

Multi-level lobbying in the EU:

The case of the Renewables Directive and the German energy industry

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Abstract

This study examines the lobbying strategies employed by the interest organizations of Germany's energy industries in the process leading up to the EU's Renewable Energy Directive. How did they lobby, and what does this reveal about their perceptions of power relations in the EU? This report focuses on the most controversial part of the Directive: legal prescriptions for support mechanisms to increase the production of renewable energy in Europe. The utilities and the renewables industries disagreed deeply, with the utilities industry favouring an EU-wide green certificate scheme, while the renewables industry pressed for national feed-in tariffs. Nine interest organizations representing these sectors, five German and four at the EU level, serve as cases in this study. Expectations as to lobbying behaviour based on the two theories/theory perspectives of liberal intergovernmentalism (LI) and multi-level governance (MLG) are formulated and tested in a most-likely case design. Result: observations are better described by the MLG perspective than by LI.

Key Words

EU Renewable Energy Directive, German climate and energy policy, EU climate and energy policy, multi-level governance, liberal intergovernmentalism

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List of acronyms and abbreviations

AEBIOM	European Biomass Association
BBE	Bundesverband BioEnergie e. V. (German Bioenergy Association)
BDEW	Bundesverband der Energie- und Wasserwirtschaft e. V. (German Association of Energy and Water Industries)
BDI	Bundesverband der Deutschen Industrie e. V. (Federation of German Industry)
BEE	Bundesverband Erneuerbare Energie e. V. (German Renewable Energy Federation)
BMU	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit (Federal Ministry for the Environment, Nature Conservation and Nuclear Safety)
BSW	Bundesverband Solarwirtschaft e. V. (German Solar Industry Association)
BUND	Bund für Umwelt und Naturschutz Deutschland e. V. (Friends of the Earth Germany)
BUSINESSEUROPE	Confederation of European Business
BWE	Bundesverband WindEnergie e. V. (German Wind Energy Association)
CDU/CSU	Christlich Demokratische Union Deutschlands, Christlich-Soziale Union e. V. in Bayern (Christian Democratic Union of Germany and Christian Democratic Union of Bavaria)
DG	Directorates General
DG Tren	Directorates General for Energy and Transport, today DG Energy
DBV	Deutschen Bauernverband e. V. (German Farmers' Union)
EEG	Gesetz für den Vorrang Erneuerbarer Energien = Erneuerbare-Energien-Gesetz (German feed-in law)
EFET	European Federation of Energy Traders
EnBW	Energie Baden-Württemberg AG
EPIA	European Photovoltaic Industry Association
EREC	European Renewable Energy Council
EREF	European Renewable Energies Federation asbl.
ESTIF	European Solar Thermal Industry Federation
EUFORES	European Forum for Renewable Energy Sources
EU ETS	EU Emissions Trading System

Eurelectric	Union of the Electricity Industry
EWEA	European Wind Energy Association
FDP	Freie Demokratische Partei
FIT	Feed-in tariff
GHG	Greenhouse gas(es)
GO	Certificates of guaranteed origin, similar to ‘green certificates’ and ‘renewable portfolio standards’
GWh	Gigawatt hour
IG BCE	Industriegewerkschaft Bergbau, Chemie und Energie (Mining, Chemical and Energy Industrial Union)
IG Metall	Industriegewerkschaft Metall (the metal workers’ trade union)
ITRE	Committee on Industry, Research and Energy
LI	Liberal Intergovernmentalism
MEP	Member of the European Parliament
MLG	Multi-level Governance
NAP	National Action Plan
NGO	Non-governmental organization
RECS	Renewable Energy Certificate System
RWE	(until 1990) Rheinisch-Westfälisches Elektrizitätswerk AG
SPD	Sozialdemokratische Partei Deutschlands (Social Democratic Party of Germany)
TWh	Terawatt hour
VDMA	Verband Deutscher Maschinen und Anlagenbau e. V. (German Engineering Federation)
VIK	Verband der Industriellen Energie- und Kraftwirtschaft
WWF	World Wildlife Fund

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1 Introduction

[..] understanding interest group systems remains crucial to understanding the functioning of advanced democracies [...] (Beyers et al. 2008:1103).

Interest groups are a natural part of all national democratic systems. These groups aggregate the interests of their members and voice them in political negotiations. Other important roles include participating in the public debate and producing information. As the European Union has developed more state-like features and increased its decision competencies in depth and scope, the amount of lobbying towards its institutions has increased vastly. In particular, this lobbying increased significantly after adoption of the Single European Act of 1990, which established a common European market (Coen and Richardson 2009). No one knows the exact number of lobbyists, but Coen and Richardson (2009:3) estimate that EU officials meet with between 15 000 to 20 000 different interest group representatives during the course of a year. About 70 per cent of these stem from business-related groups, while the rest are NGOs. In addition to meeting EU officials on informal occasions and conducting political campaigns, interest groups have to varying extents also gained institutionalized access to EU bodies, for example through participation in working groups in the Commission and in comitology committees (Eising 2007a and 2007b). Further, EU officials (particularly within the Commission) and interest groups have grown dependent on one another. The Commission provides resources such as access and influence, while the interest organizations provide resources such as expert advice and legitimacy. This phenomenon is referred to as *resource dependency* (Hooghe and Marks 2001). Interest groups and their lobbying have become inherent elements in national political systems and in the European Union.

Measuring the exact impact of interest group activity is difficult, if not impossible, as Dür (2008) points out. A basic premise in many studies of lobbying in the EU is that interest groups do influence legislation and political processes there. However, due to the intricacy of political processes, such causality is often very hard to track. Indeed, one of Nilsson et al.'s (2008:14) respondents described lobbying the Renewables Directive as 'playing chess on seven boards at the same time.' Several studies of interest-group lobbying of EU environmental legislation have interpreted changes in the legislation from the initial proposal to final outcomes as signs of interest-group influence (e.g. Markussen and Svensen 2005, Gullberg 2008b). Researchers see the Renewables Directive as a prime example of this, as the Commission altered the final draft proposal significantly with regard to its most controversial part: the kinds of support mechanisms the member states could have for increasing their production of renewable energy. Nilsson et al. (2008, 2009) and Toke (2008:3003) attribute this outcome partially to efficient lobbying and large-scale political mobilization by 'green' interest groups like the interest groups from the renewables industry and the environmental organizations. However, interest-group strategies and the reasons for

choice of strategies in lobbying this Directive have been little studied. In addition, the phenomenon of interest groups lobbying at multiple levels in this political context is highly relevant, but has received scant scholarly attention. Since Germany is regarded as a key country for the outcome of the negotiations, it is relevant to investigate the role played by interest groups for German industries in the political process.

1.1 Research questions

1) Which lobbying strategies have the interest organizations of Germany's energy industries used to influence EU legislation as formulated in the Renewables Directive?

2) Under what conditions have they used these strategies? What role have resources played for the choice of political level and the intensity of lobbying?

These research questions will be investigated in light of expectations based on two different theoretical perspectives of EU governance: liberal intergovernmentalism (LI) and multi-level governance (MLG). These are theories on how the EU as a polity functions, and outline where decision-making power is centred. Under LI, the main assumption is that states are the decisive entities in all international negotiations. In contrast, MLG holds that power and governance in the European Union is spread across multiple levels, so that lobbying aimed at affecting the content of EU legislation should follow different paths, depending on where the most important decision-making is considered to take place.

Various theory frameworks can be used to investigate the phenomenon multi-level lobbyism in the European Union. In this study, Liberal Intergovernmentalism and Multi-level Governance have been selected, for several reasons. First, energy is a policy domain traditionally characterized by strong national sovereignty (e.g. Nilsson et al. 2009). Thus, the LI perspective, which focuses on the nation state in international negotiations, is indicated. Second, as the European Union steadily develops more state-like features, the MLG perspective might represent a more appropriate tool for understanding current political processes. Multi-level lobbying is expensive, however, and is therefore an option not available to all national interest organizations. Third, the industries affected by this legislation have turnovers amounting to billions of Euros (Dagger 2009, BMU 2011b). This means that their interest organizations are probably also among those most capable of using multi-level strategies when these are perceived as appropriate means. Last, both are recognized as two of the most influential and relevant theories on the topic today, within research and within the public debate in Europe.

1.2 The Renewables Directive and EU climate and energy policy

The Renewable Energy Directive (Directive 2009/28/EC; further: Renewables Directive) is a part of the EU's *climate and energy package* (European Commission 2009). This is a coordinated strategy to achieve several different goals, including fulfilling the EU's commitments in the Kyoto Protocol,¹ becoming an international leader in development and innovation of renewable energy sources, and ensuring security of energy supply. In recent years, developing renewable energy sources has become a core strategic priority (see European Commission 2010a, 2010b). A first climate package was launched by the Commission in January 2007 and adopted in March the same year. According to Climate Package 1, by 2020 the EU member states are to achieve an average of 20 per cent of energy consumed domestically from renewable energy sources. They are also to cut emissions of greenhouse gases (GHGs) by 20 per cent and reduce energy consumption by 20 per cent compared to a business-as-usual scenario by 2020. Therefore, these goals are popularly referred to as 'EU 20/20/20.' January 2008, the Commission launched Climate package 2 (European Commission 2008). This legislation was agreed by the European Parliament and the Council December 2008 and became law in June 2009 (European Commission 2010b). The climate and energy package contains a range of means for achieving the stated targets for 2020. The best-known part is the EU Emissions Trading System (EU ETS), a 'cornerstone' of EU climate policy.

The 2009 Renewables Directive is also an important part of this package. It has the potential to contribute to large-scale investments in renewable power production and innovation.² It builds on the earlier *Renewable Electricity Directive* (2001/77/EC) from 2001 and the *Biofuels Directive* (2003/30/EC) from 2003. The initial electricity directive set a goal of 22 per cent electricity from renewable sources within 2010. These targets were only indicative, not binding, and the member states did not succeed in reaching them (European Commission 2011d). The new Directive differs from its predecessors in several ways. First, it merges the earlier separate directives for renewable electricity and transport fuels, and includes renewable energy for heating and cooling purposes as well, thereby covering all renewable energy consumed inland. Second, it sets *legally binding* individual targets for renewable energy production for the member states. These are based on a combination of wealth as measured BNP per capita and current level of renewable energy production to make the targets as fair and attainable as possible.³ The EU's member states

¹The EU member states form the main bulk of countries that must reduce their GHG emissions according to the Kyoto Protocol (UNFCCC 1998). Germany is the old EU member state that has managed to reduce its GHG emissions the most (International Energy Agency 2011).

²This already is the case. For example, photovoltaic energy has had a strong growth in Europe the last years, producing 2% of EU's electricity per 2012 (EPIA 2012).

³National renewables targets vary greatly, from 10 per cent for Malta to 49 per cent for Sweden (European Commission 2011a).

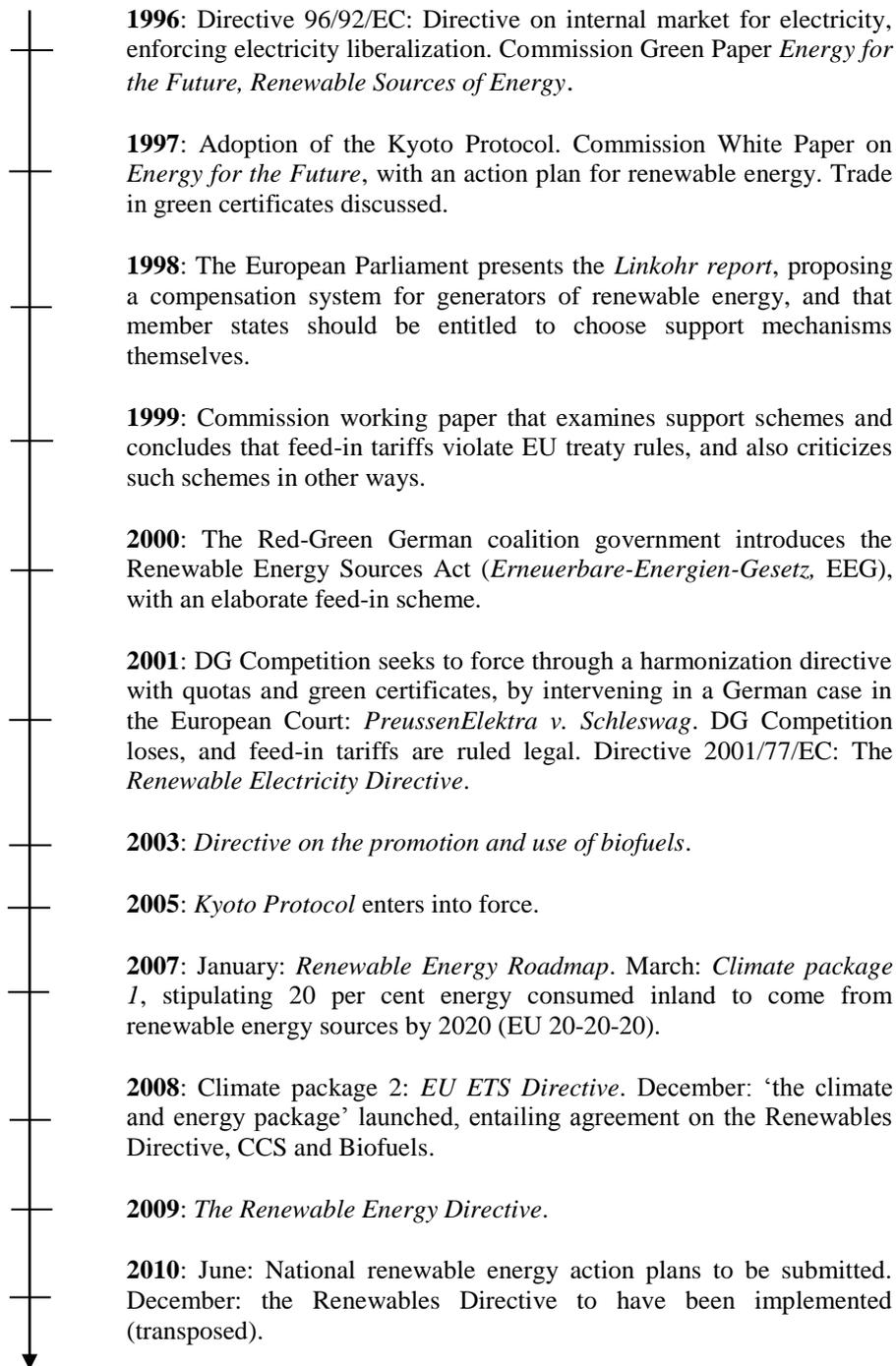
differ greatly in their endowment with sources of renewable energy⁴ as well as in economic resources. Third, all the countries are obliged to prepare National Action Plans (NAPs),⁵ showing how they intend to achieve the interim and final goals, in accordance with detailed templates drafted by the Commission. These were to have been submitted by July 2010 and transposed⁶ by the member states by December 2010 (European Commission 2011d). Finally, the Directive involves some transfer of power to EU bodies, including the Commission and two committees established to develop detailed rules in order to promote implementation (Boasson and Wettestad 2010:9).

The member states' main strategies for achieving their national renewables targets are first to enhance their own production of renewable energy, and second to decrease national energy consumption. Further, they can also employ three flexibility mechanisms: '1) statistical transfer between member states, 2) collaboration on joint projects between member states, 3) joint projects between member states and third countries' (Directive 2009/28/EC). The Renewables Directive allows member states to decide themselves how to achieve their targets. The two most commonly-used support mechanisms today are feed-in tariffs (FIT) or the quota-based system known as 'green certificates' and 'renewable portfolio standards (RPS).' Among these, feed-in tariffs in combination with non-discriminatory access to the power grids is the most widespread in Europe and the rest of the World (REN21 2012:70-71). Feed-in tariffs are technology-specific subsidies that ensure the producers of renewable energy a specific price per unit of electricity produced for a long time period, to enhance innovation and investment in renewable energy sources (Toke 2008:3002). Green certificates are 'guarantees that renewable energy of a particular type and quantity has been generated.' They are already used on a voluntary basis as part of inter-state trade, marked as 'green electricity' (Toke 2008:3002). In the Renewables Directive, inter-state trading will be available only for countries that already have fulfilled their commitments as to renewable energy production nationally (Directive 2009/28/EC). However, the debate about appropriate support mechanisms for promoting renewable energy is far from new at the national or European levels. Figure 1 outlines main developments in German and EU climate and energy legislation.

⁴ The supply of different energy sources is referred to as 'the energy mix.'

⁵ Only half of the 27 EU member states and members of EEA had submitted their National Action Plans by July 2010, but all had done so by January 2011. As of December 2010, all member states had implemented the Renewables Directive (European Commission 2011c). If the current production forecasts are met, EU's total share of renewable will be higher than the 20 % target by 2020 (European Commission 2011d).

⁶ Transpose means to implement EU law in national legislation.

Figure 1: Major developments in energy legislation and climate treaties

Sources: Lauber (2007), EurActiv (2007), European Commission (2011b and 2011c).

1.3 Fierce lobbying efforts to influence support mechanisms

In December 2007, the Commission proposed a mandatory European trade-based system as a key part of the Renewables Directive (version 9.6.1), similar to the EU ETS. This system would be based on trading of green certificates, so that the sale of such certificates would count towards the country's targets for renewable energy. Still, according to the respondents reported in Toke (2008:3002, 3003), the Commission remained internally divided on the issue. Member countries and EU-level interest groups working for and against a trade-based certificate system lobbied hard to convince Commission officials (Toke 2008:3003).⁷ The major electric utilities supported a common system of green certificates that would put an end to national support mechanisms (which they viewed as overly costly) and could generate windfall profits for them. In contrast, the renewable energy interest groups feared that such a system could have devastating effects on production of renewable energy, for many reasons. One was that investments would be made predominantly in the most mature renewables technologies. Moreover, they claimed that feed-in tariffs were more effective than green certificates for increasing the production of renewable energy at the lowest price, as indicated by several studies (e.g. Mitchell et al. 2006, Mez 2007, Toke 2008 and Nilsson et al. 2009). This conflict between the industries has remained particularly salient in Germany, home to the largest utilities industry and the largest renewables industry in Europe.

After 'unprecedented lobby effort from interest groups and member states' (Nilsson et al. (2009:4458), the Commission changed its proposal radically, and presented it in a new draft in January 2008. The new version entailed an optional system where national feed-in tariffs would still be allowed. Various interest groups, among them the European Renewable Energy Council (EREC), the umbrella organization for the renewables industry in Europe, worked actively to influence the content of the proposal. Also member-state governments strongly asserted their views. For example, Germany, Spain, Latvia and Slovenia sent a joint letter requesting the Commission to amend the Directive to allow feed-in tariffs (Taylor 2008). Countries like the UK, Italy, the Netherlands and Luxembourg initially favoured trade in green certificates; major proponents of a Europe-wide mandatory trade-based system included the Union of the Electricity Industry (Eurelectric), the European Federation of Energy Traders (EFET) and Renewable Energy Certificate System (RECS) (Toke 2008, Nilsson et al. 2009). The utilities industry⁸ in Europe dwarfs the renewables industry, although the latter has experienced considerable growth since 2000 (EREC 2010). In the making of the Directive there were two main lines of conflict: between a Europe-wide market-based auctioning system (green certificates) and a system allowing feed-in tariffs; and between a centralized EU-wide system and a

⁷ This debate is still ongoing. For example, EU Commissioner for Energy Günther Oettinger proposed a market-based system in February 2011 (interviews EPIA and EREF 2011).

⁸ This includes the industries mainly connected to production of energy from conventional sources like coal, oil, gas and large-scale hydroelectric power.

national system.⁹ In general, the private actors expressing the strongest views seem to have been the large utilities companies and the small and medium-sized companies involved in renewable energy production. The first group argued for a Europe-wide, trade-based system, whereas the second grouping favoured freedom for the individual member states to choose support mechanisms (Toke 2008, Boasson and Wettestad 2010).

1.4 Brief review of the literature on the Renewables Directive

The literature analysing aspects of the Renewables Directive can be roughly divided into four strands. The first group of studies discusses whether a system of tradable green certificates or feed-in tariffs is best suited for achieving EU targets in reducing GHG emissions (e.g. Mez 2007, Fouquet and Johansson 2008, Johnston et al. 2008, and Jacobsson et al. 2009). The second group assesses the direct impact of the revised Directive on individual countries (for example Anandarajah and Strachan 2010, Garrain et al. 2010 and Labriet et al. 2010). The third strand focuses on the interaction between the Renewables Directive and EU ETS (e.g. Rathmann 2007, Abrell and Weigt 2008 and Böhringer and Rosendahl 2009). The fourth group investigates and undertakes causal analyses of the political processes that led up to the revised Renewables Directive (for example Toke 2008, Nilsson et al. 2009, and Boasson and Wettestad 2010). These studies analyse ‘the broad picture’ and explain the outcome of the Directive through various theory approaches. Toke (2008) focuses on the groups that were for and against trading of green certificates, as well as the quality of their arguments. Nilsson et al. (2009) use a constructivist theory framework to analyse why trading in green electricity certificates was rejected as an EU-wide system. Boasson and Wettestad (2010) explain the governance outcomes of the Renewables Directive and the EU ETS with four different theoretical perspectives. Other studies have investigated other aspects of the revised Renewables Directive. Neuhoff (2009), for example, discusses quantitative indicators for the authorities to achieve successful implementation of the Directive.

1.5 Some gaps in the research on lobbying

There is a growing body of research on lobbying in general, and lobbying in the European Union in particular (e.g. Beyers et al. 2008, Klüver 2011). Still, several gaps remain, and this study seeks to fill some of them. In the wake of the Single European Act of 1991, interest-group representation in the EU expanded considerably, and interest groups at the European level received greater research attention (Coen and Richardson 2009). Also, there has been an increasing amount of research on the lobbying efforts of interest groups towards EU environmental policy, or related issues, such as lobbying the EU Emissions Trading System (e.g. Markussen and Svendsen 2005, Gullberg 2008a). Most of these lobbying studies focus on political representation and strategies at the EU level, although lobbying towards EU can be, and indeed is,

⁹ Thanks to Elin Lerum Boasson for pointing this out.

conducted at multiple levels of governance – local, regional, national and super national. Also, other studies have examined national associations' lobbying at multiple levels within the European Union (e.g. Coen 2005, Dür and Mateo 2012), but few seem to focus specifically on cases of multi-level lobbying conducted by national and European interest organizations in tandem.¹⁰ The present study focuses on the interest organizations of two national industries: those representing the utilities and the renewables producers in Germany. To my knowledge, this study is the first to delve into the details in this way. There is also a lack of theory-testing case studies of how EU institutional structures influence interest groups' choice of lobbying strategies. Further, there seem to be few studies on how industries within member states with diverging interests lobby to influence policy-making in the EU.

1.6 Delimitations

This study will concentrate on the lobbying processes related to the most controversial part of the Renewables Directive: what kind of support mechanisms the member states should be allowed to use in seeking to achieve their renewables targets. The focus will be on the interest organizations of the German energy industries in the political processes leading to the revised Renewables Directive negotiated in 2007/2008 and agreed on in 2009. This focus seems well-suited for a study of multi-level lobbying because the actors in Germany's energy industry are large and wealthy enough to pursue such lobbying strategies. This group of agents can roughly be divided into two sectors: *the utilities industry* and *the renewables industry*. Both, but especially the utilities industry, are influential actors financially as well as politically (Dagger 2009). The present study will not attempt to investigate the whole causal process to explain why the Renewables Directive ended up in its current form, but will focus on investigating multi-level lobbying strategies. The findings may provide one piece in the puzzle about the political processes behind the Renewables Directive. A further delimitation is that the study focuses on the lobbying strategies of the two industries' interest organizations rather than the whole industries as such.¹¹

The term 'lobbying' has been variously defined. The EU Commission itself defines lobbying as 'activities carried out with the objective of influencing the policy formulation and decision-making processes of the European Institutions' (European Commission 2008b). Some studies distinguish between institutionalized (formal) and non-institutionalized (informal) channels of influence. This is exemplified in participation in public bodies, such as working groups versus meetings with politicians and campaigns in media (e.g. Gullberg 2008a:2965). Here lobbying is understood as how interest organizations make use of both types of channels. As explained, the present study investigates the lobbying routes used by interest organizations of the German industries to influence the

¹⁰ However, some studies have investigated the multi-level strategies of individual companies, for example Tenbücken (2002) and Miard (2010).

¹¹ Different large companies are represented by several interest organizations in Brussels, and also have their own offices there in order to monitor and influence EU decision making.

Renewables Directive. Industry has been defined as ‘a group of productive enterprises or organizations that produce or supply goods, services, or sources of income’ (Encyclopaedia Britannica 2011). Here ‘industry’ is understood as the power producers and the affiliated businesses, like the producers of equipment for power production, with their interest organizations. Miard (2010) and others distinguish two approach components: tactics and targets. ‘Tactics’ refers to how an interest organization chooses to lobby. Lobbying the EU level can be practised alone (directly) to the EU bodies, or in alliance with one or more other stakeholders at the national level. Further options include lobbying through another national interest organization, or through one or more European-level interest groups. Furthermore, it is possible to lobby through regional and national authorities as well as via the foreign governments or international organizations. Finally, employing consultants also represents an opportunity for lobbying at both the national and the EU levels (Bouwen 2004).

In this study, the targets of lobbying tactics are all decision-makers who might have decisive influence on the outcome of the political processes. The national authorities most likely to be targeted are the German government and the ministries in charge of renewables legislation: first and foremost the Ministry of Environment, but also the Ministry of Economic Affairs (Dagger 2009). Since the Renewables Directive was subjected to a special version of the co-decision procedure, the EU-level includes the European Council (implicitly: the head of state/government and permanent representations in the member states), the European Parliament, and the Commission. Moreover, an interest organization may choose to lobby through several routes at the same time, for greater political leverage.

Bouwen and McCown (2007) divide the strategies that an agent can use to influence EU decision-making into three main categories: lobbying, litigation and indirect strategies like using the press. Lobbying has been seen as a political strategy of ‘access:’ agents seek to participate directly in EU policy-making. Interest groups can also use indirect political strategies, or ‘voice;’ such strategies include political campaigns and attracting media attention (Bouwen and McCown 2007:423). Last, litigation can be a highly effective strategy for exerting political influence, because court rulings influence the interpretation of legislation. However, in this particular case, litigation against feed-in tariffs was ruled out as a strategy when Preussen Elektra lost its case against Schleswig AG in the European Court of Justice in 2001 (Mez 2007).¹² This study focuses mainly on lobbying, since litigation is unlikely, and indirect ‘voice’ strategies are very difficult and/or expensive and thus probably not available to all agents. Table 1 lists the many possible strategies for influencing decision-making, but this study concentrates on lobbying at the national and EU levels.

¹² This process is described in further detail in Chapter 4.

Table 1: Possible strategies for influencing EU legislation for an interest organization

Main strategy	Level	Political bodies	Channels and means
Lobbying	EU	EU Commission European Parliament EU Council of Ministers (European Council)	<ol style="list-style-type: none"> 1) traditional lobbying, like formal and informal meetings with politicians 2) formal strategies, like participation in expert committees in DGs and other bodies, like advisory groups, public hearings 3) participation in EU-level interest organizations 4) maintaining an office to enable continuous representation at the EU level 5) cooperating with other interest organizations with similar views 6) via international organizations 7) via other countries 8) engaging consultants
	National	the German government, <i>Regierung</i> the German Parliament, <i>Bundestag</i>	<ol style="list-style-type: none"> 1) traditional lobbying, like formal and informal meetings with politicians 2) formal strategies like participation in expert committees in ministries and other bodies, e.g. advisory groups, public hearings 3) participation in other interest organizations at the national level 4) cooperation with interest organizations with similar views 5) engaging consultants 6) (via other countries, towards national politicians) 7) (via international organizations, towards national politicians)
	Regional (<i>Länder</i>)	Government, <i>Landesregierung</i> , Parliament	<ol style="list-style-type: none"> 1) traditional lobbying 2) participation in regional interest organizations 3) participation in national interest organizations that also work regionally 4) (similar strategies to the national level)
Litigation	EU	European Court of Justice (ECJ)	<ol style="list-style-type: none"> 1) referring a case to the Court 2) lodging a complaint with for example DG Competition, which refers the case to the ECJ
	National	Federal Court of Justice of Germany, <i>Bundesgerichtshof</i> ; Federal Constitutional Court; <i>Bundesverfassungsgericht</i> the national competition regulator, <i>Bundeskartellamt</i>	
	Regional	regional courts in the states, <i>Länder</i>	
Indirect strategies	EU		potentially all media channels, including the Brussels press, TV channels, radio, and commercials
	National		potentially all media channels, including the German press, TV channels, radio, and commercials
	Regional		potentially all media channels, and commercials

Sources: Andersen and Eliassen (2001:14), Lauber and Mez (2004), Agnolucci (2006), Coen (2007), Broscheid and Coen (2007), Bouwen and McCown (2007) and Toke (2008).

