

Groen, L. & Niemann, A. (2012)  
'Challenges in EU external climate change policy-making in  
the early post-Lisbon era: the UNFCCC Copenhagen  
negotiations'  
in: Cardwell, P. (ed.), *EU External Relations Law and Policy  
in the Post-Lisbon Era*, The Hague: T.M.C. Asser Press, pp.  
315-334.

This is a preliminary version of the chapter, which has been  
finally published in Cardwell, P. (ed.) (2012), *EU External  
Relations Law and Policy in the Post-Lisbon Era*, The Hague:  
T.M.C. Asser Press.

# **Challenges in EU external climate change policy-making in the early post-Lisbon era: the UNFCCC Copenhagen negotiations**

**Lisanne Groen\* and Arne Niemann\*\***

## **Abstract**

The 15<sup>th</sup> United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties (COP) meeting held in Copenhagen from 7 to 18 December 2009, which took place one week after the entry into force of the Treaty of Lisbon on 1 December 2009, has brought about rather disappointing outcomes from the perspective of the European Union (EU), which had previously displayed substantial leadership within the UN climate regime. Contrary to the EU's objectives for the COP15 meeting no legally binding agreement was reached to succeed the Kyoto Protocol after 2012 and the final Copenhagen Accord contained disappointingly few ambitious targets. This chapter tries to explain how this result came about and what the main challenges have been for the EU in this context. In the first place, we argue that the EU's internal decision-making process was far from optimal. The unanimity rule, in combination with the heterogeneity of preferences of the 27 different EU Member States on many agenda items, negatively affected the EU's ability to play a leadership role at the negotiations in Copenhagen. Secondly, the EU's outreach strategy towards third parties seems to have missed its effect because it was not sufficiently adapted to the highly challenging external context of the negotiations, namely the positions that major third parties like the United States and China had adopted concerning a post-2012 climate regime. The entry into force of the Treaty of Lisbon on 1 December 2009 does not seem to have had much effect on the EU during the Copenhagen negotiations held one week later. Overall, it seems that the Lisbon provisions point into the right direction and could help to overcome some of the challenges that the EU currently faces in the conduct of its external climate policy. An analysis of the EU's performance at future UNFCCC COP meetings,

---

\* Lisanne Groen is a PhD candidate, Department of Political Science, Institute for European Studies (IES), Vrije Universiteit Brussel, [lisanegroen@hotmail.com](mailto:lisanegroen@hotmail.com)

\*\* Arne Niemann is Professor of International Relations, Department of Political Science, University of Mainz, [arne.niemann@uni-mainz.de](mailto:arne.niemann@uni-mainz.de)

which are held once a year in December, should facilitate finding an answer to the question of how the Lisbon provisions will be implemented in this particular field.

## **1. Introduction**

According to the European Union (EU), climate change, a global common good problem, needs to be tackled by means of multilateral cooperation.<sup>1</sup> The EU has been characterised as a leader in the multilateral negotiations of the United Nations Framework Convention on Climate Change (UNFCCC) already since the very beginning of this global convention.<sup>2</sup> A few years ago, when the people in France and the Netherlands rejected the Treaty establishing a Constitution for Europe by referendum, climate change has become the saviour issue for the EU's integration project, since the EU is able to add significant value to the actions of its Member States on this transboundary problem, given the experience and record it has in achieving cooperation between sovereign states. At the same time, by aiming to be a leader in this global climate regime the EU tries to increase its power on the global stage and to export its own standards to the rest of the world. The solutions to the global problem of climate change that the EU provides correspond with the solutions that it has provided earlier on to secure peace and prosperity within the EU itself, namely to advance through international treaties and to establish institutions, thereby relying on the principles of cooperation, solidarity and the rule of law.<sup>3</sup>

Given the importance of external climate change policy for EU external relations (and European integration more generally), the main question of this chapter – what are the EU's principal challenges for asserting itself at international climate change negotiations in the early post-Lisbon era? – is a particularly salient one. Contrary to previous negotiations, the UNFCCC 15<sup>th</sup> Conference of the Parties (COP) meeting in Copenhagen from 7 to 18 December 2009 brought about disappointing outcomes from the perspective of the EU. This disappointment was particularly acute given that the meeting took place one week after the entry into force of the Lisbon Treaty, which did not seem to have had much effect on the EU's ability to act at Copenhagen. Contrary to the EU's objectives, no legally binding

---

<sup>1</sup> European Commission (2010), 'Working with international partners', Official website, Section Climate Action, Policies, International Partners, Climate Negotiations, available at [http://ec.europa.eu/clima/policies/international/negotiations\\_en.htm](http://ec.europa.eu/clima/policies/international/negotiations_en.htm), accessed on 8 January 2011.

<sup>2</sup> Zito 2005; Groenleer and Van Schaik 2007; Oberthür 2009B..

<sup>3</sup> Curtin 2010; Van Schaik 2010.

agreement was reached to succeed the Kyoto Protocol after 2012 and the final Copenhagen Accord regrettably contained few ambitious targets. This result asks for an examination of the EU's internal decision-making process and its outreach towards third parties (insofar as its dealings with the external context are concerned) both in the run up to the Copenhagen conference and at the conference itself. Part of this examination will focus on the question concerning the extent to which the entry into force of the Treaty of Lisbon affected the way in which the EU acted at the Copenhagen negotiations. The question regarding the degree to which the Lisbon Treaty will impact on the EU in future UN climate change negotiations will be addressed at the end of this chapter.

'The EU' here denotes the legal entity which has been accepted as a party within the UNFCCC and which has been represented at the negotiator level, the lowest negotiation level at the COP15 meeting in Copenhagen, by the Swedish EU Council Presidency and by two EU negotiation teams, consisting of lead negotiators and issue leaders from both the EU Member States and the European Commission. At the higher negotiation levels the EU has been represented by the Swedish Council Presidency and the 'EU troika'. Since the Amsterdam Treaty, the EU troika has consisted of the current EU Council Presidency (here Sweden), the upcoming Presidency (Spain) and the European Commission.<sup>4</sup> In the most important bilateral negotiations and smaller negotiating sessions the EU is (also) represented by the EU troika. In addition to the EU, its Member States are present separately as parties to the negotiations.<sup>5</sup>

We proceed as follows: first, we will sketch the context of the EU's leadership in the UNFCCC climate change negotiations before the negotiations at the COP15 meeting in Copenhagen. Second, we will outline the course of affairs at the Copenhagen meeting and clarify the role that the EU played during these negotiations. Third, we will explain why the EU failed to play a leading role in Copenhagen and to what extent the Lisbon Treaty influenced the way in which the EU acted at Copenhagen. Fourth and finally we will analyse the likely impact of the Lisbon Treaty on the EU's external climate change policy more generally.

