to depoliticise the issue by stressing the temporary nature of this support and its necessity to avoid any blackouts, which would be detrimental to citizens’ support of the Green Deal.⁹³ This de-politicisation in terms of narrative is tied to politicisation in terms of policy – that is, the EU taking control away from private actors – as the EU, to some extent, cracked down on gas market actors: they are

⁹⁰ Interview A, B, D, E and F.

⁹¹ *Ibid.*

⁹² Interview B.

⁹³ Interview C and F.

identified as a source of the crisis by EU officials. This led the EU to pass emergency legislation on gas storage, which constrained market actors to refill their gas storage even if the current market situation was unfavourable. We can therefore see a balancing act, with both narrative de-politicisation and policy politicisation to try and defuse contestation.

To summarise this second section, as anticipated in hypothesis 1, the crisis allowed the EU to increase the deference of other actors towards itself significantly. It gained the lead in the crisis response, despite risks of fragmentation of national responses, thanks to the Commission's impulse. More authority was acquired at the EU level. The contestation of authority changed, with less sovereignty and more substance-based contestation, as Member States largely agreed to the EU's crisis-solving plan, unlike civil society, which was largely unhappy with provisions related to support of natural gas infrastructure. Overall, the crisis reduced contestation, unlike hypothesis 2 anticipated: more authority to the EU does not necessarily mean more contestation to it, especially in crisis time. Finally, hypothesis 3 was proven to be a mixed bag: if the crisis triggered politicisation and adjudication reactions from the EU, it primarily used flexibility and de-politicisation. Therefore, if the crisis did increase deference towards the EU and toned-down contestation, it did not lead the Union to drastically change its way of dealing with contestation, it only gave it momentum to tackle more of it.

CONCLUSION

Summary of findings

Hypothesis	Result
H1: Because of the Green Deal and the 2022 energy <i>crisis</i> , more <i>authority</i> was conferred to the EU, away from national, local and private actors of the governance.	<i>Valid:</i> The European Green Deal led to an authority transfer towards the EU, which was then further reinforced by the 2022 energy crisis. All of this happened without treaty change.
H2: The more authority is transferred to the Union in the context of the Green Deal and the 2022 energy crisis, the more contested the EU will be.	<i>Invalid:</i> If the Green Deal led the EU to be more contested, the opposite happened with REPowerEU, thanks to a “rally behind the flag” effect.
H2.1: In relation to the 2022 energy crisis, rising energy prices led to further contestation of the EU’s policy.	<i>Invalid:</i> For the same reasons as H2. What is important to point out with the energy crisis, is that a shift in contestation patterns occurs, away from sovereignty based one, towards substance based one: EU actions in this policy field seems to be increasingly accepted by the other actors, and in particular Member States.
H3: To reduce the contestation caused by the Green Deal and the 2022 Energy Crisis, the Commission tried to depoliticise and flexibilise its policies.	Partly invalid: The Commission used a mix of politicisation/depoliticization strategies, as well as adjudication/flexibility measures in both cases. It sought to increase EU formal power in some areas, but left flexibility to Member States in others to keep them on board.

We saw that, with more recent developments, the liquid authority approach to analysing EU policymaking still makes sense. With the Green Deal and the energy crisis, we could witness increased authority conferred to the EU level without any treaty change. This proves once more that power relations are not all about hard law: the EU managed to receive deference from the other actors in the field of energy, only to strengthen its authority with legislation then. This fact also means that the first hypothesis formulated here is confirmed. Contrary to what was anticipated, more authority to the EU does not necessarily imply that contestation to it will rise. If the Green Deal led to an increase in this contestation, as anticipated in the second hypothesis, the 2022 energy crisis tended to decrease, even though the EU went even further on many policies than in the Green Deal. This does not mean that a crisis cannot raise questions about an actor’s authority, but rather that depending on how this actor tackles the crisis, it can create

a “rally behind the flag” effect: Member States accepted Commission proposals that infringed on their sovereignty even more than the Green Deal ones because they wanted to show a united front to Russia. If this finding can be surprising from a post-functionalist perspective, which would anticipate more contestation of the EU as it gains competence, it is less surprising with a liquid authority approach. As the EU gained authority, other actors in the energy field chose to engage with it and its legislation rather than opposing it to gain recognition for themselves.⁹⁴ That is why contestation changes, as Member States contest more how a policy is done than its existence, just like private actors and civil society. In that sense, sovereignty-based contestation tends to recede.

