



DEPARTMENT OF POLITICAL SCIENCE  
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# **FIT FOR IMPLEMENTATION?**

A WPR - analysis of how the European Commission frames implementation challenges in the Fit for 55 proposals

**Nathalie Ahlstedt Mantel**

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## Abstract

Climate change is a large scale problem, in need of swift emission reduction to ensure a secure future for all. The EU has a long history of policymaking in the environmental field, and a vast body of previous research dwell deeper into the development, compliance and results of the legislation. In the very recent years, the EU has been ramping up its climate ambition, and is launching the Fit for 55 legislative proposals as a roadmap to European climate transition.

To answer the research question *Which implementation problems does the European Commission address in the Fit for 55 proposals?*, this thesis uses an analytical framework which combines Bacchis WPR approach, with identified facilitators and stressors of collective action.

The analysis found that the main problems that the Fit for 55 proposals wants to solve is not climate change itself – but rather continued EU financial prosperity, competitiveness and market growth in the face of climate transition. While the Commission does identify several of the theoretically relevant implementation challenges in the material, others are absent. A result which theoretically could imply that the Fit for 55 proposals have limited potential to overcome implementation challenges as the Commission leaves open paths that might encourage actors to free-ride, which in turn could have a negative effect on the desired targets of the legislative package.

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# 1. Introduction

In the Intergovernmental Panel on Climate Change (IPCC) report, published in the spring of 2023, the Panel describes the unprecedented challenges that humanity faces to lower emissions. The report concludes that urgent global action is needed to ensure a secure future for all (IPCC, 2023). Still, despite new IPCC reports, the ratification of the Paris agreement, the adoption of the Sustainable Development Goals, and a wide range of policy efforts to lower emissions in the EU and beyond, the curve of emission on a global scale is, as the IPCC also highlights, yet to decline (UNEP, 2022). Answering to the threat of climate change, the EU has implemented several pieces of environmental policy and initiatives over the years, and has lowered its emissions by 35 % since 1990, which is better than the projected results. Still, more actions are needed to reach the climate goal of net-zero emissions by 2050 (European Environment Agency, 2022). In 2021, the European Commission released a new set of legislative proposals called the Fit for 55 package, aimed at *“providing a coherent and balanced framework for reaching the EU’s climate objectives”* (Consilium, 2022).

EU environmental policy have been widely researched. Since climate policy have been given a central strategic position in EU policymaking (Jordan & Gravey, 2021. p. 280) studies have identified both widespread non - compliance in the implementation stages of specifically the sector of EU environmental policy (Börzel, 2021. p. 145), as well as environmental policy taking new shapes and forms to improve implementation via less comprehensive efforts in policymaking (Börzel & Buzogány, 2019. p. 316). Studies also show that the union are trying out different approaches to reach its goals and improve implementation success rates, and have developed climate policy towards more integrated mixed policy packages over time (Skjaereth, 2021. p. 38). Previous research on the Fit for 55 proposals have focused mainly on the juridical and regulatory perspective to understand how well these proposals are engineered to create the desired outcomes for the Union.

Still, more research is needed as to analyse and attempt to determine the possibility of successful implementation of the Fit for 55 proposals, and to learn about whether the commission have accounted for key implementation challenges when formulating the problem they wish to solve. The aim of this study is to address this research gap by analysing to what extent the Commission acknowledges and answers to the implementation problems inherently present in large-scale social problems. To do this, the thesis will analyse the Commissions initial text included in the Fit for 55 proposals were they discuss the problem the legislation aims at solving, using the “Whats the problem represented to be” (WPR) framework combined with a collective action theory perspective. The thesis will specifically focus on the central implementation problem concept in collective action, free-riding. The research question that will guide the study is:

- *Which implementation problems does the European Commission address in the Fit for 55 proposals?*

First, the thesis provides the reader with an overview of previous research on EU environmental policy development, implementation and compliance, as well as an introduction to studies previously made on specifically the Fit For 55 proposals. Next, it will present collective action theory as the theoretical framework for the study, and connect it to Bacchis “What’s the problem represented to be” approach. The thesis will later introduce the methodological choices made to answer the research question, and present the applied analytical framework created for the study. The following empirical analysis show that the Commission mainly implies that the Fit for 55 packages aims at solving the problem of potential un-competitiveness that climate transition might result in for the EU. Onwards, the analysis point to that the Commission does address several of the implementation challenges that theory identifies as important to overcome to amplify collective action. Specifically present is the collective action stressor of conflicts of interests that the Commission wishes to hamper, and the collective action facilitators of trust, and transparency on other actors behaviours that the Commission wishes to strengthen. Still, both the stressor of uncertainty of risks and consequences as well as the facilitator of possibility to punish freeriders, which in this work are identified as important to address to solve implementation challenges, are left out of the Commissions reasoning on the problem to be solved in the Fit for 55 proposals.

The thesis concludes that the Commission does not acknowledge and address implementation challenges to the extent that the analytical framework suggests would be needed to amplify collective action. Lastly, the thesis argues that while the Commission does address several of the theoretically identified implementation challenges, it also leaves open paths that might encourage freeriding and non compliance of the Fit for 55 proposals, which in turn could have a negative effect on the desired targets of the legislative package.

## 2. Previous research

### 2.1 Climate and environmental policy development in the EU

The how's and why's of the EU's road to an ever more ambitious climate agenda have been widely researched over the years, perhaps as the policy area has been under intense development since it first was introduced on the EU agenda.

To start out, the EU has constantly been setting more and more ambitious targets over time since it first started developing and implementing climate policy. At first, the set goal was to stabilize emissions by the 2000s, then to lower emissions by 8 % by 2012. Later the goals were set at 20 % reduction by 2020, to be developed to 55 % by 2030 and ultimately to reach climate neutrality by 2050 in line with the Climate Law (Oberthür & von Homeyer, 2022. p. 7).

The Fit for 55 legislative package succeeded a vast body of environmental legislation from the EU, as well as climate policies developed beyond legislative packages. Starting out back in 1992 with more informational efforts - such as energy efficiency labelling and CO<sub>2</sub> labelling of cars, the EU later made its first regulatory effort with Burden Sharing (later replaced by Effort Sharing in 2009). The emissions trading system was put in place 2003, paired with GHG emission targets. In 2009, the EU launched its Climate and Energy package that aimed at the 2020 goals, along with directives on carbon capture, renewable energies and energy efficiency. In 2019 the 2030 Climate and Energy Policy Framework was adopted, focusing on the EU initial effort of 40 % emission reduction, to name a few notable efforts. The need for a new legislative take on environment within the EU arose as a response when the emissions reduction target was revised to the current 55 % by 2030, and thus the Fit for 55 package was developed.

The constant development of climate policy over the years speaks to the Union's ambition to be a global climate transition leader. It has also been overachieving its goals by 2020, but challenges remain to reach the ambitious 2030 goals (Oberthür & von Homeyer, 2022. p. 8-10).

The Green New Deal, presented in 2019, sets its aim to place climate and energy policy at the front and centre of the EU agenda, and to “*mainstream*” sustainability policy to ensure its presence in all economic sectors. A development that also speaks to the fact that the EU has gone from initially developing separate climate policy, towards more integrated and coordinated packages of policy mixes with clearly broader scope and targets (Skjaereth, 2021. p. 38). These climate policy mixes enable the Union to work around the troublesome situations where unanimous decision-making leads to alignment with the least climate ambitious member state. Instead, they can be used to combine different actors' interests to the end of raising climate ambitions. (Skjaereth, 2021. p. 25)

As opposed to trade, sustainability is a newer competence for the EU. (Jordan & Gravey, 2021. p. 280). Starting out in 1986 as a proper competence, the Union still had a body of legislation in the field of environment, aimed at ensuring the functioning of the Internal Market, shaped so that member states could not use their own national environmental legislation as non-tariff barriers. (Börzel, 2021. p. 142)

Later, the EU's work with sustainability focused on sustainable development as a whole where social, economic and environmental development were to be seen as one, the concept on which the Sustainable Development Goals were built. Later evaluation of efforts came to show that while successful for the aspects of promoting socioeconomically stable development in the Union - the holistic concept of sustainable development seemed unable to support and promote environmental sustainability. (Jordan & Gravey, 2021. p. 283). Even though the concept of sustainable development lives on as a communicative tool, for instance via the Sustainable Development Goals, the Green New Deal placed specifically environment and climate at the centre of the EU agenda. (Jordan & Gravey, 2021. p. 280), marking a significant shift in EU sustainability efforts and policymaking.

## 2.2 EU Climate and Environment policy implementation and compliance

Policymaking in the EU is overall centralized to Brussels, but the Union relies on member states and their national administrative functions to ensure that policymaking is implemented and put to practice. In other words, each national bureaucracy in each member state is responsible for the implementation process of EU policymaking. When implementation of EU policy in member states have been studied, this process and set up of shared responsibility has proved itself troublesome. (Knill & Lenschow, 2005. p. 583- 584.)

National bureaucracies often strive to comply with new EU policies, while still making as small changes as possible to their existing governance structures. In the field of environmental policy implementation, there are many examples at hand. For example, the German objection to fully integrate the Environmental Impact Assessment (EIA) Directive from 1985. Instead of the full integration that was the EU ambition, Germany choose to apply the directive only in already existing structures, which enabled them to get away from a complete overhaul of processes at a national level. In both Britain and France, the EIA was implemented solely in the local planning processes, and not through a fully integrated approach that was the original intention of the EU (Knill & Lenschow, 2005. p. 592).

Compliance, or conformity and adherence to international treaties and their obligations, are a well-studied area. Studies on specifically compliance within EU policy show the relevance of “*the process of domestic legal transposition, administrative application and enforcement*” (Adanova et al, 2014. p.

777). Still, in a multi-level governance system as the EU, assuring compliance and implementation of environmental policy is not solely up to the public sphere to ensure. Other actors, like transnational networks in the environmental field indeed have “*substantial potential to increase the ability of environmental advocates to demand the implementation of international rules and to activate decentralized monitoring and enforcement mechanisms*” (Adanova et al, 2014. p. 779). Research suggests that these various actors can do this by for example overcoming veto players by strengthening the positions of agencies in policymaking and domestic political spheres, “naming and shaming” opponents to implementation of environmental policies and initiating legal complaints in both national and international courts. (Adanova et al, 2014. p. 780). A very recent example of the latter is the many youth organizations suing governments throughout Europe for their lack of action on climate change, one of the latest example to date being Aurora suing Sweden in the winter of 2022. (Auroramålet, 2023)

Implementation and compliance with EU environmental policymaking in member states have experienced some daunting setbacks over the years. The policy area “*has the second highest violations number of EU law even without controlling for the legislation in force*”. Still, research show that non-compliance in the environmental policy field have declined since the 90s, even accounting for the deepening and widening of the Union. One reason for this development could be attributed to the changed conditions of EU environmental law, which today is more focused on amending previous- rather than introducing completely new legislation. (Börzel & Buzogány, 2019. p. 316).

Later research show that noncompliance indeed have declined, and that “*almost all member states, comply with almost all EU law, almost all the time*” (Börzel, 2021. p. 5). The same research conclude that noncompliance is sector specific, and that specifically environment is one of the top sectors for noncompliance in the Union. Nature conservation for example, has proven to be the very least complied with policy area in the history of EU law (Börzel, 2021. p. 145). Explanations as to why the sector of environment is at the top of the noncompliance list vary. One explanation could be that regulatory policy (which is applied in the sector of environment) demands very little costs at the decisionmaking stage of policymaking, while resulting in significantly higher costs at the implementation stages. These costs are thus shifted to the national level - possibly making member states less likely to comply (Börzel, 2021. p. 148).

