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## Domestic Opportunities in European Union Renewable Energy Policy

A qualitative case study of the implementation of Directive 2009/28/EC in Norway

Master's thesis in Globalization, Transnationalism and Culture

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# Abstract

The adoption and implementation of the second Renewable Energy Directive (2009/28/EC) in Norway is an example of how the domestic public and private sector interests of an EEA/EFTA state have responded to the EU climate and energy legislation. This thesis aims to discuss the nature of these interests and analyse how they have influenced the Directive's implementation and adoption process. This is done through a chronological analysis of the three phases of that process – the assessment phase, the negotiation phase and the implementation phase. The various interests and actors that have been identified in the analysis have in turn provided the basis for the theoretical discussion in the thesis, which builds on concepts from rational choice institutionalism, sociological institutionalism and two-level game theory. The current findings demonstrate the Norwegian authorities were in a position to use the directive as a means of countering domestic critique and to their advantage. Furthermore, the business circles in Norway have displayed a positive attitude towards the directive and have used normative arguments in favour of its implementation. However, the authorities' concerns concerning the feasibility of achieving the directive's target, have complicated the process of assessment. Still, given that the EEA Agreement governs the nature of EU law adoption in Norway, all the factors above have exerted their influence within the limitations of the legal framework.



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# Abbreviations

EBL	Energibedriftenes Landsforening
EC	European Community
EEA	European Economic Area
EFTA	European Free Trade Association
ESA	EFTA Surveillance Authority
ESR	Effort sharing regulation
ETS	Emission trading scheme
EU	European Union
GHG	Greenhouse gases
IT	Information technologies
JCD	Joint Committee Decision
NGO	Non-governmental organisation
NHO	Næringslivets Hovedorganisasjon
NVE	Norges vassdrags- og energidirektorat
RES	Renewable energy sources
SSB	Statistisk sentralbyrå
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change

# 1. Introduction

The national implementation of international climate policy is fundamental to the practical realisation of global and regional ambitions to curb the adverse effects of climate change. To fully understand the implications of international climate regimes, it is necessary to analyse how the policy interacts with domestic factors. The EU Directive 2009/28/EC on the promotion of the use of energy from renewable sources is an example of an internationally binding climate and energy act that requires member states to increase their final consumption of renewable energy. Norway, an EEA/EFTA state, has also adopted this directive. This country's unique energy mix with an exceptionally high renewable share and the various public and private interests connected to renewable energy production are factors which have played central roles in the adoption and implementation process. The aim of this thesis is to discuss how these aspects influenced Norway's position towards the EU directive and how policy-makers chose to reach the target.

## 1.1 Topic and research question

Increases in the average global temperatures over the past century are one of the global society's main concerns, and have been a main driver behind policy formation at various levels of governance (Hansen et al. 2010) (United Nations 2017a). In addition to national efforts to curb human contributions to global warming, there has been an increased presence of ambitious climate action at the international governance level. Most notably, actors such as the United Nations (UN) and the European Union (EU) are using their mandate over member states to apply policies designed to limit activities and factors which are believed to increase the rate of temperature rises (United Nations 2017b) (European Commission 2017a). The EU is one of the world's most developed examples of regional integration and currently supports a governance structure and decision-making process which is highly binding for the participating states. The supranational element in EU policy formation and application ensures that its climate policy is one of the leading international drivers behind climate action in Europe (Vogler 1999: 24) (Wurzel & Connely 2011: 3). Schreurs and Tiberghien even categorise the EU as a norm entrepreneur<sup>1</sup> in the field (2010: 28).

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<sup>1</sup> Ellickson defines a norm entrepreneur as a specialist with high technical knowledge who campaigns to change particular norms (2001: 15).

A central aspect of the EU's climate policy is the reduction of greenhouse gas (GHG) emissions. Policy-makers in the European Commission have established that energy production and consumption is a field where it is possible to perform sizeable cuts in GHG emissions through a transition to non-fossil renewable energy sources (European Commission 2017b). Thus, climate and energy policy have fused and formed a strategy where energy law needs to reflect the Union's climate ambitions. A central piece of legislation in the EU's renewables strategy is the second Renewable Energy Directive 2009/28/EC, which was incorporated in the EEA Agreement in December 2011 and implemented in Norway in February 2012 (Buschle & Jourdan-Andersen 2016: 787-788). The directive sets national targets that determine how much of a country's gross domestic inland energy consumption must come from renewable energy sources (Official Journal of the European Union 2009).

The directive's implementation in Norway stands out as an intriguing case with several traits which single it out. Firstly, the directive allows member states to choose how they reach their individual target. This leaves room for unique Norwegian conditions and domestic interests to come into play and shape the conditions for the application of European climate and energy legislation. Secondly, Norway is an EEA/EFTA state. Consequently, the adoption process differs significantly from that of a regular member state. Finally, this process also illustrates the relationship between EU climate policy that extends into energy policy, and Norwegian interests. Thus, this thesis provides an analysis of Norwegian conditions for EU climate and energy policy implementation and how policy motivated by global concerns is realised in Norway.

In order to approach the topic, this study aims to answer the following research question:

- How did Norwegian public and private interests influence the transposition and implementation of the EU's Renewable Energy Directive 2009/28/77?

In order to operationalise the main research question, the thesis poses three sub-questions:

- Which motives and actors influenced the Norwegian assessment of the directive?
- Which motives influenced the negotiations between Norway, the EEA/EFTA states, and the EU?
- What were the main effects of the directive in Norway?

## 1.2 Relevance of study

There are several reasons why studies of climate policy provide valuable contributions to society. Firstly, the thesis is a contribution to the wider study of international climate policy. Identified as one of the most pressing current challenges, climate change is a topic which needs studies from all scientific angles (Wurzel & Connelly 2011: 3). The potential adverse effects of temperature rises have spurred a large movement, where policy-makers, the general public and scientific communities alike, aim to limit the human contribution. However, the power to steer societies through rules and regulations mostly lies with policy-makers at various levels of governance – local, national, regional or global. The policy choices of officials in such positions have a significant impact on the way societies approach the task of curbing global warming.

Secondly, the thesis analyses how states respond to European efforts to combat climate change. In Europe, the EU is a central actor in forming climate action that determines specific on-the-ground measures in member states and the EEA/EFTA states. The extensive policy framework includes tools such as emission trading schemes (ETS and ESR), fuel quality standards and energy efficiency requirements, and each piece of legislation is designed to function within the larger frame of short-term and long-term targets (Schreurs & Tiberghien 2010: 24-25). The second Renewable Energy Directive is just one element in a wide arsenal of policy. However, the EU's renewable strategy is fundamental to helping member states that rely heavily on GHG-intensive energy production and consumption to transition towards sources that do not contribute to the global rise of temperatures (European Commission 2017b). Therefore, there is value to studying the implications of implementing Directive 2009/28/EC into national law, as it gives an indication of the conditions this type of policy might encounter upon entering a state's context.

Thirdly, the thesis demonstrates how the uniqueness of the Norwegian context has had serious implications for the directive's adoption and realisation. Analysing the directive's implementation in Norway provides an example that stands out from the wider EU context. The country transposes legislation through the EEA Agreement, and not through a regular membership in the Union. Furthermore, Norway disposes with an abundance of energy from waterpower, and close to all power production is renewable (Knudsen et al. 2013: 345). This gave the country a rare starting point in 2012, and presented conditions for renewable energy development that most EU countries did not have. Therefore, the implementation of European

climate and energy legislation in Norway shows how domestic interests and the unique energy mix interact with policy shaped in the EU, where the average renewable share is much lower. The conclusions may also indicate which issues might arise the next time similar EU legislation is implemented in Norway. However, this study does not aim to predict future scenarios, as they will be completely dependent on the dynamic nature of Norwegian and European energy and climate conditions and policy.

