

Climate policy growth and the implementation deficit:
will EU and EEA member states be able to implement EU climate policy?

Yves Steinebach



Structure

- How strong has the EU increased its efforts in climate policy?
- How do the member states manage to implement these climate policy measures?
- How can we explain the growing implementation deficit in climate policy?

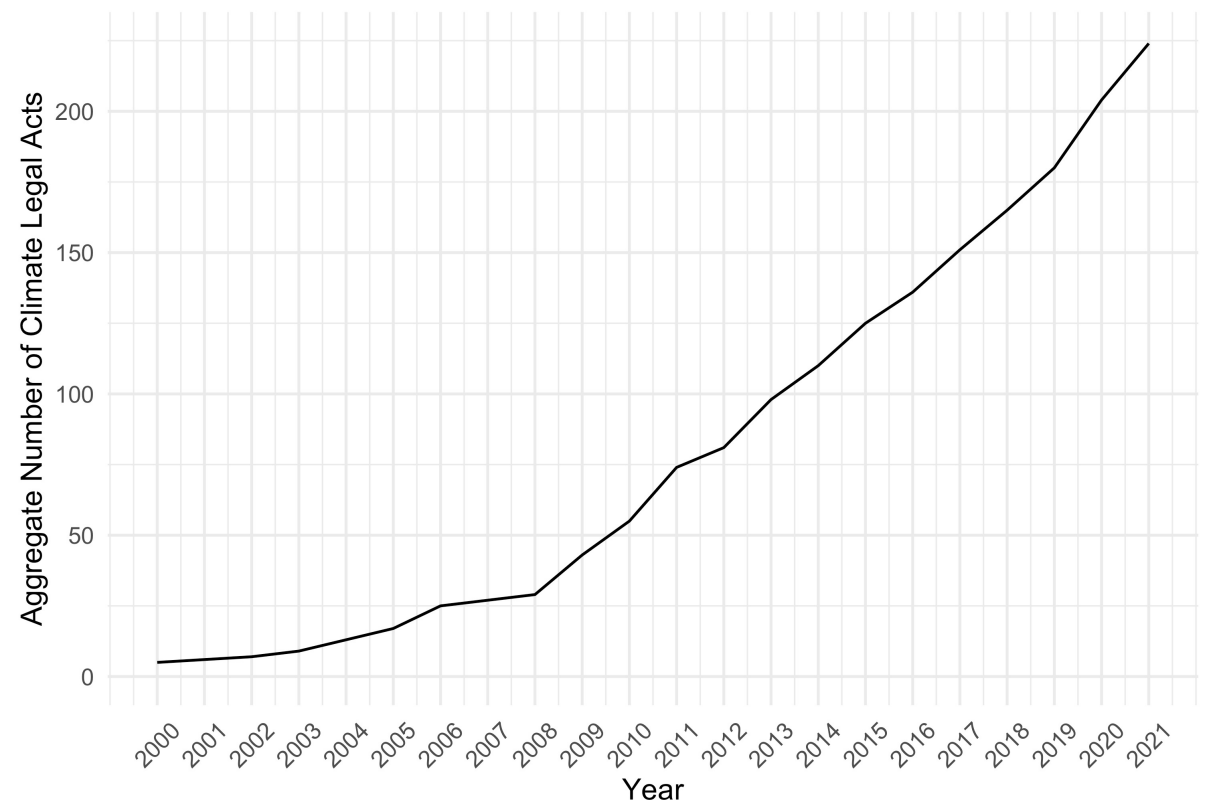
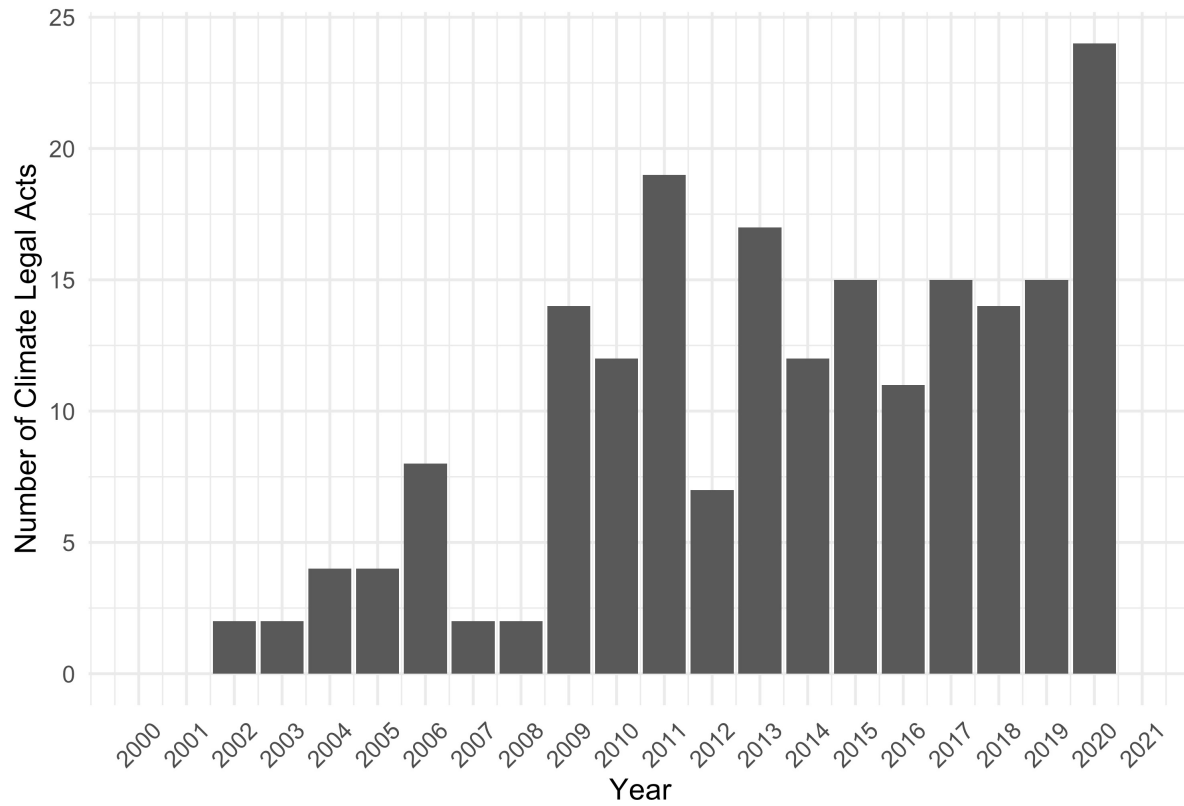
Disclaimer