## **2. The EU's Leadership at the UNFCC Negotiations before**

---

<sup>4</sup> Oberthür 2009A, 13. Morillas (this volume) discusses the Spanish Presidency as it dealt with the immediate consequences of the entry into force of Lisbon.

<sup>5</sup> Lacasta et al. 2002, 361.

## Copenhagen

The United Nations Framework Convention on Climate Change (UNFCCC), created in response to the growing scientific evidence about the dangers posed by greenhouse gas emissions to life on earth, was adopted on 9 May 1992<sup>6</sup> and entered into force on 21 March 1994.<sup>7</sup> The Conference of the Parties (COP), the highest decision-making body of the UNFCCC in which all parties to the convention are represented, holds an annual meeting, the first of which took place in 1995. During the negotiating process before the adoption of the convention in 1992 the EU already provided leadership by pushing for stringent international measures to tackle climate change in the form of binding greenhouse gas emissions reduction targets for industrialised countries.<sup>8</sup> At the first COP meeting in Berlin in 1995, parties agreed that industrialised states (the ‘Annex-I’ group of countries including both the EU (the ‘European Community’ in 1995), and all of its Member States, except for Cyprus, which joined the EU in 2004) would negotiate real cuts in their greenhouse gas emissions and that these negotiations were to be concluded in 1997 at the COP3 meeting in Kyoto.<sup>9</sup> In Kyoto legally binding greenhouse gas emissions targets, stating that Annex-I countries shall reduce emissions of six different greenhouse gases by at least 5 percent from 1990 levels in the period 2008-2012, were adopted. The EU agreed to the highest percentage of emissions reduction of all participants (8 percent). At the COP3 meeting in Kyoto detailed rules for the operation of the system were not provided. Negotiations about these rules continued at later COP meetings.

At the COP6 meeting in 2000 in The Hague negotiations broke down because of disagreements between the EU and the US about rules for the operation of the Kyoto mechanisms. In March 2001 the new US government, led by George W. Bush, announced its withdrawal from the negotiations.<sup>10</sup> From that moment onwards the EU played a vital role in the implementation process of the Kyoto Protocol.<sup>11</sup> Later on in 2001, at the COP7 meeting in Marrakech, the EU made sure that the Marrakech Accords were agreed upon by persuading Annex-I countries to give their approval. The Accords contained detailed

---

<sup>6</sup> Sands 1992, 270.

<sup>7</sup> CAN Europe 2009.

<sup>8</sup> Groenleer and Van Schaik 2007, 983; Oberthür and Roche Kelly 2008, 36.

<sup>9</sup> Damro 2006, 185.

<sup>10</sup> Damro 2006, 187.

<sup>11</sup> Zito 2005; Oberthür 2009B.

implementing rules for the Kyoto Protocol and were of high importance in the process culminating in the entry into force of the Protocol in 2005.<sup>12</sup> The ratification process was another stumbling block on the way towards the entry into force of the Protocol that the EU tried to overcome by urging all parties to ratify the Protocol as soon as possible and by persuading Russia in particular to support the Protocol.<sup>13</sup> As a result of these efforts, the Kyoto Protocol entered into force in February 2005.

The first commitment period of the Kyoto Protocol will come to an end in 2012. In order to start up the process of designing a follow-up agreement for the Protocol after 2012, the EU was the first party to provide concrete emissions reduction commitments for 2020.<sup>14</sup> In March 2007 the EU committed to the goal of a 20 percent greenhouse gas emissions reduction by 1990 levels, offering to scale this commitment up to a 30 percent emissions reduction if the other convention parties would make comparable efforts, thereby launching the negotiations on a global post-2012 climate agreement. At the COP13 meeting in Bali in 2007 the Bali Road Map was agreed upon, in which parties expressed their willingness to finalise the negotiations on a global post-2012 agreement at the COP15 meeting in Copenhagen in December 2009. With various diplomatic instruments, such as diplomatic missions and bilateral meetings, the EU tried to convince other UNFCCC parties to aim for a maximum global temperature increase of 2 degrees Celsius in line with the advice provided in the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) from 2007. As a result, the Bali Road Map explicitly mentions that climate change policies need to be guided by the IPCC's findings and makes reference to the Fourth Assessment Report of the IPCC.<sup>15</sup>

However, the leadership role of the EU within the UN climate change regime cannot be taken for granted. Both problems inside the EU itself and difficult external circumstances may challenge the EU's leading position. This became clear at the COP15 meeting in Copenhagen in December 2009.

### **3. The EU at the UNFCCC COP15 Meeting Negotiations in Copenhagen**

---

<sup>12</sup> Damro 2006, 187; Oberthür and Roche Kelly 2008, 36.

<sup>13</sup> Damro 2006, 187.

<sup>14</sup> Oberthür and Roche Kelly 2008, 36; Van Schaik and Schunz (forthcoming, January 2012).

<sup>15</sup> Van Schaik and Schunz (forthcoming, January 2012).

In this section we present the course of affairs at the Copenhagen climate change negotiations and clarify the role that the EU played at these particular negotiations. The Treaty of Lisbon, which had entered into force only several days before the start of the COP15 meeting on 7 December 2009, brought about one change that was already visible at Copenhagen: the EU, by acquiring legal personality in Article 47 of the Treaty on European Union (TEU), inserted by the Treaty of Lisbon, replaced the European Community (EC) as a party at the UNFCCC Copenhagen negotiations.<sup>16</sup> This legal personality was envisaged to give the EU a clearer representation and a stronger voice in international negotiations. It might have indeed increased the EU's visibility as a negotiating party and thereby its recognition as such at the Copenhagen negotiations. However, the fact that the EU acquired legal personality did not seem to have strengthened the EU's influence on other negotiating parties in terms of moving them to follow its lead.<sup>17</sup>

The negotiations in Copenhagen took place at different levels. They began at the negotiator level where the negotiations were held on two separate tracks. The first negotiation track concerned the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (LCA), in which all UNFCCC parties took part, with the goal of enabling full and effective implementation of the framework convention on climate change. This Working Group exists since the adoption of the Bali Road Map at the COP13 meeting in Bali in 2007 and it should have reached an agreed outcome at the COP15 meeting (which was not the case). The second negotiation track concerned the Ad Hoc Working Group on further commitments for Annex-I parties under the Kyoto Protocol (KP), in which the countries that are parties to the Kyoto Protocol took part. This Working Group exists since the COP meeting in 2005 and aims at initiating a process to consider further commitments by Annex-I parties for the period beyond 2012. Two EU negotiation teams, one on the Convention track and one on the Kyoto Protocol track, both consisting of a group of lead negotiators and issue leaders, negotiated the text of the Copenhagen Accord together with negotiation teams from third parties in the first week of the Copenhagen meeting.