Several aspects make this particular case of Norwegian adoption of EU policy intriguing. Firstly, Norway has an impressive record of transposing EU legislation in general<sup>2</sup>, but energy related law is one of the fields that has witnessed a slower speed of implementation. The gap between EEA/EFTA and EU energy policy has continued to widen since the adoption of the Third Energy Package in 2009 (Buschle & Jourdan-Andersen 2016: 783). In the case of Directive 2009/29/EC, the legislation entered Norwegian law nearly three years after the EU adopted it. A logical question arises – considering the excellent Norwegian conditions for renewable energy development, what explains the lengthiness of this process in Norway and the EEA/EFTA area as a whole? The answer to this question lies in issues which transcend mere domestic circumstances, as EU-EFTA negotiations also depends on other states, such as Iceland. However, it is evident that some policy-makers in Norway did not view the directive's implementation as inevitable prior to 2009, and there was even internal conflict within the coalition government (Nilsen 2008a) (Dagsavisen 2008). This indicates that transposing the directive was not as smooth as the precursors might have suggested. Therefore, it is relevant to examine which factors may have contributed to the uncertainty. This study also aims to suggest whether the climate and energy policy areas overlap in the same way as they do in the EU's renewable strategy.

Another reason why this case provides an interesting object of study is the legislative nature of the directive. When the EU formulates its policy as directives, states must transpose it as national law, but may choose which measures to apply when complying with the requirements. This provides a contrast to regulations, which enter national law in their pure form (NOU 2012: 2: 120-121). As the second Renewable Energy Directive falls under the first category, it is relevant to examine whether Norwegian policy-makers and other actors favoured climate and energy legislation that allowed Norway to choose the means of achieving the targets.

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<sup>2</sup> EFTA's Internal Market Scoreboard from July 2009 shows that a couple of months after the EU adopted Directive 2009/28/EC, Norway was at a record low transposition deficit of 0,4% (EFTA Surveillance Authority 2009).

### 1.3 Literature review

The literature focusing on the Norwegian adoption and implementation process of the second Renewable Energy Directive is limited, and the case has not generated extensive research. Most of the studies which specifically address the directive analyse the direct effects (Bøeng: 2010); how Norway can comply with the criteria through certain measures (Aune, Dalen & Hagem 2010); and the technological and economic consequences of renewable energy promotion (Knudsen 2009). Knudsen et al. (2013) focus on the double environmental challenge Norway faces in hydropower development, and on the dilemmas that arise when developing renewable energy. On a broader level, Lerum Boasson has provided extensive research on how the EU's early renewables policy and first Renewable Energy Directive have diversified the Norwegian electricity production sector (2008), and how the country's renewables policy emerged in the 2000s (2015). Ruud and Knudsen (2009) have contributed the most to this specific topic with their analysis of the role of Norwegian stakeholders in the process preceding the implementation of Directive 2009/28/EC. Previous research on this topic touches upon several factors which have played central roles in the Norwegian position to the directive. However, there is an apparent lack of research dealing specifically with the adoption of this directive as a case with a post-implementation perspective. The aim of this thesis is to fill this gap.

The work of Ruud and Knudsen (2009) is one of the most relevant contributions to consider when analysing the implementation of Directive 2009/28/EC in Norway. The authors discuss "to what extent there prevails a 'Norwegian RES [renewable energy sources] strategy' vis-à-vis the EU, and to what degree this strategy is influenced by non-governmental actors" (Ibid.: 4). Firstly, Ruud and Knudsen apply a theoretical approach to public decision-making in order to assess how the contact between Norway and the EU through the EEA Agreement framework influenced national positions on renewable energy legislation. They also focus on the authorities' capacity to deal with EEA-related matters and how the characteristics of the institutional structure influenced the authorities' course of action. Their emphasis reiterates the importance of considering institutional factors in this study, even when the focus lies on interest formations. Secondly, Ruud and Knudsen assess the influence of NGOs and how the second Renewable Energy Directive affected the competitive position of Norway's national industry. With the assumption that investors are key interests groups in the governance structure, they assess the strengths and resources mobilised by NGOs. This contribution is central to this thesis, as the roles of various NGOs constitute a major part of the theoretical analysis. Finally, the authors analyse how the policy outcomes in Norway can depend on how different actors

convey their knowledge. The perspective builds on the central role of the transfer of knowledge and learning processes, where actors in various organisations and at various governance levels interact and influence each other's decisions (Ibid.: 7-9).

Ruud and Knudsen's conclusions provide a suitable starting point for this thesis, as they illustrate which factors seemed central in 2009. Their analysis reveals several findings concerning the Norwegian preliminary position to the second Renewable Energy Directive. However, as they lack the opportunity to include the 2012 adoption in the study, Ruud and Knudsen's work is limited to the preliminary phase. Firstly, they state that the previous EU renewables directive for power generation did not cause a revision of the national energy policy and that Norway did not use the EU's RES policy in a national context. However, they also note that the topic of energy and climate enjoyed an increased focus in the years leading up to the launching of Directive 2009/28/EC. This finding indicates that the directive likely mobilised a debate on the national renewables policy. As this thesis emphasises the importance of the historical context, this mobilisation plays a central role in the analysis of how the public debate reflected public and private interests. Secondly, the authors point out that they saw a lack of an early public debate, and that stakeholders were not included in the process at an early stage. Therefore, more influential non-public actors mostly bypass the national context and seek influence at the European level through networks. This was the case for certain large companies with representation in Brussels. In contrast, this thesis argues that private interests played a major normative role in the domestic context (Ruud & Knudsen 2009: 35-36).

Apart from Ruud and Knudsen's work from 2009, there is a rather limited range of literature which investigates the implementation of the Renewable Energy Directive in Norway. Two of the contributions come from Statistics Norway (SSB) and focus on the implications of the directive for the Norwegian energy market and on the measures the country can utilise in order to reach the set targets. However, these studies are both from 2010. They are thus limited by the fact that the EEA/EFTA states and the EU had not yet incorporated the directive in the EEA Agreement and they had not specified all the conditions for Norwegian implementation. Nonetheless, the studies provide valuable insight into how contemporary analyses assessed the directive's consequences in Norway. It is evident that in the years preceding the implementation process, there was an emphasis on what the new piece of EU legislation would entail for the Norwegian energy sector, what demands it would pose, and how Norway could meet those demands.

Bøeng (2010) applies an economic analysis to show that the country's already high renewables share made it challenging to increase the renewables share as much as the directive required, which the author assumed to be 11,5% at the time. She also concludes that increased domestic renewable energy production and increased use of biofuels are two important measures which can contribute to an obtained target share (Ibid.: 53-54). The conclusion indicates that reaching EU targets through production capacity increases seemed challenging, and that public and private actors must have considered this issue during the preliminary phase.

Aune, Dalen and Hagem (2010) provide the second contribution from SSB through a mathematical model calculation of whether a green certificate market is a cost-efficient way of obtaining the renewables target set by the directive. Their numerical model shows that differentiated national targets are not a cost-effective way of reaching the EU's renewables target, but in a situation where differentiated targets exist, green certificate markets can cut the overall cost by almost 70% (Ibid.: 18-19) This strengthens the impression that the green certificate market was a central measure, and that it requires attention in this thesis.

