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Is the Commission back in the game as an environmental policy entrepreneur? Analyzing Talk and Decision in the context of the European Green Deal

1 Introduction

With the proposal for the European Green Deal (EGD), the von der Leyen Commission formulated an ambitious agenda for the European Union's overall development and, more specific, its environmental and climate policy. After a decade of reduced policy ambition, attempts to dismantle and an array of crises, the trajectory of EU environmental policy seemed – at best – uncertain (Burns & Tobin 2016; Zito et al. 2019). Although the Covid-19 pandemic and the need for recovery pose great challenges for the EU, the current agenda for environmental and climate protection appears to be more favorable than that of past decades and the Commission committed to a more ambitious policy program.

However, as the rhetorical commitment to environmental ambitions has never been the problem, the actual policy-making is crucial for assessing the trajectory of EU environmental policy. This paper will offer an assessment of the EGD and provide a first analysis of the diverse policies under this header. Analytically, we engage with debates especially salient in environmental policy such as policy dismantling and policy integration, and in this context Commission leadership. We focus on three main questions.

First, the contribution takes a closer look at the Commission's role. In the past, it had reduced its ambition and policy activity in the area of environmental and climate policy (e.g. Steinebach & Knill 2017). The Green Deal proposes a vast number of policies and promises far-reaching revisions of existing measures. We ask, whether the Commission has returned to former entrepreneurial times in EU (environmental) policy-making.

Second, past decades of EU environmental policy were characterized by both deregulatory initiatives (e.g. the Regulatory Fitness and Performance (REFIT) program) and hidden forms of dismantling (e.g. in the post-legislative phase of decision making) (Burns & Tobin 2020, Pollex

& Lenschow 2020). Relatedly, we have witnessed changes in governance instruments with an increasing reluctance to propose far-reaching binding legislation and to use the sanctioning powers of the Commission during implementation. We will inquire whether the EGD indeed offers the environmental transformation is proposes, reversing these trends of the past.

Third, the EGD appears to give a new impulse to the agenda of environmental policy integration (EPI), proposing an ecological and climate-neutral transition of the economy. In the past trajectory of EPI, environmental objectives were put down by the EU's growth and competitiveness agenda and economically turbulent times contributed to effectively ending EPI. Arguably, only climate policy integration survived the past crises (Dupont & Jordan 2021; Pollex & Lenschow 2022). Thus, we ask whether the EGD offers evidence of a recovery of the EPI agenda and / or whether climate related objectives continue to overshadow environmental aspects.

2 Environmental Policy in the EU

In this paper, we will not offer a comprehensive review of the evolution of EU environmental policy (c.f. Zito et al. 2019; Lenschow 2020). Yet, let us briefly situate the EGD in a larger context of environmental policy change in the EU over the past decade to substantiate the relevance of the questions stated above.

The EU's environmental policy has evolved in phases. It evolved from a niche policy serving the levelling of market conditions in the Community towards a stand-alone policy that played an increasing role in developing the normative core of the Union (cf. Manners 2006; Lenschow & Sprungk 2010). In this process, the European Commission effectively used its agenda setting powers for policy expansion. The European Parliament with an ambitious Environment Committee and a number of member states pioneering environmental policy (Wurzel et al. 2019) supported it. Treaty revisions, beginning with the Single European Act in 1986, which promoted environmental policy into the scope of EU competencies and gradually eased decision-making, facilitated their efforts towards policy expansion and policy deepening (Zito 1999).

For some time, this expansive process appeared to culminate in the larger mission of integrating environmental objectives in all economic sectoral policies in line with the transformative agenda implied in the concept of sustainable development (Jordan &

Lenschow 2010; Lenschow & Pollex 2022). Following the notion of "principled priority" of environmental policy for a sustainable development (cf. Lafferty & Hovden 2003), this would mean the strong embedding of environmental concerns (and the planetary limits to growth) in sectoral policy making, or in other words, an environmental reframing of the Union's policy making. It was the Directorate-General for the Environment of the European Commission that pushed this Environmental Policy Integration (EPI) agenda in the early 1990s. Although the idea of "principled priority" never took hold in the Commission as a whole, or the European Union for that matter, there were signs of "greening" certain policies and procedural reforms aimed to secure the respect of the EPI principle in daily policymaking (Lenschow 2002; Jordan et al. 2008).

With the economic downturn around the turn of the century, both the expansive era of EU environmental policy and the progressive EPI agenda came to a stop. Only climate change continued to play a role in "modernizing" the European economy, i.e. reaping win-win effects for instance through technological modernization (Adelle & Russel 2003; Machin 2019). Arguably, the European Commission lost much of its entrepreneurial drive in the field of environmental policy, most notably after the economic and financial crisis (Čavoški 2015; Burns & Tobin 2016; Bürgin 2015; Steinebach & Knill 2017). Most evidently, the Commission toned down its former expansive agenda and turned towards "better regulation". In its Better Regulation and REFIT (Regulatory Fitness and Performance) agenda, the Barroso and Juncker Commissions sought to reduce regulatory burdens imposed on industry and to reassess the impact of different regulatory and governance approaches in order to raise policy efficiency and effectiveness (Radaelli 2018; Listorti et al. 2020). Arguably, with these policy priorities the Commission undermined even weak notions of sustainable development that largely focused on ecological modernization. Nevertheless, it remains more controversial whether the Commission actively contributed to so-called policy dismantling (on hidden dismantling see: Burns & Tobin 2020; Pollex & Lenschow 2020; Pollex 2022), and if so whether it succeeded (Gravey & Jordan 2016; Knill et al. 2020). Existing research revealed that it is worthwhile analyzing closely the difference between rhetoric and policy action, on the one hand, as well as density as well as intensity of policy change in diving deeply into the intricacies of policy design.