---

<sup>16</sup> For a detailed analysis on the EU and the legal personality it has acquired under the Treaty of Lisbon, see Sari (this volume).

<sup>17</sup> Other changes to the EU's external climate policy that occurred as a result of the entry into force of the Treaty of Lisbon but were not relevant for the EU's performance at the Copenhagen negotiations, and changes that may occur in the future as a result of the Treaty, will be discussed in section 5.

In 2004 the EU system of ‘issue leaders’ and ‘lead negotiators’ was introduced.<sup>18</sup> On behalf of the EU Council Presidency lead negotiators from EU Member States (other than the Member State which holds the Presidency) and from the European Commission are appointed to take over the lead from the Presidency in the international negotiations in various negotiating groups at the negotiator level in order to reduce the workload of the Presidency<sup>19</sup> and in cooperation with the issue leaders the lead negotiators prepare the common EU negotiating position for the international negotiations.<sup>20</sup>

The second stage of the negotiations in Copenhagen, which started in the second week, was the ministerial level during which the environment ministers from the UNFCCC parties met. However, the ministers did not have a clear role at the Copenhagen meeting. Normally, the environment ministers are present at a COP meeting to take the final decisions, but at Copenhagen heads of state and government were invited to conclude the follow-up agreement of the Kyoto Protocol, because this new agreement would concern many different issue areas linked to climate change, such as finance and development, and would be of very high importance compared to the final agreements at earlier COP meetings. Thus, at Copenhagen the ministers more or less assisted the heads of state and government. The final stage of the negotiations at Copenhagen was the head of state and government level, during which the leaders of the parties took the decisions regarding the final outcome, the Copenhagen Accord. From 16 to 18 December 2009 the heads of state and government were present at the ‘high-level segment’ of the negotiations.

It could be argued that before the start of the COP15 meeting the EU generally tried to display ‘directional leadership’.<sup>21</sup> The EU realised domestic innovation in policies and technology in the area of climate change, for example by developing its own Emission Trading System, and encouraged others to copy it.<sup>22</sup> Furthermore, the ambitious EU goals for the COP15 meeting that it had set early on, such as its aim to keep the global temperature rise below two degrees Celsius and to adopt emission reduction targets and measures in line with

---

<sup>18</sup> Oberthür and Roche Kelly 2008, 38.

<sup>19</sup> Oberthür 2009A, 14.

<sup>20</sup> Oberthür and Roche Kelly 2008, 38.

<sup>21</sup> Gupta and Grubb 2000, xiv.

<sup>22</sup> European Commission (2010), ‘Emission Trading System (EU ETS)’, Official website, Section Environment, Climate Change, Emission Trading System, available at

[http://ec.europa.eu/environment/climat/emission/index\\_en.htm](http://ec.europa.eu/environment/climat/emission/index_en.htm), accessed on 7 July 2010.



this objective, in combination with the foreign policy actions that it performed to realise these goals – guided by normative aspirations to tackle climate change<sup>23</sup> – indicate that the EU has tried to lead by example at the Copenhagen negotiations. The EU was the first party to bring concrete proposals to the Copenhagen negotiation table. In March 2007 the EU presented a concrete emissions reduction target for 2020: a 20 percent CO<sub>2</sub>-emissions reduction by 2020 compared to 1990 levels, scaling it up to a 30 percent reduction should others make comparable efforts.<sup>24</sup> After having presented this EU proposal, other major parties such as Australia, Japan, Russia and the United States moved closer to the ambitious position of the EU. The EU built up political momentum before the conference and set the ambition level for the negotiations.<sup>25</sup>

In the beginning of the COP15 meeting, at the first stage of the negotiations, the technical negotiator level or ‘preparatory’ level, at which experts on various subjects such as mitigation, finance and technology operate, the EU acted as an important negotiating party, representing the joint vision of the 27 EU Member States. As one delegate subsequently said:

[At this senior civil servant level] it was really clear that the others saw the EU as a player with important knowledge and expertise that had to be taken into consideration. At this technical level there was clearly respect for the EU. You could feel that people perked up their ears when the EU was talking.<sup>26</sup>

Non-EU UNFCCC parties negotiated actively and vibrantly with the Commission and the team of the Swedish EU Council Presidency. This has not only been confirmed through interviews, but can also be substantiated by the webcasts from the preparatory plenary negotiation sessions in the first week of the conference.<sup>27</sup> NGOs likewise interacted with

---

<sup>23</sup> Van Schaik and Schunz (forthcoming, January 2012).

<sup>24</sup> Council of the European Union (2007), Presidency Conclusions of the Brussels European Council, Brussels, 9 March 2007, 7224/07.

<sup>25</sup> Interview with Council Secretariat representative, Brussels, 3 May 2010; Interview by telephone with Swedish EU Council Presidency delegate, 3 May 2010.

<sup>26</sup> Interview by telephone with UK delegate, 10 May 2010 .