### 2.3 Looking closer at the Fit for 55 legislative proposals

Even though the Fit for 55 proposals was released quite recently, there has been studies and research published which aims at understanding the functioning of the proposals, to asses as to how likely they



are to support the Union to reach their goals and to critically examine their contents from a range of perspectives.

De la Heras research aims at understanding how well the new legal proposals work to achieve the set goals. The research wishes to provide a deeper assessment of how these new measures can increase EU regulatory power in the climate policy area (De la Heras, 2022. p. 65). De la Heras assesses that the package is a very ambitious decarbonisation framework, and in line with EU ambitions to lead the global transition towards an ecologically sustainable society by 2050. It amends all existing legal acts and proposes new legal acts as well. They introduce both stricter targets, broader scopes and new mandatory requirements for member states in pursuit of drastically lowered emissions and climate neutrality. De la Hera also concludes that: *“Apart from the energy Directives, all the proposed acts are Regulations, a form of legal instruments that provide the European legislator with complete normative power”* (De la Heras, 2022. p. 75).

Looking more closely at the proposals in themselves, Schelake et al concludes that they show that the EU have not decided on a principal tool to reach its goals, but instead have chosen a multitude of instruments in the proposals. Even if the proposals are more ambitious, they stay on the previously chosen EU course of instrument choices and heavily rely on the price based and regulatory instruments. The authors identify that the package, even though being ambitious, does not address or revise the structural problems of the Governance Regulation. For example, even though the Governance regulation functions as a monitoring and reporting mechanism, the lack of binding effect should the member states fail to live up to the proposals is still present, and the authors demand a more close look at these structural problems in the future (Schleke et al, 2022. p.12).

Ovaere & Proost has identified the different policy tools the EU uses in the proposals to lower emissions in the transport sector via the Fit for 55 proposals, and found nine different approaches. They conclude that the proposals do address *“market inefficiencies”* which hinders emission reduction in the desired pace, but that there is still much to do to reach the climate targets while also doing so to the lowest possible cost (Ovaere & Proost, 2022. p. 9).

An example of research into a more specific sector topic in relation to the proposals is Köhl et al, which aims at understanding how regulatory and legislative changes in the Fit for 55 affect the timber industries in Europe, the people connected to it as well as the potential inconsistencies between these factors (Köhl et al, 2022. p. 1). Their analysis also show that the Fit for 55 package is inadequate in the regard as to understand how climate change will affect forests, that the package overlooks the social aspects of forests, and are sceptical of how the proposals have zoned in on one aspect of forestry (Köhl et al, 2022. p. 4), thus that the proposal might risk missing its target.

To conclude, the previous research of the proposals mainly focus on what regulatory and juridical basis the proposals have, and attempt to draw conclusions as to how successful the proposals then might be expected to be to solve the problems they set out to. Some research has identified potential problems as to how the proposals are structured and how this might effect the likeliness of them contributing to reach the set goals.

## 2.4 Research gap and thesis contribution

There is a broad existing body of research on EU climate policy development and compliance in general produced over the years, as well as recent research focusing on regulatory, juridical and structural perspective of the Fit for 55 proposals in specific. Research show that implementation of environmental policy is a pressing problem when working to solve the climate crisis in the EU, but still a fairly unreserached field in relation to the Fit for 55 proposals. As the proposals are to be rolled out and implemented in the member states during 2023, this research gap presents a logic next step to add to the existing knowledge of research on the proposals. This thesis focuses not on the implementation problems themselves, as they are still in the future to come. Instead it examines how the Commission themselves has reasoned around the societal problems they wish to solve, to what extent the Commission addresses potential implementation problems in their formulations.

Not much is known about how the Commission, via the Fit for 55 proposals, frame the problems they wish to solve, and in what way these address and understand the implementation challenges that arise when trying to solve a large-scale problem such as emission reduction. Collective action theory is widely used for analysing implementation challenges in environmental policymaking, but have surprisingly not been applied in relation EU environmental policymaking or the Fit for 55 proposals. To this end, a collective action approach in analysis of the Fit for 55 proposals could provide new knowledge on reasoning on implementation challenges in the setting of EU environmental policymaking. By answering the research question, the thesis wishes to contribute to a body of research that might add to bridging this knowledge gap.

## 3. Theory

### 3.1 Collective action and free-riding

The problem that the Fit for 55 proposals aims to solve is rapid emission reduction by 55 % by 2030. Lowering emissions of fossil gases and keeping the global average temperature within the 1.5 C temperature rise above pre-industrial levels decided upon in the Paris agreement (UN, 2015) is a public good. In relation to public goods collective action theory claims that everyone would benefit from rapid declines in emissions on a global scale and no one would be worse off. However, all would also prefer for someone else to invest and engage in the climate transition to take the associated costs and make sure it happens, while still enjoying the benefits of a sustainable planet in the end.

Free-riding is a central theoretical concept within collective action, which occurs when one actor underinvests in developing or maintain a public good, i.e. goods that serve a common interest, and instead expect someone else to take responsibility of the cost and effort connected to the maintainance of the public good, whilst themselves in the end still enjoy the benefits of the public good maintained. (Fuhrmann, 2020. p. 418). If every actor involved would choose this so called free-riding strategy – the social problem at hand would not be solved, and no one would be able to enjoy the outcome. (Ostrom, 1998. p. 1). A main point in collective action theory is thus to navigate the risks of free riding to avoid it, and instead promote collective action to solve a pressing social problem. (Sandler, 2004. p. 18).

Applied to EU climate policy and the goals set up in the the Fit for 55 proposals, free-riding becomes a risk as climate transition towards sustainability is very costly in the short term, which might put actors at risk to act in perceived rationality, and to choose to free ride out of self-interest. Indeed, the theoretical expectations of free riding is that policy and other means of governance will need to take the free riding mechanism into consideration to create the desired results: *“without special features, the outcome will be a prisoners dilemma or tragedy of the commons in which there is too little abatement”* (Nordhaus, 2015. p. 1340).

In relation to climate change, the process of free-riding is multi-faceted. Firstly, contemporary climate policy have traditionally been giving national actors strong incentives to freeride in relation to other countries. But as climate change also has a temporal aspect, now living generations are also free-riding on children and coming generations - leaving them to take the full future costs of transforming societies, while themselves enjoying activities and consumption with a high carbon footprint today. (Nordhaus, 2015. p. 1339). To solve social problems, and get away from the free riding strategies– policy compliance is an important key factor, and potential non compliance must be avoided.

To avoid non-compliance, which could result in policy being unable to achieve the desired results, there are two main theoretical approaches that have been the basis for research in the field. *The enforcement approach* claims that rational choice guides the member states, and that they weigh the cost associated with compliance against the benefits of it. If the EU, in this case, is weak in monitoring or enforcement, or if the policy the member states are to comply with is very far from their preferences, non-compliance is more likely to occur. On the other hand, *The management approach* is instead focused on the capacities of the states at hand, and does not explain non-compliance with willingness, but rather opportunity. The management approach advocates for capacity building and support to cut compliance costs to promote compliance with new policy (Börzel & Buzogány, 2019. p. 324).

The collective action framework and the concept of freeriding is connected to the theoretical formation of the enforcement approach, as the central theoretical concepts of collective action is based in highlighting the need for consequences if an actor were to freeride on others, which should deter other actors from doing the same. The collective action framework also works to highlight what factors makes actors want to freeride. The theoretical point of departure for this thesis is therefore aligned to the enforcement approach.

Still, even if free riding is seen as an intentional act of trying to get away from investments and efforts based in self-interest, or simply lack of capacity to engage - the effects are still the same. An actor who - no matter the reasons for doing so - freerides on others in face of a social problem is benefitting from doing nothing while leaving others to carry the burden of preserving the public good.

Collective action theory highlights the need for all involved actors to work together to ensure a public good and for actors to avoid free-riding in the process. As such, collective action theory focuses on solving implementation problems, and is a suitable theory to use to look at the key implementation challenges that might arise when taking EU environmental policy from theory to practice.

### 3.2 Large scale collective action problems

Lowering emissions of greenhouse gases on a broad scale, as the Fit for 55 proposals are set out to do, is, in addition to being a public good as discussed above, also defined as a large-scale collective action problem. Emission reduction has the wide set of the spatial (geographical) distance that the consequences of the problem affect, as well as the temporal distance - meaning the time between causes and consequences are lengthy and the problem is marked by complexity (Jagers et al, 2019. p 10- 12).

Third party interventions are often needed to enable collective action in the settings of large scale social problems, for example via regulations, settling disputes or support actors to overcome potential

coordination or cooperation problems they might face. Enabling collective action could be seen as a function of government, that becomes more complex as the social problem are to be handled on the international scene in a multi-level governance context (Bastos Lima et al, 2021. p. 3).

Collective action theory often focus on the individual aspect of working together to solve a joint problem, but as for large scale social problems, states and intergovernmental organisations are key to promote collective action. In the case of emission reduction on EU level, this thesis then focuses on the strand of theory that focuses on institutions and overarching actors, rather than collaboration between individuals.

### 3.3 State level relevant facilitators and stressors of collective action

Focusing on solving large scale social problems, collective action research have developed a list of facilitators and stressors that respectively enable and hinder successful collective action. Some of these are specifically relevant when analysing the possibility of successful implementation processes of efforts on a state and intergovernmental level, such as launching ambitious legislative proposals on emission reductions to be implemented across a continent in various member states, with inherently different economic, cultural and historical make ups.

From the viewpoint of collective action, the theoretical expectation would be that a process to solve a large-scale problem that acknowledges and strenghtens the facilitators of collective action, as well as acknowledges and weakens the identified stressors, would be more likely to succeed in creating collective action and getting our of the freeriding dilemma. Literature suggests that a “*collective action tipping point*” is reached when the facilitators are strengthened and the stressors weakened, preferably simultaneously (Bastos Lima et al, 2021. p. 3). Applied to implementation of EU climate policy, policy makers then should design policy that ensures that the main state level relevant stressors of collective action is hampered, and that the facilitators are strengthened to ensure policy compliance - and in the end - the desired results achieved and the problem solved.

The facilitators of collective actions that literature have identified is broad and ranges from 1) Possibilities for actors to punish free riders that don't contribute to the desired goals, but still benefit from the results, to 2) transparency on other actor's behaviour, such as lessened anonymity and developed communications. Literature also determines a list of facilitators that is about good relationships in between actors 3) small group sizes 4) trust 5) reciprocity 6) good reputation 7) prosocial preferences 8) prosocial norms and values. In addition, it also determines that 9) procedural and distributional fairness and 10) equal power relations are important to enable collective action. (Bastos Lima et al, 2021. p. 2.1)

The theoretically opposing stressors that instead hamper collective action, is identified as 1) anonymity, 2) lack of knowledge of other actor's actions 3) lack of accountability 4) heterogeneity 5) conflict of interest and rivalry 6) uncertainty and risk regarding consequences (Bastos Lima et al, 2021. p. 2.2)

As far as implementation of EU environmental policy on a state level go, a few facilitators and stressors are identified as more relevant than others to analyse to ensure compliance and efforts to reach the desired collective action goals. Relevant factors of interest to the aim and scope of this study is determined to be the following factors. The facilitator of 1) possibility to punish free riders is important and central factor, meaning that the EU can enforce policy and make sure that potential freeriders also face consequences. 2) Transparency on other actor's behaviours is interpreted as the possibility to monitor, measure and communicate around choices, progress and perhaps set backs that actors face when working towards a set goal. 3) Trust is an important factor to forward EU integration and policymaking, and facilitating trust via solidarity is also looked at in the scope of this study. Theoretically, these chosen facilitators would need to be amplified in policymaking to get out of the free-riding dilemma, and should be present in the Commissions reasoning on what problems needs solving in the Fit for 55 proposals.