It is this rather critical assessment of recent EU environmental policy, its limited progress towards EPI and the Commission's (un)willingness and (lack of) success in acting as a policy

entrepreneur that serves as the point of departure for our analysis of the EGD. The EGD was announced in 2019 by the newly selected Commission President Ursula von der Leyen. Politically, von der Leyen needed the support of the European Parliament, which after the 2019 elections felt strongly committed to the Fridays for Future youth movement, to be finally voted into office. Considering her roots in the German Christian Democratic Party, von der Leyen was not a usual suspect to act as a green advocate. In short, one may suspect that the announcement of the EGD was a result of political pragmatism rather than deep commitment, suggesting that strong rhetoric may not be followed by strong action, not least as soon after the announcement the EU was hit by the next crisis capable to derail the project, namely the Covid-19 pandemic. On the other hand, however, von der Leyen may have sensed that environmental protection and even more so climate change had moved to the top of the agenda among significant parts of the European citizens and that these themes offered a chance for the EU to make a difference in their lives. With the EU, and the Commission in particular, suffering from a legitimacy crisis and EU-skepticism having spread through European societies, the deeply pro-European von der Leyen together with her Vice-President Frans Timmermans, who had been obstructed in developing his sustainability portfolio before under the Juncker Commission, may indeed be committed to the project. Under the conditions of the pandemic, they may find themselves trapped by their own rhetoric keeping them on track in letting action follow. They even – with the policy expertise that had been mobilized in a very short time to turn an ambitious policy idea into a substantive policy program – may have become truly dedicated to this next great idea to reinvent the European Union (and its economy).

In short, we arrive at two competing hypotheses. Considering the critical assessments of the EU Commission's past actions we can assume a continuation of its unambitious policy activity in the area of environmental and climate policy, not least in light of economic hardships after the pandemic (and now due to the geopolitical crisis linked to the Russian invasion in the Ukraine). By contrast, taking the massive rhetorical commitment the Commission has made to the EGD, the Paris Accord, a transformation to climate neutrality and environmental protection in general, we might also assume a departure from the Juncker and Barroso Commission's low aspirations and a return to environmental (and climate) policy entrepreneurship. In the next section, we will outline how we hope to find first evidence in support of either one of these two hypotheses.

3 Analytical Perspectives & Research Design

Our analysis seeks to provide a critical assessment of the EGD. Therefore, we rely on previous inquiries analyzing whether the EU fulfills its, often very ambitious, claims. As we have detailed above, research on the Commission's volatile ambitions and its environmental policy over the last decade amounting to hidden policy dismantling highlight the need to take a closer look at policy actions. Thus, we follow Knill et al. (2020), who build on Brunsson's classical work on "the organization of hypocrisy" (1989), and distinguish between rhetorical devotion and actual policy commitment. The rationale behind this differentiation between *talk* and *decision* is the fact that "words might be cheaper than deeds" (Knill et al. 2020: 365). Put differently, simply claiming that the EGD is a "man on the moon moment" for the EU is different from actually putting forward ambitious policy proposals. Aiming for a transformation of the Union has different quality depending on whether it is sketched out in policy action plans with no binding nature or whether it is evident in actual policy provisions, e.g. in EU Regulations or Directives that are legally binding.

Brunsson in his book distinguished talk, decision and action. *Talk* refers to the development of ideas and captures the identification and interpretations of a problem or the framing of policy activities. Thus, it can be understood as the discursive basis for further policy-making. *Decision* refers to solutions taken by an organization to solve a previously identified problem. We follow existing research and conceptualize policy-making activities as *decision*. *Action* as defined by Knill et al. (2020) refers to the Commission's activities vis-à-vis the member states, e.g. by starting infringement procedures in case of non-compliance. As we focus on the Commission's proposals to identify policy ambition, we do not incorporate the *action* dimension in this inquiry as these policy initiatives are in an early stage (and not yet in force). Furthermore, empirically we will focus on three Regulations, which provide little room for differentiated or non-implementation.

To conceptualize *talk* for our purposes, we rely closely on Knill et al. (2020). They distinguish between an environmental and an economic frame. We apply their approach to inquire whether the EU Commission shifts its focus towards environmental protection and sustainable development or rather relies on an economic framing of EGD. The latter would indicate a continuation of previous framings, e.g. in the context of a Green Economy strategy that is linked to perspectives such as environmental modernization (see Manchin 2017). As our data

base we consider press releases by the Commission, in particular statements by the Commission President von der Leyen and Frans Timmermans, the responsible vice-president for the EGD. For the environmental frame we consider quasi-sentences referring to the words (or word stems as indicated by the *) carbon, climat*, environm*, emission*, greenhous*, natur*, sustain*, benefit* and temperature. For the economic frame we consider the words (or word stems as indicated by the *) cost*, develop*, econom*, industr*, job*, benefit* (see Knill et al. 2020 p.369). Our data set consists of 61 press releases published between December 2019 (when the EGD was officially presented) and May 1st 2022.