<sup>27</sup> UNFCCC Webcast (2009), United Nations Climate Change Conference, Dec 7 – Dec 18 2009, Copenhagen, available at [http://cop15.meta-fusion.com/kongresse/cop15/templ/ovw.php?id\\_kongressmain=1&theme=unfccc](http://cop15.meta-fusion.com/kongresse/cop15/templ/ovw.php?id_kongressmain=1&theme=unfccc), accessed on 7 August 2010; Interview with Council Secretariat representative, Brussels, 3 May 2010; Interview with UK delegate by telephone, 10 May 2010; Interview with participant-observer by telephone, 11 May 2010;

representatives from the Commission and the Swedish EU Presidency during the preparatory negotiations<sup>28</sup> and EU Member States cooperated smoothly with the EU negotiation teams and the Swedish Council Presidency both at internal EU meetings, including the daily EU coordination meetings that were held, and during the plenary negotiating sessions.<sup>29</sup>

However, the negotiations at this preparatory level did not progress as well as they should have and the EU was not able to change this situation.<sup>30</sup> There were too many disagreements that persisted on sub-issues of the envisaged Copenhagen agreement between the EU, developing countries, the United States and the group of advanced developing countries, the ‘BASIC countries’ (Brazil, South Africa, India and China). These disagreements centred especially on mitigation of climate change by means of the reduction of greenhouse gas emissions and certain aspects of climate finance.<sup>31</sup> As a result of these struggles, much of the effort to conclude a final agreement in Copenhagen was left to the heads of state and government. A text proposal from the Danish COP Presidency for a Copenhagen agreement, which was brought about as a compromise text, could have been a way out of these problems. However, this compromise text, based on earlier discussions in 2009 on both the LCA and the KP negotiation track, was not accepted by the largest part of the delegates in Copenhagen, who stated that this proposal had not come about in a transparent and democratic way. This meant that the heads of state had to adjust (simplify) and complete the text of the final agreement themselves that resulted from the negotiations at the preparatory level full of brackets, a situation that was not planned beforehand.

At the final decision-making stage of the negotiations in Copenhagen, the high-level segment among the heads of state and government, no party followed the ambitious EU proposals, namely to agree with a binding greenhouse gas emissions reduction goal in line with the 20 percent reduction goal that the EU had set itself and to aim for a universal, legally binding agreement in Copenhagen. This proposal of the EU was not reconcilable with the interests of the United States and the BASIC countries, who did not want to compromise on

---

Interview with Dutch delegate, The Hague, 12 May 2010; Interview with Japanese delegate by e-mail, 25 June 2010.

<sup>28</sup> Interview with CAN Europe representative, Brussels, 4 May 2010.

<sup>29</sup> Interview with Dutch delegate, The Hague, 12 May 2010; Interview with Swedish Council Presidency delegate by telephone, 3 May 2010.

<sup>30</sup> International Institute for Sustainable Development (IISD) 2009.

<sup>31</sup> International Institute for Sustainable Development (IISD) 2009.

their economic growth by agreeing with drastic emission cuts unless all of them would do so. The latter were not convinced by the normative arguments of the EU, but sought to protect their diverse interests.<sup>32</sup> This resulted in the marginalisation of the EU during the bargaining process, further depriving it from playing a leadership role at the negotiations, with the final result that the United States and the BASIC countries mainly concluded the Copenhagen Accord together.

At the final high-level segment of the negotiations the EU lost its grip on the negotiating process. Third parties no longer negotiated with the Swedish EU Presidency, being the main EU representative at this final stage of the negotiations when the decisions had to be taken, and even the leaders of the big EU Member States such as Angela Merkel from Germany, Nicolas Sarkozy from France and Gordon Brown from the United Kingdom most of the time seem to have been unable to influence the course of the final negotiations. Thus, the EU was unable to change the outcome of the COP15 meeting, which turned out to be (very) disappointing when measured against the ambitious goals that the EU had set. The United States and the BASIC countries mainly concluded the Copenhagen Accord together at a decisive informal non-plenary meeting on the last day of the conference without the EU being present.<sup>33</sup> It has been suggested that German Chancellor Merkel, French President Sarkozy and Spanish Prime Minister Zapatero had to wait until head of state and government leaders Wen (China), Singh (India), Lula (Brazil) and Zuma (South Africa) had finished their conversation before being allowed to contribute at the final decisive negotiations.<sup>34</sup> As has been reported, ‘the Swedish [Presidency] leader [Reinfeldt] hinted that the Europeans had been caught badly off guard. Mr. Reinfeldt said he had gotten his first signals that a deal had been struck while still engrossed in meetings. “We had very tough negotiations two and a half hours after I read on my mobile telephone that we were already done” he said.’<sup>35</sup>

#### **4. Why the EU did not play a Leadership Role at the COP15 Meeting**

---

<sup>32</sup> Van Schaik and Schunz (forthcoming, January 2012).

<sup>33</sup> Curtin 2010; Van Schaik and Schunz (forthcoming, January 2012).

<sup>34</sup> Luttikhuis P (2009), ‘Kopenhagen’ verdeelt wereld; Europa stond aan de zijlijn’, NRC Handelsblad, 21 December 2009.

<sup>35</sup> Kanter J (2009), ‘Europeans, their hopes dashed, grimly accept final deal’, International Herald Tribune, 21 December 2009.

In this section we analyse both the shortcomings in the EU's internal decision-making process and in its outreach towards third parties in the run up to and at the Copenhagen conference itself that led to the EU's marginalisation at the COP15 meeting negotiations. As part of this examination attention will be paid to the question of the extent to which the entry into force of the Lisbon Treaty changed the way in which the EU operated at the Copenhagen negotiations.

#### **4.1 The EU's internal decision-making process**

The Swedish EU Council Presidency, the EU troika and the EU lead negotiators and issue leaders had the competence to act on behalf of the EU during the Copenhagen negotiations, but were obliged to operate within the constraints of the EU negotiation mandate. Hence, the delegation of decision-making power to these EU representatives during the negotiations could only extend as far as the limits of what the EU Member States had agreed upon in the mandate. In order for the EU to demonstrate leadership at the negotiations this EU negotiating mandate must be flexible. It needs to be quickly adaptable according to the changing circumstances of the negotiations and it needs to include fall-back positions, especially in the decisive phases, in order to allow the EU negotiators to take the right decisions at the right time to substantially influence the negotiation process.<sup>36</sup> As for the flexibility of the mandate at the COP15 negotiations, EU negotiators were not permitted to deviate from the mandate before the 27 EU Member States had unanimously approved of changes. As one insider said, 'after a mandate has been fixed it is difficult to alter it because of the unanimity rule.'<sup>37</sup> Every single Member State has to agree with a change of the mandate before this change can be carried through. This unanimity requirement substantially constrained the flexibility of the EU mandate at the COP15 meeting. The low degree of flexibility of the mandate in turn negatively affected the EU's ability to play a leadership role at the negotiations in Copenhagen. As the EU mandate, which suffered from insecure positions on many negotiating items, could not be significantly altered during the negotiations, EU negotiators did not get the possibility to close strategic deals with important third parties like the United States or China in order to make them agree with (or move closer towards) EU goals like the inclusion of binding CO<sub>2</sub> reduction commitments in the final Copenhagen Accord.