At the same time, the chosen stressors would have to be weakened to support collective action and reach the desired results in the Fit for 55 proposals. In this study, the following stressors have been chosen. 1) Lack of accountability – meaning the possibility of flexibility in, or room for interpretation of the policy which could enable actors to freeride by using the nuances. 2) Uncertainty and risk regarding consequences is interpreted as inability to answer the questions on what would happen if an actor were to freeride. 3) Conflict of interest and rivalry is determined to be a factor which appears when different inherent interests are in opposition to eachother, for example a the conflict of interest between a companys need to profit, and their need to heavily exploit natural resources to do so.

### 3.4 Whats the problem represented to be? A theoretical approach

To analyse the Fit for 55 proposals and how these implementation challenges are addressed by the Commission, the thesis will use the What is the problem represented to be? (WPR) approach as a point of departure. WPR is both a theory and a method, which can be applied to critically analyse public policy documents in pursuit of understanding how policymakers define and acknowledge implementation and compliance challenges present in large scale problems.

Traditional studies on policy are informed by a positivist ideal – where policy is seen as an objective entity, and a natural and efficient way to structure society. A neutral form that lead to desired order,

created by rational policymakers. WPR on the other hand is based on Foucault's ideas and the poststructuralist tradition, and claim that policymakers are "*immersed in taken-for granted knowledge*" and mere subjects in a policymaking process. The process and results are naturally affected by the context that the policymakers themselves are part of, and as a result, in need of critical analysis (Bacchi & Goodwin, 2016. p. 8). Therefore, WPR theoretically approaches policy not as something that addresses problems, but rather as instruments that produce problems, based on the policymakers own perceptions of reality, societal problems and potential opportunity. How these problems are produced is then important to understand, as they affect how governance develops, how people live their lives and how well a community, no matter on what level of society, are equipped to face and overcome challenges (Bacchi & Goodwin, 2016. p. 6). Through the theoretical lens of WPR, it is not about how people make policy, but rather about how policy makes people (Bacchi & Goodwin, 2016. p. 8).

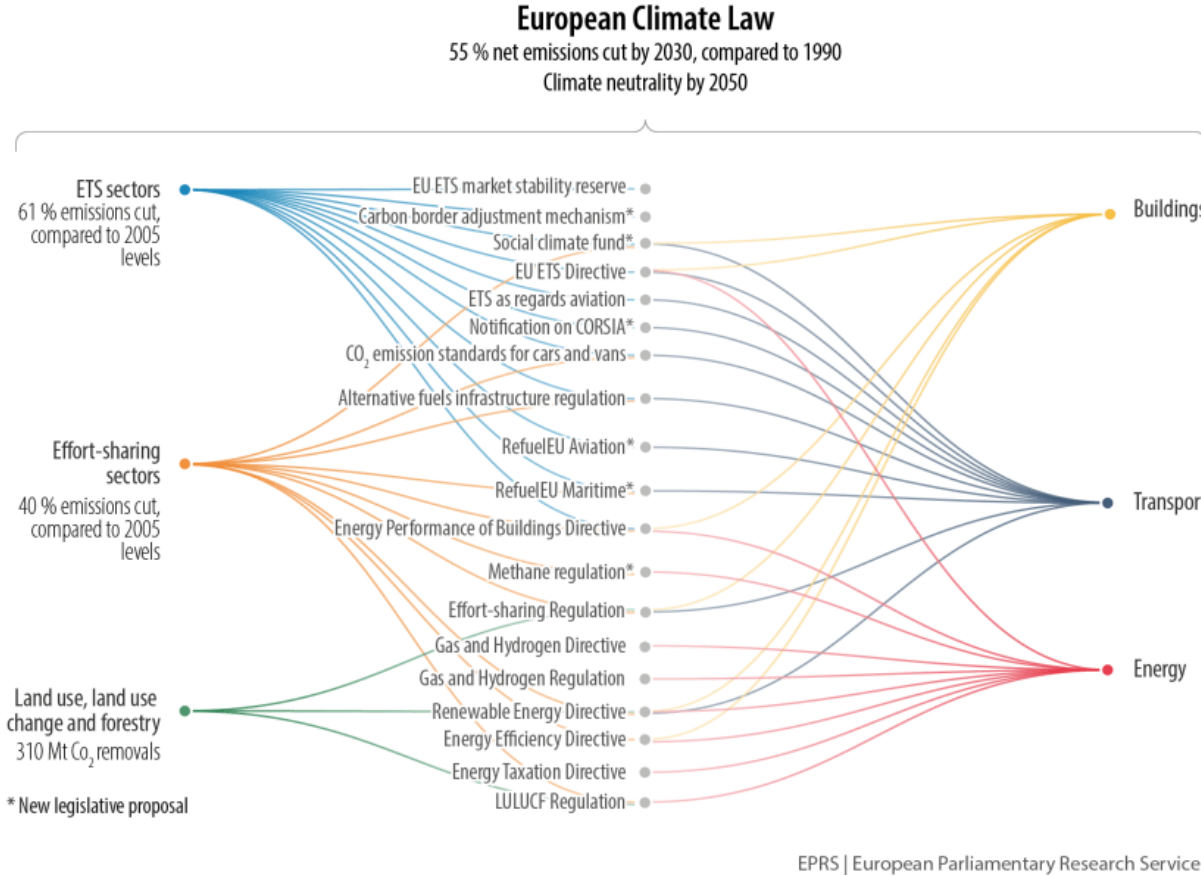
The WPR approach assumes that any representation or description of a problem to be solved in a policy document should no longer be seen as a truth, but instead as ideas to be analysed. (Bacchi, 1999, p 49.) To this end, the approach offers a way to think about a common view or framing of a problem in a different way, via asking new questions about the material and make visible the assumptions that the idea of the problem is based on (Bacchi, 2016. p. 14). As Bacchi describes it:

*"At its most basic, the insight is commonsensical – how we perceive or think about something will affect what we think ought to be done about it.... every policy proposal contains within it an explicit or implicit diagnosis of the 'problem' ...A necessary part of policy analysis hence includes identification and assessment of problem representations, the ways in which 'problems' get represented in policy proposals"* (Bacchi, 1999. p.1).

The WPR approach provides a critical lens through which text can be analysed to understand the basic assumptions and preconceptions that policy makers have when producing policy that aims at solving a problem. This analytical framework aims to facilitate a structured form of critique to the end, and to also allow for policy makers and policy analysts to develop new conversations about governing practices, underlying assumptions that influence policymaking and to "*promote poststructural sensibility*" (Bacchi & Goodwin, 2016. p. 9).

# 4. Material and method

The EU has produced many policy documents in the past decades which focuses on developing Union climate efforts, aimed to ensure the EU participation towards a sustainable future on the planet. The Fit for 55 package of proposals are both the most recent policy documents on the subject from the Commission, as well as the by far most ambitious. The joint proposals cover a broad spectrum of areas, ranging from a more extensive ETS system to revisions on land use to the creation of a social fund to finance transformation, in attempts to lower EU emissions and curb global warming.



**Figure 1:** Description of the different pieces of legislation, and how they are connected through sectors and topics, which aims at together bringing about the desired emission reduction by 2030 (European Parliamentary Research Service, 2023).

The Fit for 55 package contains 13 interlinked proposals aimed at revising current EU regulations, as well as six proposals for completely new laws, all aimed at emission reduction. The proposals were presented throughout 2021 in batches, and are totalling at 19 pieces of legislation to be implemented across the member states from 2023 and onwards.

The package is presented as an integrated roadmap to reach the EU climate targets by 2030, but the proposals are handled and processed individually throughout the political process, and are expected to



be ready for implementation on different timelines (EU legislative train schedule, 2023). As the process also revises the proposals during different stages, and since they are planned to be ready for implementation at different points in time, this study will use the original proposals of the package as material for the study to ensure equivalence in the material, thus using the material presented before potential later revisions.

In each proposal, the Commission includes an initial text on the problem they wish to solve via the proposal, which will be the piece of text in each proposal of interest for this study. The proposals are to be seen as an integrated whole, and are suitable material to use in the analysis to give a cohesive understanding of how the Commission frames the underlying problems that they wish to solve, and to what extent they have acknowledged and answered to potential implementation challenges.

## 4.1 Case selection and sample

A sample of proposals have been chosen for analysis to answer the research question. The Fit for 55 proposals are made up from a broad spectrum of legislation, covering a wide range of fields. The proposals are divided into legislation that cover Emissions Trading Systems (ETS) sectors, Effort Sharing Sectors and Land Use, Land Use Change and Forestry. In addition, they also cover the topics of buildings, transport and energy (European Parliamentary Research Service, 2023).

Since the proposals are diverse in both form and aims, the construction of the sample is designed to represent the heterogeneous nature of the Fit for 55 package as a whole, while still maintaining a realistic scope for the purposes of the thesis. To this end, the design of the sample in this thesis is based on a purposive sampling approach. The approach aims at finding a representative yet small batch of information-rich cases to build the analysis on, while all the same avoiding the pitfalls of omitting important sample requirements based on for example biasedness (Gray, 2018. p. 215).

The sample chosen for analysis in this study aims at covering all the sectors and topics represented in the Fit for 55 package in a balanced way, while also covering both directives and regulations, and purposely looking at both legislation that will directly affect consumers, and more overarching policy aimed at corporations and member states. The sample also includes examples of the completely new legislations, as well as amendments of older EU legislation. Each proposal includes a initial text called Context of the Proposal, and specifically the first part of that text – “Reasons for and Objections of the Proposal” is looked at. Each of these texts are adapted to each proposed legislation, but always contain a few paragraphs of background to the Fit for 55 in general – explaining that the EU is raising its climate ambitions and setting broad new targets. These general paragraphs will not be included in the analysis, as they are general remarks which does not describe the problem to be solved.

Literature suggests that the sample itself should be small enough to extract thick data for analysis, yet big enough to gain “*data saturation*”. To this end, at least four but at the most ten cases should be included in the sample (Gray, 2018. p. 175). Based on the stated criteria, as well as taking into account how the different proposals were formulated by the Commission, as to scope and depth that varied a lot across the pool of all 19 proposals when initially examined, for example by the length and richness of information in the text of interest in the proposals. The eight proposals chosen for the study were:

**1. CBAM:** *Proposal for a Regulation of the European Parliament and of the Council establishing a carbon border mechanism*

The proposal of a regulation sets a price on import of carbon emissions on chosen products in pursuit of minimizing potential carbon leakage that might arise from EUs new climate ambitions. The sample is both one of six pieces of new legislation in the package, covering the ETS sector and is aimed at member states and companies.

**2. Co2 Emission standards Vans & Cars:** *Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) 2019/631 strengthening the Co2 emission performance standards for new passenger cars and light commercial vehicles*

The regulation demands car emissions to come down to 55 % from 2030 and 100 % from 2035 from levels in 2021, and aims at accelerating fossile free mobility throughout the Union. The proposal is covering the effort sharing sector, specifically aimed at the topic of transport. This proposal is in a more direct way affecting European consumers and individuals, and is a amended piece of older legislation.