Analyzing the *decision* dimension, we take a closer at three key policies of the EGD. We focus on the EU's Climate Law, the Methane Regulation and the Battery Regulation. While the Climate Law is a key legislation in the EGD's climate policy package, the methane policy is a major proposal in the area of energy policy. Finally, the battery legislation is part of the environmental portfolio. By selecting one key proposal in these three areas, we also seek to provide some first evidence of the Commission's activity in different areas of the EGD and reflect on the relative prominence of environmental vs climate concern. In addition to that, the three cases differ in their regulatory nature. The Climate Law is an overarching Regulation providing a frame of reference for further and more detailed sector-specific measures. Its main (and only) purpose is to create a legally binding obligation to reduce the EU's CO_2 emissions and follow the goal to achieve climate neutrality. Different from that, the Methane Regulation is a much more specific Regulation addressing emissions in the production and processing of fossil fuels. The Batteries Regulation is a product-focused Regulation setting environmental standards for the production and recycling of a specific set of industrial and end-user products. Thus, while all three policies are binding Regulations they differ in their scope (ranging from framework policy to processing and production focus) and regarding the policy area they are assigned to. Analytically, these differences pose some operational problems for comparison (see below); we justify this choice with the aim to capture the multifaceted character of the EGD while still going into some depth in our analysis.

To answer our research question, we compare the three Commission proposals with the Commission's impact assessments and analyze whether the Commission opted for the most ambitious policy option proposed or whether it chose to propose more lenient legislation. The rationale behind this approach is that the areas covered by the EGD are very different and

cross-area comparisons are rather tricky when policy ambition is to be taken into account. We opted for a qualitative in-depth case study approach which allows us to inquire case-specific policy-making. Hence, the application of for instance *index of policy activity* (Schaffrin et al. 2015), which is highly suitable for medium to high N analyses, may have yielded misleading results in our small N comparison of three policies coming from different field and covering different regulatory scopes. Measuring the Commission's actions against the earlier impact assessments designed to guide policy proposals allows us to arrive at three policy-specific assessments, which we take as indicative for the EGD package as a whole. Such qualitative methodology is well suited to explore more intricate and case-sensitive developments and follows approaches that have been applied in EU policy research, e.g. by Pollex & Lenschow (2020) or Burns & Tobin (2020). In picking policies from three critical fields, we believe to be able to draw conclusions on the Commission's actions more widely.