---

<sup>36</sup> Lacasta et al. 2002, 414.

<sup>37</sup> Interview with Council Secretariat representative, Brussels, 3 May 2010.

Another detrimental effect of the unanimity rule is that, ‘given the frequent differences between the Member States, you only get the lowest common denominator in the EU negotiation mandate’.<sup>38</sup> For some issues on the COP15 negotiation agenda no concrete common EU position could be formulated because the 27 EU Member States were unable to reach sufficient agreement; ‘the EU negotiation mandate is often formulated in words that mask the underlying differences of opinion [between the EU Member States]. This is why you don’t have a position in the EU mandate at some points at all.’<sup>39</sup> For example, the issue of providing climate finance to developing countries was fraught with difficulty for EU negotiators in Copenhagen because the EU Member States had not reached proper agreement on this issue before the start of the COP15 meeting and therefore the EU mandate contained no concrete proposals with which the EU negotiators could negotiate in order to steer the negotiations in the direction that the EU would have wanted to. This reduced the ability of the EU negotiators to take on a leadership role at the Copenhagen negotiations. The EU was similarly paralysed in its dealings with third parties at Copenhagen on the issue of ‘hot air’<sup>40</sup> where the EU Member States had remained divided.<sup>41</sup>

From the above it can be concluded that the unanimity rule seriously hampered the EU’s efforts to play a leadership role at Copenhagen. However, it should be noted that there is a factor behind the unanimity rule that makes it difficult for the EU to deal with this rule, namely the fact that the EU consists of (27 different) Member States with diverging preferences (that can often not be brought into agreement with each other). This heterogeneity of preferences formed the basis of the EU’s inability to perform a leading role at the Copenhagen negotiations. Because of the heterogeneity of preferences among the EU Member States several important issues on the Copenhagen agenda remained on which no concrete positions were included in the EU negotiation mandate, the 27 EU Member States being unable to reach agreement on them. These issues will be outlined below.

---

<sup>38</sup> Interview by telephone with UK delegate, 10 May 2010.

<sup>39</sup> Interview with Council Secretariat representative, Brussels, 3 May 2010.

<sup>40</sup> ‘Hot air’ refers here to the question of whether the Eastern European countries, which have a surplus of CO<sub>2</sub>-emission rights left under the Kyoto Protocol because of the collapse of their industries after 1990, should be allowed to carry over these rights into the second period of the Kyoto Protocol or not.

<sup>41</sup> Interview with Council Secretariat representative, Brussels, 3 May 2010; Interview with UK delegate by telephone, 10 May 2010.

To start with, there was underlying disagreement among the EU Member States on the question of whether the EU should commit itself to a CO<sub>2</sub>-emissions reduction goal of 30 percent compared to 1990 levels by 2020 and under which conditions it should do so.<sup>42</sup> The mandate specifies that the EU should do so when ‘other developed countries commit themselves to comparable emission reductions and [...] developing countries contribute adequately according to their responsibilities and respective capabilities.’<sup>43</sup> The decision to set a conditional reduction goal of 30 percent had already been taken in 2007,<sup>44</sup> but this goal nevertheless remained controversial among the EU Member States, with Italy and Poland openly speaking out against the decision and many other Member States quietly supporting their protest.<sup>45</sup> With almost every European Council meeting the issue was again put on the table. Poland and Italy pushed for the deletion of the 30 percent conditional reduction goal while the UK and France, on the other hand, sought to defend it.<sup>46</sup> The mandate failed to specify exact conditions to be fulfilled in order for the EU to commit to a 30 percent CO<sub>2</sub> reduction. In the absence of prior agreement between the EU Member States this question had to be sorted out during the COP15 meeting, as a result of which the EU was paralysed on the issue during the Copenhagen negotiations. Even after the negotiations this debate continued.

Second, the EU negotiation mandate laid out no concrete position on land use, land use change and forestry (LULUCF).<sup>47</sup> LULUCF is the agreement that covers forestry for the developed countries that have pledged to reduce their emissions under the Kyoto Protocol.<sup>48</sup> Since a few EU Member States, namely Finland, Austria and Sweden, have a large timber

---

<sup>42</sup> Interview with Dutch delegate, The Hague, 12 May 2010; Bloemen R (2009), ‘Klimaattop verdeelt Europa’, Algemeen Nederlands Persbureau, 9 December 2009.

<sup>43</sup> Council of the European Union (2009), Environment Council of Ministers Conclusions, Brussels, 21 October 2009, 14790/09, 5.

<sup>44</sup> Council of the European Union (2007), Presidency Conclusions of the Brussels European Council, Brussels, 9 March 2007, 7224/07, 12.

<sup>45</sup> Interview by telephone with UK delegate, 10 May 2010.

<sup>46</sup> Interview with Dutch delegate, The Hague, 12 May 2010; van der Kris J (2009) ‘EU: 7,2 miljard voor klimaat; Europa blijf verdeeld over doelen na 2012 – Afspraken lopen tot en met 2012’, NRC Handelsblad, 11 December 2009.

<sup>47</sup> Council of the European Union (2009), Environment Council of Ministers Conclusions, Brussels, 21 October 2009, 14790/09, 13-14.

<sup>48</sup> Rosenthal E (2009), ‘A gathering noted for many nuances; From a ‘logging loophole’ to the ouster of N.G.O.s, a look at an odd 2 weeks’, International Herald Tribune, 19 December 2009.

industry and wanted to protect it, the Environment Council of Ministers was unable to adopt a specific position on accounting rules for forestry in developed countries.<sup>49</sup> Third, the EU Member States disagreed as to what should be done with the unused Assigned Amount Units (AAUs), also known as ‘hot air’, in the second period of the Kyoto Protocol after 2012. The unused AAUs are one of the ‘environmental loopholes’ in the Kyoto Protocol. Because of the collapse of their heavy industries in the 1990s precipitated by the fall of communism, the CO<sub>2</sub>-emissions of the Eastern European EU Member States had fallen significantly. As a result, these Member States retained surplus AAUs. The question of debate in the EU was whether the Eastern European Member States should be allowed to carry over these units into the second period of the Kyoto Protocol. As no agreement could be reached on this issue, the mandate stated only that ‘the EU will further consider options in view of discussions with other Parties.’<sup>50</sup> During the summit a group of seven Eastern European countries were fighting for the AAUs to be retained, releasing a statement that any deal ‘should keep the door open for allowing the full transfer of the surplus represented by the AAUs to the post-2012 framework’.<sup>51</sup> ‘Progressive’ EU Member States like the UK, the Netherlands, Denmark and Sweden were against such a transfer of unused AAUs to a second period of the Kyoto Protocol after 2012.