**3. Energy Efficiency Directive:** *Proposal for a Directive of the European Parliament and of the Council on Energy Efficiency*

The directive is aimed at cutting emissions by reducing energy use across multiple topics, as well as introducing new binding targets for member states. The proposal is covering the effort sharing sector, aimed at all the topic of transport, energy and buildings – thus being an overarching piece of policy. The broad scope of the policy is affecting both consumers, companies and states.

**4. EU ETS:** *Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2003/87/EC establishing a system for greenhouse gas emission allowance trading witin the Union, decision (EU) 2015/1814 and Regulation (EU) 2015/757*

The proposal for a Directive suggests an overall increase of the annual reduction rate and emission cap. The proposal also looks into extending the system to also cover shipping, aviation emissions, and

a separate system for buildings and transports on roads. The proposal is to amend previous legislation, and is covering the ETS sector, aimed at all the topic of transport, energy and buildings, thus also affecting both consumers, companies and states.

(European Commission, 2021)

**5. Gas and Hydrogen Directive:** *Proposal for a Directive of the European Parliament and of the Council on common rules for the internal markets in renewable and natural gases and in hydrogen*

The directive suggests strengthening the EU processes for developing renewable – low-carbon gases such as hydrogen to meet the demand and production needs of the future, the proposal is covering the topic of energy – and is primarily affecting states and their energy mixes, but also consumers down the line.

(European Commission – Energy, 2023)

**6. LULUCF:** *Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) 2018/841 as regards to scope, simplifying compliance rules, setting out targets of the Member States for 2030 and committing to the collective achievement of climate neutrality by 2035 in land use, forestry and agriculture sector, and (EU) 2018/1999 as regards to improvement in monitoring, reporting, tracking of progress and review*

The regulation suggests new and more ambitious targets for how land use and green surfaces in the EU are to remove carbon from the atmosphere in order to reach the climate goals. The proposal sets out to amend previous legislation, and is covering the LULUCF and Effort sharing sector, aimed at the topic of energy. The legislation is primarily affecting states and companies.

**7. ReFuel Aviation:** *Proposal for a Regulation of the European Parliament and of the Council on ensuring a level playing field for sustainable air transport*

The regulation proposes new targets for the aviation industry to blend in more renewable jet fuels when operating on EU airports, as well as boosting new markets for so called e-fuels. The proposal is a new legislation, and is covering the Effort sharing sector, aimed at the topic of transport. The legislation is primarily affecting companies.

**8. Social Climate Fund:** *Proposal for a Regulation of the European Parliament and of the Council establishing a Social Climate Fund*

Funded by the new ETS Directive, the fund is suggested as a completely new legislation to support member states and citizens to be able to invest in cleaner mobility and new energy systems. The proposal is a new legislation of a regulation, and is covering the ETS sector, aimed at the topics of buildings and transport. The legislation is broad and is affecting states, companies and individuals.

(European Commission, 2021)

## 4.2 Whats the problem represented to be? A methodological approach

In order to study how the Commission formulates potential implementation challenges and answer the research question, this thesis will draw on Bacchi's Whats the Problem represented to be - framework for the analysis of the material. The framework of analysis is in its original format posing a range of questions that are to be applied to the text, (Bacchi, 2016. p. 20), aimed at operationalizing the theoretical WPR framework outlined above.

### 1. *What's the "problem" represented to be in a specific policy or policies?*

The first question is the basis of the analysis, and the question aims as question an assumption that might feel natural, obvious. What have the policymakers set out as problematic? The goal is not to understand their intentions, but rather their "implicit problematizations" (Bacchi, 2016. p. 21).

### 2. *What deep-seated presuppositions or assumptions underlie this representation of the "problem"? (problem representation)*

The second question seeks to understand what knowledge or meanings that were needed to be in place to make the problematization make sense, and to locate these in the policy document. The question also wishes to understand how the problem representation is constructed - which concepts and which binaries might be in play to make up the idea of the problem? Lastly, it is posed to understand if there is a particular political rationality informing how the problem is formulated (Bacchi, 2016. p. 21).

### 3. *How has this representation of the "problem" come about?*

The question is asked to critically challenge and disrupt the ideas of what has to be done to solve the problem posed in the policy document, and to instead look at alternative formulations, and possible developments outside of the described problem (Bacchi, 2016. p. 22).

### 4. *What is left unproblematic in this problem representation? Where are silences? Can the "problem" be conceptualized differently?*

The question encourages critical thinking on "unproblematized events", different cultural approaches to the problem and the different contexts that the problem manifests in (Bacchi, 2016. p. 22-23).

5. *What effects are produced by this representation of the problem?*

Effects are understood as three different aspects. Discursive effects - terms of reference might determine boundaries to what can be thought or formulated by the question. Subjectification effects looks to understand how different subjects are included in the problem and how they are reproduced, and lastly, Lived effects are how the problem is formulated to affect people's real lives, (Bacchi, 2016. p. 23).

6. *How/where has this representation of the "problem" been produced, disseminated and defended? How could it be questioned, disrupted and replaced?*

Is there possibly contestation to how the problem is formulated? Can the problem be thought about in a different way? (Bacchi, 2016. p. 24).

Not every question must be asked every time when performing the analysis, but the researcher must critically examine her own assumptions and problem formulations. The own mind needs critical scrutiny, as we all exist in a cultural context, in a specific place in time - that inevitably shapes our views of the world and the ideas that inhibit it (Bacchi, 2016. p. 24). The WPR- method that can be applied when critically analysing public policy documents while still not using all the questions that the approach contains. For the purposes of this study, a selection of questions have been used in the applied analytic framework to answer the research question.

### 4.3 Operationalization of theory and analytical framework

The aim of this study is to understand which implementation problems the European Commission acknowledges and answers to in the Fit for 55 proposals. To this end, the study created an analytical framework that combined Bacchi's What the problem represented to be (WPR) - analysis with the relevant stressors and facilitators of collective action as described in the theory section. The analytical framework will be used to analyse the proposals, focusing on the initial text where the Commission describes the problem they want to solve.

This study uses both WPR and collective action as a theoretical points of departure, and thus incorporates the identified as relevant stressors and facilitators of collective action in the analytical framework together with chosen questions from WPR methodology. The chosen facilitators for this analytical framework, meaning the factors that the proposals theoretically should be wanting to amplify to strengthen implementation were: 1) Possibilities for actors to punish free riders that don't contribute to the desired goals, but still benefit from the results, and 2) transparency on other actor's behaviour, such as lessened anonymity and developed communications and 3) trust. The stressors used

in the analytical framework that the proposals theoretically should be wanting to weaken were: 4) lack of accountability 5) uncertainty and risk regarding consequences and 6) conflict of interest and rivalry.

The operationalization of the facilitators and stressors in the analytical framework is based on the theoretical understanding of them as laid out in the theory section above. When analysing the material, the following operationalization have been made of the facilitators and stressors of collective action:

1) Possibility to punish free riders is found as represented in the problem formulations if the Commission emphasises that the EU can and will enforce policy and ensure that free riders do face consequences when and if they choose to freeride.

2) Transparency on other actor's behaviours is seen as represented in the problem formulations if the Commission describe the need to enhance monitoring of progress, communication or other measurements that would be aimed to make the processes more transparent.

3) Trust is found represented in the problem formulations when the Commission describes the need to enhance policy that might strengthen the perceived integrity of EU systems, solidarity between member states – and efforts to increase member states, businesses or citizens will to take part in the climate transition.

4) Lack of accountability is found represented in the problem formulations when the Commission describes the need to close the gaps of flexibility in policy that might be used to freeride.

5) Uncertainty and risk regarding consequences is found represented when the Commission describes what the consequences are if an actor were to freeride, making sure that there are no uncertainties present.

6) Conflict of interest and rivalry is found represented when the Commission describes efforts to lessen the contradictions between interests, or efforts that bridges potential gaps.

For the purposes of answering the research question, this study used the following questions in the WPR methodology to build the framework used in the analysis:

*1. What's the "problem" represented to be in the Fit for 55 proposals?*

As the first question in Bacchi's framework is the basis of the analysis, and closely connected to the research question. Analysing what the European Commission understands as the implicit problem that the legislative proposals at hand are to solve are at the core of this study.

*2. What deep-seated presuppositions or assumptions on free-riding underlie the way that the Commission represents the "problem"?*

An important part of the study is the aspect of looking at implementation problems in the light of collective action when proposing EU climate policy, and how the Commission acknowledges and answers to these theoretically identified facilitators and stressors of collective action in the problem formulation. What part does the meanings and concept of free-riding play in the way that the commission formulates the problem they want to solve? Do the Commission specifically address the relevant facilitators or stressors to get away from the risk of member states free riding on others?

3. *What is left unproblematic in the way the Commission formulates the problem to be solved in the Fit for 55 proposal?*

Is there any silences or obvious gaps in the problem formulations in relation to implementation challenges? What relevant stressors and facilitators have not been approached or acknowledged? Does the Commission problem formulation raises other obvious questions?

The analytical framework is built upon these two theoretical approaches combined, and results in a model to be used on each proposal for the empirical analysis. At first, the text of interest in each proposal was analysed to find the problem formulations in general, what is the baseline problem that the Commission wants to solve via the proposal at hand? Later, in question two – the problem formulations was analysed in depth to identify representations of the chosen facilitators and stressors. In the third step, the analysis determined what potential facilitators and stressors that the problem formulation had left out – thus looking for the potential collective action holes in the problem formulation by the commission.

Each proposal was analysed individually, and all code books used for the empirical analysis is presented in **Appendix 1: Code Books**. The Analysis section in the thesis presents the joint analysis based on the identified implementation challenges.

	<b>How does the Commission acknowledge the need to weaken the relevant stressors of collective action?</b>	<b>How does the Commission acknowledge the need to strengthen the relevant facilitators of collective action?</b>
	<ul style="list-style-type: none"> <li>• Lack of accountability</li> <li>• Uncertainty and risk regarding consequences.</li> <li>• Conflict of interest and rivalry</li> </ul>	<ul style="list-style-type: none"> <li>• Possibilities for actors to punish free riders that don't contribute to the desired goals, but still benefit from the results</li> <li>• Transparency on other actor's behaviour, such as lessened anonymity and developed communications.</li> <li>• Trust</li> </ul>
<b>1. Whats the problem represented to be in the Fit for 55 proposal?</b>		
<b>2. What deep-seated presuppositions or assumptions on free-riding underlie the way that the Commission represents the "problem"?</b>		
<b>3. What is left unproblematic in the way the Commission formulates the problem to be solved?</b>		

**Figure 2:** *The analytical framework built for the purposes of the thesis.*

### 4.4 Limitations

This study is aimed at understanding how the Commission frames the problem they wish the Fit for 55 proposals to solve, and to understand whether they have included aspects to avoid free-riding and instead facilitate collective action to strengthen the implementation process. Policy document analysis is at the core of this study. It is important to note that policy documents from the EU Commission are merely one outlet of problem formulations, and if this thesis had studied press communications, interviews or working documents made by or with Commission representatives the results might have been different. For the purpose of the research aim and question, this study will focus on the legislative proposals, and not the adopted acts. The implementation process of the adopted acts are still, at the time of writing this thesis, not completed. This means that this study will not examine the actual implementation challenges but merely to discuss the theoretically based potential, departing from the analytical framework and the Commissions description of the problems they want to solve. The results of this study are therefore difficult to generalize, but could provide interesting knowledge for further studies later on.