Comments to Table 1: Table 1 shows the various potential political strategies available to German interest groups for influencing EU decision-making processes. An interest group may, for example, participate in another interest organization at the national level to influence national politicians' political positions in EU negotiations, or lobby the EU institutions directly. In addition, they (of course) have the opportunity of lobbying at local levels, but this level is not included here.

1.7 Research strategy

In examining the lobbying strategies employed by the German energy industries' interest organizations to influence the EU Renewables Directive, my assessment will include: 1) identifying the lobbying routes used, 2) determining whether the lobbying was conducted together with other interest groups and if so how this cooperation was organized and 3) evaluate the extent to which the interest organizations shared political positions and goals, as this is a precondition for opting to ally and share resources in lobbying. By combining the theory perspectives of liberal intergovernmentalism (LI) and multi-level governance (MLG) with lobbying literature, the study develops hypotheses based on each of them. Under each perspective, resources like personnel, funding and expertise are added as possible conditioning factors for the choice of lobbying strategy. These expectations are then tested empirically, using a most-likely case design. If important expectations are not confirmed, the theory is less likely to explain lobbying behaviour in the EU. Various methods are used to gather information and ensure that the data are as valid and reliable as possible. The empirical material is based on eleven research interviews, with extensive use of triangulation to ensure validity. For example, the interviewing is supplemented with document studies.

1.8 Outline

The study consists of seven chapters. Chapter 2 describes the theory background: Moravcsik's Liberal Intergovernmentalism, and Multi-level Governance as formulated by Hooghe and Marks. These theories will be combined with relevant lobbying literature to build theoretical expectations for further testing. Chapter 3 lays out the methodology and the underlying considerations, and presents the cases briefly. Chapter 4 provides the background for understanding German energy policy today, by reviewing the renewable energy policy of recent decades. Chapter 5 presents the empirical material, examining the interest organizations and their lobbying strategies. Chapter 6 analyses the empirical material in light of the expectations outlined in the theory chapter. Finally, chapter 7 presents a synthesis of the study and indicates potentials for further research based on the findings.

2 Theoretical background

This chapter outlines the theoretical perspectives of liberal intergovernmentalism (LI) as formulated by Moravcsik (1993, 1998), and of multi-level governance (MLG) as described by Hooghe and Marks (2001). These perspectives are then applied to formulate empirical expectations about the lobbying behaviour of interest organization seeking to influence the Renewables Directive. The theoretical perspectives are combined with research literature on EU lobbying and other relevant data sources. Under each perspective, resources are used as an independent variable conditioning the choice of lobbying strategies at the German and the EU levels of governance.

2.1 Lobbying in an intergovernmental ‘state-centric’ system

2.1.1 States as the ultimate decision-makers

The state-centric model of understanding the EU and other international organizations has its roots in neo-realism, and is known as intergovernmentalism or liberal intergovernmentalism (Moravcsik 1993, Hooghe and Marks 2001:29). There are several types of intergovernmentalism, and Andrew Moravcsik is regarded as one of the leading theorists. In his influential article ‘A Liberal Intergovernmental Approach to the EC’ (1993:482), and in the book *The Choice for Europe* (1998), he formulates LI as a mixture between two seemingly contradictory theories: a liberal-inspired theory about how interests are formed domestically, and an intergovernmentalist theory about how states negotiate and establish institutions. However, Moravcsik (1998:1) also views the former European Community as a ‘unique, multileveled, transnational political system’ with semi-autonomous institutions.

The core claim of the state-centric model is that policy making in the EU is determined primarily by national governments constrained by political interests nested within autonomous national arenas (Hooghe and Marks 2001:3).

LI theory emphasizes states with their governments as the predominant decision-makers. Interest groups are then implicitly less important than politicians for political outcomes. Governments may grant some authority to supranational institutions, but only in order to achieve specific goals, like economic growth and prosperity. Therefore, in this view, most policy-making in the EU is not determined by EU institutions themselves, but should rather be viewed as policy co-ordination by national governments on the basis of negotiations (Moravcsik 1993:474, 480, Moravcsik 1998:7, 9, Hooghe and Marks 2001:2). Further, states may withdraw authority from the EU institutions whenever they like, and the EU institutions have limited autonomy and self-determination. In this case, lobbying EU institutions will have limited effect because the institutions have scant independent impact on decisions made there. If interest groups operate with this understanding of the political system, they can be expected to regard lobbying EU institutions as far less important than lobbying the member states’ governments, and will spend their resources accordingly.

Expectation 1

The interest organizations of the energy industries lobbied the German government, but paid little attention to influencing policy-makers in the European Union, such as members of the European Parliament or the Commission.

2.1.2 Political mobilization of national economic winners and losers

Moravcsik (1993:480) holds that liberal intergovernmentalism has three core elements: a) a state's behaviour is rational, b) a liberal theory of national preference formation, and c) an intergovernmentalist analysis of interstate negotiation. Rationality is based first and foremost on national leaders' economic evaluation of the pros and cons of financial interdependence. Still, Moravcsik (1998:23, 24) underlines, some national preferences are 'grounded in ideas.' Further, a state's preferences may vary across time, countries and issues, but its objectives within each negotiation are stable. If a state's rationality is based primarily on politico-economic concerns, then other factors like legitimacy or security will have less importance.

Moravcsik (1993:483–488) argues that groups that stand either to win or lose financially from a specific policy will exert the greatest influence on national positions. They are they more likely mobilize politically, precisely since they have more to win or lose, and put more resources behind their targets in order to achieve them. Moravcsik goes on to note that state leaders must make coalitions with 'influential groups with specific interests' when they make their foreign policy in order to maintain their place in office in the long run. To return to this case: that makes it rational for the German authorities to establish a coalition with either the utilities industry or the renewables industry, since both had very specific interests and both are influential.¹³

While domestic societal groups impose a basic constraint on governments, the nature and tightness of this constraint varies with the strength and unity from social groups (Moravcsik 1993:484).

For Germany's utilities industry as well as its renewables industry, there were considerable potential economic gains and losses, depending on how the Renewables Directive would turn out. Here the renewables industry would probably be more affected, as a directive that included green certificate trade would threaten its very existence – especially regarding future investments in photovoltaics, because the German feed-

¹³ What counts as 'influential' is disputable. Since Moravcsik (1993) bases his theory on economic interests, I interpret him as meaning that *governments* will make a coalition with an important industry, but not necessarily *the largest* one, and ensure that its positions will be backed by important domestic groups. Boasson and Wettstad (2010:3, 4), however, interpret him differently. They argue, first, that the government's position is a *result of* 'competition among national industries', and second, that 'the economically strongest will have the greatest influence on shaping national positions.'

in tariffs would stop working as efficient support mechanisms (see e.g. BEE 2008a). By contrast, the utilities industry would benefit from a system of green certificates. First, the grid operators would not have to pay the renewables producers the feed-in tariffs. In addition, the utilities would not suffer from the renewables industries being granted grid access, which at times has consequences such as that utilities have to reduce or turn off power production when large amounts of renewable electricity are produced (as on particularly sunny or windy days). Second, a trade-based system could give them windfall profits by moving to ‘a marginal market where the most expensive marginal renewable certificate would set the price’ (Turmes 2008, cited by Nilsson et al. 2009:4458). Third, a market-based system would lead to allocation where electricity was the cheapest to produce across EU member states. Fourth, since the large German utilities also invest in energy production in other countries, they favoured similar regulatory frameworks across borders.

Expectation 2

Interests that stand to suffer large economic gains or losses domestically will be the most influential when national foreign policy is formed. Therefore, both the utilities industry and the renewables industry gave key priority to influencing the position of the German government on the Renewables Directive.

2.1.3 National policy entrepreneurs’ provision of critical information

Liberal intergovernmentalism predicts that decision-making in the EU will be largely influenced by the member states’ lowest common denominator (Moravcsik 1993:487). Boasson and Wettestad (2010:19) argue that the lowest common denominator was opposing a centralized EU governance scheme. Then the member states could keep the support mechanisms that they already had, instead of redesigning their own systems. However, if the states pursued the same objectives in each negotiation, their political stances were not stable. According to the findings of Nilsson et al. (2009), some EU member states changed their preferences from the centralized scheme proposed by the Commission to a voluntary scheme during the negotiations, after intense lobbying by various ‘green’ groups. Still, the main preference of the member states was to determine support system themselves, which would not be possible with a centralized certificate-based scheme. On the other hand, the fact that the revised Renewables Directive involved binding targets would not be a very likely outcome, since most member states had initially opposed such binding national targets.

Moravcsik (1993, 1998) argues that the states with the greatest and voting power will be the most powerful and influential in the EU – a relationship he calls ‘asymmetrical interdependence.’ Further, the transaction costs are low, and the various governments in international negotiations possess more or less complete information, so that the negotiating parties have the information they need for effective bargaining: ‘The information and ideas required for efficient bargaining are plentiful and cheap’ (1998:61, 66). The reason is that government officials have resources to generate all the information necessary for a range of circumstances, such as technical, political and legal information. Both national governments

and interest groups can work as catalysts in the political processes by initiating, and mediating different policies. As Moravcsik (1998:66) argues, ‘critical information¹⁴ and ideas are introduced into negotiations by the most intensely interested governments or social groups.’ Furthermore these groups can act as ‘effective policy entrepreneurs,’ in contrast to supranational theories which highlight that such entrepreneurs are supranational (Moravcsik 1998:55).

Expectation 3

Both the interest organizations for the national renewables industry and the national utilities industry provided the German government with critical information important for achieving political leverage in international negotiations.

2.1.4 Resources determine lobbying strategies

LI views the state as a unitary actor; but when the state bargains, its bargaining position is heavily influenced by what happens domestically. Government policies are responses to what happens at the domestic arena within the state, similar to theories of ‘two-level games’ (see e.g. Putnam 1988). Governments will build coalitions with influential groups that are especially affected by the outcome of the negotiations in order to ensure that their political positions will be accepted once the legislation is implemented (Moravcsik 1993:484).

Eising (2004:218) notes that efficient lobbying depends on *organizational resources* in terms of factors such as money, staff and time. Gullberg (2008b) describes how wealthier interest groups can employ more differentiated political channels and build relationships over time, thereby enhancing their opportunities of influencing important policy decisions. The utilities sector dwarfs the renewables sector in terms of size and resources, so it should be able to build up a more extensive political network than its little brother. The German utilities industry has a close and long-time cooperation with the powerful Ministry of Economy (Jacobsson and Lauber 2006); Moreover, the leaders of the four large utilities have close relationships to top-level German politicians (see e.g. Blasberg et al. 2011). However, in Germany it is the Ministry of the Environment that is in charge of renewables policy, and the environmental organizations and renewables sector have established good long-term contacts with this ministry (see e.g. Dagger 2009).

¹⁴ Boasson and Wettstad (2010:4, 24) interpret Moravcsik as saying that the provision of ‘*superior information*’ is important for gaining bargaining leverage. However, here Moravcsik (1998) is used as a source, and he clearly states that ‘*critical information*’ can be supplied by the most eager participating actors. The term *critical* has several meanings: the Merriam Webster dictionary (2011) defines *critical* as ‘a) of, relating to a turning point or important juncture, b) crucial, decisive and c) indispensable, vital.’ This study understands ‘critical’ in meaning *crucial, decisive*.

Expectation 4

The interest groups with the greatest material resources will employ all venues of access to German politicians, whereas interest groups with fewer resources will lobby fewer channels. Thus, the interest organizations of the utilities industry targeted more different political channels than did the interest organizations of the renewables industry.

2.2 Lobbying in a multi-level governance (MLG) system

Unlike liberal intergovernmentalism, multi-level governance is not yet a full-fledged theory about how the EU functions, but more of a theoretical perspective. The term ‘multi-level governance’ is used to refer to the interdependence of policy-making at multiple levels of government, such as the global-regional in the EU, the national level, and the regional level within the nations (Hooghe and Marks 2001:2). Bache and Flinders (2004:3) point out that ‘governance’ here describes how governments and private actors at different levels of government increasingly become interdependent of each other. From this theoretical perspective, the national governments of member states remain the most important participants in policy-making in the EU, but have also delegated power to the EU institutions (Hooghe and Marks 2001:2, 3). Therefore the EU’s supranational institutions – first and foremost the European Parliament, the European Commission and the European Court of Justice – do not merely act on behalf of national governments, but are independent political actors (Hooghe and Marks 2001:3–11).

2.2.1 New points of access to political decision-making

A basic premise is that the collective decision-making processes in EU result in national governments losing control over important decisions that influence them. In such a political system, influence goes both ways. One direction goes both from the ‘top’ (the EU level), and down at the national, regional and local levels of government. Such mechanisms have been investigated in various implementation studies (see e.g. Knill 1998). However, influence also goes the other way: from the ‘bottom’ at the local, regional and national levels, and up to the EU institutions. Such mechanisms have been studied in lobbying literature. All the political levels of governance are mutually interdependent of each other. Multi-level governance therefore implies that sub-national actors will work on more political levels, such as the national, and the supranational arena (Hooghe and Marks 2001:4). On this assumption, lobbying groups target EU institutions because these are important targets for lobbying in their own right.

As a result, we no longer see EU interest politics in terms of ‘bottom-up’ national interests feeding into the EU, or ‘top-down’ coordination of EU lobbying, rather we see a managed multilevel process with numerous feedback loops and entry points constrained by the size of the interest group, lobbying budgets, origin and the policy area (Coen and Richardson 2009:7).

This perspective is supported by a growing number of empirical observations. For example, in recent years the Commission, the EU's multi-purpose executive body, has become more and more independent of the member states, increasingly constituting a higher level of governance than the national governments (Egeberg 2006:1–3). In addition, treaty reforms like the Lisbon Treaty have given the European Parliament greater powers – for example, more and more issues are being dealt with under the co-decision procedure (Coen and Richardson 2009). That means that the reforms also give more power to the EU institutions, at the expense of national sovereignty. Consequently, the EU institutions have become increasingly attractive and important lobbying targets. However, the third important EU institution in decision-making processes, the Council of Ministers, is still considered to be a rather hard target for lobbying groups (Coen and Richardson 2009). According to the MLG perspective, the interest organizations therefore can be expected to lobby the EU institutions as well as the German government intensively.

Expectation 5

The industries' national and European interest organizations lobbied the Commission, the European Parliament, the Council of Ministers and the German government intensively.

2.2.2 *Exploiting the opportunities of an MLG system*

The EU has given business interests many new points of access to the policy cycle. They can now conduct '*political venue shopping*' (Coen and Richardson 2009), so interest groups can lobby EU legislation through picking and choosing various routes depending on their opportunities of success. For example, most big German companies and several large interest organizations have their own offices in Brussels. In Germany, sub-national actors such as interest organizations may also lobby at the federal level, the (*Bundes*)*Länder* level, and federal German politicians can also participate in political processes in the EU. Another possible venue of influence is via other countries or international organizations, to get them to further the lobbyists' views in negotiations with the EU. For example, in recent years, German utilities have invested heavily in renewable power production abroad (see e.g. E.ON 2008a), and may potentially have their interests represented by foreign governments and foreign interest organizations (e.g. Miard 2010). Member-state governments can use the secrecy of decision-making in EU to come with proposals unpopular at home that circumvent their national constituencies – and then blame the EU (Claes and Førlund 2004). Callanan (2011:17) notes how industries that are unsuccessful at influencing national governments may be tempted to use other strategies, like lobbying at the EU level, to 'by-pass' them.

In being one of the few actors to follow all points of the policy process, business interests are an important supply of information for the development and delivery of EU public policy, and a potential source of legitimacy to policy makers (Coen and Richardson 2009:145).

Assuming that the German utilities industry and their interest organizations perceive the EU as a multi-level system of governance, they could be expected to compensate by using other channels of influence to promote their views, since their government favoured a voluntary system regarding support mechanisms. The Commission and the European Parliament would be the most likely channels of influence for bypassing national politicians in such cases.

Expectation 6

The German utilities industry's national interest organizations and their affiliates would lobby particularly intensely on the EU level in order to attempt to 'by-pass' their national politicians, who supported a voluntary system that allowed national feed-in tariffs.

2.2.3 Resource dependency between the Commission and interest groups

The Commission needs information for initiating policies, but often lacks the resources to generate the information it needs itself because of low staffing levels compared to its wide-ranging tasks. Therefore, the Commission frequently depends on information from other sources, such as member states, an extensive system of consultative bodies where public and private actors such as interest groups participate, and paid consultants (Nugent 1999, Bouwen 2009, Eising 2007a:208). This in turn provides an excellent opportunity for interest groups to influence policy by providing information of high quality (Broscheid and Coen 2007:349, 350). Thus, EU officials and lobbyists have grown dependent on each other (Eising 2007a:207). Coen (2007:335) speaks of an 'elite trust based relationship between insider interest groups and EU officials,' or an *elite pluralist* arrangement where the interest groups must fulfil certain criteria to gain access to decision-making in closed arenas. To achieve this in the Commission, such group must build up a reputation as trustworthy and develop long-term relationships (Coen and Richardson 2009:152). Frequently, the interest groups establish connections with special Directorates General (DGs) within the Commission (Eising 2007a). The Renewables Directive was handled by DG Transport and Energy¹⁵ and the Committee on Industry, Research and Energy (ITRE) in the European Parliament. Eising (2007a:207) points out that interest groups have such important roles as aggregating, defining and articulating both member states' and their constituencies' interests to EU institutions. Since the issue of support mechanisms is highly complex, it would seem likely for Commission officials and others to seek the expertise of interest groups for information during the legislative processes.

Expectation 7

The energy industries' interest organizations sought to influence policymaking in EU through accumulating and providing knowledge that the EU officials needed, in addition to working together with other organizations for joint production of background information.

¹⁵ From 2010, the energy part of DG TREN was split, and re-named DG Energy. The remainder became the Directorate-General for Mobility and Transport (DG MOVE).

2.2.4 *The more resources, the more efficient lobbying*

Coen and Richardson (2009:145) regard business interests as well-positioned to influence the content of legislation in the EU, and note that they have developed a unique understanding of the multi-level governance structure as well as access to it. Most lobbying in the EU takes place in the Commission, as this is the body with the exclusive right to initiate new policies as well as to monitor compliance. Influencing policies at an early stage is seen as the most efficient for interest groups. Lobbyists target mainly the Commission and the European Parliament, but other EU institutions like the Council are also subjected to their political efforts (Coen and Richardson 2009). The European Parliament is known to be the ‘greenest’ of the central EU institutions. In recent years, the EU has actively sought to support the creation of various kinds of interest groups – for example, through funding, to create its own constituency and thereby enhance its legitimacy (Eising 2007a:203). Politicians in the EU might also put priority to talking with groups that represent aggregated preferences rather than a host of lobbyists arguing for different policies because they represent broader constituencies and thus broader legitimacy. For example, the Commission prefers to communicate with European-level organizations that represent common positions in the EU (Greenwood 2007:343). However, earlier research on Euro-federations has tended to portray them as weak groups with little influence – ‘paper tigers.’ This weakness has been caused by a range of factors, including insufficient resources, great internal heterogeneity, little hierarchy or discipline, and the Commission’s ambivalence towards them (Pijnenburg 1998:303, 304).

Beyers and Kerremans (2007:462) suggest that resourceful interest groups will take particular advantage of the new EU multi-level system, while Eising (2004:237) comments that a multi-level governance system tends to favour stronger interests. Other researchers, among them Bouwen and McCown (2007:425), emphasize that material resources are often decisive for the type and scope of political strategies that interest organizations apply to influence policy-making. This is supported by Gullberg’s (2008b) research, which shows that business groups employ all channels of influence and invest in long-term lobbying, whereas less-endowed environmental groups focus on single policy decisions. Other studies also support this finding; Eising (2005) for example finds, in a large-N survey study, that there are few general traits that characterize lobbying in the EU:

EU interest intermediation displays only very few general traits – these are the division of labor among EU and national associations, the economic clout, the financial resources and the expertise of interest groups as well as their political mobilization when they face of [sic] EU regulation (Eising 2005:2).

Several studies show that size matters: the larger a company or organization, the more resources it can employ different channels of influence, nationally and in the EU. The interest organizations’ levels of resources may then also affect in their choice of lobbying tactics. ‘Organizational

resources are crucial because the pursuit of complex multilevel strategies requires a lot of money, time, expertise, and sustained effort' (Eising 2004:212). For example, since meeting people is considered cheap, this will be a typical form of lobbying for interest organizations with little resources. Such interest groups will also focus their efforts where they believe it will be more effective, such as people they know are sympathetic to their political views.

Expectation 8

The political strategies that the energy industries' interest organizations choose are affected by their resource levels. The wealthier an interest group, the more different lobbying venues, and the more intense lobbying it will pursue at the EU level.

3 Methodology considerations

3.1 Theory-testing case study as an appropriate research design?

This research project addresses the following research questions:

- 1) Which lobbying strategies have the interest organizations of the German energy industries used to influence EU legislation as formulated in the Renewables Directive?
- 2) Under what conditions have they used these strategies? What role have resources played for the choice of political level and the intensity of lobbying?

The method chosen here for investigating the research questions is theory-testing case study. Case study has been defined as: ‘a spatially delimited phenomenon (a unit) observed at a single point in time or over some period of time. It comprises the type of phenomenon that an inference attempts to explain’ (Gerring 2007:19). The cases here are nine interest organizations that represent German energy industries at the German and at the EU level. In contradiction to Gerring (2007), Yin (2009) emphasizes that theory testing should be a goal for case studies, as the most ambitious way of applying empirical material to theory. Theory-testing case studies usually take the form of either *most likely case* or a *least likely case* format, to give maximum leverage to the conclusions (Eckstein 1975). However, a given case may also be analysed against two rival theories – and that is the approach chosen here. To test the theories/theory perspectives, this study uses the congruence method (pattern matching), which proceeds by formulating a range of observable expectations from each theory, and then testing the degree of compliance between these expectations and observable outcomes (George and Bennett 2005:181, Gerring 2007:45).

A basic criticism of the case-study approach is the problem of representativeness (Gerring 2007). How can we know *whether* a limited case study is representative, and *what* it is representative of? One fruitful way of resolving this could be to see case studies as the source of what Yin (2009) refers to as *analytical* rather than *statistical* generalizations. Analytical generalization implies that inferences are drawn to a broader universe of cases which is theoretically and conceptually defined. Lobbying, in this sense, could be seen as having a set of general characteristics; yet there are also specific forms of lobbying to which a given theory pertains and which thereby define the scope for analytical generalization. In the present study, it is lobbying by interest organizations in a multi-level political system in response to certain specified policy processes that is the analytical focus. This means that the findings may perhaps be generalized to understand lobbying in similar cases – but not, for example, lobbyism in energy policy at the global level (George and Bennett 2005). The concluding section of the thesis will offer some generalizations of this sort, which could be taken forward in further research on lobbying. When theories are tested in case studies,

this is typically conducted to refine and nuance our understanding of them, or how ‘the scope conditions of competing theories should be expanded or narrowed’ (Lijphart 1971, George and Bennett 2005:115). The theoretical perspectives will therefore only be strengthened or weakened, not ultimately refuted by the analysis which follows.

Eising (2007a:207) underlines that, in contradiction to businesses, few interest groups can create multi-level lobbying strategies in the sense of establishing contacts with political institutions at several political levels, such as the national and the EU. Such lobbying is expensive, and interest groups tend to possess rather limited resources. However, the interest organizations for energy businesses (especially the utilities) represent very resourceful industries (e.g. Dagger 2009). Therefore, they are among the organizations most likely to make use of all types of lobbying at different political levels. National and European interest groups usually divide the labour between them, but this pattern may be broken if the EU regulation impacts the national interest groups and their members severely (Eising 2004:217). The Renewables Directive is such a case, with potential large-scale consequences for Germany’s renewable energy support mechanisms (e.g. Toke 2008). Therefore, the lobbying strategies of the energy industries’ interest organizations constitute a most-likely case scenario for the MLG perspective as applied to lobbying. If these interest organizations do not engage in multi-level lobbying, this theory perspective is less likely to be suitable for explaining these interest organizations’ perceptions of EU and their actual lobbying to influence political processes that they regard as important there. Such a research strategy is in line with Franchino’s (2005:243) and Coen’s (2007:334) recommendation: as research on EU lobbying matures, research on EU lobbying should include more confirmatory theory testing.

On the other hand, liberal intergovernmentalism (LI) is also very likely to carry at least some explanatory value, since energy policy is a domain traditionally assigned to the national arena in Europe (see e.g. Lauber 2007, Nilsson et al. 2008). Therefore, if LI is shown to have low explanatory power for understanding lobbying in this policy field, the scope conditions of whole theoretical perspective should probably be narrowed. However, as Lijphart (1971:693) and George and Bennett (2005:116) note, one disconfirmation in a most-likely case study will rarely be enough to discredit an entire theoretical perspective. For example, the German interest organization’s lobbying of the Renewables Directive could be a deviant case. The most-likely case approach in Eckstein’s (1975) terms should therefore be employed with some caution.

Choosing whether to conduct a study with large or a low N is a familiar challenge in political research. Some large-N studies have enquired multi-level lobbying by interest groups in the EU (for example Eising 2004). However, there are several reasons why case study is a suitable format for researching the questions posed in the present study. First, with a limited number of potential cases, statistical analysis of causal effects would generally have low power. Second, even when it is a feasible option, conducting a low-N survey may be extremely vulnerable to low response rates. Third, descriptive and conceptualizing work has to be done first in any case, and few researchers have to my knowledge

described the German interest organizations' lobbying of the Renewables Directive in particular. In addition, the only publicly available information on the topic is data such as press releases and annual reports. Thus, close study of these political processes requires case-study methods like in-depth interviews that can provide 'thick descriptions' and asking follow-up questions (George and Bennett 2005).

3.2 Case selection

Five interest organizations directly representing German energy industries and four interest organizations indirectly representing them at the EU level constitute my sample. Although more or less all German industries are affected directly or indirectly by the Renewables Directive,¹⁶ these cases were chosen because it directly affects the economic conditions for their members – the energy producers and affiliated businesses. Therefore, the selected organizations are also obvious candidates for lobbying the European Union to promote and protect their interests, which makes them the most appropriate to investigate. This is in line with George and Bennett's (2005:83) recommendation: cases should be selected on the basis of their relevance to the research objectives. I have chosen these industries' interest organizations rather than selected companies, for several reasons. First, the staff members of interest organizations are probably more open and willing to provide information than are the energy companies, because the main tasks of such interest organizations are to provide information, aggregate political views, promote them, and participate in political processes on behalf of their members (Eising 2007a).¹⁷ Second, interviewing the industries' interest organizations is the only way to get comparable cases.¹⁸ Third, since a multitude of firms of all sizes are involved in energy production in Germany, it is impossible to study them broadly and in depth within the time and resource constraints of this study. Fourth, due to the controversial nature of the topic, it is highly probable that some companies within each sector do not share political views with the rest.¹⁹ Interviewing their interest organizations makes it possible to get information on the aggregated interests of these industry sectors, not only what individual companies work for. This approach is likely to yield fairly accurate results about the interest organizations' main views on the Renewables Directive, as the various companies

¹⁶ The support mechanisms for renewable energy affect the electricity price.