Fourth, at the start of the Copenhagen conference the EU Member States had not yet agreed on a quantified financial contribution payable to developing countries for adaptation and mitigation measures. Because of the financial crisis many EU Member States, most notably the Eastern European Member States, were reluctant to donate.<sup>52</sup> On the other hand, ‘progressive’ Member States like the Netherlands, the UK, Germany, France, Denmark and Sweden were ready to put concrete amounts of money on the table.<sup>53</sup> The mandate stated that ‘the EU is prepared to take on its fair share, in the framework of a global and comprehensive

---

<sup>49</sup> Interview with CAN Europe representative, Brussels, 4 May 2010; Greenpeace 2009; Rosenthal E (2009), ‘In a busy conference center, an alphabet soup of causes and clauses’, New York Times, 19 December 2009.

<sup>50</sup> Council of the European Union (2009), Environment Council of Ministers Conclusions, Brussels, 21 October 2009, 14790/09, 15.

<sup>51</sup> Murray J (2009), ‘Draft Copenhagen agreements still feature large gaps’, Guardian Unlimited, 16 December 2009.

<sup>52</sup> Carrington D (2009), ‘EU set to double climate aid for developing countries to EUR2bn’, Guardian, 11 December 2009.

<sup>53</sup> Interview with Dutch delegate, The Hague, 12 May 2010.

Copenhagen agreement which entails appropriate and adequate contributions by Parties',<sup>54</sup> but no concrete amounts of money were mentioned. An agreement on finance for developing countries was closed only at the very last moment, when the COP15 negotiations had already started.<sup>55</sup> The above findings are indicative of a significant number of issues in the EU mandate before the Copenhagen negotiations on which no concrete agreement was reached within the EU. Many EU Member States appeared unwilling to sacrifice their own interests in order to agree with the ambitious EU proposals for the Copenhagen negotiations. It seems that only a few EU Member States, such as France, the UK and perhaps the Netherlands and Denmark, firmly supported a progressive EU position until the very end of the negotiations.<sup>56</sup> This seriously affected the EU's ability to act as a leader at Copenhagen.

#### **4.2 The EU's outreach towards third parties and handling of the external context**

In order for the EU to steer the outcome of the negotiations in the preferred direction (and take on a leadership role) it would have been necessary to make offers to other negotiating parties to close 'deals' with them. Based on the results of various interviews held with participants at the COP15 meeting negotiations it seems that not many deals could be closed at the Copenhagen negotiations between the EU and third parties. The EU's outreach strategy towards third parties seems to have missed its effect because it was not sufficiently adapted to the highly challenging external context of the negotiations, namely the positions that major third parties like the United States and China had adopted concerning a post-2012 climate regime. Both the United States and China, the leader of the group of BASIC countries, entered the debate on a post-2012 climate regime with strong interests and positions that they would not easily give up. These were most of the time rather opposed to the EU's interests and positions. The strategy chosen by the EU, specified in its mandate, was a fairly ambitious

---

<sup>54</sup> Council of the European Union (2009), Environment Council of Ministers Conclusions, Brussels, 21 October 2009, 14790/09, 19.

<sup>55</sup> van der Kris J (2009) 'EU: 7,2 miljard voor klimaat; Europa blijf verdeeld over doelen na 2012 – Afspraken lopen tot en met 2012', NRC Handelsblad, 11 December 2009.

<sup>56</sup> Interview by telephone with UK delegate, 10 May 2010; van der Kris J (2009) 'EU: 7,2 miljard voor klimaat; Europa blijf verdeeld over doelen na 2012 – Afspraken lopen tot en met 2012', NRC Handelsblad, 11 December 2009.



and normative one: the EU tried to convince third parties to make efforts comparable to the EU's own greenhouse gas emissions reduction targets in order to save the planet.<sup>57</sup>

At the end of November 2009, before the start of the COP15 meeting negotiations in Copenhagen in December, it turned out that the CO<sub>2</sub> emissions reduction targets of the United States and China were considerably less ambitious than those of the EU.<sup>58</sup> The sheer distance between the positions of the United States and China and that of the EU made it an unrealistic aim to convince third parties to adopt the same ambitious goals as the EU had done. At this point in time the EU Member States could have agreed to adjust their negotiating strategy to ensure that the EU would be taken seriously by the United States and China as a negotiating partner and would preserve influence over the outcome of the negotiating process. However, the EU Member States could not reach unanimous agreement on the adjustment of the mandate. As a result the United States, China and others increasingly sidelined the EU during the negotiations as any compromise close to EU objectives was unrealistic.

## **5. The Impact of the Treaty of Lisbon on EU External Climate Policy**

Besides the EU acquiring legal personality, four other changes regarding the EU's external climate policy have taken place with the entry into force of the Treaty of Lisbon. In the first place, the Treaty of Lisbon made official and legally binding the decision to have the Council Presidency held by groups of three Member States for a period of eighteen months and to let each of these three Member States chair the Council for a six-month period, by mentioning this in a special 'Draft decision of the European Council on the exercise of the Presidency of the Council'. Based on a Council decision from September 2006 this so called 'triple Presidency' has already been in operation since 2007.<sup>59</sup> Thus, it did not change much about the EU's external representation at Copenhagen. The system has been introduced to improve

---

<sup>57</sup> Van Schaik and Schunz (forthcoming, January 2012).

<sup>58</sup> The US target was to cut greenhouse gas emissions by 17 percent by 2020 from 2005 levels and the Chinese target was to reduce the amount of carbon dioxide emitted per unit of economic output by 40 to 45 percent by 2020 compared to 2005 levels, which would not even decrease the total amount of emissions in 2020 compared to 2005, while the EU aimed for a cut of greenhouse gas emissions by 20 to 30 percent by 2020 from 1990 levels (New York Times, 26 November 2009).

<sup>59</sup> Afionis 2009, 45-46.

the efficiency of the rotating Presidency. The other three changes that will be mentioned below were not in operation before the Treaty of Lisbon entered into force.