- I use different datasets (thanks to the EUPLEX team!)
- When merging and combining different datasets, there is some uncertainty involved as there is not always a 100% overlap
- Go for the tendencies, not the details

Structure

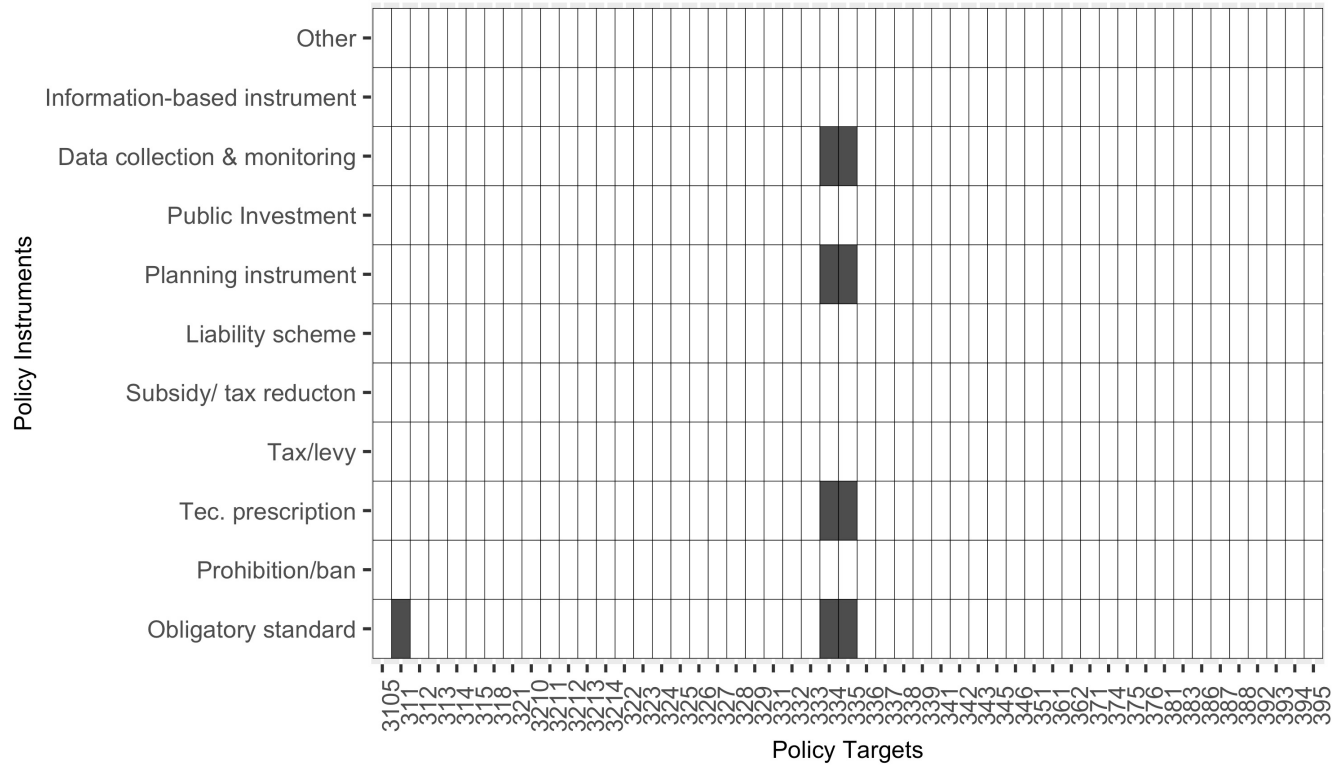
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Climate Policy Growth: Legal Acts

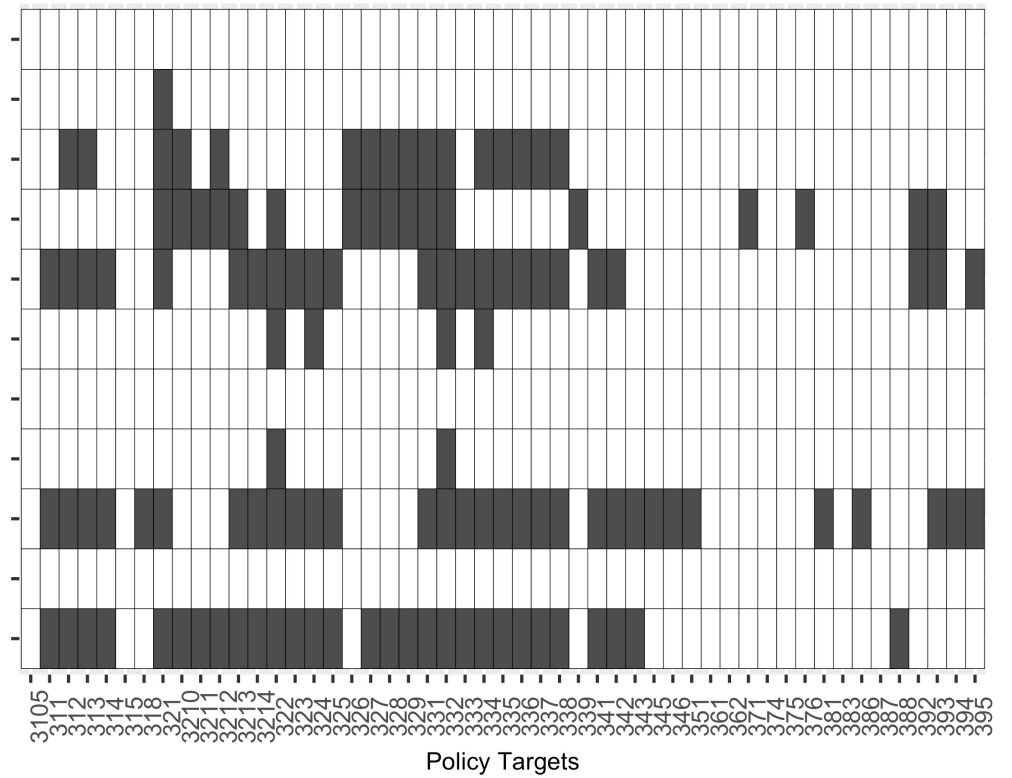


Note: “Climate Change” legal acts are picked based on the classification of the EU EUROVOC classification scheme and retrieved from EURLEX.