## 5. Analysis

Using the analytical framework based on the WPR methodology combined with the identified stressors and facilitators of collective action – this work wants to determine which implementation challenges the Commission acknowledges and answers to in the Fit for 55 proposals. The sample analyzed, as discussed, was created to capture the heterogeneity and width of the nature of the proposals. The analytical framework aims at identifying the key implementation challenges themes, which unchecked would have potential to hamper the desired effects of the Fit for 55 package in the implementation stage. The result of the analysis is presented below, by first discussing the general problem formulations found in the material. Secondly the stressors, and facilitators of collective action found in the problem formulations are presented and discussed. Lastly, the thesis will present the analysis of what the Commission have left problematic in the problem formulations.

### 5.1 Problem formulations

Front and centre of the Commission reasoning on the problems that the proposals are to solve revolves around EUs continued competitiveness. The problem formulations in the proposals frequently discuss the global market, international competition and the need for EU to stay competitive in the context of climate transition, implying that a problem to be solved is EUs potential un-competitiveness when implementing the new Climate agenda. In addition, the Commission foresees several risks in the fact that the climate transition actions in line with the Green New Deal puts economic and social pressure on member states, businesses and consumers.

Thus, the general problem formulations revolve around the need for the Commission live up to its *raison d'être* to ensure a working internal market in the Union, as well as maintaining the member states internationally competitive position in the face of climate transition to ensure continued financial prosperity. Still, the Commission does not mention the potential climate change induced crises society faces if temperatures continue to rise as a general problem to solve in the proposals, or the potential devastating impact that this crises would have on that same prosperity. Rather, the graveness of climate change is instead implied by the focus on stricter and broader climate targets in the Fit for 55 proposals, and should be seen in the context of EU placing climate in the strategic centre of its policy making efforts via the Green New Deal.

Another problem that the Commission focuses on in the general problem formulations is the risk that European citizens and businesses might want to counteract the climate ambitions and targets, as they might experience reduced purchasing or competitive power as a result of more expensive goods and services due to climate taxes and price increases. If the climate targets and ambitions impacts prosperity and trade negatively in the Union, the Commission implies that there is a risk that European

cohesion and loyalty might be negatively affected. Preserving the intactness of the Union and union promises is a central topic in the problem formulations, ranging from enabling self sufficiency in energy as a way to strengthen security and independency from third parties while at the same time lowering emissions, to the need to lessening the gap between socioeconomic differences that might effect how compliant the various member states might be to the climate transition actions. To conclude, inner cohesion and stringency are to remain intact.

## 5.2 Representations of stressors of collective action

### 5.2.1 Conflicts of interest and rivalry

The most commonly acknowledged factor in the sample is the perceived need to weaken the stressor of conflicts of interest and rivalry. The problem formulation in the proposals heavily rely on working to solve the many conflicts of interests that arise when traditional markets meet the higher climate ambitions from the EU. The problem formulation in the proposals often focus on the price gaps – in which the by the EU preferred means aligned with the climate goals are considerably more expensive for member states, businesses and consumers than the fossile, business as usual options. A maintained or even widened price gap would, from a collective action point of view, make actors more prone to free-riding, thus actively undermining the climate targets and emission reduction. Thus, conflicts of interest is a central topic in the problem representations from the sample, and the Commission identifies the freeriding potential that this price gap creates:

*“The divergence with third world countries’ levels of climate action is expected to widen, with an increased risk of carbon leakage for the EU” (CBAM proposal)*

The Commission also addresses how this stressor could be weakened or made less severe to help get out of this specific free-riding dilemma on an EU level. For example in the proposal for the Social Climate Fund, where the Commission recognized that vulnerable households might be affected negatively by increased prices due to the Fit for 55 legislative framework.

*“to alleviate the burden on the vulnerable groups” via, amongst other efforts, “temporary income support”(Social Climate Fund proposal)*

Perhaps learning from evaluation of earlier sustainability EU policymaking – were social, economic and environmental seen as a whole in which the climate ambitions were often put last (Jordan & Gravey, 2021. p. 283) have affected the problem formulations of the Fit for 55 proposals. The Commission identifies the importance of solving the conflict of interest knot in the junction between social, economical and environmental sustainability efforts and development. Still, the Commission does also identify this need from the perspective on ensuring that the cohesion of the Union remains

intact whilst at the same time overhauling the climate agenda – which includes major impact on financial and market conditions in the Union. To ensure this cohesion – being competitive on the global market whilst still delivering on the Green New Deal via the Fit for 55 proposals are highlighted in the problem formulation as a central conflict of interest that the proposals should work to solve:

*“the ambition should be to empower the automobile sector to continue and strengthen its leadership in the technologies of the future – especially in the face of international competition.”* (Co2 emissions standards of cars and vans proposal)

Interestingly enough – there are some proposals in which the stressor of conflicts of interests have been affecting compliance in EU environmental policy before – and in which the problem formulation in the proposal does not include the need to weaken this specific stressor. As mentioned above, nature conservation have been on the least complied with policy area in the history of the EU policymaking (Börzel, 2021. p.145), and it is not unreasonable to assume that one factor would stem from the many conflicts of interests between actors such as land owners, civil society organisations or individuals that is inherent in the Land use, land use change and forestry sector. Still, in the Fit for 55 proposal on specifically a strengthened legal framework for LULUCF to create the desired results, the Commission does not identify the stressor of conflicts of interests and rivalry as part of the problem the proposal wants to solve.

The problem formulations does not generally mention the complexity of climate and environmental policy – and the prioritizing needed between different public goods. For example, the Commission does not problematize the potential rift between climate and environment policymaking –like the amount of newly produced batteries needed to electrify the cars industry to lower emissions also inherently mean an extended mining industry, which has negative impacts on the environment – biological diversity, natural habitats for plants and animals as well cultural heritage and traditional forestry.

### **5.2.2 Lack of accountability**

To weaken the stressor of lack of accountability have, in this work, been interpreted to differ from the need for transparency in the way that transparency have been interpreted as more focused on communications, monitoring and follow up on KPIs, while accountability more has been read as the problems that unclear rules creates as it enable actors to dodge accountability by using loopholes in the system, knowingly or unknowingly.

To hamper the stressor of lack of accountability, the Commission does recognize that the flexibility which has previously been built in to some of the frameworks might be counteracting the new climate

goals and targets that the Fit for 55 package introduces. These flexibilities are described as having potentially being used as a loopholes to non-compliance – as accountability have been difficult to establish due to unclear rules systems. In the LULUCF sector (as mentioned above) previous non – compliance have been an issue, and the Commission seem to acknowledge the need to weaken the stressor lack of accountability to this end.

*“a new system of governance of the target compliance will be introduced and the land use flexibility mechanism addressing risk of non compliance by member states will be adjusted” (LULUCF proposal)*

The Commission also specifically acknowledges the need to make rules clearer in specific industries, as a way of ensuring accountability by actors, especially highlighted in the ReFuel Aviation proposal were the Commission also acknowledges daunting price gaps and conflicts of interests that encourage actors to freeride.

*“robust rules to ensure that gradually increasing shares of sustainable aviation fuels can be introduced on EU airports without detrimental effects on the competitiveness of the EU aviation internal market” (ReFuel Aviation proposal)*

Lack of accountability have been highlighted as a implementation challenge in the sample of proposals where the Commission also have understanding of either 1) a history of non compliance in the field, or 2) predict a imminent risk of non compliance due to the nature of the proposal combined with the market context in which the proposal would effect.

## 5.3 Representations of facilitators of collective action

### 5.3.1 Transparency and on other actors behaviours

Transparency on other actor´s behaviors, such as lessened anonymity and developed communications are identified as a facilitator to strengthen by the Commission in a majority of the problem formulations in the sample of proposals. The Commission acknowledges that in many of the policy areas, there are lacking in Union- common certifications, definitions or processes –which will need to be developed to be able to monitor progress in an equal way across member states as they implement policy and act to lower emissions in line with the set goals. The problem formulations establish that there are currently no frameworks established to enable the desired transparency between the different actors within the EU in several areas of the Fit for 55, and thus the Union currently have poor conditions to via this specific facilitator strengthen collective action to solve the large scale social problem of emission reduction.

*“The absence of common methodologies and reporting makes it difficult to compare networks or operators, or benchmark performance. In fact, there is no uniform definition of energy losses within the union, which results in sub-optimal data quality, which needs to be addressed.”* (Energy Efficiency proposal)

The heterogeneity of the proposals cover a range of sectors and topics and as new industries are included in the Climate agenda in new ways, for example via the extended nature of the EU ETS, the Commission also recognizes the need to specifically enhance transparency in these particular industries. Sometimes even specifying a line of companies – such as in the EU ETS proposal:

*“Regulation... should be amended, in particular in regards to the reporting of aggregated emissions data at company level, and considering the role of administering authorities in respect of shipping companies”* (EU ETS proposal)

Even as most proposals are aimed at state level actors and businesses, the Commission also addresses the need of transparency and communication on specifically consumer level as a problem that needs solving in the proposals. Specifically, the Commission highlights the need to enable European consumers to make choices that lead towards fulfilment of the set goals in the Green New Deal. The problem formulation is implying that the Commission find that unwanted consumer behaviour in the light of environmental sustainability depend on lack of information,

*“Consumers also need clear and easily accessible information to help change energy consumption patterns and switch to renewable and low carbon solutions”* (Hydrogen and Gas Directive proposal )

Still, transparency and communications as a tool to enable specifically consumers to make (what the EU perceives as) well informed decisions aligned with EU climate agenda, is perhaps subordinate to socioeconomic opportunity and regional conditions of infrastructure and context. Especially as the Commission themselves have addressed widening price gaps and the conflicts of interest that they might give way to that could tempt businesses and consumers to choose the free-riding strategy.

### **5.3.2 Trust**

To ensure that EU solidarity and continued willingness to comply is kept intact through the climate transition, ensuring that the proposals are building trust is a recurrent theme in the sample. The implied premiss is that without policy that protects the market integrity – and thus the trust in the EU system – environmental sustainability will be reached at the expense of social sustainability.

*“If the Union is to create a socially stable Europe... that caters to the need of all its citizens by enabling them to play an active role in the green transition, while mitigating the adverse effects and leaving no one behind.”* (Energy efficiency proposal)

Maintained trust and integrity in the EU systems though the transition as the Union sets out to do something new that risks potentially negatively effecting the market in the short term is presented key, and is highlighted as a problem to be solved when introducing the new proposals.

*“to strengthen the EU ETS while preserving its integrity and taking into account the need to address distributional concerns and energy poverty”*(EU ETS proposal)

Most obviously of all the proposals in the sample, the Social Climate Fund is a interesting example of the Commission efforts to facilitate trust. The proposal recognizes that the poorer people in the poorer European regions wont be able to participate in the climate transition on the same terms and benefit as the richer regions would, but instead have a lot to loose on climate transition. To maintain the social stability in the union and, to:

*“To address the social and distributional impacts on the most vulnerable arising from the emissions trading on two new sectors... a social climate fund is created”* (Social Climate Fund proposal).

The problem formulation therefore also implies that the Commission recognizes the risks of and wants to avoid that the climate transition legislation in the proposals risks creating inner conflicts between member states, with perhaps more Euroscepticism and potential non compliance as a result. Promoting EU solidarity is thus framed as important in the problem to be solved in regards to competition and prosperous trade in the face of climate transition, and to avoid destructive competition between member states.