A second change in the EU's external climate policy introduced by the Treaty of Lisbon concerns the role of the European Parliament (EP). Before the entry into force of the Treaty the European Parliament only played an advisory role in the process of ratifying international agreements, but with the coming into effect of Article 218 of the Treaty on the Functioning of the European Union (TFEU) in the Treaty of Lisbon, which replaces Article 300 EC, the European Parliament has obtained the power to veto future international agreements, including climate agreements. The European Parliament may use this power to demand a more prominent position in the EU's external climate policy. Given Parliament's generally strong pro-environmental stance this change is likely to strengthen the 'progressive' stance within EU climate change policy. Another important question is what impact this enhanced role of the EP will have on the influence that the EU will have on external climate change policy in international negotiations. On the one hand, the involvement of the EP could further contribute to a politicisation of EU climate change policy and (thus) threaten to hamper policy-making processes within the EU. On the other hand, the European Parliament could be conveniently used as a bargaining chip in two- or three-level games.<sup>60</sup> The EU could strengthen its bargaining position in international negotiations by referring to the requirement of EP consent, as practised by US negotiators with regard to Congress.

Third, changes have been made to the legal basis for EU activities in international environmental agreements. The former Article 174 EC has been amended with the entry into force of the Treaty of Lisbon. Article 191 TFEU now states that EU policy on the environment shall contribute to, among others, 'promoting measures at international level to deal with regional or worldwide environmental problems, *and in particular climate change*.'<sup>61</sup> This means that the Treaty, for the first time ever, has created a specific formal EU competence for the adoption of legislative acts in the area of climate change. This formal legal competence is accompanied by qualified majority voting (QMV) in the Council of Ministers, which will enter into force in November 2014 and will still be subject, until 2017, to being blocked by recourse to the voting rules introduced by the Treaty of Nice.<sup>62</sup> The

---

<sup>60</sup> Cf. Putnam 1988.

<sup>61</sup> Emphasis added.

<sup>62</sup> See Art. 16 (4) TEU, Art. 238 (2) TFEU and Declaration 7 attached to the Treaty. The transitional measures were set out in Council Decision of 13 December 2007 (2009/857/EC).

future will have to show what this change will bring about in practice. More elements of QMV may enhance the EU's flexibility at international negotiations, which has been found wanting at the Copenhagen conference, and reduce the chance of lowest common denominator positions. Since climate change negotiations usually constitute 'reformist' cases for the EU – i.e., cases where the EU Member States median preferences are further away from the status quo than those of its negotiating partners<sup>63</sup> – the possibility to go beyond lowest common denominator positions will increase the likelihood that negotiation outcomes develop into a more favourable direction for the European Union.

Fourth, the Treaty of Lisbon has created the new post of a High Representative of the Union for Foreign Affairs and Security Policy, in which the roles of High Representative for Foreign and Security Policy, chair of the Foreign Affairs Council and Vice-President of the European Commission have been merged.<sup>64</sup> In addition to this change, another institutional innovation was carried through, namely the introduction of the post of the President of the European Council, who is appointed for a renewable term of two and a half years.<sup>65</sup> Until the time of writing (July 2011), the Treaty of Lisbon has not yet resulted in changes in the EU's representation at the UNFCCC COP meetings in practice. More than ten years ago, the EU Member States decided not to allow the Commission to negotiate at the UNFCCC, preferring to give the rotating EU Council Presidency the power to represent and coordinate the EU position at the UNFCCC COP meeting negotiations.<sup>66</sup> At the COP15 meeting in Copenhagen the Swedish EU Council Presidency was still the main spokesperson for the EU and at the COP16 meeting in Cancún in December 2010 it was the Belgian EU Council Presidency. It may be the case that the EU's representation at the UNFCCC COP meetings will change in the future to strengthen the EU's performance at international climate negotiations. One possible scenario is that the High Representative, assisted by her own European External Action Service (EEAS),<sup>67</sup> will take over the position of the rotating Council Presidency as the main EU representative in external climate policy in order to strengthen the EU's performance as a strategic and diplomatic negotiator by providing a more permanent structure

---

<sup>63</sup> Cf. Meunier 2000.

<sup>64</sup> For further analysis of the role of the High Representative, see Schmidt (this volume).

<sup>65</sup> Treaty on European Union, Article 15 (5).

<sup>66</sup> Lacasta et al. 2002, 369.

<sup>67</sup> On the creation and workings of the EEAS and problems encountered therein so far, see Blockmans and Laatsit (this volume).

(and coherent approach) for EU coordination and external representation.<sup>68</sup> It is expected that the High Representative will create a strong linkage between external environmental issues and other external affairs issues. However, as others in this volume have noted, thus far the role of the High Representative is still unclear, and this includes her role in international climate policy. That the European Commission becomes the main EU representative at international climate negotiations is another possible scenario. During the COP16 meeting in Cancún in December 2010 the Commission, in the person of Climate Action Commissioner Connie Hedegaard, took care of representing the Union during certain parts of the negotiations, instead of the Belgian EU Presidency. However, most EU Member States fiercely oppose handing over the overall EU representation at the UNFCCC COP negotiations to the Commission, which makes such a scenario rather unlikely.

## **6. Conclusion**

The UNFCCC COP15 meeting held in Copenhagen from 7 to 18 December 2009, which took place one week after the entry into force on 1 December 2009 of the Treaty of Lisbon, has brought about rather disappointing outcomes from the perspective of the EU, which had previously displayed substantial leadership within the UN climate regime. Contrary to the EU's objectives for the COP15 meeting no legally binding agreement was reached to succeed the Kyoto Protocol after 2012 and the final Copenhagen Accord contained disappointingly few ambitious targets. In this chapter we have tried to explain how this result came about and what the main challenges are for the EU in this context.

In the first place, the EU's internal decision-making process was far from optimal. As for the flexibility of the mandate at the COP15 meeting negotiations, EU negotiators were not permitted to deviate from the mandate before the 27 EU Member States had unanimously approved of changes. This negatively affected the EU's ability to play a leadership role at the negotiations in Copenhagen. Another detrimental effect of the unanimity rule was that it was quite difficult to formulate clear EU negotiating positions. The crucial factor that made it difficult for the EU to deal with this rule was the heterogeneity of preferences of the 27 different EU Member States on many issues on the COP15 agenda like the EU's CO<sub>2</sub> reduction goal and climate finance.