EU Climate Policy Portfolio in 2000



EU Climate Policy Portfolio in 2021



Note: Data on policy growth comes from the ACCUPOL project (Knill, et al. 2023).



How strong has the EU increased its efforts in climate policy?

- The number of 'new' climate legal acts per year grew from about three in the early 2000s to over 20 in 2021
- In the aggregate, this means a total of about 220 legal acts in the respective time period
- With regard to the 'content', it equals an increase from about eight to 126 'target-instrument-combinations' in the respective time period

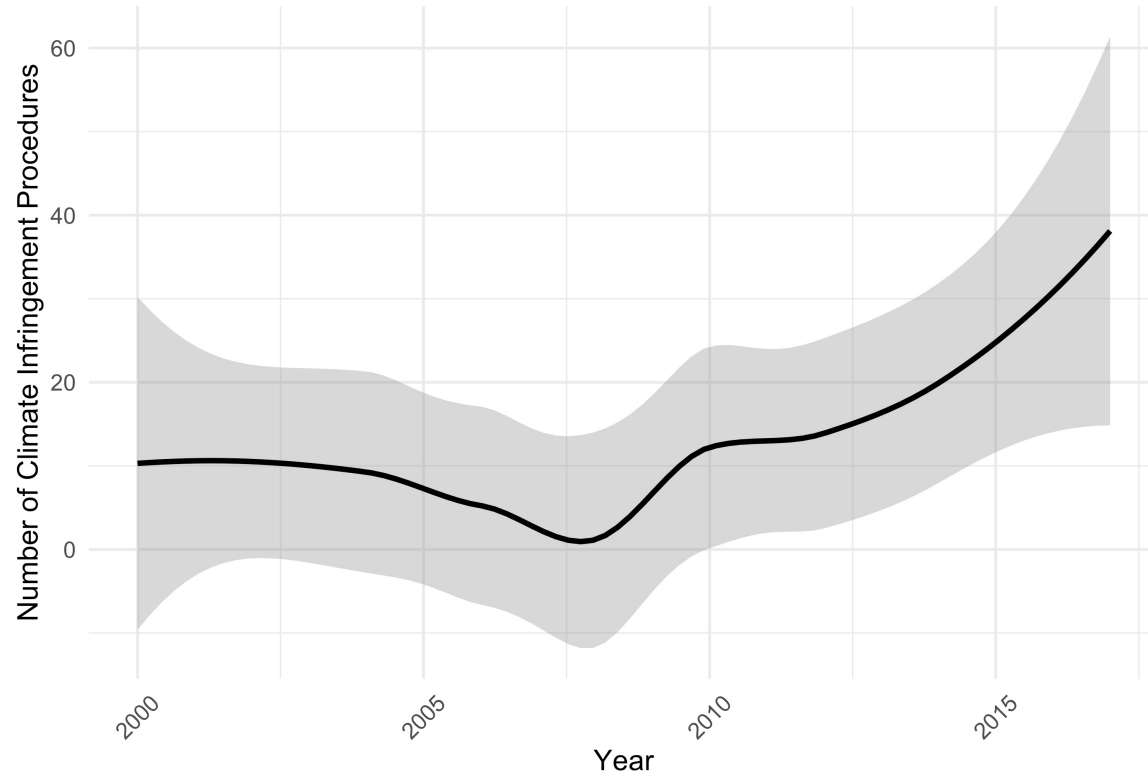
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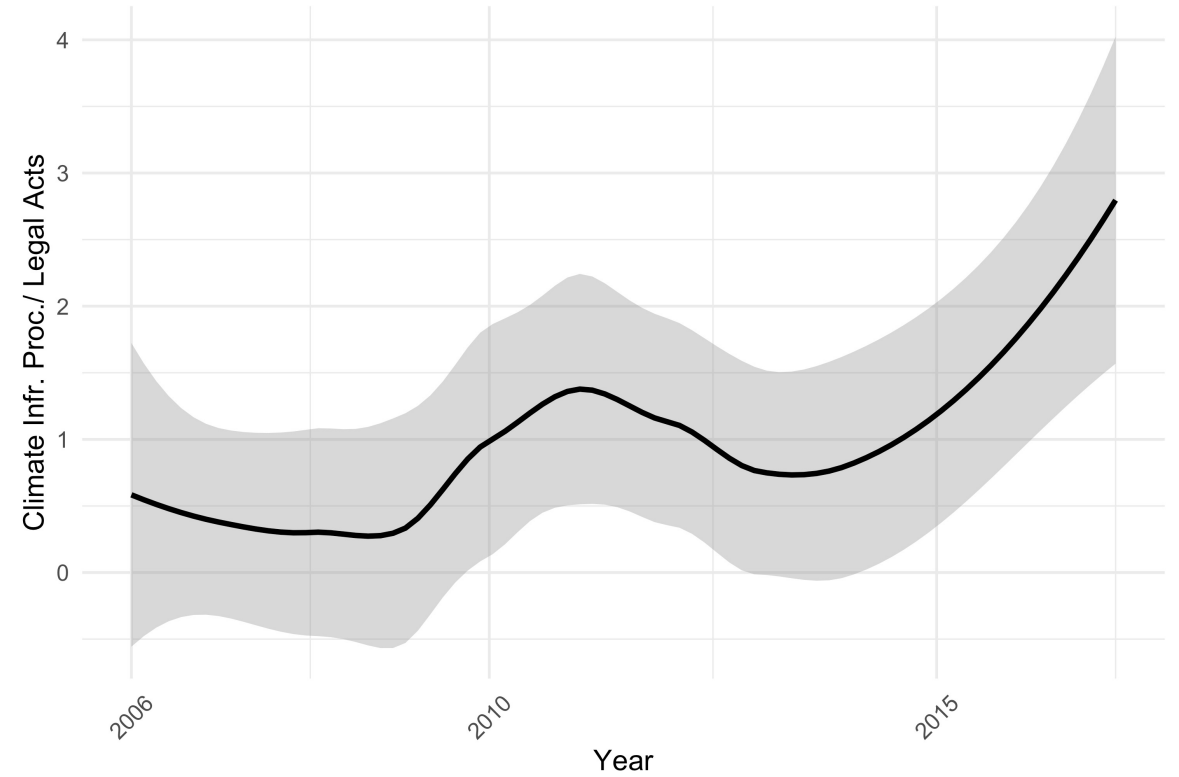
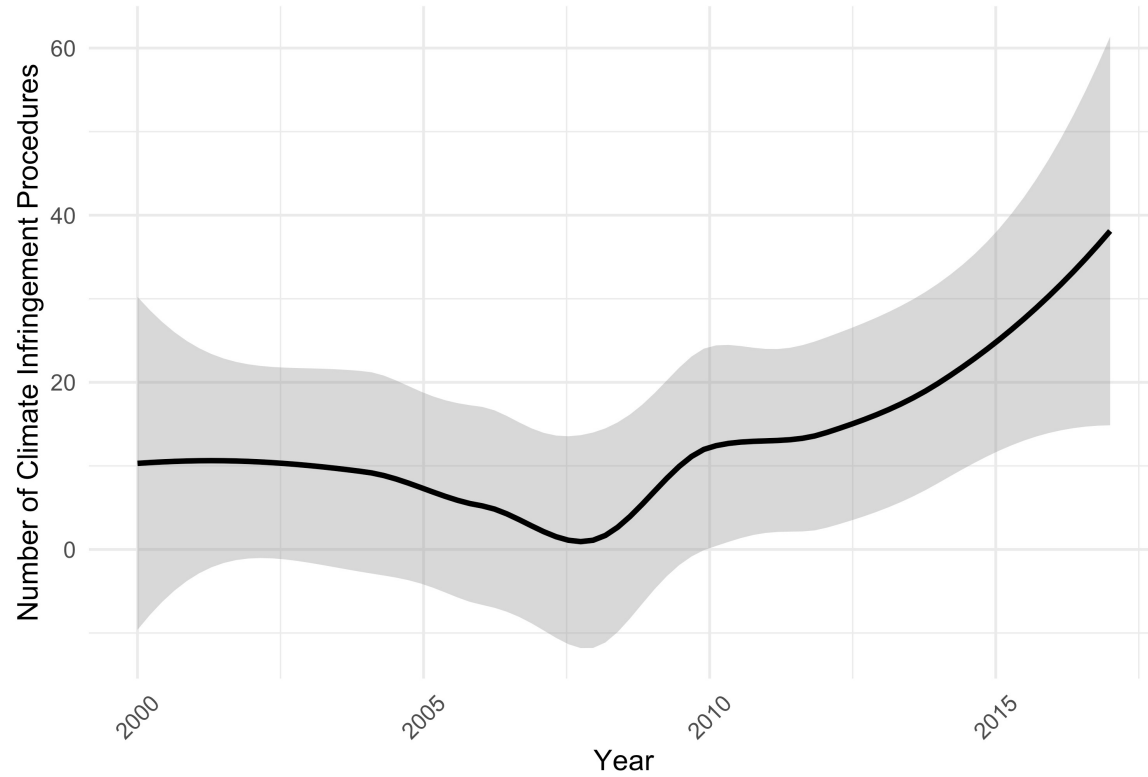
- Implementation performance is difficult to assess
- Here: focus on infringement procedures
- Infringement procedures are opened against member states if the Commission suspects non-compliance with EU legislation → non- or wrong transposition or non- or wrong application
- Infringement procedures are biased and only "the tip of the iceberg" (Hartlapp and Falkner 2009)