In addition to studies explicitly focusing on the second Renewable Energy Directive's implementation, previous research has analysed the relationship between renewable energy policy and climate policy. Knudsen (2009) has studied this link in Denmark, Sweden and Norway, and provides a comparative assessment of different renewable electricity initiatives. He concludes that in contrast to the other two Scandinavian countries, Norway does not consistently integrate environmental policy in renewable electricity initiatives. Although the study does not specifically address the implementation of Directive 2009/28/EC, the technical report provides an overview of how various characteristics of the Norwegian energy sector have limited the presence of environmental policy in energy strategies, and led to the lack of an overall renewables strategy (Ibid.: 10-11, 15-16). Knudsen et al. (2013) strengthen this impression, with their study of how renewable energy development in hydropower poses a double environmental challenge to Norway, where further construction threatens the local environment, while the lack of hydropower development might impede GHG emission reduction efforts. These findings indicate that the fusion of climate policy and energy policy is a difficult subject in Norwegian strategy. The phenomenon also suggests that the Norwegian position towards European renewables policy has been mixed, as various domestic concerns come into play. This provides an excellent starting point for a study that investigates the possible underlying motives behind the Norwegian course of action before, during and after the transposition of Directive 2009/28/EC.



Although the previous literature provides a solid foundation for the focal points of this study, this thesis develops the topic and takes the argumentation further in several ways. Firstly, this study can discuss the implementation of the second Renewable Energy Directive in retrospect. Previous research on the directive was conducted before the legislation was adopted. Thus, the authors could not have a complete overview of the adoption and implementation process. From a 2017 viewpoint it is possible to take factors that have become apparent after 2009 into account. For instance, it is necessary to assess what the final terms of the directive's adoption were in order to discuss which factors might have influenced the formation of the Norwegian interests.

Secondly, the theoretical approach in this thesis contextualises the findings in an original manner. The approach utilises theory that scholars have used to explain other instances of EU policy adoption, Europeanisation and international relations in general. Rational choice institutionalism and sociological institutionalism aim to explain how domestic actors, such as governments, official institutions, NGOs or private companies can influence the process of national adoption of EU policy. Furthermore, two-level game theory conceptualises how domestic preferences and international priorities interact and shape foreign policy together. Combined, the theories reveal how the actions of Norwegian actors set conditions for the assessment of the directive and the national response to the implementation. Thus, it is possible to analyse the interplay between EU climate and energy legislation and Norwegian conditions, instead of merely setting the two up against each other. These approaches allow a systematic discussion where it is possible to place observations from this particular case in a framework developed through observations from a multitude of other cases.

Thirdly, this thesis approaches the topic through an original methodological framework. The findings are based on a combination of written primary and secondary sources, as well as material from semi-structured interviews. This combination of sources allows an analysis where original documents and historical data can provide the context for the impressions gained through the interviews. On the one hand, document studies provide data on the nature of the process and the action of the involved agents. On the other hand, material from semi-structured interviews with representatives of these agents complement the documents and provide an insight into the motives and experiences of various actors who played a role in the process before and after Directive 2009/28/EC's transposition in Norway. As this combination does not exist in the approaches of the previous studies, this thesis aims to approach the adoption and implementation of the directive from a new angle.

## 1.4 Structure and main findings

The structure of this thesis supports eight chapters. This introductory chapter is followed by chapter 2, which presents and discusses the thesis' methodology. The main aim is to present how the research question has been approached, which scientific methods are applied, how the approach may facilitate reaching a conclusion and the strengths and weaknesses of the choices made. The chapter argues that a qualitative case study with document analysis and semi-structured interviews is a suitable method of analysing the adoption and implementation of Directive 2009/28/EC. A case study approach allows an in-depth study of a specific phenomenon with extensive attention towards details. Therefore, documents are useful and reliable sources which reveal which motives and concerns the various actors had during the process. Data from semi-structured interviews supplements these sources well, as individuals can provide data unavailable in the documents and the method allows the researcher to conduct a flexible interview that is adaptable to the needs of the specific interviewee.

Chapter 3 covers a discussion of the theoretical framework and the concepts used in the analysis. The chapter presents the main characteristics and uses of three theories. Rational choice institutionalism and sociological institutionalism are suitable for explaining how domestic factors interact with European policy, and under which conditions Europeanisation can lead to domestic change. Two-level game theory is a robust framework which explains how domestic motives and conditions interact with a state's foreign policy. Therefore, the theory is applied to Norway's strategy regarding Directive 2009/28/EC.

Chapter 4 covers background information on the directive's details, while presenting it in the larger context of EU climate and energy policy. Furthermore, the chapter presents the Norwegian climate policy context and earlier implementation of European climate and energy legislation.

The analysis of this study is divided in three chapters, as this allows a chronological approach to the adoption and implementation process of Directive 2009/28/EC. Chapter 5 is the first part of the analysis. It covers a presentation and discussion of how the historical setting, as well as public and private interests, influenced the formation of a Norwegian position towards the second Renewable Energy Directive. The chapter illustrates how the condition of Norway's energy supply, criticisms towards the government's renewables policy, and the dominantly positive stance among Norwegian business and environmental organisations acting as change agents were facilitating factors in favour of adopting the directive.

The second chapter of the analysis, chapter 6, covers a discussion of the factors likely to have influenced the Norwegian position in the negotiations preceding the adoption of the second Renewable Energy Directive. Based on the factors analysed in chapter 4, this chapter discusses the plausible Norwegian concerns and interests in the negotiations. Furthermore, a two-level game analysis of the negotiations shows that the conditions under which the directive was adopted were determined by an overlap of the two actors' win-sets.

Chapter 7 is the final part of the analysis and deals with the main consequences of the second Renewable Energy Directive's implementation. Europeanisation theory provides a frame for the main policy changes and measures that have emerged since the adoption. Thus, the chapter also discusses the strength of the adaptational pressure resulting from the directive's implementation in Norway. The findings indicate that the combination of a moderately low adaptational pressure and the presence of facilitating factors, such as change agents, have resulted in Norwegian accommodation with traits of absorption.

Finally, chapter 8 presents conclusive remarks with summaries and a discussion of the main findings. The chapter assembles the conclusions of the analytical chapters in order to summarise how they answer the research question. The conclusive remarks also include a discussion of which aspects of the adoption and implementation process the thesis does not reveal and how this can inspire future research.

## 2. Methods

Choosing a research design when approaching a scientific question is fundamental to the nature of the study's conclusions. In scientific projects, the methodology determines what arsenal of techniques the researcher utilises when working towards an objective. In qualitative studies, the analysis of non-numerical data leaves room for a great variety of approaches. The methodological choices play a central role in how the data is attained and interpreted, and it is important to be aware of how these choices influence the findings. This section presents the research design of this study and discusses the strengths and weaknesses of the choices made.

### 2.1 Case studies

As the aim of this thesis is to obtain in-depth knowledge on one specific process and one instance of decision-making, a case study approach offered the most suitable framework for analysis. Although there are different opinions on the specifics and boundaries of case-study research, there are certain common traits that describe the method. According to Yin,

*a case study investigates a contemporary phenomenon in its real-world context especially when the boundaries between phenomenon and context may not be clearly evident* (2014: 2).

Furthermore, Yin specifies that the objects of case studies may vary and that processes, sets of decisions, organisations, and “even events” are examples which may provide basis for a study (Ibid.: 15). In this thesis, the focus lies on data from a predetermined time frame and within the category of factors affecting Norway's implementation of the EU's climate and energy policy. Furthermore, the objects of study fit well within Yin's summary. The implementation of the second Renewable Energy Directive provides a clear example of a specific process, and thus, a case. However, the boundaries of the case depend on which factors appear as influential. It is important to note that the range of factors included in in this case study is far from complete and does not cover all possible aspects of the process. In this study, the nature of Norway's energy production, and the interests of the government and NGOs, all within the frame of Norway's relationship with the EU, function as the main aspects of interest. Finally, it is important to note that case studies tend to focus on contemporary phenomenon (Ibid.: 16). The second Renewable Energy Directive fits well within this description, as the directive is still in force and its effects are measurable in today's context.