Secondly, the EU's outreach strategy towards third parties seems to have missed its effect because it was not sufficiently adapted to the highly challenging external context of the

---

<sup>68</sup> Van Schaik 2010, 272.

negotiations, namely the positions that major third parties like the United States and China had adopted concerning a post-2012 climate regime. Both the United States and China entered the debate on a post-2012 climate regime with strong positions and interests, which considerably differed from the EU stance. The ambitious and normative approach chosen by the EU, namely to convince third parties to make efforts comparable to the EU's own greenhouse gas emissions reduction targets, was not effective in this context.

The entry into force of the Treaty of Lisbon on 1 December 2009 does not seem to have had much effect on the EU during the Copenhagen negotiations held one week later. A clearly visible change was the fact that the EU acquired legal personality and replaced the European Community as a party at the UNFCCC Copenhagen negotiations. However, this legal personality does not seem to have increased the EU's ability to play a leadership role at the Copenhagen negotiations.

One of the other changes that occurred with the entry into force of the Treaty of Lisbon is the creation of the post of the High Representative of the Union for Foreign Affairs and Security Policy. This High Representative (Baroness Catherine Ashton) is expected to create a strong linkage between external environmental issues and other issues relating to external affairs. If the High Representative will take over the role of the rotating Presidency at the UNFCCC negotiations this should contribute to an improved coordination and representation of the EU at these negotiations, enabling the EU to speak with a stronger voice.

In order for the EU to regain its leadership position at the UNFCCC negotiations in the current challenging circumstances it needs to invest a lot of time in the preparation of possible issue linkages and package deals that can be closed with third parties at future negotiations. Thus, the EU should invest more time in climate diplomacy: by reaching out towards third countries on a regular basis before COP meetings to get a detailed view of third parties' positions so that a clever strategy, for both the short and the long term, can be designed in order for the EU to lead the negotiations.

The shift from unanimity to qualified majority voting in the Council as a result of the Lisbon Treaty may enable the EU to change its mandate more easily during the negotiations so that it can keep up with the negotiating pace set by its negotiating partners. EU representatives at future COP negotiations need to be enabled to behave more flexibly at the negotiations, by not having to wait for the unanimous consent of the 27 Member States, especially in the decisive phases of the negotiations. Another option – not mentioned by the Treaty of Lisbon – is the creation of a system of lead countries, so that the heterogeneity of

preferences of its Member States will have a less detrimental effect on the EU's performance at future UNFCCC COP meetings.

Overall, it thus seems that the Lisbon provisions point into the right direction and could help to overcome some of the challenges that the EU currently faces in the conduct of its external climate policy. An analysis of the EU's performance at future UNFCCC COP meetings, which are held once a year in December, should facilitate finding an answer to the question of how the Lisbon provisions will be implemented in this particular field. Only if the High Representative will attain more central coordination and representation functions, if the European Parliament can be used as a bargaining chip and enable the EU to play more credible two/three-level games and, most importantly, when substantially more elements of QMV will be introduced to increase the EU's flexibility at climate change negotiations, will the EU be able to effectively assert itself and thus perhaps be in a position to reclaim a leadership role in this field.

## **Reference list**

Afionis S (2009) European Union Coherence in UNFCCC Negotiations Under the New Treaty of Lisbon (Reform Treaty), 9 Sustainable Development Law & Policy, 43-47.

CAN Europe (2009) History of the UNFCCC process, 9 October 2009.

[http://www.climnet.org/index.php?option=com\\_content&view=article&id=144%3Ahistoryh&catid=272%3Aun-climate-negotiations&Itemid=284](http://www.climnet.org/index.php?option=com_content&view=article&id=144%3Ahistoryh&catid=272%3Aun-climate-negotiations&Itemid=284). Accessed on 28 December 2010.

Curtin J (2010) The Copenhagen Conference: How Should the EU Respond?, Institute of International and European Affairs, Dublin.

Damro C (2006) EU-UN Environmental Relations: Shared Competence and Effective Multilateralism. In Verlin Laatikainen K and Smith K E (eds), The European Union at the United Nations: Intersecting Multilateralisms, Palgrave, London, 175-192.

Greenpeace (2009) Evaluation: The Swedish Presidency gets a red card for environmental failure, 22 December 2009.

Groenleer M L P and van Schaik L G (2007) United We Stand? The European Union's International Actorness in the Cases of the International Criminal Court and the Kyoto Protocol, 45 *Journal of Common Market Studies*, 969-998.

Gupta J and Grubb M (2000) *Climate Change and European Leadership: a Sustainable Role for Europe?*, Kluwer, Dordrecht.

International Institute for Sustainable Development (IISD) (2009) 112 *Earth Negotiations Bulletin*, COP15 final. [www.iisd.ca/climate/cop15/](http://www.iisd.ca/climate/cop15/), Accessed on 24 February 2010.

Lacasta N S, Dessai S and Powroslo E (2002) Consensus Among Many Voices: Articulating the European Union's Position on Climate Change, 32 *Golden Gate University Law Review*, 351-414.

Meunier S (2000) What Single Voice? European Institutions and EU-U.S. Trade Negotiations, 54 *International Organization*, 103-135.

Oberthür S (2009A) The Performance of the EU in International Institutions: Negotiating on Climate Change, Paper presented at International Studies Association Annual Convention New York, 15-18 February 2009, 1-23.

Oberthür S (2009B) The Role of the EU in Global Environmental and Climate Governance. In Telò (ed), *The European Union and Global Governance*, Routledge, London, 192-209.

Oberthür S and Roche Kelly C (2008) EU Leadership in International Climate Policy: Achievements and Challenges, 43 *The International Spectator*, 35-50.

Putnam R (1988) Diplomacy and Domestic Politics: The Logic of Two-Level Games, 42 *International Organization*, 427-60.

Sands P (1992) The United Nations Framework Convention on Climate Change, 1 *Review of European Community & International Environmental Law*, 270-277.

Van Schaik L G (2010) The Sustainability of the EU's Model for Climate Diplomacy. In Oberthür S and Pallemarts M (eds), *The New Climate Policies of the European Union: Internal Legislation and Climate Diplomacy*, VUB Press, Brussels, 251-280.

Van Schaik, L G and Schunz S (forthcoming, January 2012) Explaining EU activism and impact in global climate politics: is the Union a norm- or interest-driven actor?, *Journal of Common Market Studies*, 1-24.

Zito A R (2005) The European Union as an Environmental Leader in a Global Environment, *2 Globalizations*, 363-375.