Implementation Deficit: Infringement procedures



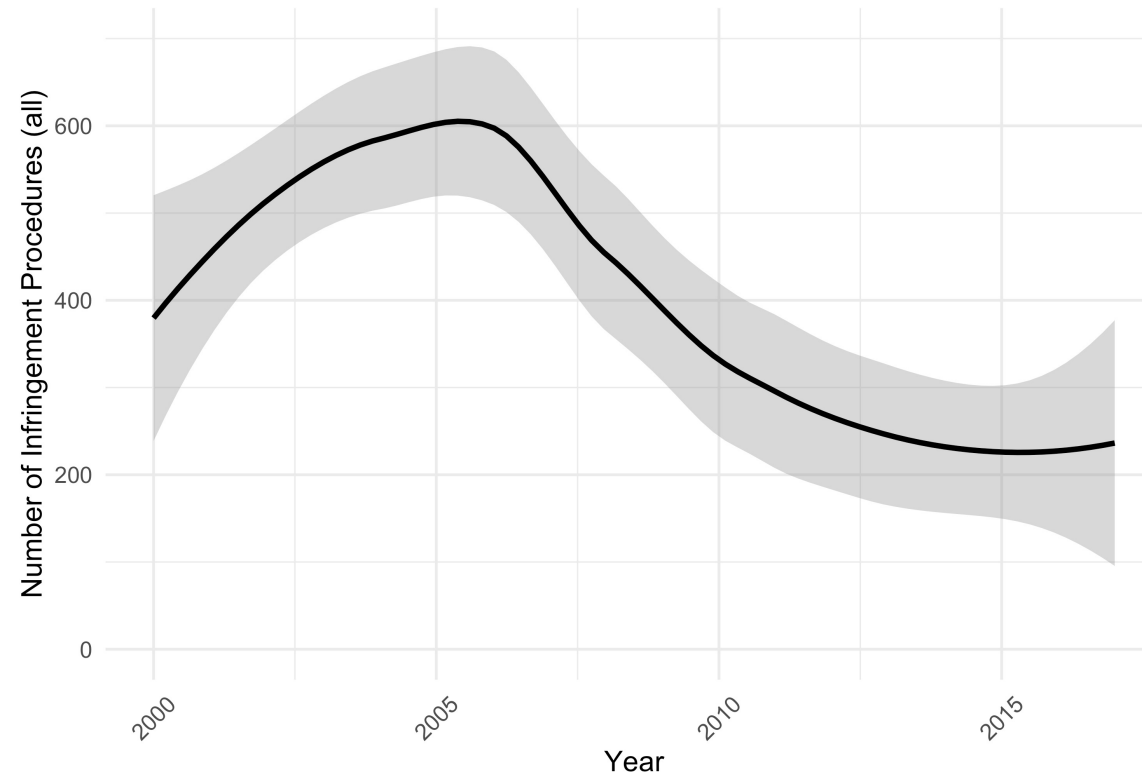
Note: Data on infringement procedure decisions comes from the Berlin Infringement Dataset (Börzel 2021).