*“Measures are also introduced to improve.. and facilitate bilateral solidarity arrangements between member states in case of crises...without waiting so that even in severe crises households receive the gas that they need”* (Hydrogen directive)

#### 5.4 Summary of representations of stressors and facilitators of collective action

The analysis show the representations of the choosen stressors and facilitations of collective action in the problem formulations in the material. Throughout the proposals, no matter if they are directives, regulations, new legislation or amended older pieces, themes of facilitators and stressors could be identified in the problem formulations, where some were decicivly more present than others. The Commission reasons around these facilitators and stressors when identifying implementation

challenges that could lead to the risks of non compliance that they also frequently identify in the problem formulations.

**Table 1** show the spread of facilitators and stressors represented in problem formulations over the sample of the proposals, and below the results are discussed divided on respective facilitator and stressor.

	Stressors			Facilitators		
	Lack of accountability	Uncertainty and risk regarding consequences	Conflict of interest and rivalry	Possibilities to punish free riders	Transparency on other actors behaviours	Trust
Fit for 55 proposal						
CBAM			X			
Co2 cars/vans			X			X
Energy efficiency					X	X
EU ETS			X		X	X
Hydrogen Directive			X		X	X
LULUCF	X				X	
ReFuel Aviation	X		X		X	
Social Climate fund			X			X

**Table 1:** summary of representations of facilitators and stressors in the proposal problem formulations

### 5.5 What is left unproblematic in the problem formulations?

There are two factors, a facilitator and a stressor that are not present in the problem formulations as the Commission discusses the problem to be solved in the Fit for 55 proposals; uncertainty of risks and consequences, and the possibility to punish freeriders.

#### 5.5.1 Uncertainty of risks and consequences and possibility to punish freeriders

The Commission does not identify the need to punish freeriders as a problem to be solved to ensure compliance in any of the chosen proposals. Overall, the Commission does not touch upon the question of what would happen if an actor were to free-ride. The problem formulations do discuss that there are imminent risks of actors free riding, especially as a result of the price gaps that the new climate targets will produce in relation to third party partners on the external market, but is silent on what would happen if an actor would free-ride anyways, and potential punishment for the offence is not mentioned in any of the problem formulations.

The stressor and facilitator left out raises questions across the proposals - What happens if a member state or European business refuses to partake in the ambitious climate agenda set by the EU, and instead chooses the free-riding strategy? What do they stand to gain or loose from such a decision? Would the abatement and punishment be deterring enough to convince other actors not to freeride?

In addition, the proposals determine that there is a lot of money to be made in free riding in the context of the Fit for 55 proposals, as the price gap between business as usual and actions aligned with the new climate ambitions is wide (and widening), this should – from a collective action point of view – certainly call for a framework to address this potential compliance risk.

Perhaps, the Commission does not find it necessary to include these aspects in the problem formulations, as the legal basis for the proposals do enable the Union to punish member states that don't comply no matter which implementation challenges is included when they formulate the problems to be solved by the Fit for 55 package. There could be reason to believe that the Commission is implicit in the problem formulations and that the punishment of freeriders, as well as the stressor of uncertainty of risk and consequences goes without saying.



## 6. Conclusion

The aim of this thesis has been to add knowledge to the identified research gap and look closer at how implementation challenges are described by the Commission in the context of the Fit for 55 proposals. This thesis have taken its theoretical point of departure in that Commission views on the problem they wish to solve speaks to how policy is formulated to solve that specific problem, – in the case of interest to this thesis, the collective action problem of large scale emission reduction of green house gases in the EU in line with the Green New Deal. Using collective action stressors and facilitators combined with the WPR approach in the analytical framework, the thesis has conducted an empirical analysis to answer the research question: *Which implementation problems does the European Commission address in the Fit for 55 proposals?*

The analysis started out in a general analysis of the problem that the Commission wanted to solve with the proposals in the sample. Interestingly enough, the problem that the Commission wants to solve in the most ambitious package launched by the EU to reach the climate objectives (Consilium, 2022), is not climate change itself – but rather continued financial prosperity and continued European competitiveness and market growth in the face of climate transition. Instead, the graveness of climate change is perhaps implied in the overall policymaking efforts of the Union – which is placing climate at the front and centre of the strategic agenda.

The analytical framework at work show that the Commission does identify several of the theoretically relevant implementation challenges in the choosen sample of the Fit for 55 proposals, while some are strikingly abscent from the problem formulations. The Commission does address both stressors and facilitators of collective action in their problem formulations, where some are more present than others. Still, ideally, to enable collective action – stressors need to be hampered, and facilitators need to be strengthened simultaneously (Bastos Lima et al, 2021. p.3). In regards to collective action to overcome large scale problems, the Commission does focus on efforts that should minimize freeriding – hampering the stressors of mainly conflicts of interests, while also to an extent recognizing the need to hamper lack of accountability, while at the same time strengthing transparency on other actors behaviours, as well as the facilitator of trust.

The analysis of the sample have also shown that the Commission does not acknowledge and address implementation challenges to the full extent that the theory suggests would be needed to amplify collective action. A result which theoretically could imply that the Fit for 55 proposals might face potential problems to overcome implementation challenges, as the Commission have left out both the need to strengthen the facilitator of possibility to punish freeriders, as well as to weaken the stressor of uncertainty of risk and consequenses.

Still, the reason for this could be that the Commission assumes that it is obvious that they are able to punish freeriders due to the legal basis of the proposals. Yet, as previous research do show that environmental policy is one of the least complied with policy area of the EU (Börzel, 2021. p. 145) the need for further tools to ensure compliance should potentially be seen as a problem to be solved and thus highlighted in a legislative package focused on climate. The results of this study supports the findings of Scheleke et al whom concludes that the lack of binding effects on member states who non-comply might have negative effects on the policy effectiveness (Scheleke et al, 2022. p. 12).

Building on the the findings that Ovaere and Proost made as regards to more needing to be done to address the *market inefficiencies* in the Fit for 55 proposals to keep costs down while also enabling climate transition (Ovaere & Proost, 2022. p. 9), the analysis of the problem formulations in this thesis also raises further questions on the same theme. For example, would EU efforts to close the price gap be enough, or could it potentially still be more beneficial for actors to freeride, especially if abatement or other punishment is not formulated as a problem to be solved?

The need for incentives are often described by the Commission in the problem formulations as answering to the potential implementation challenges, a stance more aligned with the management approach in compliance theory. The analysis made in the scope of this thesis found that the problem formulation in the proposals are wanting explicit formulations connected to the enforcement model of compliance, and specifically reasoning on free – riders, and how the EU should approach and possibly punish them. Thus, as the Commission does not cover all the relevant factors of collective action in their problem formulations found in the scope of this study, there might be reason to believe that the package could be facing implementation challenges.

To conclude, this thesis have come to show that more research is needed to look closer at potential implementation challenges that might disrupt collective action in the face of climate change, and to gain knowledge as to what can be done to hamper the stressors and strengthen the facilitators to reach the EU climate goals. The results also show the need for further discussions on the underlying assumptions that, according to Bacchi and Goodwin, influence policymakers and therefore, policymaking itself (Bacchi & Goodwin, 2016. p. 9) in the face of large scale problems.

As the window to act to put a halt to climate change is closing, (IPCC, 2023), implementation challenges must be overcome and environmental policy put to effective work in order to radically bring emissions down and ensure a secure future for all.

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# Appendix I – Code books

<p><b>CBAM:</b></p> <p><i>Proposal for a Directive of the European Parliament and of the Council establishing a carbon adjustment mechanism</i></p> <p>COM(2021) 564 Final 2021/0214 (COD)</p>	<p><b>How does the Commission acknowledge the need to weaken the stressors of collective action?</b></p> <ul style="list-style-type: none"> <li>• Lack of accountability</li> <li>• Uncertainty and risk regarding consequences.</li> <li>• <b>Conflict of interest and rivalry</b></li> </ul>	<p><b>How does the Commission acknowledge the need to strengthen the facilitators of collective action?</b></p> <ul style="list-style-type: none"> <li>• Possibilities for actors to punish free riders that don't contribute to the desired goals, but still benefit from the results</li> <li>• Transparency on other actor's behaviour, such as lessened anonymity and developed communications.</li> <li>• Trust</li> </ul>
<p><b>Whats the problem represented to be in the Fit for 55 proposal?</b></p>	<p>EU climate ambitions are higher than the rest of the world which is mirrored in the EU ETS, a fact which makes the Union weak in pricing competition in regards to rest of the world. This might encourage companies to move production and emissions out of the EU, which would have a negative impact on both climate targets, but also on EU jobs and economies. There is a risk that the EU becomes undermined if member states does not comply with the new and more ambitious climate agenda.</p> <p><i>“As long as significant numbers of the EUs international partners have policy approaches that do not result in the same level of climate ambition as the Union, and differences in price applied to GHG remain, there is risk of carbon leakage” (p.2)</i></p> <p><i>“The mechanism.. is meant to avoid that the emission reduction efforts of the Union are offset by increasing emissions outside the Union through relocation of production or increased imports ...” (p.2)</i></p> <p>The commission identifies conflicts of interest between low costs and climate goals in their problem formulation, which would need to be weakened from an implementation point of view.</p>	
<p><b>What deep-seated presuppositions or assumptions on free-riding underlie the way that the Commission represents the “problem”?</b></p>	<p>The Commission acknowledges the need to weaken the stressor of conflict of interest, as they</p> <p><i>“The risk of carbon leakage is currently managed through the granting of free allowances and compensations for the increase in electricity costs..however, the free allocation under EU ETS weakens the price signal that the system provides... it thus affects the incentives for investment into further abatement of GHG emissions” (p.2-3)</i></p> <p>Also the Commission acknowledges that the price gap probably will widen further – potentially creating higher will to free-ride:</p> <p><i>“The divergence with third world countries’ levels of climate action is expected to widen, with an increased risk of carbon leakage for the EU”</i></p>	<p>The proposal does not identify or acknowledge any of the theoretically identified facilitators.</p>
<p><b>What is left unproblematic in the way the Commission formulates the problem to be solved?</b></p>	<p>The Commission does not acknowledge the need to solve problems of lack of accountability or uncertainty of consequences – for example the proposal does not mention the fact that it possibly still could be cheaper to free-ride and move emissions out of the Union, if the CBAM is to un-expensive enough.</p>	<p>The commission does not mention the need to enable facilitators, most interestingly it does not mention the possibility for free-riders to be punished, if for example they would use the potential loop-hole of price gap between CBAM and ever cheaper production in the external market.</p>