¹⁷ I contacted E.ON and RWE's offices in Berlin and Brussels. All, apart from E.ON's Brussels office, declined to set aside time. Also, E.ON's Brussels office did not answer my second mail.

¹⁸ The utilities sector in Germany is dominated by four giant conglomerate companies: Energie Baden-Württemberg AG (EnBW AG), RWE AG, E.ON AG and the daughter firm of Swedish Vattenfall, Vattenfall Europe (Dagger 2009). By contrast, the renewables industry in Germany mainly consists of hundreds of small- and medium-sized companies. These have little chance of employing lobbying across more political levels, because such lobbying is so resource-demanding.

¹⁹ This is especially likely for utility firms with a large share of renewable energy production within their energy portfolio, because these might prefer feed-in tariffs to a certificate based/quota system.

within each sector in Germany generally held similar main views and preferences.

The utilities industry is intentionally represented by three of their main interest organizations in Germany and in Brussels: the *Bundesverband der Energie- und Wasserwirtschaft* (BDEW), *Bundesverband der Deutschen Industrie* (BDI), and the *Union of the Electricity Industry* (Eurelectric). Other more specialized interest organizations like *Deutsche Atomforum* (the German ‘atomic lobby’) or *Foratom* (the European ‘atomic lobby’) were not chosen, for several reasons. First, the major utilities in Germany produce energy from all conventional energy sources as well as renewable ones (Dagger 2009:50–53). Second, the German utilities and their daughter businesses belong to a host of different interest organizations (Dagger 2009), so interviewing them all would be impossible due to time constraints. Furthermore, there were few indications that the more peripheral organizations had been particularly active on the Renewables Directive. They were not mentioned in earlier research articles on the Renewables Directive, nor had they to my knowledge issued specific press releases on the topic. The research interviews strengthened this impression (interviews BDEW, BDI and Eurelectric 2011). Therefore, interviewing some of the utilities’ interest organizations was not only the most appropriate but indeed the only feasible approach, given the scope of this study.

The renewables industry is also represented in the sample by some of their main interest organizations in Germany and at the EU level. The organizations have been selected on the basis of strategic choice principles in terms of the renewables technologies’ power output and investments, as well as the organizations’ lobbying capacities in terms of personnel resources. Thus they should be the interest organizations most capable of conducting lobbying at more political levels, if they regard this as an appropriate political strategy. Since the largest sources of renewable energy in Germany, apart from hydropower, are power from wind, biomass and photovoltaics (BMU 2012),²⁰ the interest organizations of these companies are also likely to be the largest and most capable of lobbying at more levels. These interest organizations are *Bundesverband WindEnergie* (BWE), *Bundesverband BioEnergie* (BBE) and *Bundesverband Erneuerbare Energie* (BEE) in Germany, and *European Photovoltaic Industry Association* (EPIA), *European Wind Energy Association* (EWEA) and *European Renewable Energies Federation* (EREF) at the EU level.²¹

²⁰ Although hydropower is a significant source of renewable energy, the specialized organizations for hydropower are not as relevant because Germany has already developed most of its capacity for hydropower production. Investments here are low compared to other renewable technologies.

²¹ I also contacted the German solar energy association, *Bundesverband Solarwirtschaft e. V.* (BSW) and the umbrella organization for renewable energy at the European level, *European Renewable Energy Council* (EREC). BSW never responded to my requests, whereas EREC provided me with the contact details for BEE.

3.3 Design challenges

Choosing interest organizations as cases involves several possible drawbacks. National associations are specialized in representing the national sectorial interest (Bouwen 2004:344), so this approach might not capture the political views of other important interests in the public debate, such as large dissenting companies or member organizations.²² To rule out this possibility, I asked interviewees specifically about this. With the notable exception of BDI, no representatives mentioned any strongly dissenting voices among their organizations' members (interviews BDI, BEE, BDEW, BWE, BBE, Eurelectric, EWEA, EPIA and EREF 2011). These responses might, of course, not reflect real lack of disagreement. For example, due to the controversial nature of the matter, the organizations might have presented themselves as more united than was actually the case. Such positive self-representation is typical in elite interviews (Berry 2002:680), although on substantial issues all my interviewees seemed to answer as accurately as possible. In addition, the study risks overstating the significance of the interests represented by these organizations. Further, including EU-level interest organizations as cases might not seem informative, because they represent the industries in the whole of Europe and are specialized in building consensus positions (Bouwen 2004:344). Indeed, previous research has indicated aggregation of interests as a problem for such interest organizations or 'euro groups' (see e.g. Pijnenburg 1998). Thus, these organization's political positions might deviate from those of their German members. However, the interviews and position papers showed that the industries within the two sectors at the two levels were united in their views regarding support mechanisms.²³

Why include EU-level interest organizations when studying the political views of the German energy industries? First, three out of the four EU-level interest organizations studied here have German companies as direct members (EPIA 2011e, EWEA 2011a, and EREF 2011c) and thus fall into the category 'interest organization for the German energy industry.' This is exemplified by the fact that these organizations have German board members in important positions (e.g. EWEA 2011a). Second, the European-level interest organizations all have the German-level interest organizations as members. Thus, they probably constitute important indirect routes for lobbying the EU. Last, when examining multi-level lobbying aimed at influencing an EU Directive it is natural to include the

²² A minority of EURELECTRIC's members favoured other solutions, like feed-in tariffs, according to Toke (2008) and Boasson and Wettstad (2010). However, they did not take dissenting positions in Eurelectric's public documents.

²³ This is contrary to what Nilsson et al. (2009:4457) found in their study. They note that EURELECTRIC had problems making a strong position because of diverging interests among its member organizations. However, this claim was refuted by the representative of EURELECTRIC in my interview (2011). The only exception is BDI in parts of its views. However, BDI is less relevant as a representative of the utilities industry in Germany than BDEW, because it represents a string of other industries as well. BDI mainly represents energy-intensive industries in this context.

bodies that are organizationally the closest to decision-makers in the European Union, since such organizations are the most likely to lobby the EU institutions. Still, the fact that interest organizations operating at the EU level are included here give reason for caution in analysing and interpreting the empirical material, and might constitute a weakness in the research design. Therefore, the analysis will distinguish clearly between the two groups of interest organizations in order to achieve analytical clarity.

3.4 Choice of methods

Since very little systematized information on my topic was available, interviewing interest organization representatives became the main method of data collection. The research interviews were semi-structured with open-ended questions, to allow respondents could answer in their own ways (Andersen 2006). This also led the interviewees to elaborate in greater detail and be open. On the other hand, I occasionally had to intervene when they began talking extensively about issues not relevant for this study. As Berry (2002) and Gerring (2007) recommend, method triangulation was used to ensure best-possible reliability and internal validity of data. Different methods were used simultaneously, such as process tracing and document studies combined with interviews (Checkel 2007, Gerring 2007:217). Process tracing enabled me to map certain decision-making processes. For example, I cross-checked interview data from each interview with written sources and other interview data, and written sources were checked against each other and interview data. A range of different sources were scrutinized, including press releases, annual reports, newspaper articles and research studies. All sources were critically evaluated, and first-hand sources were used as much as possible to ensure correct interpretations of the political processes (Kjeldstadli 1992, George and Bennett 2005:90). Further, prior to the actual interviews, I studied the organizations and the research on the topic closely, to become familiar with the context and have qualified expectations as to the answers. I also used other methods to enhance the validity and reliability of the study. For example, I contacted ‘the receivers’ of the lobbying efforts, like various members of the European Parliament in the Committee on Industry, Research and Energy (ITRE), including the Belgian *rapporteur* Claude Turmes. Unfortunately, they either declined or did not respond to my proposals for research interviews. All interviews were recorded and transcribed; in addition, I made notes about my main impressions from the interviews the same day that they took place. Last, the interviewees were allowed to read through, check quotes and comment on the presentations of their respective organizations. One possible drawback with this approach is that respondents might withdraw quotes that they realized might put them in a undesirable light. On the other hand, this procedure increased validity, as misunderstandings and inaccuracies were cleared up. The interview guides in German and English, and the original quotes in German are presented in the appendixes.

The research project was notified to and accepted by the Norwegian Social Sciences Data Services (NSD). Since the topic can be perceived as sensitive, all respondents were guaranteed anonymity so that they could

be more open about their lobbying strategies. On the one hand, this might have provided more extensive and more honest answers. On the other hand, transparency is always an ideal in research (Nygaard 2008), so publishing the interviewees' names is a way of enhancing the reliability of a study. The representatives were contacted in January, February and March 2011 with a formal research proposal per e-mail in English (and also German in Germany), in line with Goldstein's (2002) recommendations. If they did not answer, I also phoned them. At least one week in advance, I sent the respondents a list of key words or the interview questions to aid them in recollecting exactly what had happened, since the actual political processes had unfolded some three to four years earlier. Respondents' memories are often weaker than with more recent incidents, which also might decrease the reliability of their answers (Andersen 2006). This enabled them to have time to discuss with others, look up documents and reflect upon what happened back then – although they might also have been influenced by people they talked with in the meantime. This tactic proved useful in the interviews in Germany in particular, as German is my third language. Under the interviews I used probing actively in order to ensure that the information was correctly understood, and check that the interview object provided correct information (Berry 2002, Andersen 2006). This strategy proved very useful strategy, as respondents had to specify what they meant and I could test my understanding of the subject matter.

3.5 Threats to validity and reliability

There were considerable differences in the amount of experience the interviewees had with the political processes leading to the Renewables Directive. Some were the main responsible figures in their organizations, and were thus key informants. Others were not, and two respondents were even not employed in the organization at the time. In most cases where I did not get to interview the most central person(s), these would be people placed at or near the top of their organizations. Since it was hard to get interview dates at all, I assumed that asking the organizations to provide me with a different interview date once I had already had one would be deemed inappropriate. The representatives from BDI, BEE, BBE and EREF were people who had major responsibility for handling the Renewables Directive within their organization. In BDEW, EPIA and Eurelectric, the interviewees had worked more with other topics at the time. The respondents from BWE and EWEA had been employed after the EU negotiations were finished. These latter groups are of course probably less able to provide valid and reliable information than the first, since they did not lobby themselves. For example, a few times during the interview with the Eurelectric representative, I realized he was providing slightly inaccurate information about the political processes, but that need not have been deliberately done. More probable was that time had weakened his memory since the negotiations some three to four years earlier – a factor that might also reduce the reliability and validity of the other answers in general (Andersen 2006). This interpretation is supported by the fact that this particular respondent agreed with my

perception of ‘the story’ when I explained that previous research has told a somewhat different story in a few details (interview Eurelectric 2011). In two instances, involving BDEW and BWE, I sent formal requests to persons I had not interviewed earlier, in order to get more information and improve the validity and reliability of the data. The person in charge at the time in BWE then provided the information that I needed.²⁴ One of BDEW’s people in charge then also supplied additional and useful information.²⁵

The interviews in Brussels were conducted in English, and the interviews with German interest organizations were conducted in German, on the assumption that interviewing in the language closest to the working language or most natural for the interview objects would probably produce better answers. Then they logically could speak more freely. Therefore, this factor also possibly enhanced both the reliability and the validity of their answers. However, especially conducting interviews in German made it harder for me to reformulate questions when the interviewees did not understand them, and ask follow-up questions. This meant that I had less control over the interview situation than if all interviews were conducted in English. This might of course have had a negative effect on the quality of the empirical material. In addition, I have used many German sources in order to get as many original sources as possible, to enhance the validity of the study.

My interviewees can be considered as elite informants. They also seemed to have their own political agendas, as many of them tried to convince me about which support mechanisms were better. This made me particularly cautious when interpreting the findings, in line with the recommendations of Berry (2002) and Andersen (2006). Both underline that interview subjects are not obliged to tell the truth, and that it is common to exaggerate their own importance. A further factor that might have impaired the validity and reliability of the data is that it is always harder to obtain the best-quality information and understand the political contexts in foreign cultures, as pointed out by e.g. Hantrais (1999:103). However, the fact that information gathering was conducted in a culture not my own might also be an asset, because I automatically got an ‘outsider’s perspective’ on the political processes.

²⁴ The interviews with BWE’s two interviewees are therefore referred to as ‘interview BWE 2011a’ and ‘interview BDEW 2011b’ respectively.

²⁵ Similarly, the interviews with BDEW’s two interviewees are referred to as ‘interview BDEW 2011a’ and ‘interview BDEW 2011b’ respectively.

4 ‘The world’s first major renewable energy economy’

This chapter reviews the history of renewable energy in Germany, with particular emphasis on the conflict between the conventional power producers and the renewables producers. Such an overview is important for understanding the political context of energy policy in Germany. The chapter concludes by outlining the development of the three largest renewable energy technologies in terms of power output. Hydropower is excluded here, as its potential is already almost fully exploited in Germany already.

4.1 The historical development of renewable energy in Germany

Non-renewable sources like coal, oil/gas and nuclear power have accounted for the largest share of energy production in Germany since the Second World War. To keep up with increasing demand, the government has traditionally provided hefty subsidies to research and development of these sources of electric power (Jacobsson and Lauber 2006). As a large industrial state and major world exporter, Germany has high levels of both energy consumption and GHG emissions. Further, Germany is heavily dependent on imported fossil fuels as a country with scarce natural energy resources.

Germany embarked on its policy on renewable energy in 1974, after the 1973 oil crisis. For the first 15 years, it consisted mainly of funding research on renewable energy. This was partly a result of environmental concerns from the political opposition parties, especially regarding nuclear power, where opposition peaked in 1978 (Lauber and Mez 2004:599). Like several other European ‘green’ parties, the German Green Party was founded as a political reaction against nuclear energy and nuclear weapons (Schmidt-Haüer 2011). It has since become one of the largest and most influential green parties in the world, as well as ranking among the biggest German parties according to polls, thriving not the least on the widespread opposition to nuclear power (see for example *Die Zeit* 2011b).²⁶ Government funding led to a host of research programmes conducted by universities, private firms and research institutes both within wind power and solar energy, which provided information on which to base actions. From the 1970s on, various interest groups also started to emerge: for example, the German Solar Energy Association (*Bundesverband Solarindustrie*) and several environmental organizations were founded in the 1970s (Jacobsson and Lauber 2006:263).

²⁶ On 27 March 2011, the Green Party won a historic victory in the federal state Baden-Württemberg. After 58 years of CDU rule, the Green Party together with SPD won the majority of votes, with the Greens in the lead Baden-Württemberg thus became the first German federal state to have a Green President (*Die Zeit* 2011b).

Not until recently has the 1960s strategy of basing the security of electricity supply on nuclear reactors and coal-fired power plants been seriously challenged. In the meantime, the nuclear and coal industries have received funding and tax subsidies that dwarf the support to renewable energy. This massive funding has contributed to making the German utilities industry a very large and influential actor, both politically and economically (Jacobsson and Lauber 2006:262, 263). Until the EU Electricity Directive that required unbundling, the utilities were able to exploit monopoly positions in the supply infrastructure (Eikeland 2011). After a series of mergers, the market today is dominated by the four giants EnBW, RWE, E.ON and Vattenfall, but also other actors produce electric energy, among them a host of municipalities. From the early 1990s onwards, Germany's utilities industry and their interest organizations have been largely hostile to certain support mechanisms for renewable energy, such as feed-in tariffs. One reason is that they have considered the production of renewable energy as uneconomic and not fitting into the supply system. Often renewable energy in Germany has been produced in small and decentralized units. Further, the grid system has until recent years largely owned by the utilities. According to Jacobsson and Lauber (2006:261, 262), among others, the main governmental ally of the utilities industries has remained the Ministry of Economic Affairs. The utilities industry is represented through various interest organizations at the German and the European level.

German opinion was highly divided on the issue of nuclear power until the Chernobyl accident in 1986. A sizeable majority opposed to nuclear energy then rapidly emerged. After Chernobyl, the Social Democrats in *Sozialdemokratische Partei Deutschlands* (SPD) demanded the gradual phase-out of nuclear plants, whereas the Greens in *Bündnis 90/Die Grünen* demanded immediate shutdown (Lauber and Mez 2004:599). Nuclear phase-out, '*Atomausstieg*' has been an important issue for these parties ever since, while the majority in Liberals, *Freie Demokratische Partei* (FDP), have traditionally been staunch supporters of nuclear power. The Christian Democrats in *Christlich Demokratische Union Deutschlands* and *Christlich-Soziale Union* (CDU/CSU) have held a position in-between, being categorized as a part of the 'green side' by several scholars,²⁷ but also giving in to demands of the nuclear industry.²⁸

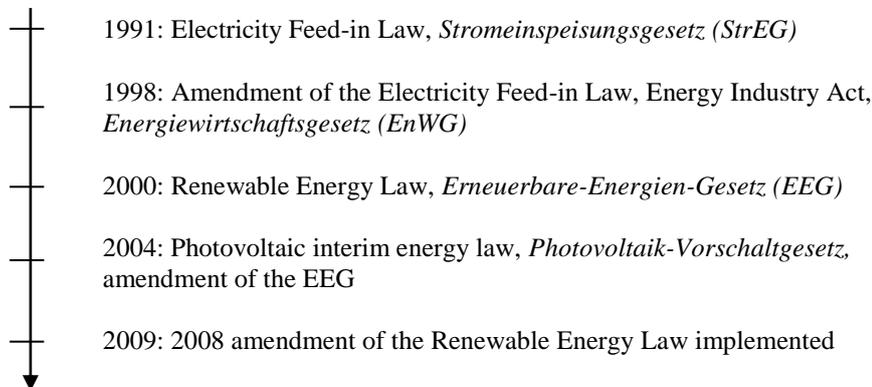
In 1988, the government decided to create a market for renewable energy (Jacobsson and Lauber 2006:260). The authorities implemented a range of measures for boosting investment in renewable energy production, including a programme that aimed at the installation of 250 megawatt of wind power. In 1991, they introduced a feed-in law which required the grid operators (at that time, the utilities sector) to pay producers of certain types of renewable energy 80 per cent of (average historical) prices for energy as feed-in tariffs. In addition, the electricity suppliers had to

²⁷ See for example Dagger (2009).

²⁸ Remarkably, in October 2010, the German government consisting of CDU/CSU and FDP changed the law made by the SPD and the Greens that demanded the shut-down of all German nuclear power plants by 2021. This moratorium gave all the power plants longer running times, '*Laufzeitsverlängerung*' (*Die Zeit* 2011c).

accept renewable electricity fed into the grid (Jacobsson and Lauber 2006:264, Held et al. 2010). This heralded the start of the massive growth of renewable energy that has taken place ever since. At first, the government tried to get the utilities to commit themselves voluntarily. When this did not work, the option was to introduce a bill making these commitments compulsory. Several actors supported this bill, among them the CDU/CSU and the Green Party, the Ministry of Research and the Ministry of the Environment. The conservative-headed Ministry of Economic Affairs and the Parliament were more sceptical. In the end, the bill achieved consensual support and was adopted. The large utilities companies did not make any large-scale protest at the time. Lauber and Mez (2004:561) explain this inaction by the fact that the utilities were preoccupied with German reunification, and that they also underestimated the effect of the new law. The reunification of Germany had a deep impact on energy consumption and production. Germany's total emissions of CO₂ decreased significantly because the government decided that old polluting industry was to be shut down – yielding what have been called ‘wall-fall profits’ (Sprinz 2001:13). Later, this law had a cap so that regional grid operators should not be put at a disadvantage. Grid operators had to pay feed-in tariffs of up to 5 per cent of energy production stemming from renewable energy sources. As the feed-in tariffs were linked to retail electricity prices, this made the renewable energy producers vulnerable to declining power prices, which was a consequence of liberalization of the electricity market in the 1990s (Held et al. 2010).

Figure 2: Timeline: main renewable energy legislation in Germany



Sources: Lauber and Mez (2004), Jacobsson and Lauber (2006), Dagger (2009), and Held et al. (2010).

The combination of the programmes for renewable power and the new feed-in law was immediately successful in boosting production of renewable energy: both capacity for photovoltaic power and wind power were built out (Jacobsson and Lauber 2006:264). The law was most effective for the wind industry, because the tariffs did not compensate well enough for large establishment costs for new production facilities for other renewable power sources such as solar power (Jacobsson and Lauber 2006:260). Before the law was implemented, the German government

asked the Commission whether it would be acceptable, and got approval. According to Lauber and Mez (2004), there were two reasons. First, it was assumed that the law would have insignificant effects. Second, the law was ‘in line with the policy objectives of the Community.’ The power companies regarded the new law as unfair: it had a heavy impact on the utilities, and burdened the various regions unequally because in regions with a lot of wind power the power companies had to pay far more in feed-in tariffs. In addition, the industry wanted to avoid the situation the authorities had created in 1975 when they introduced special subsidies to the hard coal industry, at the expense of the utilities industry and the consumers. Therefore, they tried both political and juridical measures to get this legislation changed (Jacobsson and Lauber 2006:265).

According to Agnolucci (2006:3542,3543), the feed-in law (StrEG) favoured wind power heavily, to the detriment of the utilities companies, which had to pay fixed prices for electricity that indirectly subsidized the wind-power industry. This resulted in a large-scale increase in wind power between 1991 and 1995, which halted between 1995 and 1996. The wind power plants were located mostly in Germany’s northern federal states (*Länder*). The utilities there had to pay more than southern energy companies after the energy market in Germany was liberalized in the 1990s. In addition, the utilities lost market shares to the new renewable actors, whom they viewed as competitors. Therefore, energy companies instigated law suits in several German courts. In 1996, both the Federal Court of Justice of Germany, and the Supreme Constitutional Court declared that the feed-in law was constitutional (Agnolucci 2006:3543, Szarka 2007:33). Thereafter, the utilities’ interest organization *Verband der Elektrizitätswirtschaft e. V.*, (VDEW), filed a complaint with DG Competition, claiming that the EU state-aid rules had been violated (Jacobsson and Lauber 2006:265). At this time, the Commission also claimed that the minimum price for wind was too high, and that the legislation should thus be altered. According to Lauber and Mez (2004), their steady supporter Ministry of Economic Affairs was pleased with the Commission’s support, and proposed reducing the tariff rates.

This ruling resulted in a major political battle among various interest groups, ending in a massive demonstration. On the one side of the conflict was a coalition consisting of the metalworkers’ union, farmers, church groups, and environmental organizations and renewables associations. On the other side was the alliance of investment goods industries and the utilities companies (Lauber and Mez 2004:5). However, the utilities did not succeed in getting the feed-in law changed in the German Parliament, the *Bundestag*, where the amendment was narrowly defeated (Jacobsson and Lauber 2006:265). The ongoing conflict between 1996 and 1998 made investors less inclined to invest in wind turbines, but when the tariffs were set as before, the wind turbine industry grew faster than ever. In addition, large companies now entered it, thereby boosting its negotiating power (Lauber and Mez 2004:5). Activists and local utilities working to introduce solar power plants in their areas supported the solar industry. Through various means, the market for solar panels continued to grow after the first measure, the 1000-roof programme, was finished, although the authorities did not

launch a follow-up programme (Lauber and Mez 2004:6, Jacobsson and Lauber 2006:265). Solar power had a high standing in Germany. It was developed after local activists conducted political campaigns for local governments to get their local utilities to make contracts with suppliers of renewable energy ensuring that investment costs would be covered. The *Länder* also supported making a market for solar power. In addition, Greenpeace had a large-scale campaign that resulted in many thousand orders for solar-cell rooftops (Jacobsson and Lauber 2006:266). The solar cell industry intensified its lobbying.

In 1998, Germany adopted the Energy Industry Act, *Energiewirtschaftsgesetz* (EnWG), in order to implement the Electricity Directive 96/92/EC in German law. Lauber and Mez (2004:5) explain that this law modified the previous feed-in law in several ways, first and foremost through a new compensation mechanism that distributed the cost of attaching extra electricity suppliers to the network more evenly, but the feed-in tariffs remained unchanged. At this point, a coalition between the Social Democrats and the Greens was in power. This red-green government launched several strategies to improve the conditions for renewable energy, including an eco-tax on energy, a 100,000-roof programme for solar cells, and negotiating an agreement to phase out nuclear energy. In addition, several programmes offered favourable ‘soft loans’ for renewables. Three years later, all the goals set had been achieved (Agnolucci 2006:3539; Staiss 2003, cited in Jacobsson and Lauber 2006:267, 268). Then in 1998, a large-scale market reform was implemented, liberalizing the energy market. That led to reduction of electricity prices, and consequently lower revenues for owners of wind turbines (Jacobsson and Lauber 2006:267).

In 1999, the Ministry of Economic Affairs wanted to reform the feed-in law of 1990. It proposed a system where the utilities could pay a voluntary tax to promote renewable energy, and argued in favour of a quota system. This alternative was also favoured by the utilities companies, because it would be financially advantageous for them. The *Bundestag* party groups of the coalition opposed this solution, however. Instead, they proposed a bill which was adopted in March 2000 – the famous Renewable Energy Sources Act (EEG, *Erneuerbare-Energien-Gesetz*). Basically, the EEG continued the previous feed-in philosophy where ‘the polluter pays’ principle was essential. In addition, continuing to subsidize renewables would only be fair, because the utilities industries had been subsidized heavily for decades. It granted investors in renewable energy steady prices per unit produced for 20 years. In addition, the feed-in tariffs were no longer capped according to share, but distributed evenly among all grid operators (Jacobsson and Lauber 2006:267, 268; Held et al. 2010).

The EEG met harsh criticism from the utilities’ interest groups and other business organizations. The Federation of German Industries (BDI) maintained that this law would burden the German economy by destroying its competitiveness and making electricity prices higher. The utilities’ interest organization VDEW claimed that the prices would be

passed on to customers, because of price increases caused by less competition in the market (Jacobsson and Lauber 2008:268). On the other hand, the powerful industrial association, the German Engineering Federation (VDMA, *Verband Deutscher Maschinen und Anlagenbau e. V.*), supported the law.²⁹ Initially, DG Competition was sceptical to the law and questioned whether it was compatible with EU law until 2002, although the European Court of Justice had ruled that the German laws were compatible with EU law in the similar *PreussenElektra vs. Schleswag* case in 2001 (Lauber 2007:18). In 2001, the Social Democratic/Green government introduced a law requiring the utilities to shut down all their nuclear reactors by 2021. Also in 2001, the government effected the transfer of responsibility for renewable energy from the Ministry of Economic Affairs to the Ministry of the Environment, which was positive to renewable energy production (Lauber and Mez 2004:607).

At least since the 1990s, the debate in Germany has been marked by two fronts with largely opposite views as to funding, support mechanisms, net access and other issues linked to the production of renewable energy. Several studies have looked into these groups of actors, for example Dagger (2009), who enquired how the groupings lobbied to influence the revision of the EEG in 2008, which was implemented in 2009. Alliance patterns seem to have changed little, apart from one thing: increasingly: all political parties today have members and supporters who are very positive towards renewable energy production. Moreover, the utilities appear to be growing more positive towards renewable energy production – for example, they have all established daughter firms that invest heavily in renewable energy. Table 2 shows these two fronts. The groupings are based on Sabatier's advocacy coalition theory framework (1988) to illustrate that a range of actors participated and influenced policy-making on support mechanisms to renewables.

²⁹ VDMA still does. It represents manufacturers that produce, *inter alia*, equipment for the steadily growing wind- and photovoltaic industries (VDMA 2011b).