Implementation Deficit: Infringement procedures



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Implementation Deficit: Infringement procedures

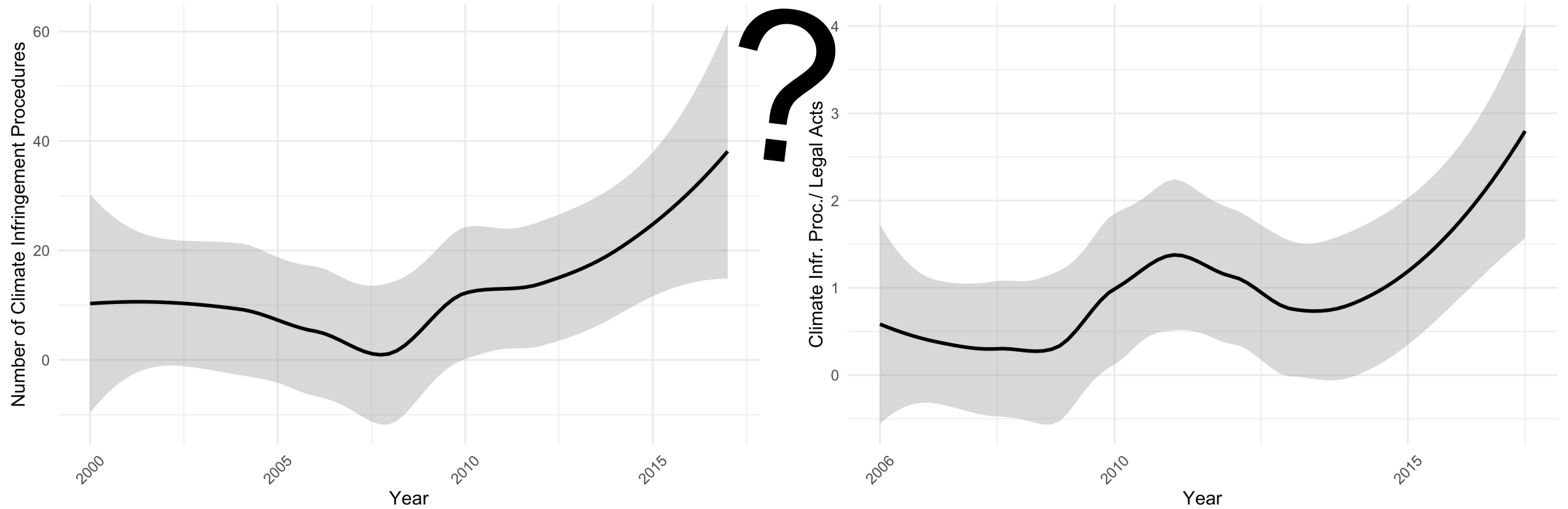


Note: Data on infringement procedure decisions comes from the Berlin Infringement Dataset (Börzel 2021).

How do the member states manage to implement these climate policy measures?

- We see an increase in infringement procedures from 0.5 to about 3 per new climate legal act
- This goes against the overall trend of fewer infringement procedures

Implementation Deficit: Infringement procedures



Note: Data on infringement procedure decisions comes from the Berlin Infringement Dataset (Börzel 2021).

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Thesis I

- The growth in policies at the EU level outpaces administrative capacity expansion at the national level
- More climate policies without more capacities makes it increasingly difficult to implement the policies in practice

“Every one of us has one leg in prison when we get up in the morning. Because **we cannot fulfill all the tasks, we are required to do by law. That's why we also say:** Please, please with the new regulations, not so quickly! The whole apparatus, the whole society has to adapt to it. Now it's **practically the responsibility of the decision-makers on the spot as to how specifically they go about their task.** It's like the duvet that's too short - it's sometimes by the nose, sometimes by the toes - but it's never enough to cover everything.”

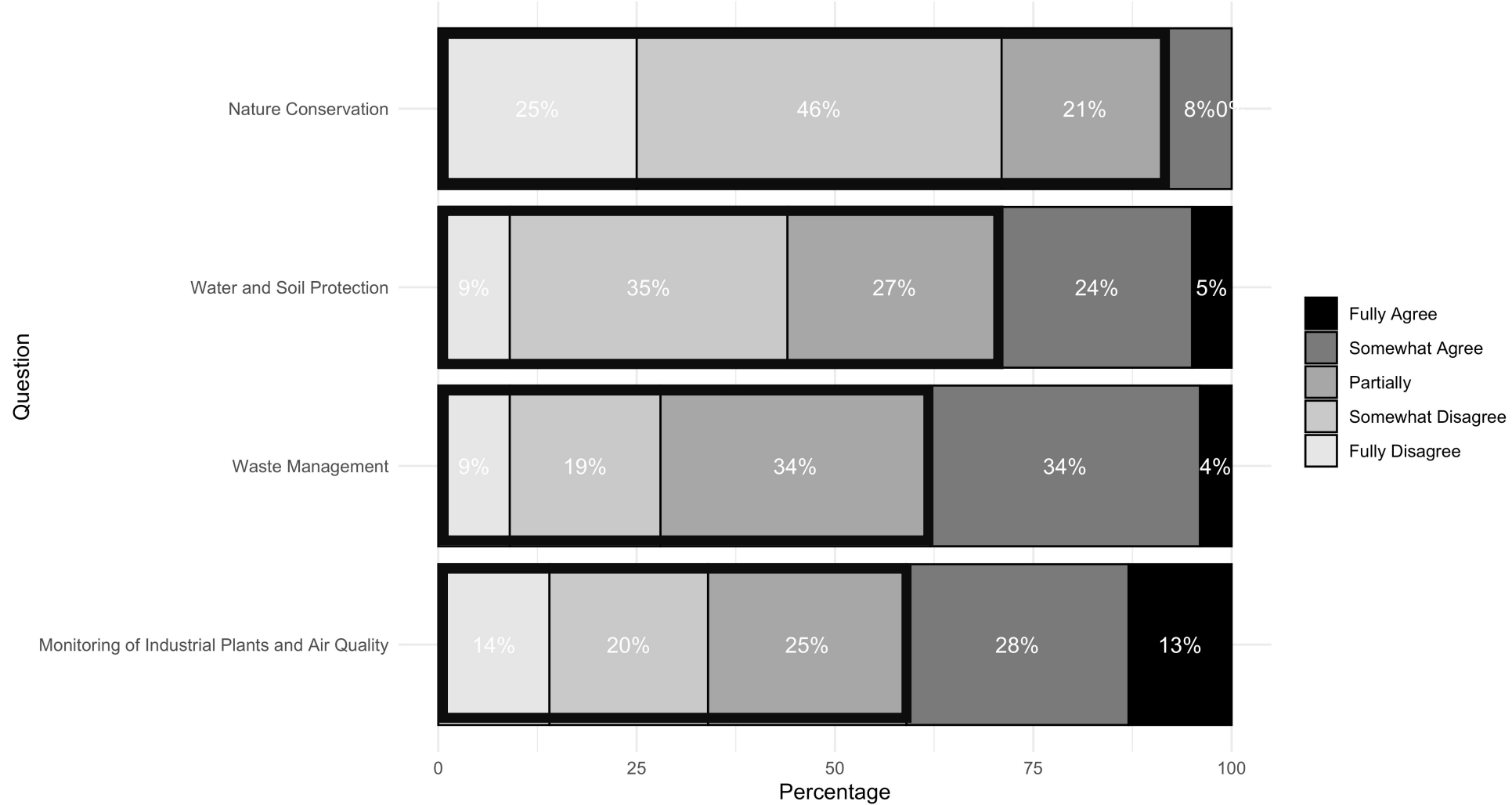
“If I think about the last four years as head of the agency, then I can really say that **several things were added to our area of responsibility without any compensation.** Our workload is steadily increasing. On the one hand, it is constantly increasing and, on the other hand, it is becoming more and more complex. Considering what is already imposed on us by the policies, **we are already in a considerable overload.** You really have to be careful that people don't say “goodbye” internally at some point“.