<p><b>CO2 Emissions Cars &amp; Vans:</b></p> <p><i>Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) 2019/631 strengthening the Co2 emission performance standards for new passenger cars and light commercial vehicles</i></p> <p>COM(2021) 556 Final 2021/0197 (COD)</p>	<p><b>How does the Commission acknowledge the need to weaken the stressors of collective action?</b></p> <ul style="list-style-type: none"> <li>• Lack of accountability</li> <li>• Uncertainty and risk regarding consequences.</li> <li>• <b>Conflict of interest and rivalry</b></li> </ul>	<p><b>How does the Commission acknowledge the need to strengthen the facilitators of collective action?</b></p> <ul style="list-style-type: none"> <li>• Possibilities for actors to punish free riders that don't contribute to the desired goals, but still benefit from the results</li> <li>• Transparency on other actor's behaviour, such as lessened anonymity and developed communications.</li> <li>• <b>Trust</b></li> </ul>
<p><b>Whats the problem represented to be in the Fit for 55 proposal?</b></p>	<p>A fossile based automobile industry risks not competitive on a global market in the future, and as the sector employs 14.6 million people within the union - automobile climate transition is necessary to ensure a prosperous key financial sector. In addition, the transport sector <i>"represents almost 20 % of total EU GHG emissions and have significantly increased since 1990"</i>. (p2)</p> <p>Also, the proposal determines zero- emission cars could <i>"increase... energy security"</i> – implying that the fossile fuels needs international partners that through trade can exercise power over the EU as they to some extent control the propellants needed to keep the EU economy going.</p> <p>As far as implementation challenges go – the proposal does imply that the Commission sees a conflict of interest between climate goals and automobile industry, which could affect EU competitiveness.</p>	
<p><b>What deep-seated presuppositions or assumptions on free-riding underlie the way that the Commission represents the "problem"?</b></p>	<p><i>"the ambition should be to empower the automobile sector to continue and strengthen its leadership in the technologies of the future – especially in the face of international competition."</i> (p.2)</p>	<p>Also implicit in the problem formulation is that the member states are choosing different paths and are regulating themselves without central guidance from the EU policy– <i>"leading to an increasing number of cities introducing low-and zero emission zones restricting local access for vehicles with internal combustion engines, and to certain member states announcing phase-out of sales of internal combustion engine cars"</i>. (p.2)</p> <p>To ensure trust and solidarity – a joint policymaking is key to enable a stringent and level playing field for European consumers and businesses.</p>
<p><b>What is left unproblematic in the way the Commission formulates the problem to be solved?</b></p>	<p>There are obvious challenges with infrastructure for zero-emissions cars not mentioned by the commission, these are both costly to install and manage – and on a large scale would probably need prioritization in managing energy supply, land use and competition.</p> <p>The Commission does not problematize the need to hamper the stressors of uncertainty and risks regarding consequences and lack of accountability.</p>	<p>The proposal does not acknowledge the need for two of the facilitators of collective action – monitoring and reporting of progress which would be of great importance as a specific industry consisting of multiple businesses over a continent are to transition on equal terms, or the possibility to punish freeriders.</p>

<p><b>Energy Efficiency</b></p> <p><i>Proposal for a Directive of the European Parliament and of the Council on Energy Efficiency</i></p> <p>COM(2021) 558 Final 2021/0203 (COD)</p>	<p><b>How does the Commission acknowledge the need to weaken the stressors of collective action?</b></p> <ul style="list-style-type: none"> <li>• Lack of accountability</li> <li>• Uncertainty and risk regarding consequences.</li> <li>• <b>Conflict of interest and rivalry</b></li> </ul>	<p><b>How does the Commission acknowledge the need to strengthen the facilitators of collective action?</b></p> <ul style="list-style-type: none"> <li>• Possibilities for actors to punish free riders that don't contribute to the desired goals, but still benefit from the results</li> <li>• <b>Transparency on other actor's behaviour, such as lessened anonymity and developed communications.</b></li> <li>• <b>Trust</b></li> </ul>
<p><b>Whats the problem represented to be in the Fit for 55 proposal?</b></p>	<p>The EU risks energy poverty across member states, amplified by the dividend between socioeconomical classes in differens regions, in not acting to lower the use of energy across sectors. Not enough has been done, and energy efficiency have not been valued high enough in EU policymaking. There is still market barriers and failures in place that effect energy efficiency potential, and both public sectors and consumers are hindered by these to act for energy efficiency.</p> <p><i>"Energy efficiency has been identified as the most effective solution to allieviate energy poverty and to overcome some of the potential negative distrubutional impacts of pricing measures"</i> (p.4)</p> <p><i>"cost effective savings potentials still exist in the entire public sector, both in renovation and energy management of existing buildings as well as the future procurement of energy efficient buildings, products and services."</i> (p.3)</p>	
<p><b>What deep-seated presuppositions or assumptions on free-riding underlie the way that the Commission represents the "problem"?</b></p>	<p>The Commission acknowledges that there is a conflict of interest between short term high costs for energy efficiency, and the long term climate ambitions – which unables consumers to participate in the transition.</p> <p><i>" the behaviour of consumers and citizens has an important impact on this energy consumption and the EED contains several provisions tha support empowerment of citizens and consumers. The lack of strong consumer behaviour and consumer empowerment aspects in promoting energy efficiency... results in <b>insufficient inscentives for consumers to realise energy efficieancy improvements and to tackle high upfront costs and the split inscentives problem.</b>"</i> (p.4)</p> <p>The Commission also identifies other conflicts of interests, between sectors that need to be weakened – for example – <i>"In the EU data centres accounted for 2.8 % of the energy demand in 2018, and will reach 3.21 % by 2030, if development continues on the current trajectory"</i> (p.3) So while smart communication and digitalization is important tools to reach the climate goals, the very technology that enables this is also very demanding energy wise.</p>	<p>The commission acknowledges that transparency must be improved to be able to reach the goals and aims of the proposal</p> <p><i>" The absence of common methodologies and reporting makes it difficult to compare networks or operators, or benchmark performance. In fact, there is no uniform definition of energy losses within the union, which results in sub-optimal data quality, <b>which needs to be addressed.</b>"</i> (p.4)</p> <p>The proposal also touches upon the need to build solidarity via energy efficiency to create a socially sustainable Europe: <i>"<b>If the Union is to create a socially stable Europe... that caters to the need of all its citizens by enabling them to play an active role in the green transition, while mitigating the adverse effects and leaving no one behind.</b>"</i></p>
<p><b>What is left unproblematic in the way the Commission formulates the problem to be solved?</b></p>	<p>The Conflicts of interest that the Commission acknoeleges also raises the question if there should be a prioritazation, should we stop doing something in the name of energy efficiency?</p> <p>The Commission often uses the term – cost efficient – but what about the areas that are not cost efficient? They are more likely to enable free-riding.</p> <p>The Commission does not problematixe the need to hamper the stressors of uncertainty and risks regarding consequences and lack of accountability.</p>	<p>The commission does not mention the need to enable free-riders to be punished.</p>



<p><b>EU ETS:</b></p> <p><i>Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union, decision (EU) 2015/1814 and Regulation (EU) 2015/757</i></p> <p>COM(2021) 551 Final 2021/0211 (COD)</p>	<p><b>How does the Commission acknowledge the need to weaken the stressors of collective action?</b></p> <ul style="list-style-type: none"> <li>• Lack of accountability</li> <li>• Uncertainty and risk regarding consequences.</li> <li>• <b>Conflict of interest and rivalry</b></li> </ul>	<p><b>How does the Commission acknowledge the need to strengthen the facilitators of collective action?</b></p> <ul style="list-style-type: none"> <li>• Possibilities for actors to punish free riders that don't contribute to the desired goals, but still benefit from the results</li> <li>• <b>Transparency on other actor's behaviour, such as lessened anonymity and developed communications</b></li> <li>• <b>Trust</b></li> </ul>
<p><b>Whats the problem represented to be in the Fit for 55 proposal?</b></p>	<p>Not enough sectors are part of the EU ETS to reach the climate goals, therefore there is not incentive enough for swift transition in line with the goals. This results in risks that includes market instability, incoherence and lack of predictability – as well as an unjust system that benefits some sectors on behalf of others. The current system is perceived to have a negative impact on the legitimacy of the ETS system, and to maintain the integrity of it in light of climate change, changes must be made.</p> <p><i>“ensuring continued effective protection for the sectors exposed to a significant risk of carbon leakage while incentivising the uptake of low carbon technologies” (p.3)</i></p>	
<p><b>What deep-seated presuppositions or assumptions on free-riding underlie the way that the Commission represents the “problem”?</b></p>	<p>The Commission does acknowledge that the tilt on the EU ETS which might make European businesses free-ride needs to be addressed.</p> <p><i>“proposing to include the building sector and road transport into emissions trading. The coverage of these sectors...when put into the context of other appropriate regulatory and investment measures ... would provide <b>increased and more harmonized economical incentives to reduce emissions across these sectors</b> in the EU, and increased certainty of delivery of the emission reduction of these sectors” (p.3)</i></p>	<p>The Commission also acknowledges the need to strengthen the facilitator of transparency in emissions trading by adding sectors –</p> <p><i>“Reviewing the monitoring, reporting and verification systems of Co2 from maritime transport sector into the EU ETS” (p. 4)</i></p> <p><i>“Regulation... should be amended, in particular in regards to the reporting of aggregated emissions data at company level, and considering the role of administering authorities in respect of shipping companies” (p.2)</i></p> <p>Trust is key and an expected result when building a stringent system: <i>“to strengthen the EU ETS while preserving its integrity and taking into account the need to address distributional concerns and energy poverty” (p.1)</i></p> <p><i>“with a gradual and balanced trajectory towards climate neutrality by 2050, in a cost effective and coherent way while taking into account the need for just transition and the need for all sectors to contribute”(p.1)</i></p>
<p><b>What is left unproblematic in the way the Commission formulates the problem to be solved?</b></p>	<p>The Commission does not acknowledge the affect that the more expensive energy prices might have on common people, and how this important piece of information might affect implementation process – they merely mention that</p> <p><i>“however, many homes are still heated with outdated systems that use polluting fossil fuels such as coal and oil”(p.3)</i></p> <p>The Commission does not problematix the need to hamper the stressors of uncertainty and risks regarding consequences and lack of accountability.</p>	<p>The commission does not mention the need to enable free-riders to be punished.</p>

<p><b>Gas and Hydrogen Directive</b></p> <p><i>Proposal for a Directive of the European Parliament and of the Council on common rules for the internal markets in renewable and natural gases and in hydrogen</i></p> <p>COM(2021) 803 Final 2021/0425 (COD)</p>	<p><b>How does the Commission acknowledge the need to weaken the stressors of collective action?</b></p> <ul style="list-style-type: none"> <li>• Lack of accountability</li> <li>• Uncertainty and risk regarding consequences.</li> <li>• <b>Conflict of interest and rivalry</b></li> </ul>	<p><b>How does the Commission acknowledge the need to strengthen the facilitators of collective action?</b></p> <ul style="list-style-type: none"> <li>• Possibilities for actors to punish free riders that don't contribute to the desired goals, but still benefit from the results</li> <li>• <b>Transparency on other actor's behaviour, such as lessened anonymity and developed communications.</b></li> <li>• <b>Trust</b></li> </ul>
<p><b>Whats the problem represented to be in the Fit for 55 proposal?</b></p>	<p>The use of fossile gases are contradictory to EU Climate ambition. And even though access to gas is very important for the EU to function – not enough has been done to secture a sustainable and secure renewable gas sector. There are instead regulatory barriers that makes consumers unable to partake in the trasition to renewable gas, and the price is too high for renewable gas to be an realistic option. Also, fossile gases poses a security problem, as the EU cant produce it themselves, import from third party agents are necessary, which also hampers desired solidarity between member states – a phenomenon that opposes EU values and the logics of the internal market.</p> <p><i>“Strengthen security of supply by reducing dependence on natural gas imports and allow to store (and produce) electricity”</i> (p.1)</p>	
<p><b>What deep-seated presuppositions or assumptions on free-riding underlie the way that the Commission represents the “problem”?</b></p>	<p>Conflicts of interest:</p> <p><i>“It will remove existing regulatory barriers and create conditions for this to take place in a cost effective manner. This is an important part of moving to integrated energy systems that minimizes costs of transition towards climate neutrality”</i> (p.1)</p> <p><i>“Renewable and low carbon gases today face regulatory barriers for market and grid access that represent a comparative disadvantage versus natural gas”.</i> (p.2)</p>	<p><i>“Consumers also need clear and easily accessible information to help change energy consumption patterns and switch to renewable and low carbon solututions”</i> (p1)</p> <p><i>“moreover, there is no common EU terminology and certification system for low carbon fuels and gases”</i> (p.2)</p> <p><i>“There are no rules at an EU level on tariff-based investments in networks, or ownership and operation of dedicated hydrogen networks. In addition, no harmonized rules on pure hydrogen quality exists”</i> (p.3)</p> <p>Building trust is also marked as important – as gas shortages risks Eu solidarity.</p> <p><i>“The proposal includes specific measures to improve cooperation and resilliance, notably to ensure a more effective and coordinated use storage and operational solidarity arrangements”</i> (p.3)</p> <p><i>“Measures are also introduced to improve.. and facilitate bilateral solidarity arrangements between member states in case of crises...without waiting so that even in severe crises households receive the gas that they need”</i> (p.3-4)</p>
<p><b>What is left unproblematic in the way the Commission formulates the problem to be solved?</b></p>	<p>The Commission does not problematixe the need to hamper the stressors of uncertainty and risks regarding consequenses and lack of accountability.</p>	<p>The commission does emphasize monitoring and transparency as a way to get away from free-riding risks, as well as the need to build trust, but they are not mentioning the possibility to punish potential free-riders.</p>