In contrast, substance-based contestation tends to increase, hinting at a “Europeanisation” of energy policy: the European level seems to be increasingly accepted in this field, and the debate shifts on how it acts rather than whether it should act. Finally, the assumption more authority and contestation would tend to politicise the management of said contestation and encourage adjudication has also been proven untrue. Instead, the EU kept using, just like for the Energy Union, a mix of adjudication and flexibility, as well as politicisation and de-politicisation: the EU took advantage of the crisis to reinforce its grip over some parts of the policy area but also exerted a lot of restraint in other fields to avoid contestation.

Since the Energy Union, the EU has clearly increased its role in the governance of energy policies. It did so using the momentum created around environmental issues and the crisis caused by the war in Ukraine. In turn, this authority is increasingly accepted by the other energy governance actors because of the EU’s restraint and emphasis on soft law and flexibility. Again, without any treaty change, all of this shows liquid authority’s salience to

⁹⁴ *Loc. cit.*, O. Sending.

analyse EU internal policymaking. Many further leads could be interesting to pursue in that regard. First, the EU's authority could be reassessed in the new context of a debate on a potential EU industrial policy. The role of private and civil society actors could also be studied in more detail: liquid authority is a concept from international relations initially. It tends to be more focused on States, supranational and international organisations. Finally, we saw in this paper that the Commission played an essential role in raising the EU's authority over the energy field: policy entrepreneurship could be another salient area to be explored in the future to see how they can increase or decrease an actor's authority.

References

Bauer-Babef, Clara, “France trailing behind EU renewable energy goals”, *Euractiv*, 6 May 2021: [France trailing behind EU renewable energy goals – EURACTIV.com](#)

Besnier, Thibault, “To what extent has the EU Green Deal changed EU energy policies? A Punctuated Equilibrium Theory analysis of the Renewable Energy Directive Revision”, *Bruges Political Research Papers*, n°89, (September, 2022)

Bounds, Andy and Alice Hancock, “EU’s new green reporting rules are ‘impossible’, businesses say”, *Financial Times*, 20 May 2023 [EU’s new green reporting rules are ‘impossible’, businesses say | Financial Times \(ft.com\)](#)

Bruch, Nils, Marc Ringel, and Michèle Knodt. “Clean Energy in the European Green Deal: Perspectives of European Stakeholders.” In *Handbook of Energy Governance in Europe*, edited by Michèle Knodt and Jörg Kemmerzell, 383-409. Cham: Springer International Publishing, 2022. https://doi.org/10.1007/978-3-030-43250-8_79.

Council of the EU, “Council and Parliament reach a provisional deal on renewable energy directive”, *Press Release*, 30 March 2023: [Council and Parliament reach provisional deal on renewable energy directive - Consilium \(europa.eu\)](#)

Dickson, Giles, “It’s time to get serious about speeding up the expansion of wind energy in Europe”, *Euractiv*, 18 April 2023: [It’s time to get serious about speeding up the expansion of wind energy in Europe – EURACTIV.com](#)

European Commission, “Communication from the European Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: REPowerEU plan”, Official journal of the European Union, COM (2022) 230 final, Brussels, 18 May 2022

European Commission, “Communication from the European Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: REPowerEU: Joint European Action for more affordable, secure and sustainable energy”, Official journal of the European Union, COM (2022) 108 final, Brussels, 8 Mars 2022

European Commission, “Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast)”, Official journal of the European Union, L328/82 Brussels, 14 July 2021

European Commission, “European Clean Hydrogen Alliance”, July 2020 : [European Clean Hydrogen Alliance \(europa.eu\)](#) [Last Consulted on 31/07/23]

European Commission, “Proposal for a directive of the European Parliament and of the Council amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652”, Official journal of the European Union, COM(2021) 557 final, Brussels, 14 July 2021