Table 2: Fronts in the debate on renewable energy in Germany

	‘Economic coalition’: supports market-based system	‘Ecologic coalition’³⁰: supports feed-in tariffs
Ministries	Bundesministerium für Wirtschaft und Technologie (BMW, the Federal Ministry of Economic Affairs and Technology)	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit (BMU, the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety) Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz (BMELV, The Ministry of Food, Agriculture and Consumer Protection)
Political parties	Freien Demokraten (FDP, the Liberals)	Bündnis 90/Die Grünen (the Greens), Sozialdemokratische Partei (SDP, the Social Democrats), Die Linke (the Left) A large faction of CDU/CSU (Christian Democratic Union of Germany and the Christian Democratic Union of Bavaria)
Business organizations	VDEW– Verband der Elektrizitätswerk (today: BDEW, Bundesverband der Energie- und Wasserwirtschaft) Bundesverband der Deutschen Industrie (BDI, the Federation of German Industry) Verband der Industriellen Energie und Kraftwirtschaft, (VIK) Industriegewerkschaft Bergbau, Chemie und Energie (IG BCE, Mining, Chemical and Energy Industrial Union)	Bundesverband Erneuerbare Energie (BEE, the German Renewable Energy Federation) BEEs members, including Bundesverband WindEnergie (BWE, the German Wind Energy Association) Verband Deutscher Maschinen und Anlagenbau e. V. (VDMA, the German Engineering Association) Industriegewerkschaft Metall (IG Metall, The metal workers’ trade union) Deutschen Bauernverband e.V (DBV, The Farmer’s Union)
Other organizations		Environmental groups, Greenpeace in particular, civic interest groups for renewable energy such as Eurosolar, church groups
Companies	The utilities companies, RWE, E.ON, EnBW and Vattenfall	Solar-cells producers, wind energy manufacturers, other producers that concentrate on renewable energy

Sources: Lauber and Mez (2004), Jacobsson and Lauber (2006), Szarka (2007:33), and Dagger (2009, quoting Reiche (2004), Hirschl (2008) and Evert (2005)).

Comments to Table 2: The table show how many German public and private groups have participated and participate in the public debate on support mechanisms, and the broad legitimacy enjoyed by renewable energy production.

³⁰ These names are used because these labels have also been used in other research literature on interest groups in Germany’s energy policy, for example Dagger (2009) uses the labels ‘ökonomischen Koalition’ and ‘ökologischen Koalition.’

4.1.1 *The utilities fight back: PreussenElektra v. Schleswig in 2001*

In the Regional Court of Kiel, the major utilities company PreussenElektra³¹ lost to the renewables company Schleswig as regards the ‘additional costs’ caused by the feed-in law of 1990. The background was a claim that such indirect support would be incompatible with EU legislation. This court referred the case to the European Court of Justice (ECJ) to see whether this was the case, and also if quantitative import restrictions were permissible. In March 2001 came the ruling: the ECJ did not agree with PreussenElektra, and pointed out that the obligations could not be considered as state aid because they ‘did not involve any direct or indirect transfer of State resources’ (Agnolucci 2006:3545, Szarka 2007:33). Further, the ECJ ruled that quantitative import restrictions were acceptable, because of the European Communities’ own legislation, as well as other international treaties like the Kyoto Protocol (Szarka 2007:33). This ruling has been of paramount importance because it established guiding principles for feed-in tariffs in Europe, and led to laws in Germany and the rest of Europe (Mez 2007, Szarka 2007:33).

4.2 **The 2000s: enormous growth for renewable energy**

The four large German utilities are truly giants. For example in 2011, the world’s largest non-state-owned power company E.ON AG achieved almost 113 billion Euro in turnover, and employed a workforce of close to 79,000 around the world (E.ON 2008a, RWE 2008, E.ON 2012). The four large utilities together had around 200,000 employees in 2010 (Blasberg et al. 2011). Although these utilities have close ties to top politicians and have lobbied steadily, Germany has, as noted, continued and expanded its feed-in laws. The utilities and their interest organizations criticize photovoltaic energy support schemes harshly, which receives the highest rate of feed-in tariffs of the larger renewable technologies (interview BDEW 2011a). This criticism seems to have had little effect: German governments have continued to support renewable energy production in general and photovoltaic energy in particular – as exemplified by the decision on implementation of the Renewables Directive, where the German government put all its efforts in Brussels into defending its views on voluntary support systems during the negotiations that led to the Renewables Directive (Nilsson et al. 2009). Its positive attitude to renewable energy is exemplified in numerous ways, for example in public documents:

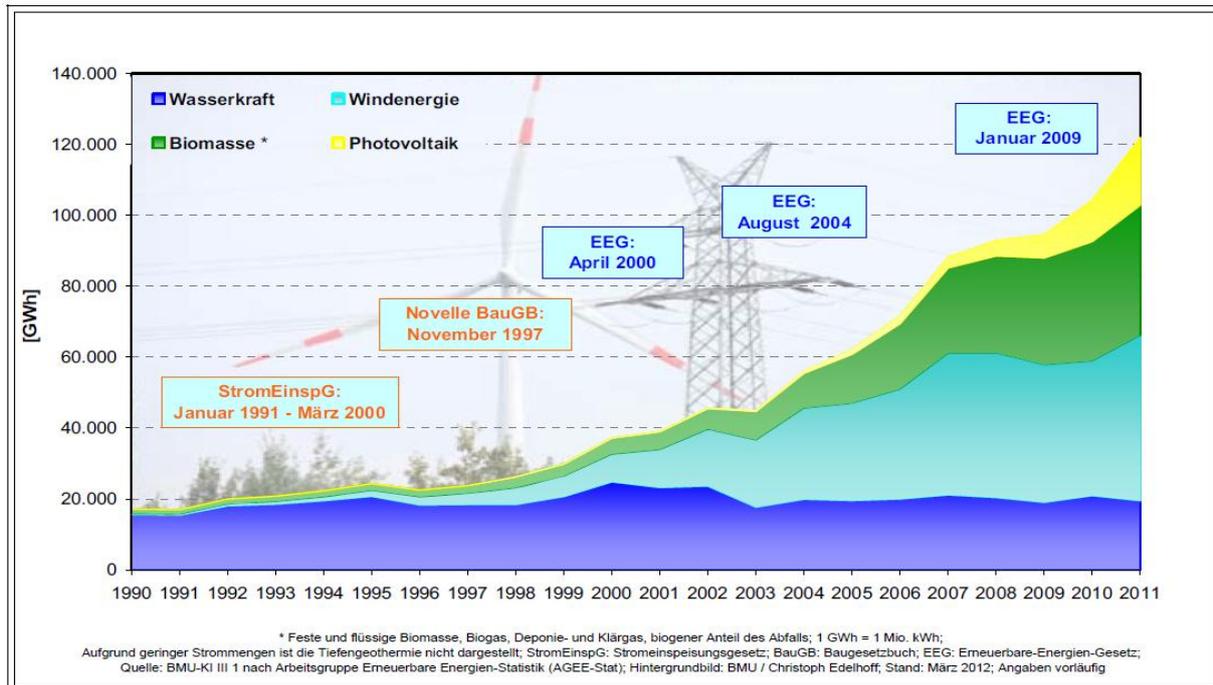
The Renewable Energy Law has been an incomparable success on the balance sheets. For more than 10 years, an appropriate and flexible instrument has existed, and the share of renewable energy in the energy supply has risen continually and spurred innovative impulses. The Government strongly supports an ambitious expansion of renewable energies (German Government 2011).

³¹ In 2000, VEBA and VIAG merged to create the energy giant E.ON AG, today the largest non-state energy business in the world (E.ON 2011). One of its daughter firms, E.ON Energie AG, was created by the merger of the firms Bayernwerk and PreussenElektra.

The renewables industry in Germany has steadily created more jobs, and increased revenues, as well as contributing to a larger and larger share of the country's electricity production and total energy supply. Altogether, the industry more than doubled the number of employees when all associated businesses are included from 2004 to 2010, with a growth from 160,500 to 367,400 (BMU 2011a, 2011b). The renewables' share of electricity production increased from 6.4 per cent in 2000 to 15.1 per cent in 2008 and 20 per cent by 2011, corresponding to 122 TWh. When all domestic energy consumption is included, renewable energy contributed to 12.2 per cent in 2011 (BMU 2011a, 2012b). In addition, Germany is home to some of the world's largest producers within renewable technologies, such as equipment for wind production, as well as solar energy production. This has made Germany 'the world's first major renewable economy' (Burgermeister 2009). In consequence, the renewables industry has become increasingly important economically, socially and environmentally. German progress has inspired many countries, and today 19 other EU members have similar systems for enhancing their production of renewable energy (Lauber 2007). Germany aims to be an environmental leader in the EU and globally, and has set ambitious long time targets for itself. For example, in autumn 2010 the government announced new and aggressive targets that included boosting the share of renewables to 80 per cent energy consumption and 60 per cent of primary energy consumption by 2050 (BMU 2010). Figure 3 shows the massive growth of renewables in Germany.

4.2.1 At the forefront of technology and innovation

Germany has several research institutes focusing on renewable energy. The *Wuppertal Institute* researches on renewable energy, and the large *Fraunhofer Institute group* of 60 institutes conducts research on renewable technologies and energy-efficient living. *Öko Institute* investigates the various challenges related to sustainable development; including renewable energy support mechanisms (see e.g. Mitchell et al. 2006, Hennenberg and Fritsche 2008). The German Ministry of the Environment has in-house expertise and also commissions research reports. In addition, it provides basic funding to several research institutes for research on environmental and renewables issues (BMU 2011b). Further, all the German political parties have personnel focusing on renewable energy (interviews BEE and BBE 2011). The utilities interest organizations also have research institutions that back them up with scientific arguments.

Figure 3: Production of renewable power in Germany, by sources

Source: BMU (2012b).

Comment figure 3: Germany's renewable energy production, marked in colours, has expanded, especially in the last decade. The figure also indicates the massive investments in photovoltaics in recent years.

4.2.2 The front-runner: wind energy

Wind energy has grown considerably in Germany over the past two decades, and is now the largest source of renewable electricity production. In 2007 and 2008, there were approximately 20,000 wind-production centres across the country, producing 22,347 and 23,903 Megawatt hours of electricity. In 2007, the wind industry employed about 90,000 people, more than the number currently employed in the coal industry. The number of employees in the industry is expected to grow considerably in the years to come, as in other renewable technologies. Offshore wind in particular is set to expand rapidly because of domestic and global demand. 2011, new offshore wind parks produced 108 MW (BWE 2011a, Die Wind Industrie in Deutschland 2011, BMU 2012b). Equipment for wind production is a large export article: about 80 per cent of the wind energy production facilities and equipment produced in Germany is exported (BWE 2008b). In recent years, wind energy has been the renewable technology that produces the cheapest power after hydroelectricity (BWE 2011f). The price of wind-power electricity has declined steadily thanks to improved technology, and feed-in rates have

been reduced accordingly (BWE 2011b).³² Wind-power technology is fundamental to reaching the renewable goals set for Germany.

Without increased development of wind energy, the government will not reach its target of a share of 30 per cent renewable electricity within 2020. The wind energy is the cheap source in context of the renewable energies. An increased amount of wind electricity is the best insurance against an explosion in electricity prices (Herman Albers, president of BWE, BWE 2008c).

4.2.3 *The work-horse: bioenergy*

Bioenergy contributes to most of the renewable energy, around 70 per cent altogether, when energy from electricity, heating and transportation is included (BMU 2010, interview BBE 2011). According to its own estimates, the industry employed 96,100 persons in 2007 and 95,800 in 2008, with turnover rising from approximately 10 billion Euro to 10.8 billion Euros from 2007 to 2008. The industry is expected to grow considerably in the years to come, and employ around 200,000 people and have a turnover of 20 billion Euros by 2020 (BBE 2011d).

Bioenergy is really the supporting column in the renewable energy mix (interview BBE 2011).

4.2.4 *The diva: photovoltaic energy*

The largest installed capacity of photovoltaics in Europe is not around the Mediterranean Sea, where there is the most sunshine, but in Germany. Both in Germany and at the European level, photovoltaics have had the largest increase in investments in recent years of all renewable technologies (BMU 2011b, interview EPIA 2011, EPIA 2011f, REN21:2012). In Germany, it is private households in particular that produce power from the sun, but there are also an increasing number of large installations. Consequently, there has been a sharp rise in the number of employees connected to the industry in Germany alone, and probably to some extent also in the rest of Europe (BMU 2011b). Photovoltaic technology has improved rapidly, leading both to a considerable increase in power output per panel and lower prices per watt installed. The feed-in tariffs in Germany have accordingly been reduced (e.g. BMU 2012a).

I think given the maturity of the German market, they are more like setting the trend in Europe, so how policies are developing at the national levels. So we are very much looking at how things develop there to replicate or transfer the experience to other countries (interview EPIA 2011).

³² Germany has a stepped feed-in system: when a technology improves so that it provides electricity at a lower price, the tariff is lowered to reflect this improvement (Held et al. 2010).

Photovoltaic energy in Germany has in recent years had an incomparable development worldwide (German government 2011).

Other European countries have also given priority to photovoltaic energy, for example Spain and Italy (REN21 2012). Although photovoltaic energy is still small in comparison to other renewable energies in Europe, it has experienced massive growth over the past two decades (EPIA 2011c). Especially after the Renewables Directive was introduced, the sector has experienced a boom, and has bright future prospects: by 2020, more than 100 GWh of capacity is expected to be installed in Europe (Ossenbrink 2011).

4.3 The great turn after Fukushima: *Die Energiewende*

After the nuclear disaster in Fukushima March 2011, the Merkel-headed German government reversed its former stance on nuclear energy and decided that all nuclear reactors were to be shut down at the latest by 2022 (BMU 2012). Seven reactors were shut down immediately for inspection, while one already was undergoing service. Later, the Government decided that they were to be shut down completely, to the protest of the large utilities, who owned them and would suffer large economic losses from the closure. This *Atomausstieg* ('nuclear phase-out') was in line with earlier decisions made by the red-green government in 2001, but marked a great change from the autumn 2010 policy, where the Government gave the nuclear reactors prolonged running times. The 'Ausstieg' decision had wide-spread support among the Germans, including the *Bundestag* (e.g. Spiegel 2011, Buchan 2012). In the wake of Fukushima, more than 200 000 had taken to the streets to protest against nuclear power. The anti-nuclear German Green party got record levels of support, while the utilities companies launched campaigns to scare the public that the new policy might cause power shortages and blackouts. At the time, 22 % of German electricity came from nuclear power. To substitute this large source of power, the Government launched different policies. The change from a fossil-fuel dependent energy supply to one based on sustainable sources was called *Die Energiewende* ('the energy-turn-around'). The loss of power was to be substituted by several means, including a large-scale build out of renewable energy, using more gas fired power plants, improving grid infrastructure, innovative technology and decreasing energy consumption (e.g. BMU 2011b). The Fukushima accident received an enormous amount of media coverage. Currently (2012), Germany is continuing its ambitious renewables policies, for example building out offshore wind power (BMU 2011c), while issues related to energy and renewables are hotly debated and receive media attention on a daily basis (e.g. Weidlich 2012).

No other country can tap such technical expertise from industry or such bottom-up activism from municipal companies and citizens' cooperatives in support of low-carbon energy (Buchan 2012).

5 Lobbying strategies of the interest organizations

This chapter, surveying the lobbying strategies employed by the interest organizations, is organized as follows: a) a brief presentation of the organizations, b) political position, c) which routes they used to achieve their targets, including cooperative organizations and d) how information was provided. The report begins with the renewables interest organizations at the German and European level. Then, the lobbying strategies of the utilities organizations at both levels will be presented, and the lobbying routes of the two main interest organizations at the national level will be illustrated in two figures. The concluding section presents the major lobbying strategies and summarizes the arguments and the coalitions.

5.1 The renewables organizations' lobbying strategies

National-level renewables interest organizations

5.1.1 *Bundesverband Erneuerbare Energie e. V. (German Renewable Energy Federation)*

Bundesverband Erneuerbare Energie (BEE) is the umbrella organization for all the interest organizations of the renewables energy technologies industries in Germany. With 24 member organizations, it represented more than 30,000 individual members as of May 2011. In addition, it has supporting members, such as suppliers of 'ökostrom' ('ecoelectricity,' i.e. electricity from renewable energy sources) and companies offering financial services and municipal power producers. BEE was founded in 1991 to improve the conditions for the renewables industry. The BEE secretariat is located in Berlin and has a staff of nine (BEE 2011c, 2011d and 2011e).

Political positions

BEE firmly maintained that the Renewables Directive should leave decisions about national support mechanisms to the member states. The arguments adduced were wide-ranging: for example; if certificate trade were introduced, that would undermine the successful German support model.

It doesn't make sense at all to establish a feed-in tariff which cannot have the desired effect, because – due to the equally applicable certificate trade – all cheap resources are bought out by other member states to comply with their targets. I could have in the feed-in law: you will get 9 cent per kilowatt hour, which would be a good incentive for wind power investment. But, if the same investor can get 12 cent per kilowatt hour from the certificate trade in Great Britain, no wind farms and even less so production facilities will be built in Germany (interview BEE 2011).³³

³³ The BEE representative nuanced the original translated quote, so that in reality, he thereby expressed himself in English here. Thus, there is of course no original quote in German in the appendix.

A certificate trading system would lead to lower investment in and deployment of renewables because of lower security for investors, and would result in higher prices to consumers.³⁴ In addition, the EU would most likely not even come close to achieving its renewables target of 20 per cent. Trade in certificates would create more bureaucracy, because every country would have to create a body to oversee the trading and to establish a common European market place for it. This would be very expensive, especially for small and middle-sized producers. A certificate trading system would not increase security of energy supply, because Europe lacks electricity grid infrastructure to handle the cross-border transmission of large amounts of electricity. If energy were to be produced only where it could be done most efficiently in Europe, wind power would be produced in Great Britain and along the coasts, photovoltaic power in Southern Europe and bioenergy in Eastern Europe. Hence, power would be produced mainly in peripheral locations that lack net capacity to handle such amounts of electricity. In addition, it would probably be very unpopular among the people living in these areas (BEE 2007, BEE 2008a, 2008b). BEE was satisfied with the outcome of the Directive. The BEE representative interviewed noted how they had managed to convince German politicians of their arguments, although the utilities industry still dwarfs the renewables in terms of financial output.

Lobbying routes

BEE expects policy-makers in the government to listen to them, and has good contacts within the Ministry of the Environment in particular, which is in charge of renewable energy, but also contacts within all the political parties, which have their own experts on renewable energy. BEE had the German state as the main target of its lobbying efforts, but also worked actively to promote the industry's interests directly vis-à-vis EU institutions. Its committee *Arbeitsgruppe Europa* (AG Europa) forged the policies on European issues such as legislation made in the European Union. In addition to lobbying the two ministries responsible, the Ministry of the Environment and Ministry of Economic Affairs directly, BEE also used two indirect lobbying channels: First, by exerting pressure on the government by identifying 'friendly' politicians particularly within the two ruling parties (SPD and CDU/CSU at that time), as well as within other parties. Second, they made an informal alliance with environmental organizations like Greenpeace as well as Friends of the Earth (BUND) and others, who actively lobbied the government on renewables policy because these technologies contribute to mitigation of GHG emissions. BEE's goal with its lobbying/political actions was to get as broad a support base as possible, also among the public – so that the politicians would know that if they made laws negative towards renewables, they would be going against public opinion (interview BEE 2011). A majority in the *Bundestag* supported them, and voted for a resolution that the member states should determine the support mechanisms themselves,

³⁴ Certificate/Quota-Systems and Feed-in tariffs are both essentially 'market-based' although only quota-systems are termed 'market-based' in everyday parlance: Certificate/quota-systems set the quantity and get the price on the market, whereas Feed-in sets the price and gets the quantity from the market.

with no EU-wide certificate trade (Dagger 2009:99). Then Germany could keep the successful EEG and stick to its domestic renewables targets.

[...] that would have been a problem, because the very successful support mechanism that we have in Germany, the EEG, would not function properly any longer. This is where we had the first severe controversy with the European Commission. And this was one of the few points where we could not find a solution at the working level (interview BEE 2011).

At the European level, BEE participated in meetings and exchanged information with EREF, EREC and other European associations. BEE is a founding member of EREF and works closely with EREC in a network of national associations (BEE 2011b, interview BEE 2011). BEE lobbied European Union services, for example the EU Commission's unit within the Directorate General for Transport and Energy (DG TREN) that drafted the Directive, particularly the Head of Unit, Hans van Steen (interview BEE 2011). The Chairman of AG Europa, Rainer Hinrichs-Rahlwes, is currently (2012) also the president of the European Renewable Energies Federation, EREF. From 2008, he was one of the vice-presidents, and before that a board member. This means he has spent considerable working time in Brussels and has good contacts within the Commission and within the European Parliament. This contributes to coordination of viewpoints and actions towards politicians at the German and EU in BEE, EREF and EREC (EREF 2010, BEE 2011b, interview BEE 2011).

All renewables organizations lobbied the executives responsible for drafting the Directive, DG TREN in the Commission, and the committee in charge in the European Parliament, ITRE. BEE's specific focus in Brussels involved talking with the German members of the European Parliament (MEPs) from the various political parties, who could then work further in influencing other MEPs. These interest organizations and their coalition partners coordinated their efforts at the EU level regarding who would meet whom in the European Union, and also shared information to a considerable extent. Figure 4 illustrates the complexity of lobbying this European legislation.

It was almost funny at that time to come to the Renewable Energy House. There were people discussing the draft Directive in small groups, and quite often there would be someone from Greenpeace in one room, and someone from the Commission in another room, are all of them together ... in other words a very good cooperation (interview BEE 2011).

On most issues, renewable energy interest organizations argued rather calmly and patiently with the Commission experts in the drafting process. However, when it came to the debate about feed-in tariffs versus green certificates, these organizations were highly determined and outspoken towards Commissioners and even the President of the European Commission. They stressed that the Commission would be heavily

criticized if it proposed a certificate trading system instead of leaving the decision about support mechanisms to the member states.

Confrontation was sought only when it was absolutely necessary, and that was the question about certificate trade, which would have destroyed all successful support systems for renewables in Europe. At this point, we did seek confrontation, we found it and we won. Differences about all other points could be seriously discussed and solutions found in general agreement (interview BEE 2011).

Supply of information

Bundesverband Erneuerbare Energie provided the German politicians, journalists, and EU-level politicians with position papers and press releases. In addition, they made and/or spread comparisons between countries with a feed-in tariff system and with quota systems that showed that electricity price increases were far lower in the countries with a feed-in system, Germany and Spain, than where there was a quota system (as in the UK). Their informal coalition partners in the environmental movement had long been providing the German authorities with position papers and studies conducted in collaboration with research institutes about the future prospects of renewable energy in Germany (see e.g. WWF 2007).

BEE arranged dinner debates with German MPs in Berlin, and with German MEPs in Brussels. Due to limited resources, they concentrated on like-minded politicians who could in turn provide further outreach to others. This proved to be a successful and productive strategy that was well received by MPs and MEPs alike. BEE did not have much money and or many employees, so they could for example not run advertisements in the papers. Instead, they focused their efforts where the most effective, on certain arguments and certain individuals, and produced clearly formulated position papers. Through informal coalitions with environmental organizations at the national and the EU level, they indirectly boosted their level of personal resources. This probably enabled them to raise their total lobbying pressure. My respondent underlined that, both in Germany and at the EU level in Brussels, informal meetings in offices and meetings were by far the most important (interview BEE 2011).

The main impact came from informal meetings: that we spoke with the people who worked on the Directive, we told them what we thought was important, and we told them what we thought was quite bad in the drafts that we had read (interview BEE 2011).

It was not only the renewables lobby that requested informal meetings with politicians, civil servants in the relevant ministries and the like: the converse was also the case (interviews BWE, BEE, EWEA 2011). BEE and other interest organizations maintained steady contact with people in Berlin and at the EU level, and that provided a flow of information not possible through official channels. Early access to information provides opportunities to make suggestions about what should be changed and to mobilize early. The renewables industry's interest organizations shared

such legislative drafts with each other, and arranged a large-scale mobilization when a first ‘leaked draft’ proposed a system that would include EU-wide certificate trade for target compliance in December 2007 (Nilsson et al. 2009, interview BEE 2011). In fact, as one interviewee noted, such interaction between interest groups and governments and Commission services is nothing unique to the conditions surrounding the Renewables Directive, but is normal business in Brussels (interview BEE 2011). In addition, press releases with BEE’s viewpoints were issued in order to influence public opinion and decision-makers in the German government and the *Bundestag*.

5.1.2 *Bundesverband WindEnergie e. V. (German Wind Energy Association)*

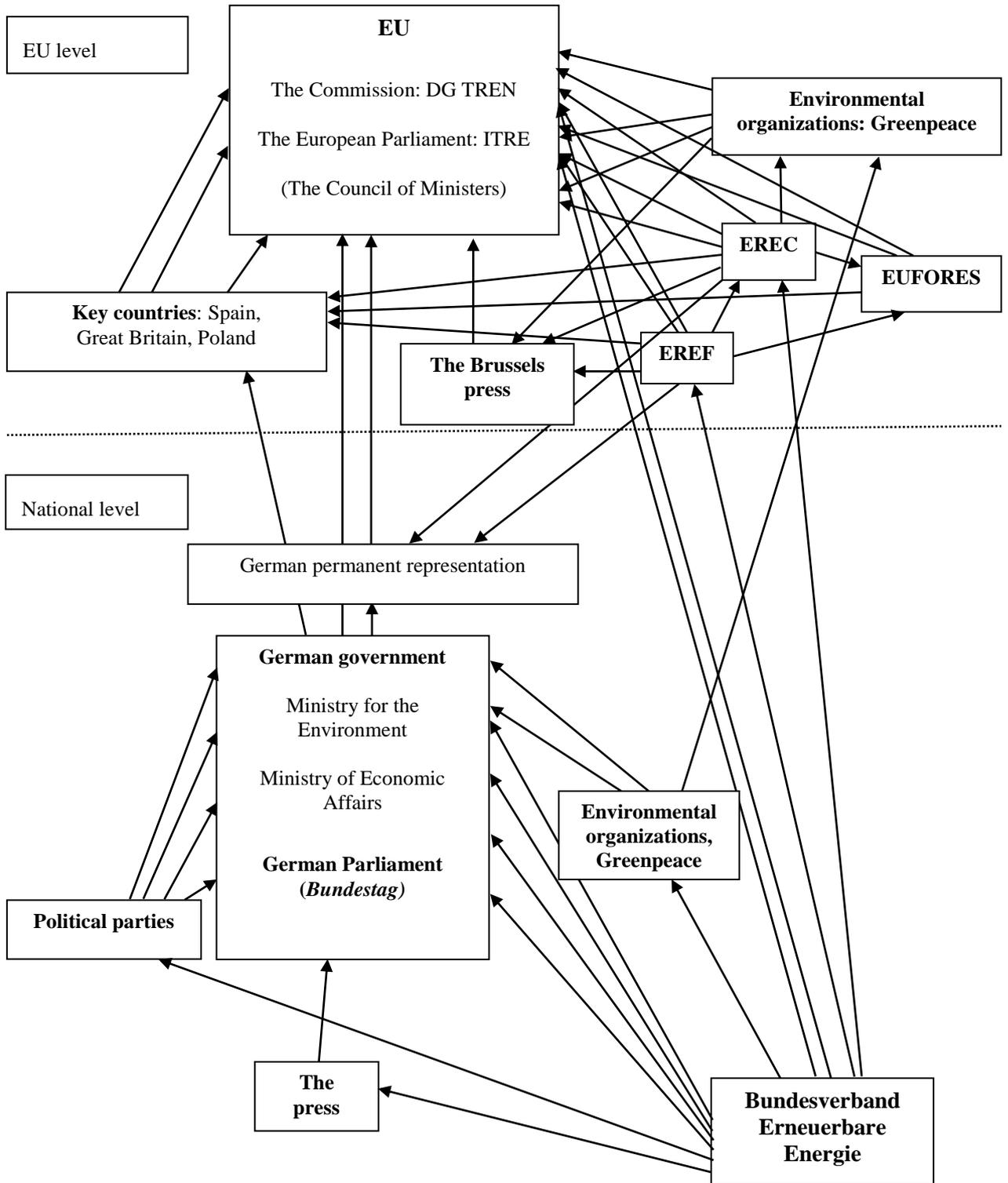
Bundesverband WindEnergie e.V. (BWE), with some 20,000 members, is, according to its home page, the ‘world’s largest interest organization for renewable energy.’ It organizes a wide range of members, from the wind energy producers and their shareholders, to scientists, planners, engineers, technicians and lawyers. BWE also has member organizations at the regional and local levels, and emphasizes building of knowledge. Today, it is by far the largest German renewable industry interest organization in terms of staffing, with 35 employees at its main office in Berlin (BWE 2011c, 2011b, 2011e).