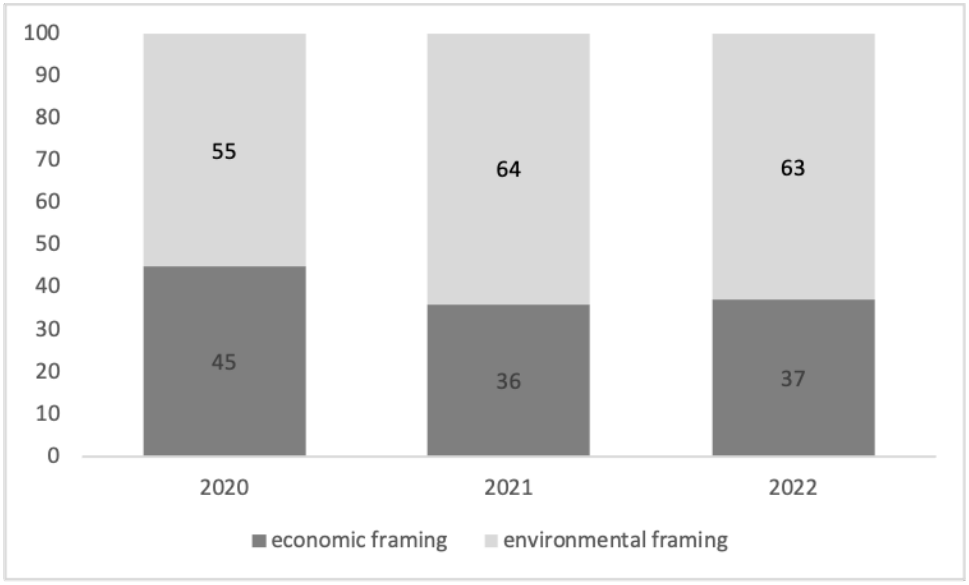
4 Analyzing Talk

As we discussed above, taking a closer look at the European Commission's *talk* in this inquiry is inspired by previous research that highlights the discrepancy between the Commission's public engagement and actual policy-making. Knill shows with his co-authors that in response to the economic crisis in 2008/09 the Commission decoupled its talk from its decision-making allowing it to maintain an image of an ambitious environmental policy entrepreneur while reducing its policy activity (Knill et al. 2020). To analyze whether similar patterns emerge in more recent policy-making, i.e. following the introduction of the EGD, we take a closer look at the Commissions *talk* and follow the approach they proposed (see section 3 in this paper). Yet, we need to make some adjustments, given that the von der Leyen Commission has changed the way its press releases are published and tagged to programmatic headlines, e.g. indicating whether the press release relates to the EGD or the Next Generation EU Program, and institutional origin. It now follows the Commission's structure in which the Vice Presidents play a more prominent role. For our investigation this means that the office of Vice President Timmermans often takes a leading role in drafting the statements. Therefore, we cannot consider press releases by single DG's as several Commissioners' statements are often included in one press release. Thus, we consider all publications linked to the EGD, which differs from the procedure used by Knill et al. (2020). This means that there are constraints regarding the comparability of our results to previous investigations. Nevertheless, as we will

detail below, we come to very similar results for our period of investigation compared to the insights provided by Knill et al. (2020).

Our inquiry covers the years 2020, 2021 and 2022 and shows that the Commission constantly emphasizes aspects related to climate and environmental protection and, thus, that an environmental framing is predominant. Nevertheless, economic considerations play a role in the press releases and the Commissioners point to opportunities for economic growth or the creation of jobs. But more often the Commission points to the need to combat climate change, protect biodiversity and the environment and frequently refers to the term climate crisis to justify its policy proposals or argue in favor of its actions. Interestingly, the share of environmental frames even increases from 55% in 2020 to 63%, and 64% respectively, in the following two years. These numbers almost exactly mirror the results of Knill et al. (2020). The authors identify a share of the environmental frame of around 60%-65% in the post crisis period. Although one may have expected the Commission to turn to an economical framing of its actions in response to the outbreak of the Covid-Pandemic, it rather maintained and even reinforced an environmental one.

Figure 1 – Proportion of economic versus environmental frames over time (in percent)



Thus, by and large, we can confirm previous research focusing on the Commission's *talk*. In our period of investigation, it strongly emphasizes environmental and climate protection in its press releases and, thus, seeks to maintain an image of an environmental entrepreneur. While we consider only three years and our database is smaller than the one in the analysis by Knill

et al. (2020), we can carefully corroborate their findings regarding the *talk* dimension. In the next section, we will analyze whether the Commission's policy-making matches its public statements.

5 Analyzing Decision

5.1 The EU's Climate Law

In March 2020, the EU Commission issued its proposal for a Regulation "establishing the framework for achieving climate neutrality" (COM 2020/80) which is one of the key policies of the EGD. Moreover, it is the central policy to achieve climate neutrality in the EU by 2050, which is necessary to achieve the Commission's goal "to make Europe the first climate-neutral continent" (COM 2020/80, p.1). With the climate law, the Commission responds to the European Parliament's declaration of a climate and environmental emergency, in which it asks the Commission and member states to step up action to combat climate change and respect the Paris Climate Accord (European Parliament resolution, 28 November 2019 2019/2930/RSP). Overall, this Regulation is a framework policy seeking one central goal, i.e. setting clear emissions limits and anchoring the objective of climate neutrality in the EU's legislative acquis. It will allow the Commission to take further measures through delegated and implementation acts (DIAs). The post-legislative procedures are powerful and provide the Commission with room to maneuver. Thus, while the Regulation focuses only on one clear objective, i.e. setting concrete targets for emission reduction, it is a powerful policy capable of shaping the whole field of climate policy. While emphasizing that the Commission will be able to use its legislative discretion both progressively or for hidden dismantling purposes (Pollex & Lenschow 2020; Burns & Tobin 2020), in this paper we cannot incorporate the post-legislative phase, but focus on the ambition of the Commission proposal.

The Commission's proposal sets a clear goal to reduce all green-house gas (GHG) emissions to zero by 2050 to reach climate neutrality in the EU. The more specific objective is to reduce GHG emissions by 55% compared to emission levels of 1990. The Commission's proposal builds on two IAs drafted to accompany policy action in the area of climate policy: first, the Communication "A clean planet for all" that consists of an in-depth study on pathways towards climate neutrality (COM 2018/773); and second, the IA on the Commission's agenda "Stepping up Europe's 2030 climate ambition" (COM 2020/176). Both IAs discuss several

options and detailed sector-specific actions to reduce the EU's GHG emissions. Importantly, the second IA (COM 2020/176) comes to the conclusion that an emission reduction of 50% to 55% compared to emission levels of 1990 is needed to fulfill the objectives set out in the Paris Climate Accord.

The first Commission proposal issued on March 4th 2020 adopted the formulation of the IA and prescribed a GHG reduction of 50%-55% by 2030. This proposal received criticism, e.g. from climate activists that published an open letter asking the Commission to provide a more aspiring proposal[1]. Similarly, the Greens in the European Parliament pointed to the lack of ambition and proposed a much stricter target of a 65% reduction of GHG emissions by 2030 (Greens 2020a, 2020b). Furthermore, and in the same vein, the European Parliament's positions drafted by its environmental committee took a critical stance towards the Commission proposal and suggested a reduction of GHG emissions of 60% by 2030 (EP 2020). In response, the Commission amended its proposal in September 2020 and revised it to include the target of a GHG emission reduction of "at least 55% compared to 1990 levels by 2030" (COM 2020/563, p.4-5).