The research objective of this study and the wording of the main research question are further reasons why a case study approach is suitable. Firstly, case studies can provide rigorous answers to “how?” and “why?” questions (Yin 2014: 2). As this thesis aims to investigate how interests and actors influenced a process, it was evident that an in-depth study of the phenomenon with detailed discussions of the process could produce meaningful answers to the formulated research question. Secondly, case studies are suitable when attempting to make a descriptive inference rather than a causal relationship. This means that the author aims to describe and discuss relationships without stating that X leads to Y (Gerring 2004: 346). As this thesis does not aim to prove a causal relationship, the case study framework appears fitting. Finally, one can argue that the topic of study, where focus lies on Norwegian decisions and positions regarding the Second Renewable Directive, calls for a case study research design. Schramm confirms this by stating that case studies can “illuminate a decision or set of decisions: why they were taken, how they were implemented, and with what results” (1971, cited in Yin 2014: 15).

However, one must also be aware of the limitations of case studies. Even though Gerring (2004: 341) argues that case studies are “intensive stud[ies] of a single unit with an aim to generalize across a larger set of units”, it is important to understand the limited opportunity for generalisation in this case. Bryman (2012: 70) argues that case studies which focus on a single unit of analysis rarely allows a researcher to make general conclusion about a class of similar objects. This relates to the concept of *external validity*, where one tests whether the conclusion of one study may apply in another case. However, this study does not aim to generalise and make a statement or predictions on factors affecting the Norwegian implementation of EU climate and energy policy, or policy in general. This would not be possible, especially as the thesis does not include a discussion of the implementation of other comparable pieces of legislation. A final weakness of this particular type of case study relates to the research’s *internal validity*. As this qualitative case study aims to provide suggestions for the interplay between factors that influenced the directive’s implementation process, the conclusions are restricted to mere possibilities. When working in this manner, plausible factors are taken into account, based on the researcher’s academic judgement. Thus, it is impossible to claim that the conclusion considers all relevant factors.

## 2.2 Sources and data

Within the methodological framework of a case study, this study has applied document analysis and semi-structured interviews as methods when obtaining data. The advantage of diversifying the data sources is that multiple types of sources allow the researcher to approach a subject from several angles. The documents feature as the main sources of this study, while the results from the interviews provides supplements that may either confirm or contrast the finding from the document study. The manner in which data is collected is also crucial to the outcome of a study. Data collection methods determine which factors form the discussion and which do not. Furthermore, these methods influence the relationship between the researcher and the data, and to which extent the researcher participates in creating data instead of merely collecting them.

### 2.2.1 Documents

In this study, various written documents provide empirical basis for events, policies, and positions. Official institutional documents from parliamentary procedures, government communications and positions, and Norwegian and European policy and legal documents are examples of empirical data on governmental and EU courses of action, policy programmes and positions. Public hearing and consultation responses and material from the websites of NGOs serve to evaluate the positions and interest of private actors. Finally, a wide array of news articles from the period 1990-2017 provide insight into the historical chain of events as well various comments and public opinions. Bryman (2012: 543) states that one of the main characteristics of a document is its independence from the research project, and the fact that it has not been produced at the request of the researcher. This is the source's main strength, as it allows the researcher to access a phenomenon without influencing the nature of the document. The second advantage in using official documents from public authorities, the EU, NGOs and newspapers comes from their authenticity. Bryman (2012: 549) states that such documents are useful in obtaining an actor's official position. As long as the researcher gathers such documents from the official channels and verifies their source, there should be no doubt that they represent the message of the public or private actor accordingly.

However, there are certain challenges when using documents as a main source of data. The actors who produce such documents are human, and there is no guarantee that they depict reality. Personal errors or the lack of available information might lead to the production of untrue information. Furthermore, one must be aware of the positions, motives and contexts framing the actors who produce the documents. All written material is written by someone for

someone, meaning that the purpose of the sender(s) and their intentions for the recipients become relevant. This means that official climate policy documents produced by public institutions, such as the Norwegian state or the EU, must not be regarded as neutral accounts of what society needs. On the contrary, policy documents tend to present information that justifies the chosen course of action. Documents from private actors might also present information in a manner that serves their interests (Bryman 2012: 550). This is particularly important to consider when analysing the positions of business organisations and other Norwegian NGOs. The authors of these documents might only select information that appears as convincing as possible to policy-makers and the public. Newspaper sources might also contain angled information, depending on the nature of the media, and the motives and knowledge of the journalist. As the debate surrounding the future of Norway's renewable strategy in the 2000s was heated and partisan, newspaper articles could have angled an article to serve one side of the debate more than the other. Therefore, it is important to be aware that documents rarely reflect a neutral observation.

### 2.2.2 Semi-structured interviews

In order to obtain a more in-depth impression of how various actors experienced and acted during the transposition and implementation process of Directive 2009/28/EC, it has been useful to generate data directly from individuals who represent relevant actors. Supplementing the document analysis with data from interviews has also facilitated a contextualisation of the central findings, as the interviews have revealed aspects that are not evident in the documents. Interviews with representatives of actors, such as NVE, ESA and NHO have provided unique perspectives of individuals who have come in contact with the directive through work. There are several advantages of using semi-structured interviews as a method. Firstly, qualitative interviews provide a wider and more descriptive impression of what the interviewees see as relevant in a certain context. As opposed to quantitative interviews and questionnaires, qualitative interviews are more flexible and can be adjusted to unexpected significant issues that might arise during the conversation (Bryman 2012: 470). This has been done during all interviews, as several of the actor's roles in the adoption and implementation process have become clearer as the interviews progressed. Secondly, the collected data has also been a source of further inspiration, as some of the interviewees have extensive knowledge of the EU's renewable energy policy and the conversations have revealed previously unknown aspects that this study has sought to investigate further.

### *2.2.2.1 Sampling*

Choosing a sample is a crucial process that significantly affects the nature and composition of the data obtained from interviewing (Bryman 2012: 417). This thesis includes data from seven interviews with representatives of the following actors:

- The Norwegian Water Resources and Energy Directorate (NVE)
- Enova SF – a renewable energy government funding enterprise
- The EFTA Surveillance Authority (ESA)
- Statoil, a Norwegian multinational oil and gas company
- The Confederation of Norwegian Enterprise (NHO)
- Energy Norway – a business organisation representing companies producing and trading electricity
- Nelfo – an organisation for electro, IT, ecom, system integrators and lift companies

The interviews were conducted in the period February-April 2017, where NVE has been interviewed over telephone, Enova SF in Trondheim, Norway in person, ESA and Statoil in Brussels, Belgium in person and NHO, Energy Norway and Nelfo in Oslo, Norway in person.

These actors have been selected based on preliminary assumptions of their interests and degree of involvement in the adoption and implementation process of Directive 2009/28/EC. Bryman (2012: 418-419) identifies this as sequential and theoretical sampling, as theoretical assumptions have helped to identify key actors. The list of interviewees has grown throughout the process, as data gathered from one interview has helped determine the next interviewee. The business organisations and Statoil provide the perspectives of enterprises in general, power producers, and an oil company. All represent economic actors whose profit is influenced by the conditions of the energy market. On the other hand, NVE and ESA are central, as they are institutions who have exerted power over other actors in accordance with the provisions of the directive.