Political positions

Bundesverband WindEnergie promotes stable economic conditions so that it can be safe to invest in wind energy in the years to come. That is why they advocated a system involving national support mechanisms such as feed-in tariffs, similar to the *Erneuerbare-Energien-Gesetz*. BWE is also opposed to a system of tradable green certificates because, in their view, that would lead to wind-power being produced almost exclusively along the coasts of Europe, in areas far away from major economic zones and from where electricity is consumed. Such construction would not be readily accepted among the local residents either. In addition, BWE has pointed out that a virtual trade that fails to take account of energy transfer account is the approach for Europe, where there is an urgent need to develop and improve the electricity grid (BWE 2008b). Since the Directive provided stable framework conditions for the wind industry and had legally binding national targets, BWE was basically satisfied with the outcome of the Renewables Directive (BWE 2008d and 2008e). Table 3 summarizes the arguments in the debate.

Comment to figure 4: *The figure shows the typical lobbying routes of the BEE. We may note several findings regarding the lobbying of the German renewables industry: first, more lobbying routes seemed to have been than the case with the utilities industry’s interest organizations. Second, as opposed to the utilities industry, the renewables industry was supported by the environmental movement in Germany and elsewhere. Third, the renewables industry had a larger number of interest organizations working on its side at the EU level, also the environmental movement. Last, the renewables industry was supported by key countries like Germany and Spain. The figure is based on the interviews and other material, but some lobbying channels might have been left out.*

Figure 4: Lobbying routes of Bundesverband Erneuerbare Energie



Sources: interviews BEE, EREF and EPIA 2011, press releases.

Lobbying channels and coalition partners

The interest organization used ‘all the normal lobbying channels,’ which included consulting with people in the various German ministries including the Ministry of the Environment, in addition to lobbying the political parties (interview BWE 2011a). BWE participated in Arbeitsgruppe Europa together with the other renewables interest organizations. Bundesverband WindEnergie belongs to the European Wind Energy Association, which as noted is a member of EREC (interview BWE 2011a, interviews EWEA and BEE 2011). Influencing the German government’s position was a top priority, similar to Bundesverband Erneuerbare Energie and European Wind Energy Association (EWEA). BWE participated when BEE arranged the information event for German MEPs, and also lobbied and corresponded with German MEPs and the Commission. All the lobbying at the European level was coordinated so that the organizations promoted compatible political positions (interview BWE 2011b). Both BWE and the German organization that represents the equipment producers for wind energy, Verband der Maschinen und Anlagenbau (VDMA) participated on the board of the European Wind Energy Association (EWEA). In addition, BWE was a member of EREF. First and foremost EWEA, but also EREF, thus constituted BWE’s indirect lobbying strategy at the EU level. Further, BWE worked together with Greenpeace, EREC and national associations, for efficient resource sharing. At that time, only one person in BWE was working, part-time, on the Directive (EREF 2011c, interview BWE 2011b).

BWE also coordinated with wind energy companies (manufacturers, project operators etc.) and these also took the opportunity to approach politicians/MEPs/ Commission etc. so that we were able to do task sharing and multiply our actions (interview BWE 2011b).³⁵

Provision of information

BWE supplied German politicians and the German press with various kinds of information, including press releases (see BWE 2008a), position papers (see BWE 2008b) and statistics (see BWE 2011d). EWEA reports that it supported the German member organization with arguments as well as with funding (interview EWEA 2011). BWE used various means to get its message across: it arranged parliamentary evenings in Brussels, had personal conversations with decision-makers, and expanded its internet site, etc. Like the other German renewables interest organizations, BWE was aided by the fact that the Ministry of the Environment frequently engaged research institutes to investigate topics related to renewable energy. BWE participated in some of these projects, providing information on wind power (interview BWE 2011b).

³⁵ This respondent answered in English; therefore the quote is not in the list of translated German quotes in the appendix 9.1.

[...] a lot of good material at the time was, for instance, provided publicly by research institutes engaged by the Ministry of the Environment [...] (interview BWE 2011b).

5.1.3 Bundesverband BioEnergie e. V. (German Bioenergy Federation)

Bundesverband BioEnergie e. V. (BBE) is an umbrella organization for the entire bioenergy industry in Germany. It works with all kinds of bioenergy uses – electricity, heating and for fuel, thus representing other organizations for bioenergy at the national, regional and local levels. Some of its members are also research institutes (BBE 2011a, BBE 2011c). Several BBE members earn their revenues mainly from export, so the Renewables Directive was particularly important because of the conditions it would set for bioenergy production and consumption (interview BBE 2011). The BBE secretariat is located in Bonn and counted seven people as of 2011. At the time the Directive was negotiated it had four staff members, one working specifically with EU affairs (interview BBE 2011, BBE 2011b and 2011e).

Political positions

BBE argued in favour of ambitious and binding renewables targets. It was opposed to harmonized support for mechanisms, stressing that the member states should decide for themselves. The organization strongly wanted Germany to keep its *Erneuerbare-Energien-Gesetz*, which they viewed as ‘outstanding’ and by far the most efficient instrument for increasing the renewables share of electricity production. Therefore, BBE was satisfied with the outcome of the Renewables Directive, not least that there was no harmonization of support mechanisms or trade in green certificates. However, like other renewables interest organizations, it held that the goals should have been more ambitious, as the German target was merely what the government already had decided to pursue (interview BBE 2011).

[...] altogether we think that we succeeded well in getting our positions integrated because the main target was reached: to massively build out renewable energies in Europe. And currently there are also no harmonization instruments (interview BBE 2011).

Lobbying strategies

Normally, Bundesverband BioEnergie focuses on the German market and on influencing the political processes in Germany and German legislative processes and policies. At the national level, BBE belongs to the Bundesverband Erneuerbare Energie, which made a common position for all the renewable power producers in Germany. However, as the Renewables Directive was central piece of legislation for the German renewables industry, BBE worked hard politically to influence the German government and the *Bundestag*, as well as the political processes in the EU through active membership in the European Biomass Association (AEBIOM). Indirectly, through AEBIOM, Bundesverband BioEnergie is also a member of the European Renewable Energy Council (EREC). In

addition, it has signalled its position directly to the Commission (AEBIOM 2011a, 2011b, and interview BBE 2011).

Naturally, we communicate our positions, both towards the German ministries, but also the members of the German Parliament, the German members of the European Parliament, as well as to the Commission itself, directly (interview BBE 2011).

These organizations at the national and the European level produced information jointly, such as press statements and reports, and made common political stances (interview BBE, EREF, and BEE 2011). Bundesverband BioEnergie also maintained contact with environmental organizations, and tried to convince them about the virtues of bioenergy. Thus, major German environmental organizations such as BUND, World Wide Fund for Nature (WWF) and Nature and Biodiversity Conservation Union (NABU) were invited to all their events (interview BBE 2011). Environmental organizations still regard bioenergy as by far the most controversial of the various sources of renewable energy. They are sceptical to the expansion of bioenergy production because they do not regard some types of bioenergy as sustainable, and also point out that some bioenergy sources are highly inefficient and costly (see e.g. Greenpeace Germany 2008, NABU 2008 and WWF 2011).³⁶ Also at the EU level, the environmental organizations have been rather sceptical to bioenergy, because of its possible adverse consequences on food production, and other aspects. This led the renewable energy interest organizations to support a common position that bioenergy should follow sustainability criteria to be accountable for the renewable energy targets. Under these conditions, the environmental organizations worked together as an informal coalition (interviews BBE and BEE 2011).

Collaboration with other renewables interest organizations provided better access to existing contacts and new political contacts. These included ministry staffs, parliamentarians, decision-makers in other interest organizations, businesses, church groups, interest organizations and environmental organizations. BBE works continually to maintain a good long-term relationship with decision-makers. Because of limited resources, BBE was concentrating its resources where deemed most useful – and that did not include establishing a formal alliance with environmental organizations (interview BBE 2011).

The renewables organizations altogether is equipped with far less resources than the conventional energy industry, and therefore it was a necessity that we here cooperate well and use the synergies (interview BBE 2011).

³⁶ Greenpeace was dissatisfied with some parts of the Renewables Directive, in particular that the Directive ‘encourages widespread use of biofuels’ (Greenpeace Germany 2008).

Provision of information

Bundesverband BioEnergie supplied political institutions with information in various forms, such as position papers written alone or together with the other members of BEE, press releases, brochures and graphic materials. Information was conveyed through several channels and means: events, conferences, parliamentary evenings or breakfasts, personal conversations with decision-makers, information speeches, press conferences and study tours to producers of renewable energy. The BBE representative held the most important channels of influence to be the position papers and the personal conversations. With a small secretariat of only four people, the capacity to work directly towards the EU was limited. Further, the representative noted that the strategy would always depend on the financial resources as well as manpower of the organization (interview BBE 2011).

European-level renewables interest organizations

5.1.4 European Renewable Energies Federation asbl.

European Renewable Energies Federation (EREF) represents small and middle-sized producers of various kinds of renewable energy. They are particularly dependent on good and stable support mechanisms for production. Germany is the country with the largest number of members, including the Bundesverband Erneuerbare Energie and Bundesverband WindEnergie, but also other organizations like Bundesverband Deutscher Wasserkraftwerke and Fachverband Biogas. In addition, four of the German members are private producers. EREF employs two people, half time (EREF 2011a, interview EREF 2011). EREF's current president (2012), Rainer Hinrichs Rahlwes, was also the leader of AG Europa in Bundesverband Erneuerbare Energie at the time the Directive was negotiated and afterwards. From 2008 to 2010, he was one of the vice presidents of EREF (EREF 2010, EREF 2011b).

Political views

The primary function of EREF is to promote and protect members interests by legal action in the EU and in the member states, for example against; '[...] pressures for feed-in systems, grid-access discrimination, regulatory burdens, research money privileges to the fossil and nuclear sector, investor unfriendly multiple changing of regulatory frameworks for RES energy and campaigns belittling renewables as too expensive and not able to deliver and a nuisance to grid management [...]' (EREF 2011a). The federation championed the same goals as the other renewable industry's interest organizations: a voluntary system regarding support mechanisms, binding targets and national templates. Therefore, it was generally very satisfied with the outcome of the Directive (interview EREF 2011).

Lobbying channels and partners

EREF undertook intensive lobbying to voice its views regarding the Renewables Directive. This included participating in all formal events.

With limited personnel resources due to few employees and scant funding, the federation concentrated on having as many personal meetings as possible. This included the key commissioners also before the Directive proposal was published, MEPs, units in the Commission (DG Tren and DG Environment), and key governments like those of Germany and Spain, as well as France. EREF has established long-term relationships with decision-makers and public servants in the European Union, and emphasizes the importance of meeting decision-makers and public servants regularly. Otherwise the federation relied on its national member organizations to lobby the respective governments (interviews BEE and EREF 2011).

EREF also organized several workshops. At all large events, the European renewables organizations worked together. In addition, they had informal allies in the environmental organizations Greenpeace, Friends of the Earth Europe and the group of parliamentarians, EUFORES, where the second rapporteur Claude Turmes from the Green Party was a very active member. The renewables organizations at the EU and national levels undertook a joint effort to get their governments to protest against the draft that proposed a trade-based scheme with harmonized support mechanisms (interview EREF 2011). They succeeded with their pressure, which led, *inter alia*, to the letter that key member states sent the Commission immediately before the Directive was published, 15 January 2008. This letter was sharply critical to a market-based scheme (EurActiv 2008, Toke 2008). Three of the signatories – Germany, Spain and Slovenia – have also been involved in the *International Feed-In Cooperation*, which works to promote feed-in tariffs internationally and improve existing feed-in systems (International Feed-In Cooperation 2007). At the same time, EREC also sent an open letter with harsh criticism (EREC 2008).

[...] we also managed to get the German and Spanish governments to write a letter to the Commission stating that the Commission was not allowed, or should not come up with a harmonized green certificate scheme, but that this should be up to the member states (interview EREF 2011).

Provision of information

EREF has for several years produced the EREF Price Report, which gives an overview of prices of renewable energies in the various countries of EU and compares the prices for support schemes (see e.g. EREF 2007). In addition, EREF has issued press releases used in the media. The organization also covers the policies of its main opponent, Eurelectric, in order to develop their own opinions on the topics and ‘put in a counterweight’ (see e.g. EREF 2008, interview EREF 2011). The EREF Price Report is one such means, as the utilities industry for example has commissioned and produced reports with quite different starting points. These argue that current feed-in mechanisms are very expensive when put into practice (interview Eurelectric 2011). My respondent pointed out that the majority of EU member states had always been against trade in green certificates. The few countries that favoured it, like the UK, which

had introduced trade in green certificates nationally, came to shift their position when they realized that such trade would have an adverse effect on their own markets for renewable energy (interview EREF 2011).

There was a good overlap between the interests of the renewable energy associations, the green associations and of key governments. And that made it (interview EREF 2011).

5.1.5 European Wind Energy Association

The European Wind Energy Association (EWEA), founded as early as in 1982, is the largest of the renewables industry interest organizations in Europe, with over 600 members from the whole world. It represents the manufacturers that hold the lion's share (90 per cent of the global wind-power market). EWEA's permanent staff number about 55 employees per today, and was around 20 when the Renewables Directive was negotiated. Both companies and interest organizations such as Bundesverband WindEnergie are members, but in different categories. The membership fee is calculated on the basis of turnover in 'wind energy activities,' so that the largest member companies pay by far the most. All the renewable daughter firms of the utilities are represented on the EWEA board of corporate members, such as E.ON Climate and Renewables and RWE Innogy (EWEA 2011a, 2011b, interview EWEA 2011). Both Bundesverband WindEnergie and VDMA hold places in the board group for associations, so the German renewables industry seems well represented.

Political positions

The EWEA respondent (2011) pointed out that the 2001 Renewable Electricity Directive was a very good starting point, because most of its content was simply copied over to the electricity part of the revised version. EWEA's overarching lobbying intention was to convince the policy-makers of the importance of having legally binding national targets and that the national action plans should have a template made by the Commission. Like the other renewables interest organizations, EWEA wanted the individual member states to be able to choose support mechanisms themselves. Their main point is that well-functioning support mechanisms should continue to be used to ensure stable conditions for investors. Imposing harmonized support mechanisms would be very difficult in Europe, where countries differ so greatly in renewable energy resources and economic conditions. Thus, EWEA was very content with the outcome of negotiations on the Directive (interview EWEA 2011).

We don't say feed-in is better than certificates or better than tenders, we want them all to be well designed as a point, and if well designed, all of them can be useful, and if badly designed, all of them can be bad (interview EWEA 2011).

Lobbying strategies and partners

EWEA worked with the Commission, the Parliament and almost all the permanent representations as well as visiting countries that seemed negative to the Directive. It was especially important for them to have the

big countries on their side. EWEA lobbyists participated in all formal public hearings and official consultations, as well as having contact with all relevant directorates and units. In addition, they had frequent personal meetings with decision-makers and employees in the Commission and the European Parliament. EWEA followed the political processes very closely, lobbying the people known to be positive, as well as trying to convince the sceptics. In addition, the association conducted a political campaign targeted at policy-makers, symbolized by a full-scale wind turbine erected in front of the Berlaymont building. To be able to lobby more effectively, EWEA raised its membership fees, which the members willingly paid so that more people could be employed (interview EWEA 2011).

I think our engagement in this Directive was total, was a hundred per cent. It is one of the most far reaching pieces of legislation about renewable energy in the world, with all its defects and limits and nonetheless, you won't find this anywhere else in the world (interview EWEA 2011).

EWEA is a founding member of EREC and its biggest member, followed by EPIA. In the crucial period during the negotiations, EWEA met the other members of EREC regularly to discuss, negotiate and forge a common strategy and common points of view. This was exemplified through common press releases where EREC represented the entire renewables industry in Europe. The various interest organizations strategically exchanged information and contacts in EREC. In addition, EWEA is a member of EUFORES and supports their work. The representative underlined that on several occasions, the Commission has interacted with EWEA as the representative of the renewables industry (interview EWEA 2011).

Supply of information

Information to decision-makers was provided through workshops, conferences, brochures, e-mails and meetings with representatives regarded as particularly important. These included MEPs like Germany's Mechthild Rothe, Anna Podimata from Greece and Fiona Hall from the United Kingdom. EWEA has produced various kinds of information – reports, position papers and the magazine *Wind Directions* (EWEA 2007, interview EWEA 2011). Its lobbying was targeted particularly at members of the ITRE in the European Parliament and key members of the Commission. Where EWEA directed its lobbying efforts towards the Commission, Parliament and the members of the Council in the national representations depended on the policy phase of the Directive. EWEA and the national renewables associations coordinated their views and strategies, with the national associations mainly in charge of lobbying their national governments (interview EWEA 2011).

5.1.6 European Photovoltaic Industry Association

The European Photovoltaic Industry Association (EPIA) has 240 members from the entire photovoltaic sector in Europe and the rest of the

world, making it the world's largest industry association devoted to the solar photovoltaic (PV) electricity market. EPIA has seen a sizable increase in staffing, from 10 when the Directive was negotiated, to 24 by 2011 (EPIA 2011b, 2011g, interview EPIA 2011).

We were still, as you have seen, a marginal technology. Now we are starting to be considered (interview EPIA 2011).

Political positions

EPIA argued for binding national targets as well as sector targets for renewables. Like the other EREC members, they were strongly against harmonization of support schemes. EPIA feared it would lead to trade of certificates that would support mainly the most mature technologies like wind power – the ‘low-hanging fruits.’ That would mean a devastating effect on renewable technologies that were not yet cost competitive, such as photovoltaic power. EPIA has favoured feed-in tariffs, or similar systems, like the Spanish premium system. Hence, EPIA argued for a voluntary system where the member states could determine the support mechanisms themselves. A further key issue concerned mandatory national renewable action plans with a template from the Commission. Apart from the fact that the final Directive did not include sector-wise binding targets for electricity, heat and transport, EPIA was quite content with the outcome of the Directive (EREC 2007, EPIA 2008a, 2008b and 2008c, interview EPIA 2011).

Lobbying channels and lobbying partners

EPIA lobbied both directly and indirectly. The most important channel was through EREC, but they also conducted direct lobbying of MEPs and members of the European Commission. EPIA gave priority to meeting those MEPs and Commission members known to be positive towards renewables, such as the German Metchild Rothe, Anna Podimata from Greece and the rapporteur Claude Turmes from Luxembourg. Lobbying was done not only to promote their views, but also to obtain information as early as possible. The intensity of the lobbying depended on where in the policy phase the draft Directive was. In addition, they had some collaboration with ESTIF, the European Solar Thermal Industry Federation (interview EPIA 2011).

Also at the European level, EPIA and the other renewables interest organizations were allied with NGOs like Greenpeace Europe and Friends of the Earth Europe. The lobbying was done through events like lunch meetings, debates in the Parliament and personal meetings with the Commission (interview EPIA 2011). In general EPIA has worked closely together with Bundesverband Solarwirtschaft (BSW), the German solar energy association, which they support with arguments, but EPIA has also learned from their experience. In Germany, Bundesverband Solarwirtschaft conducts industrial lobbying activity on behalf of the photovoltaic sector. Germany's large, internationally oriented solar energy companies like Schott AG and SolarWorld are well represented, and have held several director posts in EPIA (EPIA 2011e). This would indicate that the German solar energy industry probably has a significant

influence on EPIA. The only national-level activity conducted by EPIA was to meet with the most important national permanent representations in EU, like those of Germany and Greece, and other key governments then regarded as necessary/essential, like Spain. Otherwise, EPIA has relied on its German board members to communicate its position at the German national level (interview EPIA 2011).

With far more means, we would do more. So if we had money to do campaigns, we would have done campaigns. We have not done campaigns, not big ones. With money to have lobbyists in many national countries, we would do much more (interview EPIA 2011).

As noted, the renewables industry interest organizations worked together with environmental organizations at the European level, with Greenpeace in particular (interview BEE 2011). For years, Greenpeace European Union has been working to promote renewable energy, by commissioning and publishing scientific reports on scenarios for renewable energy and publishing press releases (see e.g. Greenpeace European Union 2007, Greenpeace European Union 2008). At least since the 1990s Greenpeace has also promoted photovoltaic power.

Provision of information

To convince policy-makers in the European Union and key member states, EPIA organized gatherings with them such as personal meetings, but also formal events. Through a series of six roundtables with people from the Commission, the Parliament, an industry representative and the press, they informed about various topics connected to photovoltaic energy. EPIA also had briefing breakfasts and lunch meetings with people who are friendly towards their case, such as members of EUFORES.³⁷ The initiative for contact between decision-makers and the interest organization was made on both sides; sometimes meetings were suggested and scheduled by EPIA, other times by people in the Commission (interview EPIA 2011).

[...] we advise them, and they also advise us on strategies to make common positions. It is an [...] exchange relationship (interview EPIA 2011).

Decision-makers were supplied with various types of information, ranging from press releases and position papers to studies conducted together with Greenpeace. EPIA has published the magazine *Solar Generation* since 2001. By pooling resources with Greenpeace, they have managed to conduct studies and thereby contribute high-quality information to decision-makers and the public (EPIA 2011d).

³⁷ EUFORES is a cross-party group consisting of MEPs, honorary members of parliament and honorary presidents. These are full members. In addition, it has supporting membership for non-parliamentary members, like representatives of EU industry associations, non-profit organizations and individuals (EUFORES 2011a, 2011b).

5.2 Interest organizations of the utilities industry

National-level utilities interest organizations

5.2.1 *Bundesverband der Energie- und Wasserwirtschaft e. V. (German Association of Energy and Water Industries)*

Bundesverband der Energie- und Wasserwirtschaft e. V. (BDEW) has 1800 members, which represent in the energy sector 90 per cent of Germany's electricity sales and more than 60 per cent of the local and district heat supply, 90 per cent of natural gas sales. The association represents companies ranging from the large German utilities to the small public-owned power producers in municipalities (interview BDEW 2011b). The reason why BDEW is not a member of Bundesverband der Deutschen Industrie (BDI) is that BDEW represents both private and public interests such as communal power producers, and BDEW's public section would not like to be a part of a private umbrella organization (interview BDI 2011). The secretariat is located in Berlin. As early as 1979, BDEW established a European Office in Brussels which today has three advisors on energy, one of them working on renewable energy (together with other dossiers like energy efficiency, climate and environmental policy) and eight employees altogether (BDEW 2011c, interview BDEW 2011b). As BDEW represents the lion's share of power producers as well as grid operators, the German government and other stakeholders consult them actively in order to ensure cooperation and appropriate implementation of, e.g., the German feed-in law (interview BDEW 2011a).

Political positions

Despite its varied membership, BDEW was clearly in favour of the gradual integration of renewables into the market, also into the European internal energy market. Therefore, BDEW was asking – in the mid- to long term – for a Europe-wide harmonized and market-based system. Acknowledging the need for an adequate transition phase, the association generally favoured the option of tradable green certificates and promoted this view (Umwelt Bundes Amt 2006, BDEW 2008a and b, Dagger 2009:98). One worry has been to ensure the most cost-efficient use of renewables. Another consideration was that if renewables, especially intermittent ones, are introduced into the system with no consideration for system stability and outside any markets ('produce and forget') and gain steadily larger market shares, the rest of the market will not function in the end (interview BDEW 2011b).

That means one wants to get away from a support system and integrate renewables gradually into the market (interview BDEW 2011a).

When the climate and energy package was launched, BDEW expressed the view, on behalf of the industry, that the target of 18 per cent energy from renewable energy sources was very ambitious. The industry is prepared to contribute its part to achieve the binding target (BDEW 2008a). It has envisaged that renewable energy in and outside the European level should be located where the conditions are optimal, like

sunny areas around the Mediterranean, including for example North Africa (BDEW 2011b, 2011d).

Climate protection should not become an object of fiscal policy (BDEW 2008a:15).

Strategies and partners

BDEW's main office in Berlin lobbied both German politicians and the government, with the political processes within Germany as the main target. The association also lobbied the Commission, Council and European Parliament through its Brussels office. In the European Parliament, BDEW had contact with members of all political parties, especially those who were positive. In addition they lobbied the Committee on Industry, Transportation and Energy (ITRE) (interview BDEW 2011b). BDEW has a group of partner organizations that it collaborates with on various issues, like the Federation of German Industry (BDI). In the case of the Renewables Directive, BDEW participated in committee meetings with the BDI, but established no formal cooperation (interview BDI 2011). At the European level, BDEW is a member of Eurelectric, where it is important in formulating Eurelectric's policies (interview Eurelectric 2011).

The utilities industry conducted similar [lobbying activities] to us, only with much more money (interview BEE 2011).

Both in Germany and at the European level, lobbying intensity depended on where in the political process the draft was. In the drafting phase, BDEW lobbied the Commission, and later the European Parliament when the draft was to be voted upon (interview BDEW 2011a). One person in Berlin and one in Brussels worked on the Renewables Directive, but not full time. In addition, people in several committees worked on it (interview BDEW 2011b). In Germany, BDEW has participated in all formal hearings on behalf of the industry. At the European level, Eurelectric normally has this role (interview BDEW 2011a, interview Eurelectric 2011). As a member, BDEW participates in several Eurelectric committees, including the one responsible for renewables policy, the Energy Policy and Generation Committee. Although BDEW represents the whole utility sector in Germany in Eurelectric, it seems that the large utilities are very well represented indirectly through their membership in BDEW. For example, the current (2012) vice president of Eurelectric is Johannes Teyssen, who is E.ON's chief executive officer, and participates on behalf of the German electricity industry (Eurelectric 2011a, 2011b, 2011c). However, leadership positions in Eurelectric have of course varied over time.

Provision of information

BDEW has supplied the German government with information such as position papers and statistical data (BDEW 2008a, interview BDEW 2011a), as well as producing studies and publications in a range of fields (BDEW 2011e, interview BDEW 2011a). It has also arranged at least one

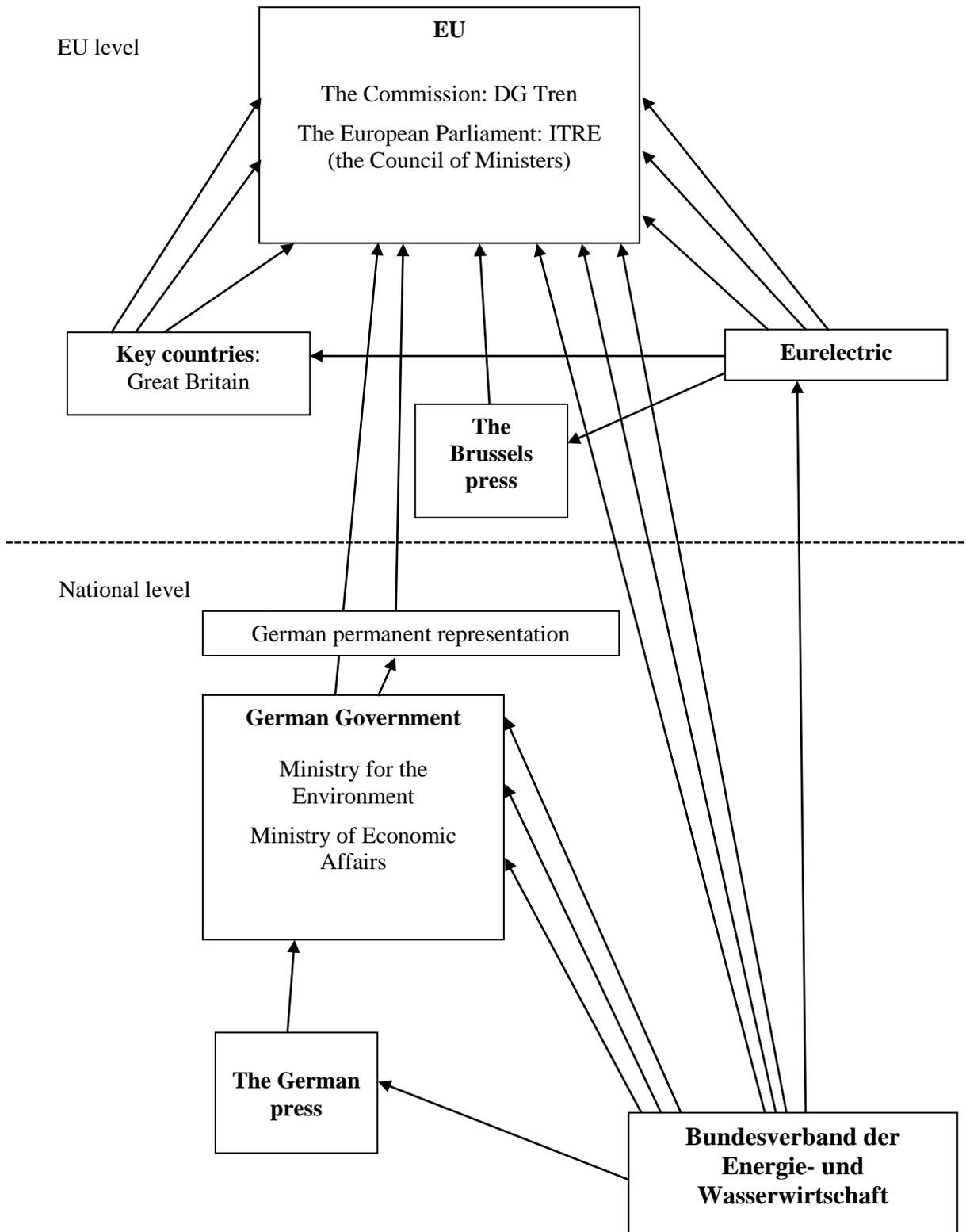
information day, an event where BDEW hosts events with politicians, environmental organizations and others to meet and discuss. According to one of the representatives, ‘BDEW commissioned some general studies concerning the overall development of the energy sector considering climate change, renewable and energy efficiency policies.’ Further studies were not deemed necessary in that specific situation because of the many studies already conducted by research institutes and others, and because such work is expensive. These studies had been commissioned by the government, NGOs or the industry in question (interview BDEW 2011a).