Overall, while the initial proposal followed the Commission's IA it drew wide criticism and met disapproval in the EP. The Commission's reaction and the revision of its proposal to include a more ambitious provision signals its willingness to follow up on its claims of a transition towards climate neutrality. Thus, in this case the Commission went slightly beyond its own IA in not only adopting the most ambitious target (55% GHG reduction) but also stating that this was the minimum goal.

Table 1 - *Overview of policy objectives, impact assessment and Commission proposal Climate Law*

Policy objective	Reduction of GHG
Impact Assessment Policy Options	Baseline scenario with no adaption of mandatory reduction target
	Reduction of all GHG by 50%
	Reduction of all GHG by 55%
Commission's final Proposal	Reduction of all GHG by at least 55%
Assessment of Ambition	**very high**

[1] https://www.carbonbrief.org/climate-strikers-open-letter-to-eu-leaders-on-why-their-new-climate-law-is-surrender

To be clear: We do not measure the Commission's proposal against scientific positions or even more aspiring proposals from the EP but simply seek to inquire whether the Commission follows its own IAs in drafting legislation. Against that backdrop, in this case we accredit the Commission a high ambition.

5.2 The EU's Regulation on Methane

The relevance of methane for climate protection is severe as it contributes to global warming to greater extent than carbon dioxide. Therefore, reducing methane emissions is crucial to achieve the EU's goal of climate neutrality. Against that backdrop, the EU Commission proposed a draft for a Regulation in December 2021 that focuses the monitoring of methane emissions and the prevention and repair of leaks in energy production, fossil fuel transport and fossil fuel processing (COM 2021/850, p.1-2). The Regulation addresses four main areas. First, it details provisions for emission monitoring and the tasks and responsibilities of competent authorities implementing the Regulation. Second, it defines requirements regarding the prevention and reduction of methane emissions in the oil and gas sector as well as, third, in the coal industry. Fourth, it develops provisions for methane emissions occurring outside the European Union. The Regulation describes three objectives and aims specifically at "1) improve the accuracy of information on the main sources of methane emissions associated with energy consumed in the EU, 2) ensure further effective mitigation of methane emissions across the energy supply chain in the EU and 3) reduce methane emissions related to fossil energy imported to the EU" (SWD 2021/460). To achieve these three objectives, the Commission prescribes several provisions (see also tab. 2).

First, in order to improve the accuracy of information, i.e. on emissions in the industry, the Commission's proposal prescribes mandatory reporting and monitoring provisions. For instance, member states have to designate competent authorities tasked with monitoring and inspecting facilities in which methane is emitted (Art. 4 of the proposed Regulation) and industry must submit reports and measurements of methane emissions on a regular basis (Art. 12). This applies to the gas, oil and coal industries (the latter is addressed in Art. 20).

Second, to ensure effective mitigation the Commission's proposal requires operators to submit a leak detection and repair program to the competent monitoring bodies in the member states and "carry out a survey of all relevant components", detect and repair leaks

and repeat this procedure every three month (Art. 14). Furthermore, the Commission's proposal addresses venting (i.e. the release of methane into the atmosphere) and flaring (i.e. the burning of methane) and prohibits both procedures except for, i.e. emergency or maintenance reasons (Art. 15). Thus, the Regulation would effectively eliminate two major sources of methane emissions.

Finally, to reduce methane emissions related to imported fossil fuels and energy, the proposal prescribes importers to provide information (Art. 27) on, e.g. whether exporters of fossil fuels to the EU undertake regular measurements and surveillance measures to detect methane leaks in their facilities (see also Annex VIII, iii). Furthermore, a transparency database is to be established to make public all the information given to the Commission (Art. 28). Moreover, the Commission proposes to establish a global monitoring tool based on satellite data to provide insights regarding the "location of high methane-emitting sources of energy" (Art. 29). Overall, these measures target the provision of information to the Commission (or national competent bodies) and aims to facilitate global monitoring of methane emissions.

To evaluate the ambition of the Commission's proposal, we compare the draft Regulation to the Impact Assessments and its policy options. Table 2 provides an overview of the IA's suggested options for three objectives defined by the Commission and contrasts these with the final proposal. We find the Commission opted for the strictest option regarding its first objective (i.e. to improve the accuracy of information) and proposed to require compulsory monitoring of oil, gas and coal related methane emissions. To ensure effective mitigation (objective 2), the Commission opted for the second most ambitious option and prescribes mandatory leak detection programs but did not propose specific amounts of emission reduction. Regarding the third objective (i.e. reduce methane emissions related to imported fossil fuels and energy), the Commission went forward with one of the more lenient options and added requirements on monitoring and the provision of information to the proposal but did not include the idea of a labeling scheme or mandatory rules to reduce emissions along the value chain.