However, these are far from all relevant actors to interview. The availability of the representatives and travel constraints have excluded some desired interviewees from the study. Purposive sampling reduces the representativeness, as the technique restricts the sample to the researcher's knowledge (Bryman 2012: 418). In order to obtain the perspective of the government, it would have been beneficial to interview a politician who worked with the directive at the time of its adoption, or a representative of the Ministry of Petroleum and Energy. Furthermore, a representative from the European Commission could have provided



information on the institution's perspective on the Norwegian adoption. However, these sources were not available. Thus, it is evident that the data from the qualitative interviews is unbalanced, as it does not represent the affected actors evenly.

#### *2.2.2.2 Interview guide*

The interview guides for this study have been designed with the aim of mapping how different actors influenced and experienced the implementation of Directive 2009/28/EC. Semi-structured interviews are characterised by an interview guide that contains certain topics and questions where the researcher wishes to obtain detailed knowledge. However, the time spent on each point, the depth of the answers and the rigidity of the conversation depend on the interaction with the interviewee (Bryman 2012: 471). All interview guides for this study share certain common questions, and aim to uncover these general issues:

- The agent's position to the EU's second Renewable Energy Directive and its implementation in Norway.
- How the agent used its position to influence the transposition and implementation.
- How the directive has affected them.

However, as there are great differences between the natures of some of the actors within the sample, each interview guide has been extensively adapted to each interviewee. The full interview guides are listed in annexes. Questions for private organisations and agents such as NHO, Energy Norway, Nelfo and Statoil aim to uncover how the EU directive affects businesses, and how their trade organisations have worked to influence the conditions that their members face. The additional questions for such actors also focus on economic interests and cost-efficiency. On the other hand, public institutions and agents who have power over the conditions that private agents face, such as NVE, Enova SF and ESA have answered questions concerning the specifics of the directive and its implementation and how they have performed their responsibilities under the provisions of the EU legislation. NVE and Enova SF have provided insight into how public agencies have implemented measures. Furthermore, NVE has revealed useful information on public Norwegian interests in the hydropower sector, as well as details on the main measure under the directive – the joint green certificate scheme. ESA has illustrated the responsibilities of the Surveillance Authority in making sure Norway complies with the second Renewable Energy Directive and EU climate and energy policy in general.

### *2.2.2.3 Data traits and analysis*

Finally, it is necessary to be aware of what kind of data semi-structured interviewing generates and that a researcher needs to consider how the material can figure in the analysis. Firstly, one must consider that interviewing and questionnaires do not necessarily record data as it is found in its natural state. On the contrary, there is an interplay between the researcher and the interviewee where the questions posed influence the way the data is generated. Therefore, it is important to be aware of how the questions in an interview guide may influence the response in a manner that adapts it to the purpose of the study. Secondly, in this specific context, there is a possibility that the interviewees are not fully informed on the subject and provide erroneous information. This is evident in a couple of cases where details obtained through the interviews do not match a wider range of external references, such as documents or secondary literature. Furthermore, there is a chance that a single employee does not have the overviews necessary to make general comments that apply for the entire agent organisation or institution. Therefore, it is always important to set the information obtained in interviews in a wider context, in order to avoid relying on one single source.



### 3. Theory

Analysing the factors behind and consequences of the Norwegian implementation of the Renewable Energy Directive requires an analytical framework that places the object of study in a wider context. The adoption of EU legislation and the relationship between domestic and European factors has been the object of extensive academic debate. From Ernst B. Haas' early neofunctional theorisation of European integration as a process caused by supranational spill-over effects, to Stanley Hoffmann and Andrew Moravcsik's focus on intergovernmental relations between European states maximising their interests, European integration theory has enjoyed thorough contributions from scholars (Haas 1958) (Hoffmann 1966) (Moravcsik 2009). However, these are often theoretical narratives where integration appears as a dependent variable of state actions (Börzel & Risse 2003: 57) (Puchala 1972). Börzel and Risse (2003) argue that a "top-down" approach is necessary in order to assess the domestic feedback to Union policy and to "fully capture how Europe and the European Union (EU) matter". Therefore, in order to identify the domestic factors in Norway that played important roles in the adoption of the Renewable Energy Directive, and how the implementation affected Norwegian climate policy, it is necessary to utilise theory that addresses the mechanics of adaptation.

Börzel and Risse (2003) suggest two conceptual frameworks of new institutionalism that are suitable in a top-down approach to EU policy implementation. They present rational choice institutionalism and sociological constructivism as alternatives for capturing the adaptational process. The former supports a political science focus through the logic of consequentialism, while the latter involves a sociological approach and the logic of appropriateness (Ibid.: 58). Both approaches offer causal explanations for how Europeanisation leads to domestic change, which Olsen defines as:

*a process of change at the domestic level in which member states adapt their processes, policies, and institutions to new practices, norms, rules, and procedures that emanate from the emerging European system of governance* (1996, quoted in Börzel & Risse 2003: 63).

Rational choice and sociological constructivism provide suitable frameworks for conceptualising the aforementioned process, as they focus on different aspects of the relationship. This allows the theory to cover a broader range of factors, instead of emphasising a few.

### 3.1 Rational choice institutionalism

In the rational choice perspective,

*the misfit between European and domestic processes, policies and institutions provides societal and/or political actors with new opportunities and constraints to pursue their interest* (Börzel & Risse 2003: 58).

Thus, the concept of misfit and differences between EU and domestic policy becomes central. Duina (1999: 1) argues that building transnational markets, such as the Common Market, requires great institutional and cultural transformations in member states. As new EU legislation is a direct challenge to a nation state's national legal system, adapting to European standards requires much more than changing formal and abstract procedures. Duina argues that national legal systems are deeply entrenched in the specific political and economic conditions that a state's history has produced (ibid.). Therefore, he discusses the concept of 'misfit' between European policy and domestic conditions, and how this misfit affects the implementation of directives. In a study of the transposition and application of the Equal Pay Directive (75/117/EC) and the Sulphur Dioxide and Suspended Particles Directive (80/79/EC) in France, Great Britain, Italy and Spain, Duina proposes a theoretical framework which maps domestic responses to various degrees of misfit (ibid.: 7). Héretier et al. (1996) add to this approach with their study of the mismatch between the EU's clean air policy and various domestic contexts in Europe. Their approach finds that policy creation at the European level is often the result of a regulative contest between the leading member states. Thus, the policy result is often more convenient for the most influential member state, and requires a higher degree of adaptation from the others.

Concepts such as misfit and mismatch are key to the logic of consequentialism, as they are seen as drivers behind domestic change in this framework. Risse et al. (2001: 7) introduce a three-step approach to analysing the relationship between Europeanisation and domestic change. The first step requires identifying the Europeanisation process, which the authors define as the "emergence and development at the European level of distinct structures of governance" (Ibid.: 1). What constitutes as relevant Europeanisation varies from case to case and depends on the policy area in focus. The second step introduces the concept of 'goodness of fit' "between the Europeanisation processes, on the one hand, and national institutional settings, rules, and practices, on the other". The goodness of fit defines the adaptational pressures, as the degree of differences between EU and domestic standards determines the degree of change that will

have to take place at the national level (Ibid.: 7). Furthermore, Risse et al. separate between two types of adaptational pressure. The first is labelled 'policy misfits', where differences between European rules and regulations and domestic policy exert pressure on political and administrative structures in institutions. If member states consider the cost of such adaptation as too great, regulatory contests between member states may occur. However, as it is unlikely that the same countries succeed in these contests every time, EU policy will often be a compilation of varied preferences. Thus, different member states will experience different kinds and degrees of adaptational pressures depending on the policy area (Börzel and Risse 2003: 62). The second kind of pressure occurs when Europeanisation applies direct pressure on domestic institutional structures. EU influence can challenge national rules, procedures and collective understandings and thus give some actors privileges, while weakening others. The result will produce a different scenario than what would have been the case in the domestic context. This kind of adaptational pressure is more likely to apply incrementally in the long term (Ibid.: 63).