BDEW participated in stakeholder consultations in Germany, in addition to having personal conversations with politicians in the government, parliament and leading members of the political parties (interview BDEW 2011a). The largest members of BDEW, the four big utilities, have far more resources to put into lobbying than their interest organization, and thus probably have access to more venues for lobbying. For example, they have sponsored large-scale, expensive campaigns in the media, like the one presenting nuclear power as environmentally-friendly in order to influence the widespread German nuclear sceptical attitudes in 2007 (*Die Zeit* 2011a, 2011c). This interpretation is supported by Dagger (2009:98, quoting Hauschild 2008), who noted that the members of the ‘economic coalition’ and the four big utilities worked hard to have a European certificate system. Where BDEW put in their efforts, in Germany and at the European level, depended on where in the process the draft was. Since the government was to transpose the European legislation and implement it by December 2010, BDEW also continued working on the Directive after the EU negotiations, in order to influence the implementation (interview BDEW 2011a).

There is no sector that is more intertwined in politics than the electricity industry (Blasberg et al. 2011).

Summing up, like the other German interest organizations, BDEW had three main lobbying routes. First and foremost, it lobbied the German government. It also lobbied the EU through its membership in the European-level interest organization Eurelectric. Last, it lobbied the EU institutions directly. This is shown in figure 5.

Figure 5: Lobbying routes of Bundesverband der Energie- und Wasserwirtschaft



5.2.2 *Bundesverband der Deutschen Industrie e.V. (Federation of German Industries)*

Bundesverband der Deutschen Industrie e.V. (BDI) is an umbrella organization that subsumes more than 30 organizations, indirectly representing 100,000 companies and more than 8 million employees (BDI 2011a). BDI was one of the first business organizations to establish a Brussels office (BDI 2011b). It has represented energy producers in six ways through its member organizations.³⁸ Verband Deutscher Maschinen und Anlagenbau (VDMA) is the largest member organization, with more than 3000 members and its own European office in Brussels; it represents the producers of equipment for, *inter alia*, wind energy and photovoltaic energy production. Therefore, VDMA has frequently come in conflict with BDI on renewables legislation because it supports the present system in Germany (interview BDI 2011, VDMA 2011a and 2011b).

Political views

According to BDI, each year, electricity customers pay about 15 billion Euros extra added to their electricity bills by the feed-in tariffs. This leads to lower competitiveness for German industrial producers in comparison to countries that have no such systems, have much lower feed-in rates, or that cap their tariffs when these reach a certain production level (BDI 2008, interview BDI 2011). BDI would prefer a more cost-efficient system with harmonized support mechanisms across Europe, so that for example the main bulk of investments in photovoltaic energy production would go to the sunny countries around the Mediterranean. Another preferred option would be for states to support the renewables producers directly over the state budget (BDI 2008 and 2009, interview BDI 2011).

And we find that these different systems in Europe, and the lack of exchange...in other words the lack of trade leads the renewables to be produced where the best subsidies are paid rather than where the preconditions are the best. Why must so much solar energy be installed in Germany? (Interview BDI 2011).

BDI did not have the Renewables Directive as a key priority, but focused on influencing German renewables legislation such as the Erneuerbare-Energien-Gesetz (EEG), seen as a ‘catastrophe’ because it is so costly for industrial electricity consumers. BDI considered the German renewables targets to be extremely optimistic, but did not do much to try to influence this aspect of the German position. What Germany was arguing for in the

³⁸The first is **VdV**, *Verband der Deutschen Verbundwirtschaft*, which organizes the large energy companies in Germany within nuclear, gas and coal power (BDI 2011d). A further member is **WeG**, *Wirtschaftsverband Erdgasgewinnung*, which produces the gas for 15–16 per cent of natural gas consumption in Germany. The third way BDI represents power producers is coal power through the organization **VRB**, *Die Vereinigung Rohstoffe und Bergbau e.V.* BDI represents the production of natural oil through **MWF**, *Mineralölgewirtschaftsverband*, which represents the refineries. This energy source is responsible for only for 4 per cent of oil consumption. Last, BDI indirectly also represents the renewable energies, through solar power in **BV Glas**, *Bundesverband Glasindustrie* and wind power through **VDMA e.V.**, *Verband Deutscher Maschinen und Anlagenbau e.V.* (BDI 2011c, interview BDI 2011, VDMA 2011b).

EU negotiations and which also became the national target, 18 per cent, was less ambitious than what Germany had already decided to achieve nationally (European Commission 2011a, interview BDI 2011).

Lobbying strategies and coalition partners

BDI cooperated with BDEW through joint committee meetings on how a common European market-based system could be made, but common political positions were never declared. These two organizations largely shared views, although BDEW was more eager to promote tradable green certificates. BDI was not as positive here, because some of its members, like the German chemical industry, had negative experiences with EU Emissions Trading System and did not want another trade-based system. Instead of collaborating with BDEW, BDI worked informally with the big labour union *Industriegewerkschaft Bergbau, Chemie, Energie* (IG BCE), which organizes employees in the utilities and the energy-intensive chemical industry (IG BCE 2011). BDI and IG BCE prepared a joint position paper showing that both industrial workers and employees in the utilities and energy-intensive industries were affected and shared views (IG BCE 2008, interview BDI 2011).

BDI targeted the German politicians and policy-making at the European level to influence the final content of the Renewables Directive. In Germany, this meant lobbying the Minister of the Environment and the Minister of Economics in particular. They participated in all public hearings alike, but did not address the *Bundestag*, which had little to do with the Directive as such. BDI approached EU-level decision-making processes by two means: indirectly through their membership in Confederation of European Business (BUSINESSEUROPE), and directly on their own. BUSINESSEUROPE and BDI largely shared views in this case (BDI 2008, BUSINESSEUROPE 2008, and interview BDI 2011). As noted, BDI has a small Brussels office that deals mainly with lobbying at the European level. BDI followed the decision-making process and contacted the members of the Commission and MEPs, depending on where in the process the draft was. Due to lack of time and personnel, they had to concentrate on the major figures at the EU level, like the rapporteur Claude Turmes, in addition to the German members of ITRE who were sympathetic towards the positions of German industry (interview BDI 2011). The BDI representative considered the renewables industry to be better represented in Brussels than either BDI or BUSINESSEUROPE. BDI did not succeed in influencing the German politicians, whereas the interest groups of the renewables industry were very important for the German political position, and therefore also the outcome of the Renewables Directive in EU negotiations (interview BDI 2011).

It is first and foremost due to Germany's influence that we have quite different support mechanisms in Europe... and we argue that the support mechanisms should be harmonized, or at least enable trade with renewable energy (interview BDI 2011).

The renewables industry worked with ‘heart and soul’ and managed to convince the decision-makers of the importance of further developing renewable energy. According to BDI (interview 2011), many politicians tend to have rather oversimplified perceptions of the various sources of energy production, and they enjoy widespread public support.

They are all enthusiastic about the renewables. It is like ‘renewable energy is good, and coal, and oil and gas and so on are all bad’ (interview BDI 2011).

Provision of information

BDI issued a press release when the green package was announced. In addition, they prepared at least one position paper (BDI 2008, interview BDI 2011). Occasionally BDI arranged parliamentary evenings to which 10–12 MEPs were invited. Then, the BDI staffers at the Berlin office, who had been mainly in charge of the German positions, travelled to Brussels to participate. Whenever there were formal hearings or similar events connected to the Renewables Directive, BDI’s European office always participated. In addition, they met people informally, at the German and EU levels, to exchange information about political views and political developments (interview BDI 2011).

EU-level utilities interest organizations

5.2.3 Union of the Electricity Industry

The Union of the Electricity Industry (Eurelectric) is the umbrella organization for all the utilities national organizations in Europe with 33 full members from the 27 EU member states and other OECD countries, as well as affiliates and associates on other continents. Altogether, the electricity industry that is represented produces most of the electricity in Europe and numbers some 2500 companies. Therefore, Eurelectric indirectly also represents all the largest utilities in Europe, which have seats in their different committees. These committees determine Eurelectric’s political stances, and then it is the members’ responsibility to disseminate and promote the political positions within their countries. Eurelectric is recognized as the association for the electricity industry in Europe in matters regarding energy policy and is invited to all formal hearings by the various EU bodies (interview Eurelectric 2011). The web pages list the staff as numbering 36 (as of 2012).

Political positions

Following up earlier positions, Eurelectric strongly advocated a European market-based scheme that would include cross-border trade in green certificates by companies and governments, including non-EU countries. Eurelectric was opposed to national binding targets because ‘it would have a perverse effect on carbon price,’ since taking an amount of the electricity out of the carbon market would depress the price of carbon in EU ETS. Thus, immature technologies should get initial support, but not in the longer run, because ‘the CO₂ price in the EU Emissions Trading Scheme should be the main driver for companies to invest in low-carbon energy technologies’ (interview Eurelectric 2011). According to a study

conducted by the consultancy firm Pöyry for Eurelectric in 2008, having 27 different support schemes for renewables in the EU was rather inefficient, suboptimal, and would cost 17 billion Euros a year more than a market-based approach (Eurelectric 2008c, 2008e). Individual subsidy schemes would create ‘subsidy tourism,’ where installations for energy production would be constructed where the subsidies were the largest, rather than where the resource base was the most optimal (interview Eurelectric 2011).

Windmills were built where the subsidies were the greatest as opposed to where the wind blew. Germany has enormous PV installations, and Germany is not the sunniest country in Europe. It is being paid for by the German electricity customers as well (interview Eurelectric 2011).

Cost efficiency is a key word here. One part of Eurelectric’s argumentation is that feed-in schemes are not good tools for installing improved technology because installation owners know they will have support for very many years to come, regardless of what they do with their production facilities (Eurelectric 2007, 2008a, 2008b, interview Eurelectric 2011). Thus, Eurelectric was highly dissatisfied when the final Directive included legally binding national targets and national choice of support mechanisms to achieve the targets, feeling that this might lead to ‘distortion of competition’ (e.g. Eurelectric 2008d, interview Eurelectric 2011).

We knew we had support within the Commission for our ideas, but, the view in the Commission was that we want this directive, and if it is not having a harmonized approach, so be it. So it was a suboptimal decision. That is called politics (interview Eurelectric 2011).

Lobbying routes and lobbying partners

Eurelectric participated in all formal events during the negotiations leading to the Renewables Directive, and had the Directive as a top priority, with two or three people working on it full time at the critical stages. The Working Group Energy Policy and Working Group Renewables and Distributing Generation were in charge of formulating Eurelectric’s political positions (Eurelectric 2008e, interview Eurelectric 2011). In addition, Eurelectric had personal meetings with people whom they regarded as important to talk with, and who would be positive to their views. Their efforts focused on EU institutions – sections of the Commission, DG Tren, DG Environment, DG Climate and DG Enterprise, as well as rapporteurs and party leaders in the European Parliament. Eurelectric contacted parliamentarians known to be friendly to them. Still, the majority in the European Parliament favoured national choice in support mechanisms (interview Eurelectric 2011).

We didn’t have a lot of support in the Parliament because they were voting along country lines. The clear message that came to all of them was: ‘we will have national support schemes’ (interview Eurelectric 2011).

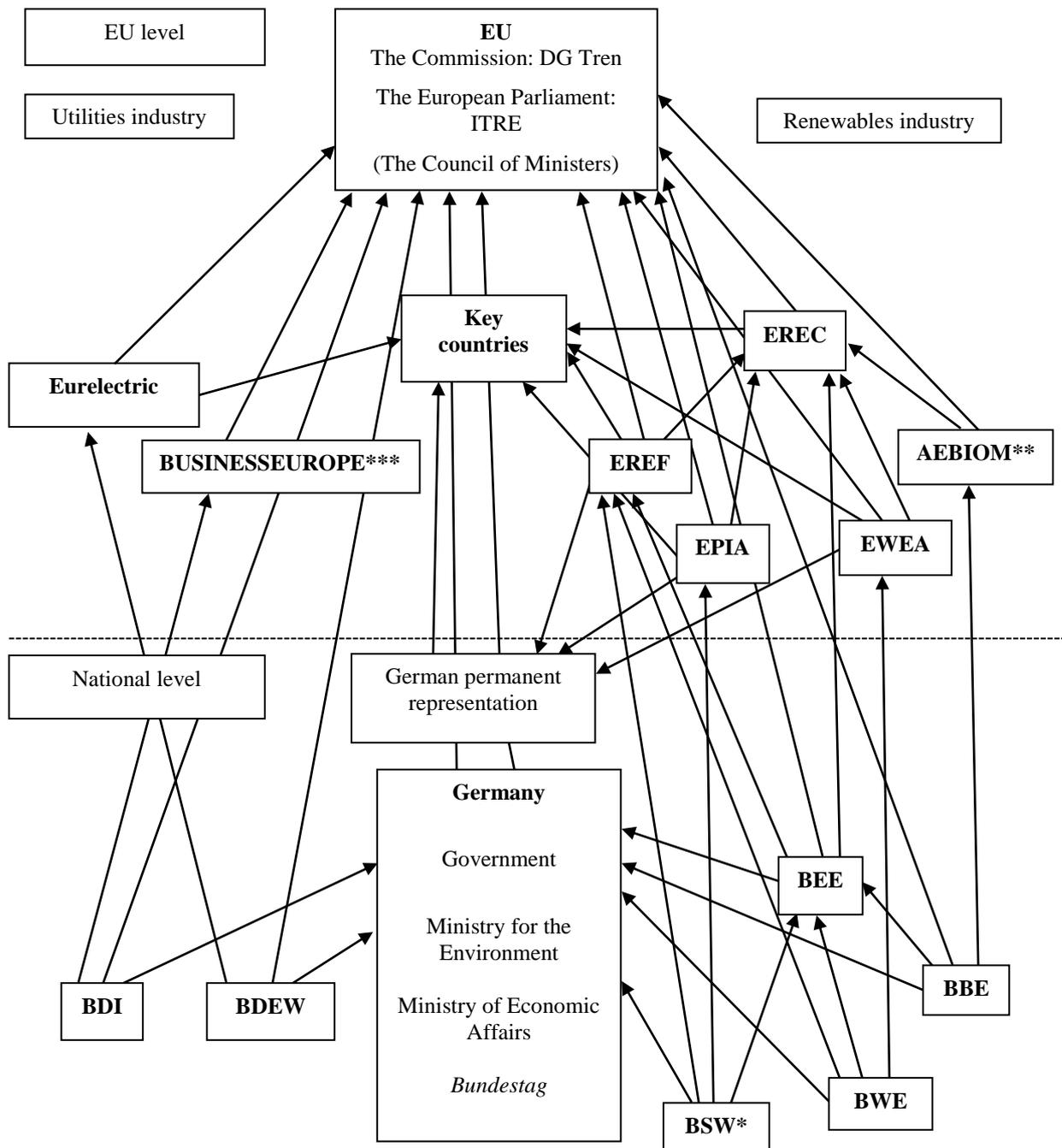
Eurelectric left it to the members to lobby their national governments. Their only close ally when lobbying the question of support mechanisms at the EU level was the Renewable Energy Certificate System (RECS): the 2008 Activity Report notes that they collaborated intensively on lobbying (Eurelectric 2008C). They also worked together to some extent with the European Federation of Energy Traders (EFET). In 2007, Eurelectric issued a joint press release with RECS and EFET (Eurelectric 2007, interview Eurelectric 2011).

Provision of information

In addition to the personal meetings with decision-makers and participation in all formal events, Eurelectric communicated its views through press releases, position papers, reports, workshops and dinner debates. Eurelectric also commissioned a report by the consultancy firm Pöyry on the economic consequences of feed-in schemes (Eurelectric 2008c). As with the renewables interest organizations, the initiative for informal meetings could just as well be come from by a Commission member or MEP as from the interest organizations (interview Eurelectric 2011).

5.3 Summing up the empirical material

All the German interest organizations had three main lobbying routes. The first and most important one involved lobbying the German government, with the Ministry of the Environment and the Ministry of Economic Affairs as the main targets. All these interest organizations also lobbied the central EU institutions directly focusing on the bodies in charge of the Renewables Directive in the European Parliament and the Commission: the Committee on Industry, Research and Energy, and DG Transport and Energy. Third, the German interest organizations lobbied the EU institutions through their European-level organizations. The European-level interest organizations for the renewables industry had three main lobbying routes. First, they coordinated their efforts under the umbrella organization, the European Renewable Energy Council. Second, they lobbied the European Commission, the Parliament and the Council directly; and third, they lobbied key member states. The utilities European-level interest organization Eurelectric also lobbied the EU institutions and most likely the key member states as well. These observations are shown in figure 6.

Figure 6: Overview of the main lobbying routes of the interest organizations

Bundesverband Solarwirtschaft probably lobbied the EU institutions directly as well. For example, EPIA's president in 2007, Winfried Hoffmann, was also the president of Bundesverband Solarwirtschaft (Hoffmann 2007). **AEBIOM might also have lobbied the German permanent representation, but since they have not been interviewed, I cannot know. *The same goes for BUSINESSEUROPE.*

Table 3: Overview of key arguments in the debate

Category	The utilities industry and the rest of the 'economic coalition'	The renewables industry and the rest of the 'environmental coalition'
Costs	A harmonized system of support mechanisms is more cost-efficient for society, whereas feed-in tariffs will cost the state and consumers billions of Euros more.	Feed-in tariffs are the most efficient and least costly way of developing renewable energy production. Germany pays less for its renewable energy per unit than countries with market-based systems like the UK. The real costs of non-renewable energy production are not included in the price, such as the price of pollution. Moreover, a market-based approach will lead to a much lower pace in increasing renewable energy production, and to a higher total price.
Allocation	A market-based system will lead to allocation where the potential for renewable energy production is the largest in Europe, rather than where the subsidies are the highest, such as locating large numbers of solar panels in Germany.	A market-based approach will lead to energy production often located far away from people. Less cost-efficient technologies will not be used even though they still can be important contributors.
Fairness	It is unfair for renewable energy to have preferential access to the grid, and for it to receive so much in indirect subsidies based on taxing the grid owners. ³⁹	The reason why the utilities have good access to the grid is that there used to be monopolies. In 2007, the four big utilities in Germany owned 100 per cent of the entire distribution net, and exploit this fact. Historically, the utilities themselves have received enormous amounts in subsidies. Renewable technologies are developing rapidly, and should continue receiving tariffs until they are mature.
The future	Conventional energy production is important for Germany's energy security and should not be overlooked.	In the future, Germany should run 100 per cent on renewable energy. Continuation of the feed-in system will lead to more investments in technology and innovation, where Germany already is in the lead in Europe.
Employment	Higher production of renewable energy will mean increased costs for industrial consumers, which will threaten the competitiveness of German industry and jobs there.	The renewables industry is expected to expand massively, employing more and more people – over 500,000 in Germany alone by 2020.
Security of supply	Germany needs continuity in its supply, which only the conventional energy sources can deliver, since the wind and sun cannot produce electricity continually.	Germany should reduce its dependence on imported fossil fuels like oil by producing more renewable energy. Bioenergy can give base-load production, and Germany can use for example Norwegian dams as storage facilities. The government must invest in technologies and innovation for efficient storage of energy and expand the grid system.
Investments	Feed-in tariffs do not stimulate investments in new and improved technologies for production because installation owners are ensured income for years.	A European certificate system would make feed-in tariffs no longer useful in Germany, because actors in other countries would buy the cheap certificates for the cheapest renewable technologies, like wind power. In countries with higher tariffs for wind power, people would invest there and not where wind power is produced most cheaply, such as in Germany.

Sources: BDEW (2008a) and (2008b), BEE (2008a), BDI (2008), BWE (2008b), Eurelectric (2008b), Greenpeace European Union (2008), IG BCE (2008), BEE (2011a), interviews BDI, BEE, BBE, Eurelectric, EWEA, EPIA and EREF 2011, interviews BDEW 2011a and 2011b).

³⁹ The German utilities have historically been the grid owners (Agentur für Erneuerbare Energien 2011:6–7).

A precondition for lobbying in alliance is coordination of political positions at the various political levels and across levels. To a considerable extent, the interest organizations of the renewables industry and the utilities industry managed this. The arguments used by the interest organizations at the German and at the EU level were largely the same, adapted to the specific institutional contexts. The one exception in the sample is Bundesverband der Deutschen Industrie (BDI), which represents the utilities in Germany only indirectly. However, the interest organizations of the two industries disagreed strongly on how to achieve enhanced production of renewable energy in the EU. Table 3 sums up their arguments.

The interviewed European-level interest organizations constitute only a part of the picture. Also other interest organizations, private companies and not least EU member states were all active in trying to affect the content of the Renewables Directive. The research interviews indicate that the other important actors are first and foremost key member states like Germany, Spain and the UK; key figures within the Commission and the European Parliament; and the environmental organization Greenpeace. However, since this study is not concerned primarily with questions of causality, no attempt will be made here to qualify which actors were most important in influencing the final content of the Directive. Moreover, there might have been other influential participants in the political processes who are not mentioned in this study. These observations are illustrated in table 4.

Table 4: Fronts in the debate at the EU level

	Pro a European certificate trading system	Pro national choice of support mechanisms
Commission Directorates General (DGs)	DG Enterprise DG Environment Heads of DG Transport and Energy	Other sections of DG Transport and Energy, DG Environment and DG Climate
Countries	The UK (initially), Belgium, Denmark, Italy, Luxembourg, and Sweden	Germany, Spain, Slovenia, Latvia, Poland, France and the UK (in the end)
European Parliament	European Conservative and Reformist Group (ECR), parts of European People's Party (EPP) (Christian Democrats)	The Greens, members of EUFORES, Social Democrats
Business organizations	Union of the Electricity Industry (Eurelectric) European Federation of Energy Traders (EFET) Renewable Energy Certificate System (RECS) Association of Issuing Bodies (AIB) Confederation of European Business (BUSINESSEUROPE)	European Renewable Energy Council (EREC) European Wind Energy Association (EWEA) European Photovoltaic Industry Association (EPIA) European Renewable Energies Federation (EREF) European Biomass Association (AEBIOM) (the other industry associations that are EREC members)
Other organizations		Environmental groups like Greenpeace EU, Friends of the Earth EU (FoE EU), Climate Action Network (CAN), World Future Council (WFC), World Wildlife Fund for Nature (WWF EU), and European Environment Bureau (EEB)
Companies	German utilities companies, RWE, E.ON, EnBW and Vattenfall, most other utilities in Europe (companies that produce equipment for conventional power production)	Iberdrola, the largest Spanish utility, and the big manufacturers of components for production of renewable energy.

Sources: Greenpeace European Union (2007), BUSINESSEUROPE (2008), Eurelectric (2008b), Friends of the Earth (2008), Toke (2008), WWF (2008), Nilsson et al. (2009), Boasson and Wettstad (2010), interviews Eurelectric, EREF, EWEA, EPIA, BEE (2011) and BWE (2011b), Gullberg (2012).

Comments to Table 4: Political views on support mechanisms were divided – within the Commission, the European Parliament, the member states and to some extent also the utilities companies. The renewables interest organizations at the European level had a broader support base because it formed a coalition with environmental interest organizations like Greenpeace. Some member states changed their stance in the course of the negotiations, notably the UK.

6 Explanatory power of the theory perspectives

This study analyses the conditions for choice of lobbying strategies made by the interest organizations of the German energy industries, and the role played by resources. Eight theoretical expectations based on the two perspectives (LI and MLG) will be tested on the empirical material. This testing will take the form of a congruence analysis, examining the extent to which the empirical findings on lobbying behaviour are in line with expectations as stated in the theory chapter. The MLG perspective holds that interest groups will lobby at multiple levels when the stakes are high. Such lobbying is also dependent on financial resources (Eising 2007b). Since the German energy industries are large and wealthy, their lobbying in connection with the EU Renewables Directive constitutes a most-likely case for lobbying in line with the MLG perspective. If the core assumptions deriving from this perspective are not confirmed, the explanatory power of this perspective for understanding EU industrial lobbying is weakened. LI, by contrast, sees states as the main actors on the international arena, so interest groups should be expected to lobby almost exclusively when and where they want to further their interests. The individual states have exercised strong sovereignty in energy policy (Nilsson et al. 2009). Therefore, lobbying at the national level constitutes a most-likely case for the LI perspective. If the expectations based on this perspective are disconfirmed, that will weaken LI's explanatory value as to energy-industry lobbying in the EU. The expectations based on the two theoretical perspectives will be discussed sequentially. The chapter concludes with a discussion of the explanatory power of the two perspectives and the main findings of the study.

6.1 The liberal intergovernmentalist perspective

6.1.1 *Expectation 1: Where did the German interest organizations lobby?*

Energy industry interest organizations lobbied the German government, but paid little attention to influencing policy-makers in the European Union, such as members of the European Parliament or the Commission.

To make analytical sense, this hypothesis must be applied to the German interest organizations, since the EU-level interest organizations have, by definition, been established precisely in order to lobby EU institutions. This is the core expectation based on the liberal intergovernmentalist (LI) perspective. If it is not confirmed by the empirical findings, LI will emerge with significantly weaker explanatory power for understanding lobbying in EU energy policy. This expectation focuses on *where* and *how* these organizations did their lobbying.

The empirical observations show that the national-level interest organizations have clearly directed their main lobbying efforts at political institutions in Germany (interviews BDI, BBE, BEE and BWE 2011, interviews BDEW 2011a and 2011b). This is natural, as all interest organizations normally focus on the closest political level. It is there that

they also enjoy greatest legitimacy, as they represent a domestic constituency that the decision-makers must relate to (Eising 2007a, Mahoney 2007). My analysis here is based on the assumption that the interest organizations' selection of political strategy depends on *rational actor* logic, with lobbying strategies chosen rationally to maximize benefits with the least possible costs (Simon 1976:38–41). However, when we scrutinize *all* the interest organizations' lobbying routes, the first expectation still seems to have low explanatory value.