European Council, “Special meeting of the European Council (30 June, 1 and 2 July 2019) – Conclusions”, *Official Journal of the European Union*, EUCO 18/19

European Parliament and Council of the European Union “Regulation (EU) 2021/1119 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’”, *Official Journal of the European Union*, L243/1, 30 June 2021

Hassenteufel, Patrick, and Sabine Saurugger. “Crises économiques et processus de changement dans l’action publique : une approche relationnelle.” In *Les Politiques publiques dans la crise*, 7-35, Académique, Paris: Presses de Sciences Po, 2021. <https://doi.org/10.3917/scpo.hasse.2021.01.0007>.

Hernandez, America and Leonie Kijewski, “Russia slashes Nord Stream gas supply to Europe”, Politico Europe, 25 July 2022: [Russia slashes Nord Stream gas supply to Europe – POLITICO](#)

Herranz-Surrallés, Anna, Israel Solorio, and Jenny Fairbrass. “Renegotiating Authority in the Energy Union: A Framework for Analysis”, *Journal of European Integration*: 42, no. 1 (January 11, 2020): 1-17. <https://doi.org/10.1080/07036337.2019.1708343>.

Knodt, Michèle, and Marc Ringel. “European Union Energy Policy: A Discourse Perspective,, In *Handbook of Energy Governance in Europe*, edited by Michèle Knodt and Jörg Kemmerzell, 1-22, Cham: Springer International Publishing, 2020, https://doi.org/10.1007/978-3-319-73526-9_50-2.

Krisch, Nico. “Liquid Authority in Global Governance.” *International Theory* 9, no. 2 (July 2017), 237-60. <https://doi.org/10.1017/S1752971916000269>.

Kurmayer, Nikolaus, “Future German Chancellor committed to gas, Greens fall in line”, *Euractiv*, 1 November 2021, [Future German Chancellor committed to gas, Greens fall in line – EURACTIV.com](#)

Mehren, Mario, “The dream of net zero needs gas”, Op-Ed, *Euractiv*, 21 September 2021: [The dream of net zero needs gas – EURACTIV.com](#)

Michalopoulos, Sarantis, “Germany not interested in joint EU gas purchases”, *Euractiv*, 21 October 2021, [Germany not interested in joint EU gas purchases – EURACTIV.com](#)

Mišík, Matúš, and Andrej Nosko. “Each One for Themselves: Exploring the Energy Security Paradox of the European Union”, *Energy Research & Social Science* 99 (May 2023), 103074, <https://doi.org/10.1016/j.erss.2023.103074>.

Ouest-France, « Hauts-de-France. Xavier Bertrand fermement opposé aux éoliennes, il se déclare « pro-nucléaire », *News Article*, 22 March 2021, [Hauts-de-France. Xavier Bertrand fermement opposé aux éoliennes, il se déclare « pro-nucléaire » \(ouest-france.fr\)](#)

Reh, Christine, Edoardo Bressanelli, and Christel Koop. “Responsive Withdrawal? The Politics of EU Agenda-Setting”, *Journal of European Public Policy* 27, no. 3 (March 3, 2020), 419-38, <https://doi.org/10.1080/13501763.2020.1712453>

RTE, “Production Totale Bilan Electrique 2020”, *RTE website*: [Production – Production totale: RTE Bilan électrique 2020 \(rte-france.com\)](https://www.rte-france.com/production-totale-bilan-electrique-2020) [Last Consulted on 31/07/23]

Schmitter, Philippe C., and Zoe Lefkofridi. “Neo-Functionalism as a Theory of Disintegration”, *Chinese Political Science Review* 1, no. 1 (March 1, 2016): 1-29, <https://doi.org/10.1007/s41111-016-0012-4>

Schunz, Simon. “The ‘European Green Deal’ – a Paradigm Shift? Transformations in the European Union’s Sustainability Meta-Discourse”, *Political Research Exchange* 4, no. 1 (December 31, 2022), 2085121, <https://doi.org/10.1080/2474736X.2022.2085121>

Sending, Ole Jacob. “Recognition and Liquid Authority.” *International Theory* 9, no. 2 (July 2017): 311-28. <https://doi.org/10.1017/S1752971916000282>