Note: Own interview data published in Fernández-i-Marín, et al. (2023)

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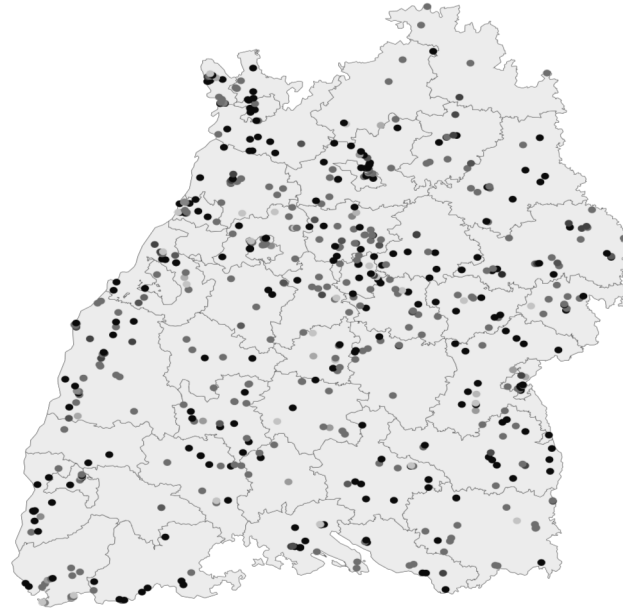
My authority is able to perform all the required regular control tasks and inspection



Note: Data comes from Ziekow (2018())

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Bericht über eine Vor-Ort-Besichtigung

- gemäß
 § 52a Abs. 5 BImSchG
 § 22a Abs. 5 DepV
 § 9 Abs. 5 IZÜV

Daten Betreiber:

Kennnummer	
Betreiber	
Betriebsname	
Betriebsanschrift (Standort)	
IED-Nr. und Anlagentätigkeit	
Anlagenbezeichnung	

Daten Behörde:

Zuständige Behörde	
Postanschrift	
Kontakt	

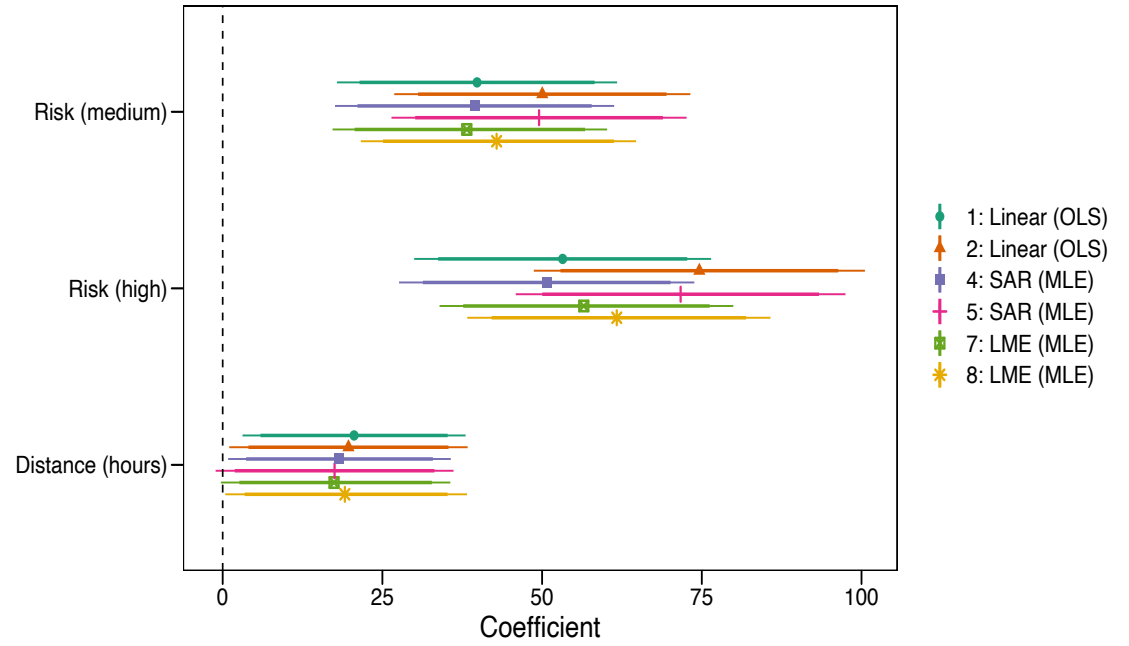
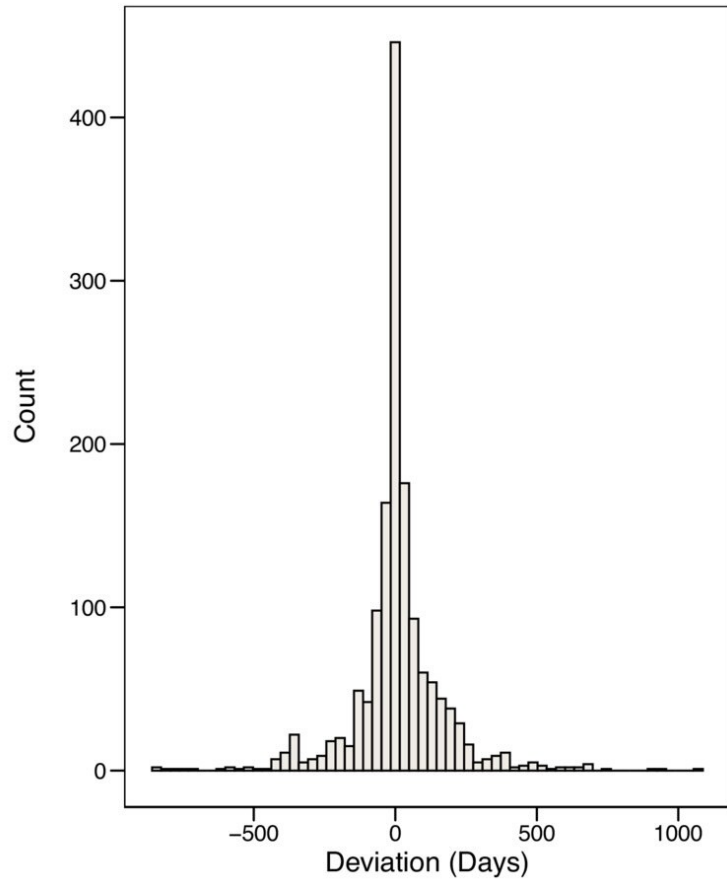
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Datum Bericht	