Table 2 – Overview of policy objectives, impact assessment and Commission proposal Methane Regulation

Policy objectives	Objective 1 – improve the accuracy of information	Objective 2 – Ensure effective mitigation	Objective 3 – Reduce methane emissions related to imported fossil energy
Impact Assessment Policy Options	Option 1: Compulsory monitoring, reporting and verification for oil and gas	Option 1: Recommendations on leak detection and repair and on limiting venting and flaring	Option 1: Diplomatic action, transparency tools
	Option 2: Compulsory monitoring, reporting and verification for oil and gas and coal	Option 2: Obligations on leak detection and repair and on limiting venting and flaring in oil and gas	Option 2: Obligations on measurement and mitigation applying to all fossil energy consumed in the EU covering the value chain
	Option 3: Compulsory monitoring, reporting and verification for oil, gas and coal covering also indirect emissions	Option 3: Obligations on leak detection and repair and on limiting venting and flaring in oil and gas and coal	Option 3: Label on methane emissions and a super emitter monitoring tool
		Option 4: Obligation to achieve a certain amount of reductions[2]	Option 4: Obligation to achieve a certain amount of reductions applying to all fossil energy consumed in the EU covering the value chain
Commission Proposal	Compulsory monitoring of oil, gas and coal as well as indirect emissions	Obligations on leak detecting; limiting venting and flaring for oil, gas and coal	Transparency tools obligation for importers to provide information
Assessment of Ambition	Commission proposal follows the most ambitious Option 3 developed in the IA **high**	Commission proposal follows the second most ambitious Option 3 developed in the IA; Commission proposal does not prescribe concrete reduction targets as proposed in the most ambitious Option 4 **medium-high**	Commission proposal falls short of ambitious provisions and only covers transparency measures (Option 1) without prescribing mandatory measures to reduce emissions in value chains **low**

[2] This amount should be defined in further DIAs.

Overall, our assessment of the Commission's ambition is twofold. While the proposal for a Regulation follows the more ambitious options discussed in the IA to (1) improve the accuracy of information and (2) ensure effective mitigation in the EU, the proposal is rather restrained regarding the third objective targeting methane emission outside the EU. It does not prescribe importers with obligatory rules to reduce methane emissions along their value chain and neither adopts the proposal to add a new instrument, i.e. a label, to signal importers' actions to reduce emissions.

5.3 The EU's Batteries Regulation

In December 2020, the Commission proposed its draft for a Regulation "concerning batteries and waste batteries" (COM 2020/798). It is part of the EU's effort to make batteries more sustainable and a key initiative of the environmental portfolio of the EGD. As transport "is responsible for roughly a quarter of greenhouse-gas emissions […] and is the main cause for air pollution in cities" a transition to electric vehicles is a main focus of EU policy but hinges on the sustainability of batteries (COM 2020/798, p.1). The Commissions formulates three objectives for the Regulation: 1) strengthening the functioning of the internal market (including products, processes, waste batteries and recyclates), by ensuring a level playing field through a common set of rules; 2) promoting a circular economy; and 3) reducing environmental and social impacts throughout all stages of the battery life cycle. This Regulation is also supposed to repeal existing legislation, namely the so-called Batteries Directive (2006/66) that only addresses the end-of-life stage of batteries and was put into force in 2006, i.e. two years before Tesla produced the world's first electric vehicle using a lithium-ion-battery. Thus, the first indicator of the Commission's policy ambition is the move from a Directive to a Regulation. It justifies the use of a Regulation with "diverging national measures" under the Directive 2006/66 leading to an incoherent regulatory framework that was identified in an evaluation of the policy (see SWD 2020/335).

The IA conducted to inform the Commission proposal develops four (in some sub-categories three) policy options. First, a business-as-usual approach that does not amend existing policy. The other three options address the second-life of batteries, collection rates for portable batteries and for automotive and industrial batteries, carbon foot printing and battery performance and durability. Table 3 provides an overview of the different policy options

presented in the IA and the Commission's proposal. Note that we do not cover the business-as-usual option which would not entail any policy changes.

Table 3 – Overview of policy objectives, impact assessment and Commission proposal Batteries Regulation

Policy objectives	Objective 1 – strengthening the internal market	Objective 2 – promoting circular economy	Objective 3 – Reduce environmental and social impacts
Impact Assessment policy options	Option 1: Mandatory carbon footprint declaration; information requirements on performance and durability	Option 1: Collection rate for used portable batteries (to ensure recycling) – 65% collection target in 2025 Recycling effectiveness and recovery of materials; effectiveness for Lithium-ion batteries of 65% by 2025; effectiveness for lead-acid batteries of 75% by 2025	Option 1: Second life of industrial batteries – used batteries are considered waste, repurposing is considered a waste treatment, but repurposed batteries are considered new products Design requirements – obligation on removability[3] Supply chain due diligence – voluntary due diligence
	Option 2: Mandatory carbon footprint with maximum carbon threshold for batteries as a condition for placement on the market	Option 2: – 70% collection target in 2030 Recycling effectiveness for Lithium-ion batteries of 70% by 2030; effectiveness for lead-acid batteries of 85% by 2030	Option 2: Second life of industrial batteries – used batteries are not considered waste, repurposed batteries are considered new products (i.e. used batteries must be recycled) Design requirements – obligation on replaceability (i.e. the device has to fully function with a new replacement battery) Supply chain due diligence – mandatory due diligence
	No further option provided	Option 3: – 75% collection target in 2020 *No further option for recycling effectiveness provided*	Option 3: Provisions for mandatory second life readiness, i.e. all used batteries must be repurposed Design requirement – requirement of