In contrast to expectations, several findings indicate that the German interest organizations put high priority on lobbying also at the EU level to exert influence. The main observations can be summed up as follows: first, the interest groups all lobbied the EU institutions directly and/or together with other national interest organizations, targeting the German members of the European Parliament (MEPs), the Committee on Transport, Energy and Research (ITRE) and the public officials in DG Transport and Energy (DG Tren) in particular. The strategy of using fellow nationals as 'door openers' to the EU system is well-known in political research (see e.g. Michelmann 1978). The finding also reflects the fact that institutional reforms have given the European Parliament greater powers, which increasingly makes it an attractive lobbying target (Coen and Richardson 2009). This is in line with Eising's (2007b) argumentation: national interest organizations will lobby EU institutions in cases where the legislation affects them heavily, as with the Renewables Directive.

Second, all German interest organizations lobbied the EU institutions indirectly through their own EU-level interest organizations (interviews BBE, BEE, BWE, BDI 2011, interview BDEW 2011a) – which is the typical way in which national interest organizations defend their interests at the European level. Third, the German renewables interest organizations coordinated their political positions in Bundesverband Erneuerbare Energie (BEE) *and* with their European interest organizations, by arranging meetings to exchange information and arguments. Some of the interest organizations' staffs were even employed in organizations at both levels (e.g. EREF 2010). This structural feature probably simplified the aggregation of interests and making common political positions. Further, at the national as well as the EU levels, the renewables interest organizations also coordinated their political positions with informal coalition partners, Greenpeace in particular (interviews BEE, BBE, BWE, EPIA, EWEA and EREF 2011).⁴⁰ The German utilities interest organizations coordinated their political positions in Eurelectric and BUSINESSEUROPE (interviews BDEW 2011a, BDI 2011). Such coordinated positions signal to decision-makers that certain political positions have broad support, and therefore increase their credibility (Mahoney 2007). Since such coordination is resource-demanding (Mahoney 2007), it seems unlikely that these interest organizations would

⁴⁰ According to Nilsson et al. (2009:4458), some sub-units of the environmental organizations disagreed with their organizations' political stance of arguing for national support mechanisms and feed-in tariffs, but in the main they were negative to a Europe-wide green certificate system.

have put efforts into it if it they did not deem policy-making at the EU level to be important for the Directive. Fourth, the utilities' German interest organizations BDEW and BDI have their own Brussels offices, and seem to have lobbied the EU institutions as much as they could, sometimes aided by staff from headquarters (interviews BDI 2011, BDEW 2011a). Coen (2005:198) finds that complex multi-level advocacy coalitions and *ad hoc* interest groups have developed largely in response to the wants of EU institutions, which have asked for horizontal alliances between different groupings such as business and societal interests. Such simultaneous multichannel lobbying can be necessary to maximize political leverage in EU decision-making processes (Coen 2005:200). This seems to have been the strategy of the German renewables interest organizations in particular.

What consequences do the findings have for the theories?

The lobbying efforts of the interest organizations were genuinely multi-level because the EU institutions were seen as important to the outcome of the negotiations on the Renewables Directive. Here, LI fails to explain important features of the lobbying behaviour observed, and is hence weakened as a tool for understanding industrial energy lobbying in the EU. These findings support Eising's (2004) conclusion in his large-N study of interest organizations. His analysis (2004:227, 230) shows that more than one fifth of the national interest organizations in the sample became *multi-level players*, which he defines as interest organizations that are regularly represented at both the national and the European level.⁴¹ About 30 per cent of the German associations belonged to this group. Further, this study indicates that another of Eising's (2004:230) findings is confirmed: multi-level players are more likely to be located at the top of systems of associations. Three of the interest organizations in the sample, BEE, BDI and BDEW, probably qualify as multi-level players, and two of them have their own Brussels offices. All of these are located at the top of the national systems of associations. Dür and Mateo (2012:969) find that 'national associations are heavily involved in EU lobbying, but that resource-endowment and type matter for access.' Therefore, it seems that lobbying the EU institutions increasingly is viewed as an efficient way of attaining influence by national interest organizations. Further, studies on EU lobbying should take into account the role of cooperation in lobbying at various levels of government. Such coordination and cooperation should also be investigated when studying causal processes, as why legislation like the Renewables Directive ended up in its present form. Klüver (2011:487, 502), for example argues that lobby groups always lobby in coalitions. Moreover, their success depends on 'the size of a lobbying coalition relative to its opposing coalition at any given issue.' His observation might also be true for this case: the renewables interest groups seemingly managed to create a larger coalition than the utilities industry, which contributed to their success. Still, the

⁴¹ The sample in Eising's (2004) analysis consisted of interest organizations from Great Britain, France and Germany.

mere fact that multi-level lobbying has taken place is not enough to discredit the whole liberal intergovernmentalist perspective.

6.1.2 Expectation 2: Was influencing the German government a key priority?

The interests with large economic gains or losses domestically will be the most influential when national foreign policy is formed. Therefore, both the utilities industry, and the renewables industry put key priority to influencing the position of German government on the Renewables Directive.

This is also an important expectation based on the LI perspective. The expectation will be confirmed if the German interest organizations did their outmost to influence the political position of the German government. In that case, the LI perspective will be strengthened. Since the focus of this study is on lobbying strategies and not causal effects, the emphasis in this analysis will be on the interest organizations' lobbying efforts, not causal analysis of which industry proved more influential in the end. This expectation focuses on *the intensity* of their lobbying.

Moravcsik (1993) argues that the degree of economic gains and losses will affect interest organizations' motivation for gaining influence. From such a perspective, organizations will act rationally and mobilize resources to ensure a tight coupling of goals, strategies and actual influence. My empirical findings indicate that the interest organizations of both the utilities industry and the renewables industry mobilized politically in seeking to influence the German government's bargaining position. For example, they all arranged or participated in formal and informal meetings with the two ministries in charge of renewables legislation – the Ministry of the Environment and Ministry of Economic Affairs. Also, the interest organizations produced extensive position papers and issued press releases (interviews BEE, BBE, BWE, BDI 2011 and interview BDEW 2011a). The utilities industry seems to have emphasized influencing the German government to a somewhat lesser extent (interviews BDEW 2011a, BDI 2011). However, it is difficult to know the exact scope of their engagement. On the one hand, they produced extensive position papers and press releases. As shown in chapter 4, Germany's utilities and their interest organizations have worked against the feed-in tariffs for years. These findings are supported by Dagger (2009: 98), who notes that the members of the 'economic coalition' including the four large utilities and BDI worked very hard to promote a European trade-based system with trade of green certificates. The 'environmental coalition,' in particular the German renewable power producers, was infuriated by the Commission's proposal to introduce such a system.⁴² On the other hand, my interviewees from the utilities' interest organizations stated that the Renewables Directive was *not* a top priority for them (interviews BDEW 2011b and BDI 2011).

Germany's political positions and actions in the EU negotiations were very much in line with the views of the renewable energy industry.

⁴² For a description of the 'economic coalition' and the 'environmental coalition,' see chapter 4.

Further, the German government knew that it was essentially backed by large segments of the political parties, the environmental movement, and a majority in the *Bundestag* (see table 2 in Dagger 2009:99). All these supported the German feed-in law, and would be negative to an EU Directive that would have put an end to it. Therefore, this outcome is in accordance with Moravcsik's (1993:483, 484) argumentation that, in order to maintain stay in office, governments in democratic societies must have support from 'a coalition of domestic voters, parties, interest groups and bureaucracies.' In addition, an industry with large gains and losses was probably highly influential.

What consequences do the findings have for the theories?

The liberal intergovernmentalist perspective was to a certain extent correct in its prediction on this point: Both industries highlighted influencing the German negotiating position, and the state supported an industry with large gains and losses. Therefore, the findings support the LI perspective, but only to a qualified degree, because of the responses from the utilities industry's interest organizations. Hence, the theory is somewhat strengthened when applied to industrial lobbying in EU energy policy. There can be several reasons why the utilities interest organizations answered as they did. One might be that they put more effort into lobbying other parts of the EU Climate and Energy Package, or perhaps their answers were simply inaccurate.

Although Germany supported national feed-in tariffs and national support mechanisms, this need not be due solely to large-scale mobilization of the renewables industry. The German government's motivations for its actions were probably complex. In contradiction to Moravcsik's fairly simple economy-based model, many factors can be influential in shaping a country's negotiating positions. Determining which factors are the most important requires close process tracing and careful causal analysis to avoid *causal overdetermination* (George and Bennett 2005). In this case, other causal factors may include future economic prospects, previous policies, which parties are in government, and the country's international role. Simplicity is one asset of liberal intergovernmentalism: a good theory should not be too complicated, and it should generate clear predictions. However, as seen here, this feature might also constitute a drawback, as it can be too unrefined when applied to real-world complexities. Such weaknesses have been demonstrated in the LI perspective several times. For example, Sverdrup (1999:254, 265) studied the major intergovernmental treaty conferences. Even there, at the most intergovernmental of all EU negotiations, outcomes were affected by factors like *path dependency*.⁴³ The complexity of the issues made communication costly and complicated. Further, the Europeanization of the nation state has made organizational factors at the EU and national levels important. As Forster (1998) points out, LI must be complemented

⁴³ Path dependency = the selection of one path may affect future paths (Krasner 1998).

by other theories/models in order to explain fully how and why states act as they do in international negotiations.

6.1.3 *Expectation 3: The provision of decisive information*

Both the interest organizations for the national renewables industry and the national utilities industry provided the German government with critical information, as such information can be important for achieving political leverage in international negotiations.

‘Critical information’ is a vague concept, especially when, as here, the study does not include decision-makers who can say what kind of information was ultimately the most important in guiding their political actions. Here, critical information is defined as information that might be of decisive influence for the negotiating positions. If this expectation is confirmed, the explanatory power of liberal intergovernmentalism is strengthened, but only to a certain extent, since information plays a minor role in Moravcsik’s (1998) formulation of the theory. This expectation focuses on *the content* of the lobbying.

The empirical findings indicate that German interest organizations of both sectors provided information that might be categorized as ‘critical.’ The renewables and the utilities interest organizations participated in all formal hearings on the Renewables Directive, and provided the German authorities with extensive information through written material and arguments. For example, BDEW, BDI, BEE and BWE produced elaborate and detailed position papers where they argued aggressively for their political views (BDEW 2008a, BDI 2008, BEE 2008b and BWE 2008b). Further, informal coalition partners like the Greenpeace also supplied the German government with information (see e.g. Greenpeace Germany 2008, interview BEE 2011). In addition, they arranged dinner debates (*‘parlamentarische Abende’*), and met politicians and public officials on various formal and informal occasions (interviews BEE, BWE and BBE 2011).

Such meetings can also be regarded as a strategy to get in position to provide ‘critical information’ because they enable the conversation partners to ask follow-up questions, and clear up misunderstandings. The complicated nature of the issue probably made personal meetings and good communication skills especially relevant. Indeed, the BEE respondent (interview 2011) regarded such personal informal meetings as the most important means for getting their messages across. The interest groups realized that the German Ministry of the Environment was eager to keep updated. Much information was already available, because the Ministry of the Environment and Ministry of Economic Affairs had commissioned several studies by research institutes (Dagger 2009, interviews BWE 2011, BDEW 2011a). Thus the government had the best preconditions for being knowledgeable about renewable energy and its implications in the EU negotiations. Along with this evidence, Boasson and Wettestad (2010:13) note that Germany was important in providing information to other countries in the negotiations leading to the Renewables Directive, and that this probably influenced its final content.

Any information that has an impact on the end result is by definition ‘critical.’

There are several reasons why the interest organizations of the renewables industry seem to have managed to provide crucial information. They focused on certain main points and certain people, and provided pointed arguments (interview BEE 2011). Their pooling of resources and coordinating of political positions probably enhanced the quality and impact of their argumentation. The same does not apply equally to the utilities’ interest organizations BDI and BDEW, as they held somewhat diverging positions on green certificates. The renewables interest organizations were aided by their good access to the Ministry of the Environment (interviews BEE and BWE 2011). Thus, institutional factors enhanced their impact.

As described in the theory chapter, Moravcsik’s model implies that the only influential entrepreneurs in international negotiations are national governments and national interests. Still, the fact that the national renewables industry provided crucial information does not mean that their and Germany’s political entrepreneurship were the *only* factors decisive in the end. For example, my observations indicate that a lot of lobbying was conducted at the EU level. The information conveyed there might have had a greater impact than the information provided by the national organizations (interviews EWEA, EREF, EPIA and Eurelectric 2011). Without interviewing the ‘targets’ of the lobbying at the national and the EU levels, it is impossible to know which information really was *critical*. Further, Moravcsik (1998) makes no reference to ‘supranational entrepreneurs,’ like European-level interest organizations and EU institutions like the European Parliament. Findings in this and other studies like Toke (2008) and Nilsson et al. (2009), however, emphasize the importance of such European-level entrepreneurship. For example, rapporteur Claude Turmes and some other members of the European Forum for Renewable Energy Sources (EUFORES) are considered to have played key roles for the outcome (interviews BEE, EREF and EPIA 2011). Such EU-level entrepreneurs should be taken into account when assessing influence and crucial information in EU negotiations.

What consequences do the findings have for the theories?

The LI perspective seems correct in its emphasis on eager/proactive governments and national interest groups’ provision of *critical* information in international negotiations. In this regard, the explanatory power of LI is somewhat strengthened, but here it should be noted that the data are consistent with several other, competing, hypotheses as well. Both the German government and the interest groups were keen to influence the content of the Commission’s policy proposals, so they may both be called ‘policy entrepreneurs.’ The findings indicate that national interest organizations contributed crucial information to governments participating in international negotiations. However, these findings are based on indications. Moravcsik’s theory is very hard to test because such assessments require extensive process tracing, including in-depth inter-

views (correctly answered) with key people in the national governments and ministries. The German renewables interest organizations and the German government were not alone in acting as political entrepreneurs. Empirical observations and earlier research indicate that entrepreneurs at the European level and their provision of information were probably crucial to the outcome of the Renewables Directive. Thus, I must conclude that the LI perspective has not shown high predictive power concerning which groups could be expected to play key roles in EU negotiations.

6.1.4 Expectation 4: Resources as a conditioning factor for national lobbying

The interest groups with the greatest material resources will be able to use all venues of access to German politicians, whereas interest groups with fewer resources will lobby fewer channels. Therefore, the interest organizations of the utilities industry worked towards more different political channels than did the interest organizations of the renewables industry.

This expectation is not directly based on the LI perspective, so confirmation or refutation will not serve to strengthen or weaken it. Resources here are measured mainly in terms of manpower (like staff numbers), and how many of these employees were working on the Renewables Directive. This expectation focuses on *the number of national lobbying routes*.

The two largest organizations in terms of personnel resources are BDEW and BDI. The findings show that the interest organizations of the utilities, BDEW and BDI, mainly lobbied the Ministry of the Environment and their long-time ally, the Ministry of Economic Affairs, as well as issuing press releases (interviews BDEW 2011a and BDI 2011). Of course, it is possible that my interviewees from the utilities industry did not mention all the lobbying channels that their organizations used.⁴⁴ In addition, BDI (interview 2011) did not regard the German parliament, political parties or other institutions as important in this case, as they were not directly involved in the political negotiations. A third factor that might have constrained the number of lobbying channels used was that these organizations probably also had much of their personnel resources tied up in the negotiations leading to the EU ETS Directive. Both mentioned that their resources for lobbying the Renewables Directive were limited (interviews BDI 2011, BDEW 2011b). Available administrative capacity affects the opportunities to exert influence in political processes. An organization has to give priority to some areas and overlook others (Cyert and March 1963:124, Egeberg and Trondal 2009:674). Thus, when capacity was probably at least partly limited, this might also result in less political influence. Bouwen (2002:366) underlines that when lobbying groups gain access to political institutions, this does not necessarily imply that they will also be influential. This is demonstrated here: for example, the utilities' interest organizations lobbied the Ministry of the Environment, but with little effect (interview BDI 2011).

⁴⁴ For further information, see chapter 3.

Despite the smaller size of the renewable industries interest organizations in terms of personnel and funding, they seem to have lobbied more political channels at the national level than did the utilities industry. For example, they also lobbied political parties, members of the *Bundestag* and environmental organizations (interviews BEE, BBE, BWE and BDI 2011) – probably because so much was at stake for them. My interviews (BEE and BEE 2011) indicate that the renewables industry also had access to more decision-makers than otherwise because it was supported by the environmental movement in Germany, as well as like-minded politicians from the various parties. Collaboration gave them new points of access to the political processes and enhanced their personnel resources. Informal coalitions may boost the leverage of interest groups because they signal to policy-makers that various group of actors have similar interests. In addition, a coalition signals that the interest groups have worked out and aligned different positions (Mahoney 2007). Here, the renewables industry's interest organizations had to forge a common position regarding political views on controversial types of bioenergy in order to gain support from the environmental organizations (interviews BEE and BBE 2011). Cooperation can make the individual groups more influential because of the synergetic effect of pooling resources, such as dividing the lobbying work among them (Mahoney 2007). This also seems to be the case for the renewables interest organizations, at least to some extent. Weber and Khademian (2008) highlight the role of networks for solving complex problems.⁴⁵ Here, the Ministry of the Environment, environmental organizations and renewables industry already had a network (Jacobsson and Lauber 2006, interviews BEE and BWE 2011), presumably giving more access points to the political processes.

What consequences do the findings have for the theories?

The number of lobbying channels at the German level appears to have had no direct relationship to the amount of resources in terms of personnel and funding available to the individual interest organizations. Rather, the number of channels that the interest organizations used at the national level was affected by the ability to make broad coalitions with other industry interest organizations and environmental organizations, and identifying allies within all political parties. In addition, the number of routes was directly connected to the level of mobilization, which again depended on how much was at stake. Resources still seem to have had an impact on lobbying in several ways. First, the cheapest ways of lobbying, personal meetings, seem to have been conducted the most frequently by all the industry interest organizations. Second, they clearly invested their efforts where these could be expected to be most effective, and did not lobby everywhere. The effects of pooling of resources and coordination of political positions were considerable; and at least in similar situations, they should be taken into account in future research on interest organizations. Further, the networking literature might contribute alternative

⁴⁵ Networks are defined as 'enduring exchange relations established between organizations, individuals, and groups' (Weber and Khademian 2008:334).

analytical tools for understanding how governance challenges of complex cases are solved.

6.2 The multi-level governance perspective

6.2.1 Expectation 5: Genuine multi-level lobbyism in the European Union

The industries' national and European interest organizations lobbied the Commission, the European Parliament, the Council of Ministers and the German government intensively.

This expectation concerns the whole sample, since in theory all interest organizations could conduct multi-level lobbying. This is the most important expectation based on the multi-level governance perspective: if this expectation is met, the MLG perspective applied to industrial lobbying in EU energy policy is strengthened; if not, it is weakened.

As noted, the findings indicate that at the national level, interest organizations conducted multi-level lobbying regardless of size and resource base in terms of funding and personnel, and whether or not they had their own European office. Both the German government and the EU's main institutions were important lobbying targets (interviews BDI, BEE, BBE, BWE 2011 and interview BDEW 2011b). These observations are described in greater detail under expectations 1 and 2 above. During the work with the Directive, the renewables interest organizations established new contacts and improved existing ones at the EU as well as the national level. In addition, they established contacts between the various national renewables industry interest organizations (interviews BEE 2011 and BWE 2011b). Such multi-level networking may serve as a useful tool for increasing political leverage (e.g. Mahoney 2007).

As expected, the European-level interest organizations lobbied the EU institutions intensively, in particular DG Tren in the Commission and ITRE in the European Parliament. They monitored the political processes closely and arranged meetings with people at various political levels, ranging from Commission President José Manuel Barroso to the public servants who drafted the Directive proposals (interviews BEE, EREF, EPIA, EWEA and Eurelectric 2011). Not surprisingly (see e.g. Coen 2007), the Commission and the European Parliament were the EU institutions most frequently targeted by all interest groups in the sample. Their relations to these institutions were far from new, which probably enhanced their access to the political processes. In particular, the renewables industry has had good long-term relations with the European Forum for Renewable Energy Sources (EUFORES). The lobbying of the European Parliament reflects its increased authority and the fact that it is regarded as the EU's 'greenest institution.' The Council, on the other hand, is known to be harder to access (e.g. Hayes-Renshaw and Wallace 2006). This also seems to be reflected here. Some interviewees mentioned the Council as a lobbying target, but the interest organizations seem to have put more effort into influencing the two other major political institutions (interviews EWEA, EREF and EPIA 2011). This need not mean that they did not lobby the Council – only that they spoke

more about, and possibly focused more on, lobbying other EU institutions. This lobbying strategy and its execution demonstrate good insight into EU political processes, which Coen and Richardson (2009) describe as typical of industrial lobbyists in the EU.

In terms of theory, the MLG perspective stresses not only ‘uploading’ of influence and targeted lobbying behaviour at different political levels, but also ‘downloading’ to lower levels of governance. For example, the Commission might use national-level interest organizations to introduce and legitimize policies within the member states (e.g. Eikeland 2008). My observations indicate such ‘downloading’ in three cases. First, the European interest organizations lobbied at the national level by meeting governments and permanent representations deemed important, like the German, Spanish and French (interviews Eurelectric, EPIA, EWEA and EREF 2011). In addition, coalition partner Greenpeace lobbied member-state governments (e.g. House of Lords 2008). Second, the European Wind Energy Association (EWEA) assisted the Bundesverband WindEnergie (BWE) financially and through knowledge transfer (interview EWEA 2011). Third, Eurelectric depends on its members to disseminate the shared political positions agreed upon within its committees (interview Eurelectric 2011).

What consequences do the findings have for the theories?

Hooghe and Mark’s theoretical perspective seems to fit well with the lobbying behaviour observed in this study. The explanatory potential of this perspective when applied to industrial lobbying in EU energy policy is therefore confirmed. The observations unequivocally confirm the expectations regarding the lobbying behaviour of the national interest organizations and the EU-level interest organizations. Clearly, the interest organizations both perceive and relate to the European Union as a genuine multi-level system. Consequently they lobby at both the national and the EU levels in order to achieve their lobbying targets when much is at stake. One finding in this context concerns a phenomenon that has been little commented upon in EU lobbying literature: national interest organizations can create networks with each other to enhance political leverage and create trust. Future research should explore such networks.

6.2.2 Expectation 6: By-passing the German government?

The German utilities industry’s national interest organizations and its affiliates can be expected to lobby particularly intensely on the EU level in order to attempt to bypass their national politicians, who supported a system that would allow national feed-in tariffs.

This expectation applies only to BDI and BDEW, since they are the national representatives of the German utilities in the sample. BDEW is the more important of the two, as it is the main interest organization of the energy industry. On the other hand, BDI had important reasons for lobbying, since it also represents the industrial customers of the energy producers and net owners. Therefore, their members are greatly affected by electricity prices. If the expectation is not clearly confirmed, this does

not necessarily mean that the explanatory value of the MLG perspective is weakened, because that perspective holds that it is *likely*, not *necessary*, that interest groups who have lost domestically will lobby more at the EU level.

Both BDEW and BDI participated in EU-level interest organizations in addition to having their own offices in Brussels. Similar to the renewables industry's interest organizations, they met decision-makers and public officials on several formal and informal occasions. Neither the BDEW nor BDI representatives mentioned that they lobbied to by-pass national political positions: instead, they gave the impression that their political work with the Renewables Directive was a part of the 'normal lobbying procedures' (interviews BDI 2011, BDEW 2011b). However, since the topic is a sensitive one for them, they might not have wanted to reveal much about such strategies. Still, BDEW and BDI produced long and detailed position papers, and that requires personnel resources. Therefore, even though both BDI and BDEW qualify as *multi-level players*, they do not *appear* to have exploited this fact here, and they maintained that the resources available for such lobbying were rather limited (interviews BDI 2011, BDEW 2011b). Unfortunately, these observations do not constitute unambiguous findings, because the information about the intensity of lobbying at the European level is incomplete. There is little knowledge of the organizations' largest members, the utilities, lobbying at the EU level, although it is probable that they tried to influence the legislation (E.ON 2008b, Toke 2008, Nilsson et al. 2009).

In contrast, BDEW's umbrella organization Eurelectric did everything it possibly could to influence the content of the Renewables Directive, and had about three people working full time on it in the critical phases (interview Eurelectric 2011). According to Toke (2008), Eurelectric's continual push for a trade-based scheme with certificates was a contributing factor to the Commission's initial proposal for a trade-based system both in 2001 and in 2007. Thus, there is a chance that BDEW exerted pressure on the European level through its umbrella organization. However, the sole indication is that BDEW was very important in formulating Eurelectric's policies, but that is only to be expected from a major member (interview Eurelectric 2011).⁴⁶

⁴⁶ A comparison of data about frequency of meetings, levels of resources employed, meeting documents where and possible extra funding of its European-level umbrella organizations where political activity to influence the Renewables Directive is compared against other important pieces of EU legislation might perhaps reveal if more lobbying at the EU level was done in this case than on other issues. Unfortunately, I do not have access to such data.

What consequences do the findings have for the theories?

The study has insufficient observations to disconfirm the expectation that the German interest organizations employed multi-level strategies specifically in order to bypass national politicians, although the MLG governance perspective stresses this as a likely and rational strategy for wealthy interest groups in particular. Therefore, the MLG perspective is neither strengthened nor weakened. Lack of evidence to support the expectation does not preclude the use of such strategies by interest groups to increase their influence in issues where they have lost at the national level. Employing such strategies might well be considered a sensitive theme, making explicit confirmation harder to obtain. Furthermore, such strategies could well have been used by the large German utilities, like E.ON and RWE, as elements in concerted action. Thus, these observations cannot be generalized to industrial lobbying in EU energy policy in general.

6.2.3 Expectation 7: influencing EU through providing information

The energy industries' interest organizations tried to influence policymaking in EU by accumulating and providing knowledge that the EU officials needed, in addition to cooperating with other organizations for joint production of background information.

The multi-level governance perspective highlights how a range of different actors participate in decision-making processes at different levels of government. One way of relevant participation at the EU level is through providing necessary information. Since EU decision-makers were not interviewed in this study, 'information needed' will here be interpreted as information, such as well-founded discussions of the various support mechanisms, that would enable the policy-makers to take qualified decisions. If the interest groups have not actively accumulated and provided knowledge, this theoretical perspective is weakened. The expectation applies to all organizations in the sample.

The interest organizations of the renewables industry and the utilities industry alike clearly provided the relevant bodies in the Commission, the European Parliament and the Council with various types of potentially critical information, as did coalition partners like Greenpeace (Greenpeace/EREC 2007 and 2008). Examples include the EREF Price Reports and the Pöyry study commissioned by Eurelectric (interviews EREF and Eurelectric 2011). The information was conveyed through channels such as personal conversations, workshops, dinner debates, and various kinds of written material. On the other hand, the interest organizations also needed the EU officials and politicians – for example, to keep abreast of recent political developments, get recommendations and not the least influence the draft proposals. Similar to the situation at the national level, the initiative for these personal meetings could come from the EU officials or from the interest organizations. This shows how keen EU public officials can be to keep updated on key political issues (interviews BEE, EREF, EWEA, EPIA and Eurelectric 2011). Such

interaction has been commented on in earlier research as well. As Bouwen (2004: 339) notes: ‘It needs to be recognized that the EU institutions are eager to interact because they need close contacts with the private sector in order to fulfill their institutional role.’

The complexity and salience of the issue led politicians and decision-makers to turn towards interest organizations for more information and knowledge of the field (Nilsson et al. 2009, interviews BEE and EWEA 2011). This is in line with earlier findings about the Commission, like Coen (2007:335), who notes that the Commission emphasizes building long-time relationships with interest groups ‘based on *consistency* for information exchanges, wide *consultation* and *conciliatory* actions.’ Much lobbying literature describes the salient *resource dependency* between the Commission and bodies like interest organizations. For example Eising (2007b) found that the Commission treats businesses and their interest groups as regulatory interlocutors. This also seems to be the case here, which implies that my findings are in line with earlier research. The main goal of the information provision was to convince policy-makers, so it was crucial to supply them with good arguments (interview BEE 2011).