<p><b>LULUCF:</b></p> <p><i>Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) 2018/841 as regards to scope, simplifying compliance rules, setting out targets of the Member States for 2030 and committing to the collective achievement of climate neutrality by 2035 in land use, forestry and agriculture sector, and (EU) 2018/1999 as regards to improvement in monitoring, reporting, tracking of progress and review</i></p> <p>COM(2021) 554 Final 2021/0201 (COD)</p>	<p><b>How does the Commission acknowledge the need to weaken the stressors of collective action?</b></p> <ul style="list-style-type: none"> <li>• <b>Lack of accountability</b></li> <li>• Uncertainty and risk regarding consequences.</li> <li>• Conflict of interest and rivalry</li> </ul>	<p><b>How does the Commission acknowledge the need to strengthen the facilitators of collective action?</b></p> <ul style="list-style-type: none"> <li>• Possibilities for actors to punish free riders that don't contribute to the desired goals, but still benefit from the results</li> <li>• <b>Transparency on other actor's behaviour, such as lessened anonymity and developed communications.</b></li> <li>• Trust</li> </ul>
<p><b>Whats the problem represented to be in the Fit for 55 proposal?</b></p>	<p>The Commission acknowledges that previous legislation was not ambitious enough to lower emissions from the LULUCF sector, and that the previous legislations non stringency created a non efficient system were there were to little control to minimize implementation challenges and non compliance. In addition, the sector has major potential to be climate positive – which has not previously been tapped as targets were to low.</p> <p><i>“In order to simplify implementation and compliance, the Kyoto-inspired land accounting rules will no longer be applied post 2025..”</i> The LULUCF sector have major possibility to contribute – and the potential is not tapped due to previous legislation. <i>“the proposal aims at strengthening the contribution of the LULUCF sector to increased overall climate ambition”</i> (p 2)</p>	
<p><b>What deep-seated presuppositions or assumptions on free-riding underlie the way that the Commission represents the “problem”?</b></p>	<p>The Commission acknowledges that the previous flexibility that were built in to the former legislation worked as a factor to create accountability – needing fixed to up the level of compliance:</p> <p><i>“a new system of governance of the target compliance ewill be introduced and the land use flexibility mechanism addressing risk of non compliance by member states will be adjusted”</i> (p2)</p>	<p>Perhaps as the LULUCF sector has a previous history of non compliance – the proposal emphasizes the need for transparency, follow ups and communication to facilitate collective action.</p> <p><i>“reinforces the obligation for Member States to submit integrated mitigation plans for the land sector, and enhances monitoring requirements”</i> (p.2)</p> <p><i>“Commits the Commission to make proposals for national contributions to the 2035 target by 2025”</i></p>
<p><b>What is left unproblematic in the way the Commission formulates the problem to be solved?</b></p>	<p>There are obvious conflicts of interest in land use; property owners, organizations, municipalities and other actors want to develop land and places for their own purposes, apart from societys present and coming needs – climate adaptation to mention one important factor.</p> <p>The complex nature of conflicts of interest in land use is not present in the proposal, and neither is the potential free riding risks of uncertainty and risk regards consequences.</p>	<p>The commission does emphazise monitoring and transparency as a way to get away from free-riding risks as well as the need to build trust, but they are not mentioning the possibility to punish potential free-riders.</p>

<p><b>ReFuel Aviation</b></p> <p><i>Proposal for a Regulation of the European Parliament and of the Council on ensuring a level playing field for sustainable air transport</i></p> <p>COM(2021) 561 Final 2021/0205 (COD)</p>	<p><b>How does the Commission acknowledge the need to weaken the stressors of collective action?</b></p> <ul style="list-style-type: none"> <li>• <b>Lack of accountability</b></li> <li>• Uncertainty and risk regarding consequences.</li> <li>• <b>Conflict of interest and rivalry</b></li> </ul>	<p><b>How does the Commission acknowledge the need to strengthen the facilitators of collective action?</b></p> <ul style="list-style-type: none"> <li>• Possibilities for actors to punish free riders that don't contribute to the desired goals, but still benefit from the results</li> <li>• <b>Transparency on other actor's behaviour, such as lessened anonymity and developed communications.</b></li> <li>• <b>Trust</b></li> </ul>
<p><b>Whats the problem represented to be in the Fit for 55 proposal?</b></p>	<p>The aviation industry is important for Europe – as it brings social and economical development. EU Climate ambitions might cause trouble for the aviation business, as their fossil jet fuel will need to be replaced with low-carbon fuels which is far more expensive. The EU must even out the market to work against imbalances that might be less favourable to EU aviation industry in competition with other markets. The pricing problem aspect is highlighted, in which the new fuels would cost 3 to 6 times more. In addition, the Commission reasons that new solutions are time wise far from being accessible to the market as they are not properly developed yet, and that traditional bio fuels that might be mistaken for the granted solution – such as HVO - would be counter working towards other industries, climate targets and goals – not in the least in the LULUCF sector.</p> <p><i>“EU air transport market (works best when it) functions on a level playing field, where all actors can operate based on equal opportunities. When occurring, market distortions risk putting aircraft operators or airports at disadvantage” (p.1)</i></p> <p><i>“Furthermore, differences in price of aviation fuel between geographic locations, as in currently the case between EU airports or between EU and non-EU airports, can lead aircraft operators to adapt their refuelling strategies for economic reasons.” (p.1)</i></p>	
<p><b>What deep-seated presuppositions or assumptions on free-riding underlie the way that the Commission represents the “problem”?</b></p>	<p>The Commission does propose <i>“robust rules to ensure that gradually increasing shares of sustainable aviation fuels can be introduced on EU airports without detrimental effects on the competitiveness of the EU aviation internal market” (p.4.)</i>, thus acknowledging the need for accountability and to weaken the conflicts of interest that might occur when acting to reach the EU climate targets.</p>	<p>The Commission highlights the need for developed communications and transparency via</p> <p><i>“clear and uniform obligations for all aviation fuel suppliers”</i> as well as they recognize the need to harmonize the member states own national laws to create easy to follow and transparent rules:</p> <p><i>“ Due to the inherent crossborder and global dimension of air transport, a harmonised aviation-specific Regulation is preferred, over a framework of requiring transposition on national level, as the latter could result in a patchwork of national measures with differing requirements and targets” (p.4)</i></p>
<p><b>What is left unproblematic in the way the Commission formulates the problem to be solved?</b></p>	<p>The Commission highlights implementation problems because of the time aspect of new technology is far from being ready to implement and scale – which opens up to the question of – should be continue flying at the same pace in the meantime? Should all airtravel be allowed even if it is very polluting?</p> <p>The Commission does not problematize the need to hamper the stressor of uncertainty and risks regarding consequences.</p>	<p>What would happen to the European companies that continue the practice of tankering that the Commission wants to avoid?</p> <p><i>“With the introduction and ramp-up of sustainable aviation fuels at Union airports, practices of fuel tankering may be exacerbated as a result of increased aviation fuel costs” (p1.)</i></p> <p>How should companies know what other companies are doing, not doing or working on to create incentives to invest themselves?</p> <p>The proposal does not acknowledge the need for the facilitators of possibility to punish freeriders.</p>

<p><b>Social Climate Fund:</b></p> <p><i>Proposal for a Regulation of the European Parliament and of the Council establishing a Social Climate Fund</i></p> <p>COM(2021) 568 Final 2021/0206 (COD)</p>	<p><b>How does the Commission acknowledge the need to weaken the stressors of collective action?</b></p> <ul style="list-style-type: none"> <li>• Lack of accountability</li> <li>• Uncertainty and risk regarding consequences.</li> <li>• <b>Conflict of interest and rivalry</b></li> </ul>	<p><b>How does the Commission acknowledge the need to strengthen the facilitators of collective action?</b></p> <ul style="list-style-type: none"> <li>• Possibilities for actors to punish free riders that don't contribute to the desired goals, but still benefit from the results</li> <li>• Transparency on other actor's behaviour, such as lessened anonymity and developed communications.</li> <li>• <b>Trust</b></li> </ul>
<p><b>Whats the problem represented to be in the Fit for 55 proposal?</b></p>	<p>EU transition to reach the Climate goals have unfair impact on the member states due to their different economic contexts. Underlying the problem formulation is also the different economical opportunities and contexts within the EU, which makes joint legislation aimed at wide scale transition troublesome without compensation.</p> <p>The richer countries would benefit, and the less rich would be facing social challenges and the vulnerable must be protected to insure integration and trust.</p> <p><i>“ However, the increase in price for fossil fuels will have significant social and distributional impacts that may disproportionately affect vulnerable households ” (p.2)</i></p>	
<p><b>What deep-seated presuppositions or assumptions on free-riding underlie the way that the Commission represents the “problem”?</b></p>	<p>The Commission acknowledges that prices need to be mitigated to ensure that poorer regions in the union are to be able to comply with the new proposals and avoid free-riding on other member states.</p>	<p>The proposal wants to establish a fund to funnel ETS revenue to <i>“alleviate the burden on the vulnerable groups”</i> via, amongst other efforts, <i>“temporary income support”</i> (p.2).</p> <p><i>“To address the social and distributional impacts on the most vulnerable arising from the emissions trading on two new sectors... a social climate fund is created”</i> (p. 2)</p> <p>The proposal therefore also implies that the Commission sees and wants to avoid that the climate transition legislation in the proposals risks creating inner conflicts between member states within the European Union, with perhaps more Euroscepticism as a result. As the poorer people in the poorer regions won't be able to participate on the same terms and benefit as the richer regions would, but instead have a lot to lose on climate transition – the proposal acknowledges the risks of free-riding if nothing is done.</p>
<p><b>What is left unproblematic in the way the Commission formulates the problem to be solved?</b></p>	<p>The Commission does not problematise the need to hamper the stressors of uncertainty and risks regarding consequences and lack of accountability.</p>	<p>The proposal aims at mitigating the free-riding risks via establishing structures for compensation to the poorer regions that might otherwise be tempted to free-ride, but does not acknowledge, probably as a result of the nature of the proposal – the need of strengthening the other identified facilitators of collective action.</p>