[3] Currently, many batteries in, e.g. smart phones, cannot be removed without essentially destroying the device since they are glued together with other components of the device.

			interoperability (i.e. standard design of batteries for certain products so that different batteries from different manufacturers work in one device) *No further option for due diligence provided*
Commission Proposal	Mandatory carbon footprint declaration; information requirements on performance and durability *and* maximum carbon threshold for batteries as a condition for placement on the market	Collection rate for used portable batteries (to ensure recycling) – 65% collection target in 2025 and 70% in 2030 Recycling effectiveness for Lithium-ion batteries of 70% by 2030; effectiveness for lead-acid batteries of 85% by 2030	Second life of industrial batteries – used batteries are considered waste, repurposing is considered a waste treatment, but repurposed batteries are considered new products Design requirements for removability and replaceability Mandatory supply chain due diligence
Assessment of Ambition	Commission follows most ambitious option 2 **high**	Commission follows second most ambitious option 2 **medium-high**	Commission largely follows second most ambitious option 2, except the classification of used batteries **medium**

Note: We do not include all detailed provisions for, e.g. recycling effectiveness for rare earth elements but focus on the overall targets. A detailed summary of the policy options described in the IA and detailed provisions included in the draft Regulation can be found in SWD 2020/335, p. 41-43 and COM 2020/798 p.8-9.

The Commission opted for a combination of policy options 1 and 2 and justifies this decision with the balance "in terms of effectiveness (achievement of the objectives) and efficiency (cost-effectiveness)" (COM 2020/798), p.8). This combination often leads to staged provisions. For example, the Commission includes both targets for recycling effectiveness of lithium-ion and lead-acid batteries and proposes to set targets at 65 %, and 75% respectively, for the year 2025 and add targets of 70%, and 80% respectively, for the year 2030. Similar, collection targets for used batteries are set for the year 2025 and the year 2030 which is, again, a combination of the options 1 and 2 detailed in the IA. Yet, in this case, the Commission did not adopt the most ambitious target discussed in the IA, which proposed a collection target of 75%. Considering the design requirements for batteries, the Commission combined the idea to strengthen provisions on removability and introduce new obligations for replaceability.

Similarly, the Commission combined the options 1 and 2 on carbon foot printing. Moreover, the proposal includes a mandatory supply chain due diligence provision (Art. 39).

On the other hand, regarding the second life provisions, the Commission followed the most lenient option and proposes to consider used batteries as waste. This treatment means that used batteries do not have to be repurposed and this is up to the industry whereas in the second option, repurposing would have been mandatory.

Overall, the assessment of the Commission's ambition is ambivalent. In some instances, e.g. setting targets for recycling effectiveness, the Commission followed the more ambitious proposals detailed in the IAs. But in regards to targets for the collection of used batteries, the Commission adopted a less ambitious goal. Thus, our assessment ranges from medium to high considering the Regulation's three objectives.

6 Discussion & Conclusion

6.1 Comparison of cases and differences between talk and decision

In this section, we want to briefly summarize and compare the three policy proposals and their level of ambition (see table 4). In the first case, the Climate Law, the Commission went beyond what the IA proposed in setting reduction targets. Clearly, the further implementation of this Regulation hinges on the Commission's post-legislative decision making and the level of ambition in DIAs and in other policies. However, the fact that the Commission responded to criticism and to the European Parliament's proposal and went beyond the level of ambition in its own IA justifies our assessment as 'very high'. In the second case, the Methane Regulation, our assessment of the Commission's ambitions is 'medium'. While it follows the IA's strictest proposals in some areas, it is rather unambitious regarding mitigating methane emissions occurring outside of the EU. This is relevant as the larger share of methane emissions originates during the oil and gas production, which is mostly done outside the Union. Thus, if we consider the overall potential impact of the Regulation on methane emission reductions, the Commission's proposal only goes half the way. Third, in the case of the Batteries Regulation, we evaluate the Commission's ambition as 'medium-high'. Since this is a very detailed, technical and extensive policy proposal, it is suitable to come to a nuanced assessment. As we have detailed above, in some regards the Commission follows the IA's ambitious proposals, in some regards it opted for a less ambitious option. If factoring in that

the Commission also changed the nature of legislation from a Directive to a Regulation, thus reducing leeway of the member state, the overall assessment adequately reflects the Commission's aspirations in this policy.