Note: Kaplaner & Steinebach 2023

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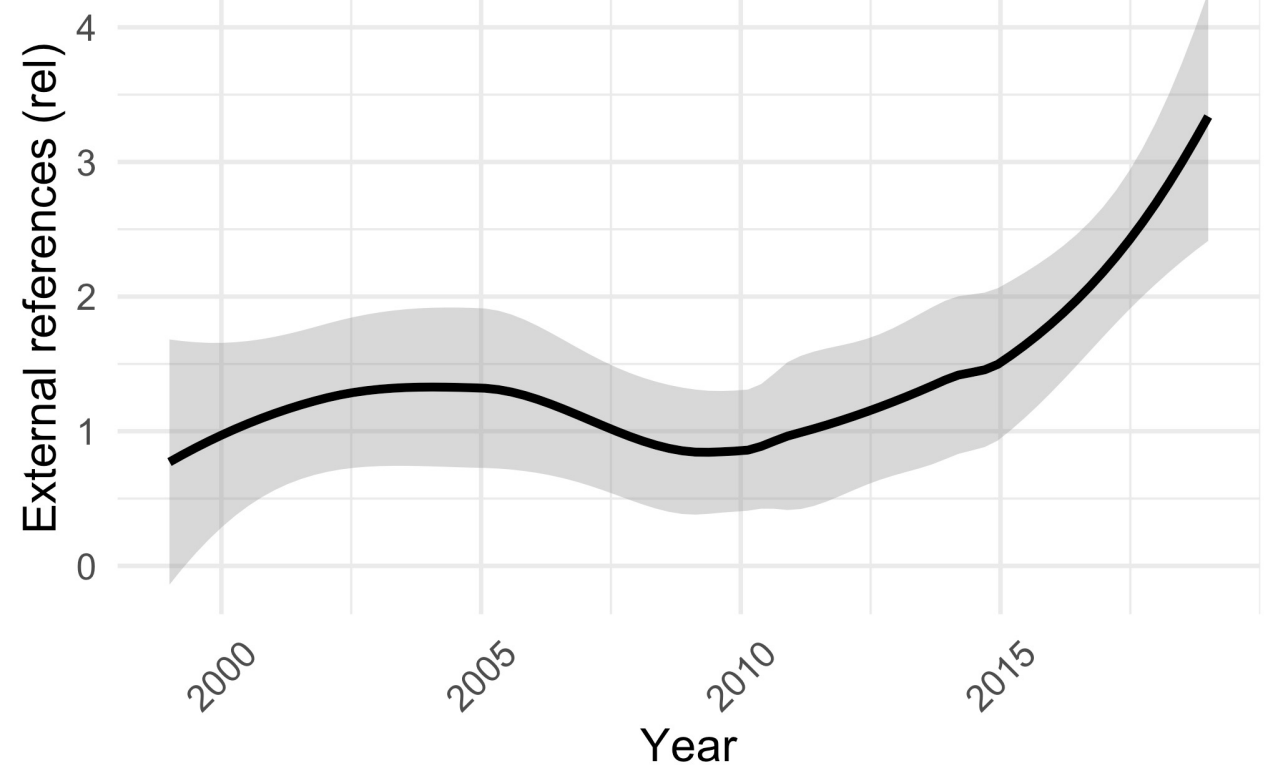
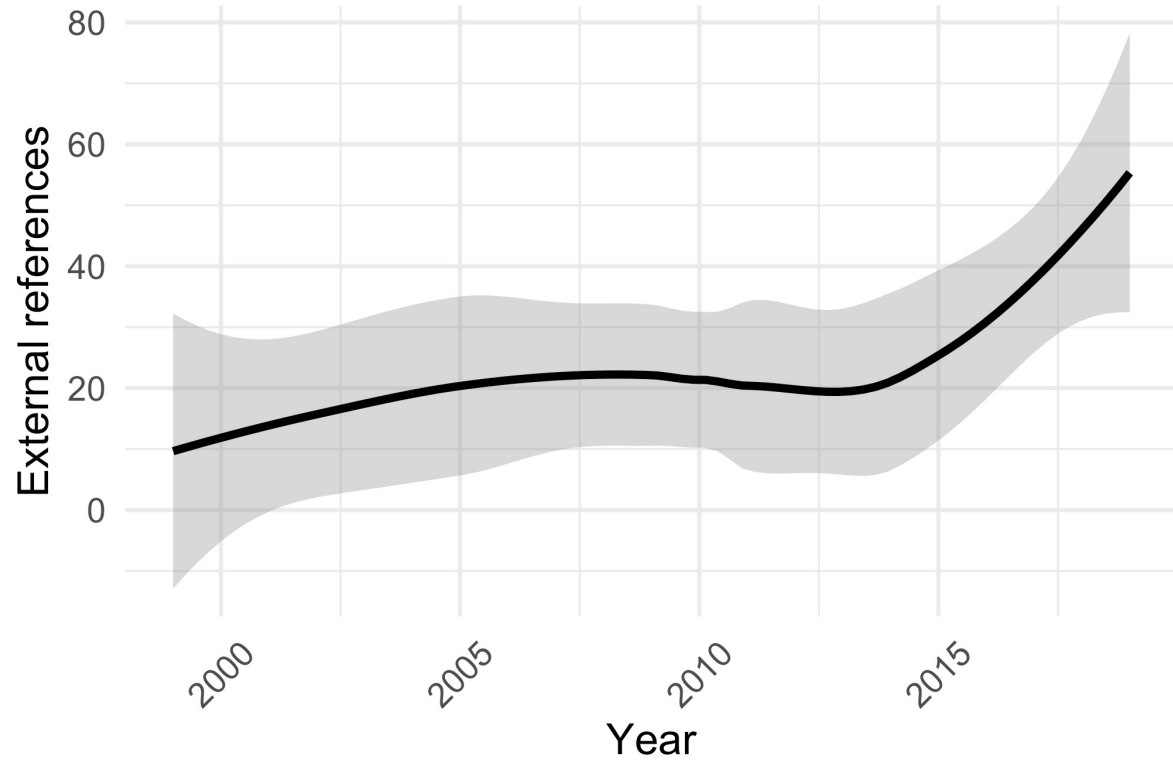