However, following the logic of consequentialism, misfit is a necessary, but not sufficient condition for domestic change. Rational choice logic assumes that actors are rational, that they seek to maximise their interests and engage in strategic interaction with other actors. With these preconditions, Europeanisation becomes a framework that empowers some actors with additional resources, while weakening others. The process redistributes resources in a different manner than domestic conditions would do alone. However, rational choice logic differs from other major theoretical approaches, by assuming that opportunities and constraints affect actors differently each time, meaning there is no set of actors which constantly end up on the winning side. Therefore, the second, and sufficient, condition for domestic change is that the domestic actors have the necessary resources to exploit the opportunities while circumventing the constraints posed by Europeanisation (Börzel & Risse 2003: 63-64).

Whether domestic actors are able to exploit opportunities and avoid limitations depends on two factors. The first one is the number and composition of multiple veto-points in a country's institutional structure. Risse et al. (2001: 9) identify veto-points as instances and players that can inhibit or stop the processes of Europeanisation. They can also empower actors who wish to avoid the limiting effects of adaptation. Therefore, the more power that is distributed across the political system, and the more veto-points that exist, the more challenging it is for proponents of adaptation and change to organise a powerful movement. Veto-points can take shape in different actors, institutions and organisations who have the authority and capacity to

halt the transposition of EU legislation. Naturally, the scope and power of multiple veto-points vary from each policy-making structure, meaning that different countries will present different degrees of resistance to Europeanisation depending on the policy field.

The second factor determining whether domestic actors manage to exploit the opportunities of Europeanisation is the existence and function of domestic formal institutions. Even though many powerful European actors have the capacity and resources to maintain direct relations with the EU, there are many who do not have this opportunity. Even though the EU often presents additional resources for such actors, they may find themselves unable to exploit them. In such cases, the role of the national formal institutions becomes central in assisting domestic actors to take advantage of the material and ideational resources made available through EU legislation. Börzel & Risse (2003: 65) point to the examples of regions that rely on central government for communicating with European institutions, and women's organisation in the United Kingdom that are aided by public agencies in using EU directives to promote their agenda.

Rational choice institutionalism and the logic of consequentialism can thus be used as a framework for analysing how Europeanisation and the adoption of legislation lead to domestic change. Misfits between EU law and national policy cause adaptational pressures which force rational domestic actors to use their capabilities and navigate in contexts set by national institutions. Such agent-focused reasoning is suitable for analysing the Norwegian actors that played important roles in the implementation of the Renewable Energy Directive, what their interests were and how they were able to promote them.

### 3.2 Sociological institutionalism

Even though the logic of consequentialism is suitable for analysing rational actors' behaviour in an institutional frame, it is important to consider other possible aspects of the adoption process. The second theoretical approach that Börzel & Risse (2003) propose focuses on socialisation and the collective learning process that Europeanisation entails. Through the logic of appropriateness actors act based on "collective understandings of what constitutes as proper, that is, socially accepted behaviour in a given structure" (Ibid.: 66). Actors define their goals and understandings of rational action based on such norms. Therefore, they do not attempt to constantly maximise their logical desires, but "strive to fulfil social expectations" (Ibid.).

In the logic of appropriateness, actors follow "internalised prescriptions of what is socially defined as normal", and they "seek to fulfil the obligations of an encapsulated role, an identity,

a membership in political community or group, and the ethos, practices and expectations of its institutions” (March & Olsen 2004: 3). The roles that an actor can assume are regarded as important factors that determine behaviour. One of the central assumptions in the logic is that humans and other agents in societal interaction have several roles and identities, and that each of them entail rules for appropriate actions and behaviour. This is also in contradiction with the assumption that reasoning focuses on calculations of future consequences and scenarios. March and Olsen (2004: 4) state that “[a]ctors use criteria of similarity and congruence, rather than likelihood and value. Thus, individuals, organisations and institutions are more concerned with the implications of their roles and the collective understanding of them, rather than careful evaluations of optimal outcomes. Furthermore, actions may depend on the ability to pair problem-solving with a particular problem based on experience. However, it is possible that the choice of appropriate action is not based on the instrumental necessity of solving a situation, but is rather connected to the contextual definition and requirements of one’s title or role. Thus, March and Olsen (Ibid.) propose three questions that are posed when choosing an action: “What kind of situation is this? What kind of a person am I? What does a person such as I do in a situation such as this?”

With these basic assumptions, the logic of appropriateness in sociological institutionalism offers a framework for analysing Europeanisation. The process is defined as “the emergence of new rules, norms, practices, and structures of meaning to which member states are exposed and which they have to incorporate into their domestic practices and structures” (Börzel & Risse 2003:66). Furthermore, the theoretical framework supports two accounts for how Europeanisation may lead to domestic change. The first relies on institutional isomorphism, where institutions that engage in frequent interaction, or are found in the same or similar environments, develop similar characteristics over time. These may include aspects such as formal organisational structures, practices and resource allocation. Thus, the explanation predicts a homogenisation where institutions adapt to the conditions together. Similar to the argument that individuals may ignore functional needs and focus on normative aspects, institutional choices may respond to the norms of other actors in their surrounding environment (Ibid.). However, Börzel and Risse (Ibid.) argue that this account fails to explain why some institutions adapt in different manners to the same environment.

The second explanatory account of sociological institutionalism focuses on how domestic norms and institutions respond to the international context. Actors socialise in an international institutional environment through arguing, persuasion and social learning, and thus become



socialised into new norms and rules of appropriateness. This account includes the possibility that Europeanisation might produce different results of domestic change in different contexts and does not emphasise the homogenisation process of institutional isomorphism. Like in the logic of consequentialism, this account predicts less domestic change when European norms and rules resonate with the domestic status quo, as they will be incorporated without much required change. However, Börzel and Risse (2003: 67) argue that a high degree of misfit may lead to the emergence of new identities through socialisation and learning. This means that misfits between EU and domestic conditions can be explanatory factors in the sociological institutionalism account as well.

Within the framework of the logic of appropriateness and sociological institutionalism, Börzel and Risse (2003: 67) argue that Europeanisation may only lead to change on the domestic levels if two factors exist. The first require ‘change agents’ or ‘norm entrepreneurs’ to exert influence in the domestic context. In addition to applying pressure on authorities and policy-makers, such agents influence a wider audience through argumentation. This factor can be further separated into two categories – epistemic communities and advocacy/principled issue networks. The epistemic communities consist of agents who lay claim to the knowledge by providing scientific explanations of cause-and-effect relationships. In cases where there is more uncertainty connected to the mechanisms of a certain phenomenon, epistemic communities have more power, as scientists in such communities build stronger consensus among themselves. On the other hand, advocacy/principled issue networks are unified by shared moral beliefs. Even though it is harder to change another agent’s fundamental principles, these networks can potentially be influential in times of severe crisis or policy failure. Both kinds of network form the first factor that Börzel and Risse identify as necessary for domestic change induced by Europeanisation. Through persuasion and argumentation, these agents can apply efficient pressure on the national community (Ibid.: 68).