Table 4 – Comparison of the Commission's ambitions

Policy	Climate Law	Methane Regulation	Batteries Regulation
Part of the …	*Climate* portfolio of the EGD	*Energy* portfolio of the EGD	*Environmental* portfolio of the EGD
Assessment	**Very high**	**Medium**	**Medium-high**
Do the Commission's decisions meet its talk?	**yes**	**ambivalent**	**yes**

Furthermore, we want to compare the *talk* and the *decision* dimension. In the first part of our investigation, we showed that the Commission frames its activities predominantly by emphasizing environmental and climate protection. In our second analytical step, we took a closer look at three key initiatives of the EGD. Overall, the Commission followed up on its talk and proposed ambitious policies. Only in the case of the Methane Regulation the level of aspiration must be considered medium. Therefore, we conclude that the Commission does not really match its talk, in particular since methane emissions are equally relevant for achieving climate neutrality as emissions limits for CO_2 are. More specific, while focusing emissions within the EU, the Commission followed the more ambitious options but refrained from similar aspiring provisions regarding the external dimension, e.g. emissions linked to the import of fuels or energy. Considering the high reliance of the EU on imports of fossil fuels, the leniency on the external dimension is likely to reduce significantly the overall impact of the Regulation.

Nevertheless, considering all three cases, we conclude that the Commission's decision rather matches its talk instead of falling back into old patterns described as hypocrisy by Knill et al. (2020). In the next section, we discuss these insights in detail, answer our research questions and link our inquiry to existing research.

6.2 Is the Commission back in the game?

Research on the role of the EU Commission in environmental and climate policy has come to two core insights. First, in the last decades, the Commission, together with the European Parliament, has played a crucial role in advancing the Unions environmental policy portfolio. However, and secondly, after the economic crisis in 2008 and subsequent economic and monetary turbulence, it has departed from this past, reduced its policy activity, carefully dismantled existing measures and, overall, taken the position of a brakemen instead of a policy entrepreneur. Against that backdrop, we seek to provide a first tentative assessment of the Commission's actions and role in recent years, following the introduction of the EGD and its renewed commitment to environmental and climate protection. Therefore, two competing hypotheses guided our research. On the one hand, we expected the Commission to continue its unambitious policy activity despite its rhetorical commitments. On the other hand, we expected the Commission to resume a role as policy entrepreneur matching its talk. Considering the overall evidence presented in this contribution, we can reject the first hypothesis and tentatively confirm the second. The Commission proposed ambitious policies, it often followed the most aspiring options detailed in its impact assessments, it opted for Regulations in all three cases instead of Directives (e.g. in the case of the EU's battery policy the new Regulation substitutes a Directive previously in force), and in the three cases it sided (carefully) with the European Parliament and adopted some of its 'greening' requests. Overall, our insights are first evidence that the von der Leyen Commission has indeed returned to its lost role as an aspiring environmental and climate policy entrepreneur.

Our case studies did not offer sufficient evidence to reflect fully on the scope conditions for this change in organizational behavior. We did see some evidence that context matter, e.g. a supportive and even insistent Parliament to follow through on the green agenda. In addition, the choice to anchor the EGD in the Commission leadership, with Vice-President Timmermans showing considerable political will and ability to engage with the public, seems to play a role. Yet we need to learn more about intra-organizational dynamics that will be necessary to understand, for instance, the differences across policy fields.

Our case studies were chosen to deliver an overview of activities in an overall multifaceted program; they were not chosen from a strictly analytical comparative perspective. Yet, looking across our cases some aspects emerge that allow us to reflect also on the kind and degree of the transformative ambition of the Commission. First, the choice of Regulations as policy

instruments and a clear tendency to formulate mandatory obligations in all three cases suggest that the Commission intends to resume regulatory control over the green transformation. While some of these measures clearly build on previous policies, they appear to strengthen the regulatory ambitions and signs of 'soft' governance or dismantling have vanished. Interestingly, this is most evident with regard to the Climate Law, which is framing the overall climate policy bundle and has been the most politicized. Benefitting from a favorable political climate with considerable pressure from Parliament, the Commission coupled high ambition with central responsibility, clearly reversing earlier deregulatory and denationalizing trends. The more technical Methane and Batteries Regulations show evidence of more intricate internal considerations over jurisdictional reach, the time horizons and technological and economic feasibility. Comparing the two regulations, it is interesting that the climate risk of methane was not sufficient to advance especially the external dimension of the directive, which indeed could have seriously undermined (fossil) energy supply in the Union. Possibly with the potential of E-mobility in mind, more progress could be made in advancing the (classical) environmental product standard for batteries. In short, we cannot detect a principle distinction between climate and environmental policy – with climate progressing more easily than environment. Rather, policy ambition seems linked to the effective balancing of environmental and economic frames and the weighing of economic costs (e.g. insecurity of energy supply) and potential (e.g. advances in E-mobility coupled with greater independence from global suppliers). Considering the constructed nature of policy frames, more detailed knowledge of the policy process leading towards the Commission proposals would be needed to arrive at a more solid conclusion, however.

In summary, our assessment of the EGD offers convincing evidence that the Commission is back on the block and willing to let action follow its transformative rhetoric. In the proposals studied in this paper, we also found evidence that the Commission is returning to a command-and-control and highly centralized regulatory governance mode and looks for the transformative potential not only in climate, but more generally in environmental policy. It has used the window of opportunity of wider societal support and the political will and skills of its leadership. Future analysis will need to extend this research to all facets of the EGD in order to reflect more fully on variation; and it will need to look behind the decision dimension to see whether implementation and enforcement – i.e. the *action* dimension in Brunsson's framework – confirm our tentative assessment.

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