A significant part of the information was produced jointly. At the national level, the renewables interest organizations worked together in *Arbeitsgruppe Europa* in Bundesverband Erneuerbare Energie (BEE), where they produced joint papers that also went to decision-makers in the European Parliament and the Commission. At the European level, the renewables interest organizations cooperated in EREC, where they produced common position papers and press releases in addition to coordinating their strategies. Informal coalition partners like Greenpeace also provided information (interviews BEE, EREF, EWEA and EPIA 2011). It seems that this pooling of resources enabled the renewables interest organizations to provide more and better information to decision-makers than what otherwise would have been the case. BDEW and BDI both provided the relevant European bodies information (interviews BDEW 2011b, BDI 2011). At the European level, Eurelectric supplied the EU institutions with various kinds of information, and produced a common position paper with Renewable Energy Certificate System (RECS) and European Federation of Energy Traders (EFET). However, this was not a formal alliance (interview Eurelectric 2011).

What consequences does this have for the theories?

Expectation 7 is confirmed to the fullest. All the interest organizations gave priority to providing the EU institutions with high-quality information, individually and together with other organizations. Therefore, the MLG perspective is strengthened – but also here, several competing hypotheses could yield the same expectations. Public officials in the Commission were eager to meet the interest organizations. This confirms the general insights about the resource dependency of the Commission in particular when drafting proposals for legislation. The fact that all German interest organizations also were active in providing this kind of information at the EU level provides clear support to the MLG perspective. The European-level interest organizations of both the

renewables and the utilities industry had firm political stances and coordinated their political positions with their allies. This would seem to contradict earlier research portraying Euro federations as weak ‘paper tigers’ with problems aggregating political views because of their heterogeneous membership (see for example Pijnenburg 1998 and Eising 2007b). On the other hand, provision of information in itself does of course not say anything about the impact of this knowledge. As noted in 6.1.3, such assessments require more elaborate methodology, like in-depth interviews of the ‘receivers,’ the relevant decision-makers.

6.2.4 *Expectation 8: Resources determine in the European Union*

The political strategies chosen by the energy industries’ interest organizations are affected by their levels of resources. The wealthier the interest groups, the more different lobbying venues, and the more intense lobbying will they pursue at the European level.

This expectation applies to the whole sample, since all interest organizations represent the German industries, directly or indirectly. As the expectation is not directly based on the multi-level governance perspective, the findings will neither strengthen nor weaken the MLG perspective as applied to industrial lobbying. In this context, resources are mostly measured in terms of manpower, e.g. how many employees the organizations have, and how many of them were occupied or involved with the Renewables Directive.

The German interest organizations for the utilities industry, BDI and BDEW, have their own European offices in Brussels. At least in theory, this should improve their capacities for lobbying the European institutions directly, and therefore also increase the number of available lobbying routes. As noted, I unfortunately obtained relatively little information about the operations of these offices, apart from that they had engaged in ‘normal lobbying work’ such as arranging parliamentary evenings and meeting people in the Commission, the European Parliament and the Council. Since BDI had only two staff-members working on the renewables topic in Brussels, they focused on the decision-makers most likely to support their case. BDEW had one person working on renewable energy in Brussels and one working on it part-time in Berlin. Despite their smaller size, the German renewables interest organizations lobbied the same channels at the EU level as did the utilities. As expected, however, they lobbied different people to a certain extent, since all tended to have more contact with those known to be sympathetic to their political views (interviews BDEW 2011a, 2011b, BDI, BEE, BBE, and BWE 2011). This feature is typical; when interest organizations have limited resources, they must concentrate their efforts where the chances of success are best.

Resources were important for the European-level organizations both for lobbying intensity and number of political channels. The largest renewables interest organization in terms of staff, EWEA, followed the political processes very closely and met with more people than did, for

example, the smaller EPIA. While EPIA concentrated on like-minded people within the European Parliament and elsewhere, EWEA lobbied both ‘friends and foes.’ In addition, EWEA was the only organization to conduct a political campaign aimed at decision-makers to influence the content of the Renewables Directive (interviews EWEA, EPIA, EREF and Eurelectric 2011). The European renewables interest organizations managed to enhance their personnel resources by coordinating their actions with environmental interest organizations like Greenpeace and private companies such as wind energy equipment manufacturers (interview BWE 2011b). Greenpeace had at least one person who worked on campaigning for renewable energy (see Greenpeace European Union 2008b, House of Lords 2008). These findings are in line with the theory expectation as well as earlier research. As Eising (2007c:356) has underlined, ‘Well-endowed associations have much better access than poor associations, underscoring that EU lobbying needs substantial material backing.’

The empirical material on lobbying at the European level also shows another clear pattern: the number of political channels employed was influenced not only by the level of resources, but also by political mobilization and political skills and knowledge in the organization. The more important the Renewables Directive was for the organizations, the more they mobilized. Even EREF, with a staff of only two, lobbied a range of different actors at the EU and national levels (interview EREF 2011). EPIA underlined that its political skills had been expanded and developed in recent years (interview EPIA 2011). One of the ways the interest organizations enhance their political insight is by employing people with a background from politics, such as assistants to members of the German *Bundestag* and the European Parliament (interviews BWE and EPIA 2011). Through their coalition partners, like Greenpeace Europe, the European renewables interest organizations probably gained access to more channels and could conduct more intensive lobbying. This might also have been the case for Eurelectric, but here the findings are less certain. Mahoney (2007) notes that European federations might prefer lobbying alone rather than finding coalition partners, because they already represent a large group of actors. These findings are in line with Eising’s (2005:2) comment that ‘economic clout, the financial resources and the expertise of interest groups as well as their political mobilization when they face of EU regulation’ often characterizes EU interest mediation.

Eising (2007a:210) also notes how EU associations tend to have fewer resources than their national members, and in consequence are much smaller. However, that does not seem to be the case here. EWEA, for instance, provided its national members with arguments and funding. This finding indicates a development where growing industries dependent on stable and predictable conditions set up increasingly larger interest organizations at both the national and the EU levels. The difference in sizes and personnel resources between national interest organizations and their EU groups might be decreasing – at least with the energy industries.

What consequences do the findings have for the theories?

The observations confirm the role of resources as regards the number of lobbying channels used and lobbying intensity. There seems to have been a connection between available resources and number of lobbying channels used by the interest organizations of both the utilities industry and the renewable industry at the EU level. In addition, lobbying activity was influenced by the level of mobilization and political skills/knowledge. The renewables interest organizations in particular managed to boost their resources considerably by working together with environmental interest organizations like Greenpeace and private businesses. This is quite in line with what Eising (2005) found in his large-N study of interest groups at the European level. However, there was no clear connection between the national interest organizations' resource levels and the number of lobbying channels used at the European level in this study. Differences between the energy industries' national and European interest groups as to size and resources seem to be decreasing.

6.3 Discussion: explanatory value of the two theoretical perspectives

The preceding discussion has shown that both perspectives have some explanatory value. However, the liberal intergovernmentalist (LI) perspective fails to capture essential features in the dynamics of functioning of the EU system in the case of the Renewables Directive. This can by no means be explained by the topic being unsuited for this perspective. On the contrary, renewables development in EU has in several important respects morphed into a portfolio of diverse national projects – an eminent example of policies for a 'Europe of the national states.' Arguably, the Directive ended up making the states the ultimate decision-makers, which would appear to fit perfectly with Moravcik's conceptual framework. In contradiction, as we have seen, LI emerges as less suited for describing the process of getting there – which is the focus of this study.

The multi-level governance (MLG) perspective seems to capture many aspects of the dynamics of the situation fairly well. Indeed, there is a kind of asymmetry between the perspectives: whereas LI has little to say about internal relationships on the EU level, MLG can readily cope with situations where power is transferred upwards and downwards in the hierarchy. One may say that if the national states choose to give up power to Union-level organs, like the European Central Bank, the LI perspective might not be able to follow suit to account for the new dynamics created – whereas MLG has no built-in assumptions about power transfer having any preferred direction.

A theory-testing case study will normally only strengthen or weaken the explanatory power of a theory, or specify its scope conditions. Here, the empirical findings strengthen the MLG perspective because its main assumption gets strong support. In contrast, the LI perspective is

weakened because its main theoretical expectation has low explanatory power regarding the German interest organizations' lobbying behaviour. That the German interest organizations focused most on the German level was expected by both perspectives.

6.3.1 The liberal intergovernmentalist perspective

Some of the basic assumptions about the functioning of national states underlying the LI perspective seem to be confirmed, so it can be said to be at least partly useful. For example, the national interest groups did focus mainly on lobbying their own government. In contrast, whenever the initiatives of the Commission and the autonomous and expanding competence of the European Parliament play decisive roles, LI seems less relevant. For example, LI holds that the only important political entrepreneurs in international negotiations are governments and national interest groups. My empirical findings, in contrast, indicate the importance of EU entrepreneurship, like that conducted by the second rapporteur Claude Turmes and other members of EUFORES, as well as European interest organizations.

6.3.2 The multi-level governance perspective

What are the main limitations of the multi-level governance (MLG) perspective here? On the whole, the perspective fits quite well. In particular, it is confirmed by the fact that the national interest organizations emphasized lobbying the European institutions, and that they created informal multi-level coalitions. As MLG is a less developed theory than LI, while also encompassing an arguably larger field, it can perhaps hardly be expected to capture all the dynamics between the different levels. As illustrated by expectation 6, MLG may tend to default to 'fail-safe' on more complicated issues, which means it cannot be refuted simply for being so general.

7 Conclusions

7.1 Summing up the study

This study has studied lobbying in relation to the EU, as conducted by the interest organizations of the German energy industries. It has examined the institutional conditions for choice of lobbying strategies, using the institutional structures as set out by Moravcsik's liberal intergovernmentalism and Hooghe and Marks' multi-level governance perspective as independent variables. In addition, the study has investigated how resources have influenced the choice of lobbying strategy. There has been little previous work on multi-level lobbying in EU by means of theory-testing case studies. Further, few studies have scrutinized the political processes leading to the EU Renewables Directive, and, to my knowledge, no studies have enquired into the reasons for choice of lobbying strategies and the role of the German interest organizations in this legislation.⁴⁷ The design used here is a theory-testing, most-likely-case design. The study has outlined altogether eight expectations based on the two theory perspectives and the literature on EU lobbying. These expectations have been tested against how the German energy industries' interest organizations lobbied at the national and at EU levels to influence the Renewables Directive. The congruence method/pattern matching has been used to assess how the findings fit with the theory expectations. Moreover, the study discusses these results and the implications for theory. These were the research questions:

- 1) Which lobbying strategies have the interest organizations of Germany's energy industries used to influence EU legislation as formulated in the Renewables Directive?
- 2) Under what conditions have they used these strategies? What role have resources played for the choice of political level and the intensity of lobbying?

In order to obtain as accurate empirical material as possible, several methods have been employed, including in-depth research interviews and using available material from a range of written sources to conduct process tracing. To enhance validity, as much of the data as possible was tested against other data such as research articles. The interviews were taped and transcribed, and the respondents read through the presentations of their organizations afterwards and commented on them.

⁴⁷ The role of German interest organizations' lobbying on German renewable energy legislation has, however, been studied several times – see Lauber and Mez (2004) and Jacobsson and Lauber (2006) and Dagger (2009).

7.2 Explanatory power of the liberal intergovernmentalist perspective

The liberal intergovernmentalist perspective (LI) was supported by only some of the findings. On the whole, this perspective seems rather inadequate for explaining the actual EU lobbying behaviour of interest organizations, or their understanding of decision-making processes there. First of all, all the interest organizations in question here showed by various means that they emphasized lobbying the EU institutions. For example, all of the national-level interest organizations lobbied the European Commission and the European Parliament directly. Furthermore, the interest organizations at both political levels cooperated and coordinated their political positions and strategies to increase their political leverage. Hence, the findings unequivocally show that they regard decision-making in the European Union as something more than decisions based on negotiations by sovereign states in the Council of Ministers or the European Council. Rather, they lobby in a multi-level governance system when EU decisions are very important for them. Otherwise, the rational approach would be to lobby decision-makers at the national level(s) only. This finding is in line with earlier research, such as Eising (2004:212), who finds that ‘the concept of *multi-level governance* captures the essence of interest intermediation in EU best.’

On the other hand, another prediction was fulfilled: that the interest organizations would all put top priority on influencing the position of the German government. Moravcsik (1998) has emphasized provision of *crucial* information as a means of exerting political influence in international negotiations. Both industries provided such information, at least to some extent, although it is hard to estimate the real effect of this, since the German authorities had access to a great deal of information already. For example, the fact that the body in charge of renewables policy, the Ministry of the Environment, proved far more eager to listen to the renewables industry than the utilities industry provided the renewables industry with better access to decision-makers and public officials. The expectation about resources is not directly connected to the LI perspective. At the national level I found no clear link between staffing numbers in each organization and the number of lobbying routes employed. The latter seemed to depend on other factors, such as the ability to create coalitions and pool resources with other organizations. Summing up, then, the liberal intergovernmentalist perspective has provided only limited explanatory power in predicting interest-group lobbying behaviour.

7.3 Explanatory power of the multi-level governance perspective

The MLG perspective was supported by most of the empirical findings. First, all interest organizations, regardless of the political level at which they mainly operated, gave priority to influencing the EU institutions. There was a clear sharing of tasks between the organizations at the two levels, as expected in the MLG perspective and also typically seen in lobbying literature (Eising 2004). Still, national-level organizations did

lobby at the EU level, and EU-level organizations lobbied at the national levels. The German interest organizations had three main lobbying routes: towards their own government individually or in coalition, directly voicing their views in the EU institutions, or through an EU-level interest organization.

However, the expectation that the utilities interest organizations would lobby especially at the EU level was neither confirmed nor disconfirmed because of insufficient data. As expected, resource dependency constituted an opportunity for the interest organizations to meet public officials in the Commission. The interest organizations created and accumulated information that the decision-makers and public servants could use, and had frequent meetings with them. The European Parliament needed information, whereas what the interest organizations needed was political support. Therefore, resource dependency also seems appropriate for understanding contact between the European Parliament and the interest organizations. At the EU level, there was a clearer link between resource levels, lobbying routes and intensity of lobbying. In particular, the largest interest organization conducted more intensive lobbying by using more channels and meeting more people than did the smallest interest organization in the study. Also here, the interest groups' degree of political mobilization and ability to create coalitions with other interest groups seems to have been influential for total political leverage. Summing up, the MLG perspective, although somewhat vaguely formulated, has yielded the most accurate predictions as to the conduct of lobbying.

7.4 Analytical implications

The results of this study have further analytical implications. The interest organizations studied here clearly perceive the European Union as a multi-level system, and go into action when EU legislation is important for them. They lobby by creating the most appropriate multi-level strategies and participating in coalitions on various political levels. Task-sharing between national and European associations describes lobbying in the case of the Renewables Directive. All the national associations lobbied at the EU level, and the EU associations also lobbied the national levels – the permanent representations in particular. Future research on industrial lobbying should take this into account and investigate multi-level lobbying strategies where these can reasonably be expected, rather than focusing solely on the national or the international level.

By pooling resources, especially interest organizations of the renewables industry shared and coordinated information, contacts and political positions effectively. In addition, they managed to create broad coalitions. This in turn enabled them to lobby more intensively and employ more lobbying channels than otherwise would have been the case. This meant that decision-makers in Germany as well as at the EU level could meet a unified and coordinated group of lobbyists. The benefits of such networking have been investigated and underlined several times (see for

example Sabatier 1988 and Mahoney 2007). Still, as the European Union develops more and more state-like features, greater research attention should be paid to such coordinated lobbying, as it probably takes place to an increasing extent. In contradiction to the findings of for example Mahoney (2007), the empirical material in this study does not indicate that the smallest organizations opted to lobby alone instead of participating in coalitions because such cooperation demands resources.

The lobbying strategies investigated here reflect how the EU institutions are playing an increasingly independent role in policy-making processes. However, the member states remain important, as Hooghe and Marks (2001) also underline. In this case, the lobbying of the renewables organizations would probably have been less effective if they had not been joined by key member states like Germany and Spain. I have noted the importance of expert knowledge in interest organizations: both in Germany and at the EU level, they were able to supply high-quality information in this extremely complex case. Thus, the emphasis on expert/critical knowledge in itself is not unique to either of the two theory perspectives. Such knowledge may play a key role when policies are formulated in highly complex issues at all political levels.

7.5 Proposals for further research

I would like to formulate proposals for further research, and suggest three topics:

A first research topic may be connected to the Renewables Directive and Sabatier's advocacy coalition framework (ACF). Relevant research questions may be these: Is it possible to identify long time cooperation patterns between the actors that cooperated? If so, how does this affect policy outcomes over time? How are these coalitions organized? Previous studies have mostly investigated which coalitions that were made in connection with this directive and to a lesser extent looked more deeply into coalition structures. For example, Greenpeace has cooperated with the renewables industry's interest organizations for a long time.

A second research topic may focus on multi-level lobbying strategies. Relevant research questions may be these: How often does this occur, what is the reason for why they choose or not choose to lobby at multiple levels? To which extent do national and European-level interest organizations coordinate their political positions and lobbying strategies?

A third research topic may be connected to the success and failure of various interest organizations. Relevant research questions may be of this type: In many situations, European-level interest organizations have been portrayed as weak, and not being able to aggregate positions in an effective way. Why do they succeed sometimes, like here, and not at other times? What mechanisms may be at play?

8 Literature

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9 Appendices

9.1 List of translated quotes

Interview with Bundesverband BioEnergie

‘[...] Bioenergie ist eigentlich die tragende Säule im Mix der erneuerbaren Energien.’

Interview with Bundesverband der Deutschen Industrie

‘Und wir finden dass diese unterschiedlichen Systeme in Europa und der mangelnde Austausch... also der fehlende Handel führt dazu dass die erneuerbaren Energien dort produzieren, dort herstellen wo die meisten Subventionen gezahlt wird, und nicht dort wo die besten Voraussetzungen sind. Also, warum muss in Deutschland so viel Sonnenenergie installiert werden?’

‘Also, es ist in erster Linie auf den Einfluss Deutschlands zurück zu führen dass wir die Fördersystemen völlig unterschiedlich in Europa...und wir plädieren dafür dass man die Fördersysteme harmonisiert, oder dass man zumindest einen Handel mit erneuerbaren Energien zulässt.’

‘Sie sind alle begeistert von den Erneuerbaren. Das ist...eine ‘erneuerbare Energie ist gut, und Kohle und Öl und Gas und so was ist alles schlecht.’

‘Also, es ist in erster Linie auf den Einfluss Deutschlands zurück zu führen dass wir die Fördersystemen völlig unterschiedlich in Europa...’

Interview with Bundesverband Erneuerbare Energie

‘[...] das wäre ein Problem, weil die ganz erfolgreiche Förderinstrumente die wir im Deutschland hatten nicht mehr funktionieren wurden. Deswegen haben wir die erste große Auseinandersetzung mit der Kommission gehabt. Das war eine von der wenige Punkte wo wir auf der Arbeitsebene nicht weiter kamen.’

‘Es war fast witzig, aber man sagte: hier kommt der Renewable Energy House. Dann war immer von Greenpeace in nächsten Raum das, in nächsten Raum saß zwei Leute von der EU Kommission, zwei Türen neben saßen jemand von den...also, also es war eine sehr, sehr enge Verbindung.’

‘Die Konfrontation wurde nur an die Punkten gesucht, wo es unabdingbar war, und das war die Frage Zertifikate Handel und drüber, dass der. dann alles kaputt gemacht hätte. Und an dieser Stelle haben wir die Konfrontation gesucht und gefunden und gewonnen. Alles andere waren Dinge die man über reden konnte.’

‘Die eigentliche Rolle war eine sehr viel informellere: das man dann mit die Menschen die arbeiten an die Richtlinie gesprochen hat, das man ihm gesagt hat was man wichtig findet, das man ihm gesagt hat in die Entwürfen die man gesehen hat ganz schlecht findet.’

‘Die haben ähnliches getan wie wir, nur mit noch viel mehr Geld.’

Bundesverband der Energie- und Wasserwirtschaft

‘Das heißt, man will eigentlich weg von einem Fördersystem zu einem Marktbasiereten System. Das ist eben kompatibler mit eigenen Geschäftsprozessen’ (interview BDEW 2011a).

‘Klimaschutz darf nicht zum Objekt der Fiskalpolitik werden’ (BDEW 2008a:15).

Bundesverband WindEnergie

‘Ohne einen verstärkten Ausbau der Windenergie wird die Bundesregierung die Zielmarke von 30 Prozent Ökostrom-Anteil 2020 nicht erreichen. Dabei ist die Windenergie der Billigmacher im Konzert der erneuerbaren Energien. Ein steigender Anteil von Windstrom ist eine der besten Versicherungen gegen die Strompreis-Explosion’ (Herman Albers, BWE 2008c).

Die Zeit

‘Es gibt keine Branche, die enger mit der Politik verflochten ist als die Stromwirtschaft.’

The German Government

‘Das Erneuerbare-Energien-Gesetz (EEG) kann eine beispiellose Erfolgsbilanz vorweisen. Seit über zehn Jahren besteht ein geeignetes und flexibles Instrument, um den Anteil der Erneuerbaren Energien an der Energieversorgung kontinuierlich zu steigern und Innovationsimpulse zu setzen. Der Bundesrat setzt sich nachdrücklich für einen ambitionierten Ausbau der Erneuerbaren Energien ein.’ (Bundesrat 18/3 2011).

‘Die Photovoltaik hat in den vergangenen Jahren in Deutschland eine weltweit beispiellose Entwicklung genommen.’

9.2 Interview guide in English

- What formal roles did your organization have in Germany and/or the EU in the negotiations leading to the revised Renewables Directive? Participation in public hearings? Advisory bodies? EUFORES?
- What did you want the Renewables Directive to look like?
- And to what degree has this been the case?
- What have been your organization’s political positions regarding the Renewables Directive? (Could you also give me access to press

statements, and other kind of formal documentation of your political positions? Strategic documents?)

- Is this view shared by every member of your organization? Do all members of your organizations agree upon these political positions, or are there internal differences of opinion regarding the Renewables Directive? If so, what are these? The German members?
- Which political strategies have your organization used to assert its views? (Formal and informal meetings with politicians? Litigation? Political campaigns? All of these)
- Which political channels have you used in Germany and at the EU level? (make a list- Bundestag, The European Parliament, the Council, the Commission, various types of committees, both formal and informal, participation in other organizations like EREC and Eurelectric).
- How has the intensity of interest representation/lobbying been in these different channels?
- What exactly did you try to achieve with these strategies?
- Why did you choose them? (resources, real influence of the EU, different degrees of access, bypass national politicians, ‘friends and foes’) What has been the logic behind the different strategies?
- Have you made coalitions with other interest groups or for example politicians? (Die Grüne, SPD, Friends of Earth, EUFORES, EREC/BDI, Eurelectric?)
- If you have participated in coalitions, have you then shared resources when campaigning? If you have participated in a coalition, has this provided you with access to new venues of political influence?
- What has the role of European level of European-level interest organizations been in this case?
- Which venues of influence have been the most important? Why? How have your political strategies differed from one venue to another?
- Are there venues that you have access to, but not have used? If so, why?
- Have there been competitors with opposing views, like BDI and BDEW in Germany and Eurelectric in Brussels? If so, how has this influenced your political strategies? Have you also tried to convince them?
- To which degree would you say that your strategies have succeeded? What is the reason for this?
- Long-term relationship? Have you or your organization developed a particular relationship to people within the Commission, the Council and the European Parliament? EUFORES? / The German government, Bundestag, other political bodies?

- If so, why is this important?
- How have you achieved this?
- What kind of information does your organization provide to political bodies, like the German government, or the Commission? (facts, expertise demands?)
- What role would you say that this provision of information has had for your organization's success?
- Why would you say that the revised Renewables Directive ended up being in its present form regarding feed-in tariffs versus GO-certificates? (Successful lobbying from the green side? Member-state governments?)

9.3 Interview guide in German

- Welche formalen Rollen hatte Ihre Organisation in Deutschland und / oder in der EU bei den Verhandlungen, die zu den überarbeiteten *Renewables Directive* geführt haben? Teilnahme an öffentlichen Verhandlungen? Beratungsinstitutionen?
- Welche Ausgestaltung der *Renewables Directive* wäre für Sie wünschenswert?
- Und zu welchem Grade ist das geschehen?
- Was ist die politische Position Ihrer Organisation im Bezug auf die *Renewables Directive*? (*Pressmeldungen*?)
- Sind alle Mitglieder mit dieser Position einverstanden, oder gibt es interne Meinungsunterschiede bezüglich der *Renewables Directive*?
- Welche politischen Strategien hat ihre Organisation benutzt, um ihre Meinungen auszudrücken? (Treffen mit Politikern, Kampagnen usw.?)
- Welche politischen Kanäle (Wege) haben Sie in Deutschland und in der EU benutzt?
- Wie hat die Intensität der Repräsentation von Interessen und des Lobbying in diesen Kanälen variiert?
- Was genau wollten Sie mit diesen Strategien erreichen?
- Warum haben Sie diese unterschiedlichen Strategien gewählt? (Ressourcen? EU Einfluss? Zugang? Keine/viele Unterstützung von nationalen Politikern?) Was war die Logik hinter diesen verschiedenen Strategien?
- Sind Sie in Koalitionen mit anderen Interessenorganisationen oder Politikern eingegangen? (Die Grünen, SPD, Bundesverband Erneuerbare Energie, Bundesverband Solarwirtschaft, Umweltorganisationen, EREC)
- Haben sie beim Lobbying Ressourcen geteilt, falls Sie Koalitionen eingegangen sind? Falls Sie Koalitionen eingegangen sind, hat dies Ihnen Zugang zu neuen Kanälen politischen Einflusses verschafft?
- Was war die Rolle des europäischen Levels bei Interessenorganisationen auf europäischem Level in diesem Fall?

- Welche Kanäle von Einfluss sind am wichtigsten gewesen? Warum?
- Wie haben die Strategien von einem bis zu einem anderen Kanal variiert? Welche sind die wichtigste, und warum?
- Gibt es Kanäle, die Sie benutzen hätten können, jedoch nicht genutzt haben? Falls ja, warum?
- Gibt es Konkurrenten mit anderen / gegensätzlichen Meinungen, (wie BDEW und BDI/BEE) in Deutschland, und (Eurelectric/EWEA) in Brüssel? Falls ja, wie hat das Ihre politische Strategien beeinflusst? Haben Sie auch mit solchen Gruppen gearbeitet, um diese zu überzeugen?
- Zu welchem Grad sind diese Strategien gelungen? Warum ist dies so?
- Langzeitbeziehung? Haben Sie oder Ihre Organisation eine besondere Beziehung zu Menschen innerhalb der Kommission, des Europaparlamentes und des Ministerrates aufbauen können?
- Warum ist das wichtig?
- Wie haben Sie dies erreicht?
- Welche Art von Information stellt Ihre Organisation den politischen Institutionen, wie die Deutsche Regierung oder die Kommission, zur Verfügung?
- Welche Rolle hatte Ihrer Meinung nach diese Bereitstellung von Informationen für den Erfolg Ihrer Organisation?
- Warum hat die überarbeitete Renewables Directive Ihrer Meinung nach zu dem momentanen Ergebnis geführt bezüglich Feed-in Tarifen vs. Harmonisierung.

9.4 List of organizations where representatives have been interviewed

Germany:

Bundesverband Erneuerbare Energie (BEE)

Bundesverband BioEnergie (BBE)

Bundesverband WindEnergie (BWE) (2 interviewees)

Bundesverband der Deutschen Industrie (BDI)

Bundesverband der Energie- und Wasserwirtschaft (BDEW)
(2 interviewees)

European Union:

European Photovoltaic Industry Association (EPIA)

European Wind Energy Association (EWEA)

European Renewable Energy Federation (EREF)

Union of the Electricity Industry (Eurelectric)

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