The second necessary condition for domestic change is the existence of a political culture and informal institutions which support consensus-building and cost-sharing. If the policy-making authority focuses on consensus and cooperation in cases of EU influence, it is possible to circumvent the veto-points mentioned in the logic of consequentialism. Furthermore, it is beneficial to have a political culture which values cost and burden-sharing and where actors do not attempt to place the difficult consequences of Europeanisation on minorities or vulnerable groups. If domestic actors are in competition and attempt to produce ‘winners’ and ‘losers’ of Europeanisation it is more likely the process will face resistance (Börzel & Risse 2003: 68). In

summary, sociological institutionalism emphasises the importance of these two factors in the analysis of domestic change. Norm entrepreneurs, a beneficial political culture and institutions are seen as decisive instances that influence whether European norms, values and rules are internalised by other domestic actors.

Finally, it is important to include the focus on institutions and democracy as a context for the logic of appropriateness. March and Olsen (2004: 5) state that a configuration of formally organised institutions define “the setting within which governance and policy making take place”. Furthermore, behaviour, and the roles and identities that justify it, are governed by the rules, practices and structures of resources that build institutions. These aspects make action possible, and can thus explain behavioural choices. Thus, institutions can shape actors by facilitating forums and organising the relations between different agents. They are also central in their role of allocating resources, and strengthening and weakening actors. These assumptions contrast the logic of consequentialism, where following the rules of an institutional framework are merely an alternative in a rational actor’s calculation of interests and outcomes (Ibid.). A wider, but equally important context for behaviour in sociological institutionalism is democracy. Fundamental constitutive rules and processes of democratisation and civilisation lay a foundation where impersonal, transparent and understandable laws are supposed to protect citizens from the abuse of power. Citizens are also expected to act as members of a community, and not solely as individuals (Ibid.: 6). Therefore, the wider contexts of democracy and institutions also influence sociological institutionalist analyses.

Having covered the basic assumptions of rational and sociological institutionalism, it is evident that they will predict different outcomes of similar conditions. Börzel and Risse (2003: 69-71) argue that even though the two theories can complement one another, it is important to consider how their logics will apply in different scenarios of adaptational pressure. Therefore, they offer a distinction between three degrees of pressure that can produce three different variants of adaptation. Through absorption,

*[m]ember states incorporate European policies or ideas into their programs and domestic structures, respectively, but without substantially modifying existing processes, policies and institutions (ibid.: 69-70).*

This leads to low degrees of domestic change. The second result of adaption is accommodation, where member states adapt their “existing processes, policies, and institutions without changing their essential features and the underlying collective understandings attached to them

(ibid.: 70). This can be done by applying new policies or adding new institutions on top of existing ones without changing the original. Therefore, the result is modest domestic change. Finally, in transformation,

*[m]ember states replace existing policies, processes and institutions by new, substantially different ones, or alter existing ones to the extent that their essential features and/or the underlying collective understanding are fundamentally changed (ibid.).*

The degree of domestic change in such cases is high.

Considering these distinctions, it is also possible to separate rationalist institutionalism and sociological institutionalism based on their predictions of domestic response to adaptational pressure. In rationalist institutionalism, high pressure is expected to lead to a redistribution of resources, empower certain domestic actors, and change the balance of power. In turn, these actors may drive for transformation. The theory also predicts that medium pressure leads to transformation, while low pressure with high convergence only results in accommodation. However, these assumptions only apply in the presence of facilitating factors. Without them, high and medium pressure only result in accommodation, while low pressure does not spur change and institutional inertia might occur. On the other hand, in sociological institutionalism, high adaptational pressure results in inertia. New rules, norms and values that are not compatible with domestic conditions at all cannot be expected to replace existing standards without severe resistance, regardless of the presence of facilitating factors. However, actors might be persuaded more easily, and gradual transformation might occur, if the new norms are merely 'inconvenient', yet applicable (Börzel & Risse 2003: 70-71).

### 3.3 Two-level game

Rational choice institutionalism and sociological institutionalism provide valuable accounts of the process of Europeanisation at the domestic level, the mechanisms under which it occurs, the behaviour of involved actors, and the factors which must be present for domestic change. However, when analysing the implementation of an EU directive in Norway, it is beneficial to include theoretical perspectives that shed light on the relationship between domestic and international factors behind the Norwegian actions. International influences and interests cannot be excluded in an evaluation of why Norway implemented the directive. Putnam (1988: 427) argues that domestic politics and international relations are entangled, but that it is important to approach the entanglement systematically. He states that one cannot argue that one affects the other more than vice versa, as the relationship is dependent on the particular

case, and that influence often flows both ways. As the incorporation of directives into national law spans across both international and domestic matters, one can argue that the two-level game theory is suitable for presenting possible factors behind the implementation.

In two-level game theory, states have to consider two domains when making choices. On the one hand, there are domestic actors who need to ratify policy, and on the other, states must consider what other states will accept. When performing negotiations, states must successfully bargain in both domains by reaching an international agreement that will also be ratified domestically (Moravcsik 1993: 4). Putnam stresses the complexity of two-level games, where decision makers have to consider factors at both ends simultaneously. When meeting foreign counterparts, statesmen cannot pursue a policy which merely benefits the state's international interests. The same decision-maker also has to negotiate with key actors in the domestic context, such as parliamentary figures, interests groups and agencies. As the political leaders rely on domestic support, and cannot continue without it, it is crucial to satisfy actors at the national level. Dissatisfied domestic actors may also threaten the statesmen's position at the international negotiation table. An action that seems to benefit the state's international position is not guaranteed to satisfy the broad composition of domestic actors. However, such complexity can also be used to the negotiator's advantage. An unexpected decision at the international level may open up domestic opportunities that would not have occurred otherwise. Thus, it is evident that two-level game theory attempts to capture the complex relation between international domestic negotiations (Putnam 1988: 433-435).

A central distinction in two-level game theory separates Level I, where negotiators bargain and aim to reach a tentative agreement, and Level II, where each negotiator discusses with their group of constituents to ratify the tentative agreement. Another key concept is 'win-sets', which are all the Level I tentative agreements which would 'win' and gain the necessary majority among the domestic constituents. Firstly, a larger win-set makes the possibility of an agreement at the international Level I greater. In order for an agreement to be reached, there needs to be an overlap between the Level II win-sets of the two negotiating parts. If the two win-sets do not overlap at all, the part cannot reach an agreement at Level I. Secondly, the perception of another part's win-set size influences "the distribution of joint gains from the international bargains" (Putnam 1988: 440). If a negotiator is perceived to have a larger win-set, their counterpart might attempt to exploit this and use a tougher stance in negotiations. Reversely, an actor may negotiate harder and justify this by stating that they have a smaller win-set (Ibid.: 437-440).

Putnam also defines the different factors that determine the size of win-sets. Firstly, win-size “depends on the distribution of power, preferences, and possible coalitions among Level II constituents” (Putnam 1988: 442). Secondly, the size depends on the political institutions in Level II. This means that ratification procedures become central, as these determine whether a Level I agreement can be finalised. Furthermore, the size and strength of institutions, as well as the relations among them will also affect the outcome on Level II. Finally, Putnam states that the strategies of the Level I negotiators also determine the size of win sets. At this point, it is important to consider the dilemmas that negotiators meet. Even though maximising the counterpart’s win-set is an obvious goal, it is not certain whether maximising one’s own win-set is the best strategy. Thus, it is evident that two-level game theory can be utilised when attempting to explain international choices, such as committing to the Renewable Energy Directive, with the complexity of domestic negotiations.

As, theory can be an important tool when analysing a given phenomenon in EU affairs, it is beneficial to include frameworks that attempt to explain how Europeanisation may lead to domestic change, but also how domestic factors may explain international choices. Rational choice institutionalism, sociological institutionalism and two-level game theory are three separate views, which may contradict on some instances, but can still supplement each other in cases where their focus on factors is not identical.