Note: Kaplaner & Steinebach 2023

Thesis II

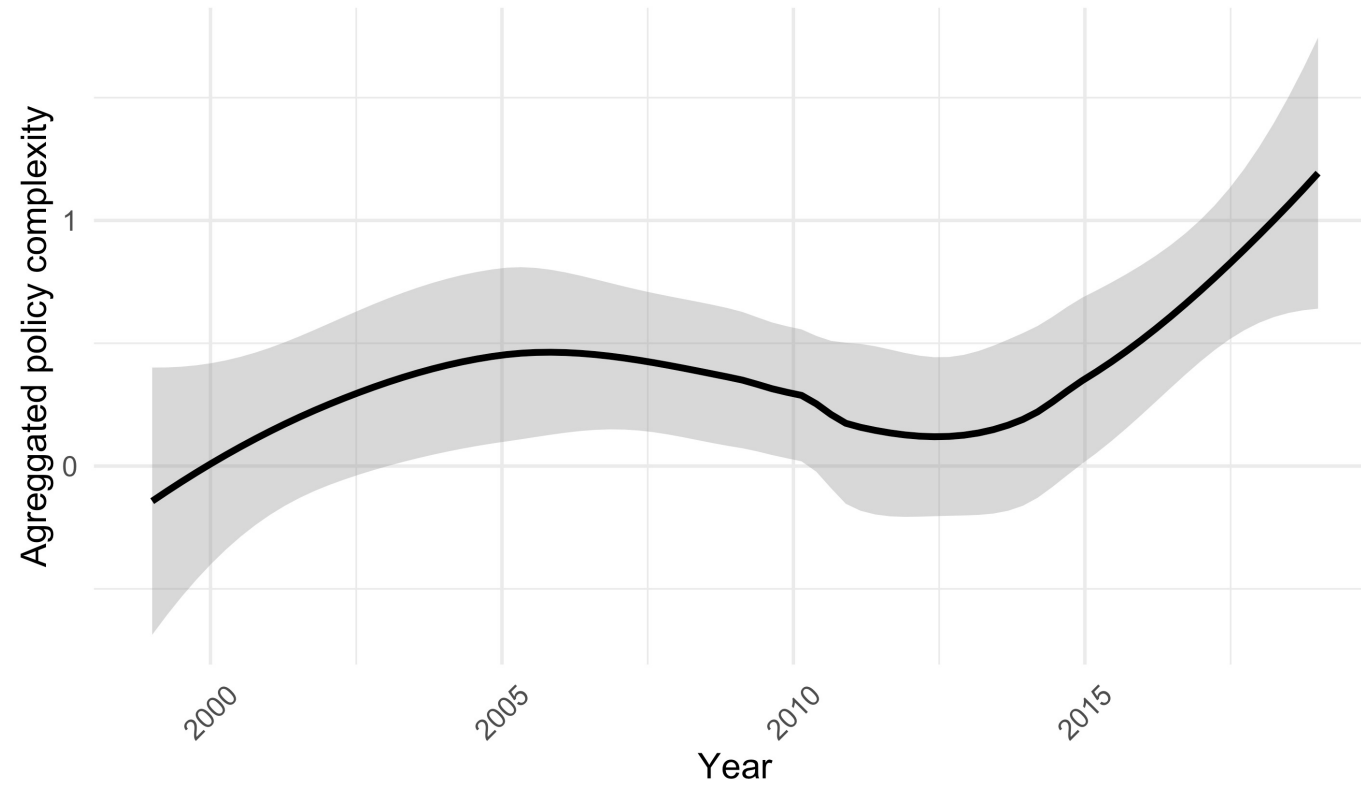
- Policies do not only become more, they also become more and more complex and thus more difficult to implement



Note: Data on policy complexity comes from the EUPLEX project (Hurka, et al. 2022).

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Note: Data on policy complexity comes from the EUPLEX project (Hurka, et al. 2022).

Summary

- There seems to be a tendency of increasing problems among EU member states to implement climate policies
- Against the general trend, the number of climate-related infringement procedures tripled (and this is even when controlling for the number of legal acts in place)
- Potential explanations are:
 - a lack of an expansion of administrative capacities in lockstep with the policies
 - and increasing complexity of the policies produced

References

- Börzel, Tanja A. (2021) "Berlin Infringement Database". Version 2021.1. Berlin: Freie Universität Berlin.
- Fernández-i-Marín, X., Hinterleitner, M., Knill, C., & Steinebach, Y. (2023). "Policy growth, implementation capacities, and the effect on policy performance." *Governance*, 1–19
- Hartlapp, M., & Falkner, G. (2009). "Problems of operationalization and data in EU compliance research." *European Union Politics*, 10(2), 281-304.
- Hurka, S., Haag, M., & Kaplaner, C. (2022). "Policy complexity in the European Union, 1993-today: Introducing the EUPLEX dataset." *Journal of European Public Policy*, 29(9), 1512-1527-
- Kaplaner, C., & Steinebach, Y. (2023). "Coping Practices and the Spatial Dimension of Authority Design." *Public Administration Review*, 1–14.
- Ziekow, J., Bauer, C., Steffens, C. & Willwacher, H. (2018). "Deutsches Forschungsinstitut für öffentliche Verwaltung. Dialogue with Experts on the EU Legislative Act on Environmental Inspections – Exchange on Possible Changes in the Implementation of EU Environmental Law." *Umweltbundesamt*: 1–280.



Thanks for your attention!