Simon, Frédéric and Kira Taylor, “Gas and nuclear: Fate of EU green taxonomy ‘now in the hands of von der Leyen’”, *Euractiv*, 10 December 2021, [Gas and nuclear: Fate of EU green taxonomy ‘now in the hands of von der Leyen’ – EURACTIV.com](https://www.euractiv.com/news/eu-green-taxonomy-now-in-the-hands-of-von-der-leyen/)

Simon, Frédéric, “EU puts green label for nuclear and gas officially on the table”, *Euractiv*, 2 February 2022, [EU puts green label for nuclear and gas officially on the table – EURACTIV.com](https://www.euractiv.com/news/eu-puts-green-label-for-nuclear-and-gas-officially-on-the-table/)

Taylor, Kira, “Europe risks €87 billion in stranded fossil gas assets, report reveals”, *Euractiv*, 9 April 2021, [Europe risks €87 billion in stranded fossil gas assets, report reveals – EURACTIV.com](https://www.euractiv.com/news/europe-risks-87-billion-in-stranded-fossil-gas-assets-report-reveals/)

Taylor, Kira, “Permitting issues risk derailing EU’s renewable energy targets, warns wind industry”, *Euractiv*, 24 February 2022, [Permitting issues risk derailing EU’s renewable energy targets, warns wind industry – EURACTIV.com](https://www.euractiv.com/news/permitting-issues-risk-derailing-eu-s-renewable-energy-targets-warns-wind-industry/)

Wilhelmine Preussen, “EU tables €300bn plan to ditch Russian fossil fuels, speed up green transition”, *Politico Europe*, 4 October 2022, [EU tables €300bn plan to ditch Russian fossil fuels, speed up green transition – EURACTIV.com](https://www.euractiv.com/news/eu-tables-300bn-plan-to-ditch-russian-fossil-fuels-speed-up-green-transition/)

Annex - List of interviews

- A. Interview with Dirk Buschle, Vice-Secretary General of the Energy Union, Bruges, 28 April 2023
- B. Interview with Thijs Vandebussche, Independent consultant on energy policies, Bruges, 28 April 2023
- C. Interview with High-Level Commission Official, Online, 8 May 2023
- D. Interview with Thomas Pellerin Carlin, Director for the Institute for Climate Economics' Europe Program, Online, 11 May 2023
- E. Interview with Phuc Nguyen, Energy policies research fellow at Institut Jacques Delors, online 17 May 2023
- F. Interview with High-Level Commission Official, Bruxelles, 6 June 2023
- G. Interview with Anna Herranz Surralles, Associate Professor of International Relations at Maastricht University, Online, 19 June 2023

No 90/2022

Alexandre Piron, The EU's humanitarian aid in the post-Lisbon context: an analysis of the decision-making process towards the Palestinian and Ukrainian crises 2010-2021

No 89/2022

Thibault Besnier, To what extent has the EU Green Deal changed EU energy policies? A Punctuated Equilibrium Theory analysis of the Renewable Energy Directive Revision

No 88/2022

Daniel Guéguen & Vicky Marissen, Science-based and evidence-based policy-making in the European Union: Coexisting or conflicting concepts?

No 87/2022

Álvaro Rangel Hernández, Geopolitics of the energy transition: Energy security, new dependencies and critical raw materials. Old wine in new bottles for the EU

No 86/2022

Juuso Järviemi, Media Literacy Promotion in Moldova: Europeanisation Through Interactions Between Domestic Civil Society, International Civil Society Actors and International Funders

No 85/2021

Matteo Riceputi, The EU's response to disinformation in the run-up to the 2019 European elections: Ideational, political and institutional genesis of a nascent policy

No 84/2021

Loïc Carcy, The new EU screening mechanism for foreign direct investments: When the EU takes back control

No 83/2021

Clarisse Corruble, Overtourism and the policy agenda: Balancing growth and sustainability

No 82/2020

Judith Nayberg, Opening the window for merger policy: What drives a reform?

See the complete archive at [Bruges Political Research Papers | Coleurope](#)