## 4. Climate and energy context – the EU and Norway

In order to discuss the transposition and implementation of the second Renewable Energy Directive extensively, it is necessary to introduce this study's topic in more detail. The following chapter develops on the EU's renewable energy policy, by presenting the emergence of the policy area and the specifics of the two Renewable Energy Directives. Finally, a brief section illustrates the Norwegian climate and energy policy context.

### 4.1 Brief history of EU renewable policy

Renewable energy policy is a new political domain in the EU, on the backdrop of more than 65 years of European integration. As renewable energy policy is heavily linked to the EU's climate ambitions, the policy domain has grown with the increased focus on a unified European climate policy (Buschle & Jourdan-Andersen 2016: 777,787). In 1997, the European Commission proposed the first renewable strategy with targets in a communication titled *Energy for the Future: Renewable Sources for Energy*. With only 6% of the EU's gross inland energy consumption coming from renewable sources at the time, the communication presents arguments for why the share needs to be increased. Therefore, the white paper proposes an indicative target where the Community is expected to reach a 12% renewable energy share of gross energy consumption by 2010 (European Commission 1997: 4,10).

The influence of various actors, such as the RES industry, and an increased link between renewables and climate ambitions resulted in concrete legal action in September 2001. Thus, the EU adopted its first specific piece of legislation for renewable energy – Directive 2001/77/EC. The directive bound member states to set their own national indicative targets for renewable energy electricity consumption shares, and produce action plans for reaching them. The targets which each state specified in their national reports had to be consistent with an overall Community target of 22,1% by 2010<sup>3</sup>. Furthermore, the targets had to be consistent with national commitments to other international arrangement which the EU was part of, such as the Kyoto Protocol and the UNFCCC. (Official Journal of the European Union 2001).

However, Directive 2001/77/EC left a large part of the energy market out of the EU's renewables legislation, as it only concerned electricity production. Therefore, there was an absence of an overarching renewables framework for the other sectors of energy. However,

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<sup>3</sup> At the time of the first Renewable Energy Directive, the European Union operated with a target where 22,1% of electricity production had to utilise renewable sources by 2010 (Official Journal of the European Union 2001).

single pieces of law emerged and a more unified approach began to take shape. In a move to curb transport-related greenhouse gas emissions, Directive 2003/30/EC of the European Parliament and of the Council of 8 May 2003 on the promotion of the use of biofuels or other renewable fuel for transport defines the percentage of biofuels in the transport energy market of a member state (Official Journal of the European Union 2003). Another significant precursor to a more unified renewable energy policy is the Commission communication where the Commission set out a long-term strategy for renewable energy. Among other targets, the roadmap established that the EU should achieve a 20% renewable energy share and a 10% biofuel share by 2020. The authors of the communication also predicted that the EU would not meet its renewables target for 2010 set in 1997, and that more ambitious policy was necessary (European Commission 2007). In other words, by 2009, the renewable energy policy of the EU was still in its early development.

## 4.2 The second Renewable Energy Directive

Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC is an important step towards cementing the EU renewables policy. The legal act is an answer to the 2007 Commission communication's appeal for a specific framework that binds member states to the overall targets for the renewable energy share of the total EU production and consumption.

There are numerous reasons for why the EU was in need of a unified piece of renewables legislation and the second Renewable Energy Directive's introductory articles lists several of them. The first argument is not new, and concerns climate policy through reducing greenhouse gas emissions and strengthening the EU's adherence to international climate agreements. The claim is that these ambitions are achievable in a cost-efficient manner through mechanisms that promote growth through increased market activity, employment and innovation. The EU also saw that decentralising the energy production could have positive effects on the national economies of member states through local energy source utilisation. The Commission also repeats the geopolitical element of energy supply security from the previous Directive 2001/77/EC, as they state the EU will be more independent from external suppliers of energy. (Official Journal of the European Union 2009: 17-18).

The Commission's argument concerning the security of supply and independence from external suppliers is largely motivated by the historical context of the years preceding the adoption of

the second Renewable Energy Directive. The international geo-political setting of the EU's gas supply is one of the central factors behind the drive for increased energy security. The tense situation between Russia, one of Europe's main gas suppliers, and the Ukraine and the EU contributed to the Union's increased focus on alternatives for supply. There were a series of disputes between Russia and the Ukraine regarding the agreement governing the flow of Russian gas through Ukrainian territory between 2005 and 2009 (Reuters 2009). The events exemplified how vulnerable the EU could be to future issues with Russian and other external energy supplies (Buschle & Jourdan-Andersen 2016: 779).

#### 4.2.1 Directive content

Article 1 of the directive states the following:

*This Directive establishes a common framework for the promotion of energy from renewable sources. It sets mandatory national targets for the overall share of energy and for the share of energy from renewable sources in transport (Official Journal of the European Union 2009: 27).*

Article 2 defines energy from renewable sources as “energy from renewable non-fossil sources, namely wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases” (Ibid.)

By establishing national targets, the Renewable energy directive of 2009 binds each state to

*ensure that the share of energy from renewable sources [...] in gross final consumption of energy in 2020 is at least its national overall target for the share of renewable source in that year (Ibid.)<sup>4</sup>.*

The renewable energy share of a country is calculated through the following formula: 
$$\frac{\text{gross final consumption of energy from renewable sources}^5}{\text{gross final consumption of energy from all sources}}$$
. The product of this formula then forms a percentage that indicates the target share (Ibid.: 29). When determining the targets, the Commission takes the overall EU target of 20% into account, while still allowing for several variables to determine the targets for each member state. Firstly, a country's gross domestic product and overall economic condition influences the target. The directive does not aim to increase renewable energy shares at the expense of the economic development of less wealthy

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<sup>4</sup> Annex 1 lists individual country targets.

<sup>5</sup> Gross final consumption of electricity from renewable sources, gross final consumption of energy from renewable sources for heating and cooling and final consumption of energy from renewable sources in transport.



member states. Furthermore, the Commission has modified the targets according to the country's starting point and previous efforts (Ibid.: 18). Another significant normalisation that is especially relevant for the Norwegian case, is the consideration of the climatic effects on the generation of electricity from wind and waterpower. As some countries are more dependent on these sources of energy, they will also be more vulnerable to low winds and dry years. Therefore, an equation aims to compensate for such adverse effects (Ibid.: 48).

Directive 2009/28/EC also binds member states to submit and adopt national action plans that outline a specific strategy with measures that the country aims to apply in order to meet the directive targets. These plans must consider local conditions, such as other renewable energy related policy. Member states are obliged to send these reports to the Commission, while also publishing progress reports after set programme periods. The policy measures used to achieve the targets fall under the responsibility of the national authorities. However, the policies must comply with other EU law on competition and state aid. Member states must also submit progress reports on how they are performing within given deadlines (Official Journal of the European Union 2009: 28). Another central aspect of Directive 2009/28/EC is its support for collaboration on projects and support schemes between member states. Articles 7 and 9 state that member states may initiate measures that either facilitate specific project development, or support schemes that are meant to spur the development of renewable energy. As private investors are allowed to take part in this, there is significant room for cross-border public-private partnerships which can help a state reach its renewables target for 2020 (Ibid.: 30-31).

### 4.3 Norwegian energy and climate background

Renewables have played a major role in Norwegian energy policy ever since the first waterpower plants opened in the late 19<sup>th</sup> century. The state involved itself early in the development of hydropower by applying laws securing public ownership over waterpower. As of 2017, the state owns roughly 90% of the hydropower production capacity (Regjeringen.no 2014). Due to the abundance of suitable natural sites for such development, hydropower has also been the main source of electricity, with 106,4%<sup>6</sup> of electricity consumption coming from renewables in 2015. In turn, the high percentage of renewable electricity production leads to a high total share of renewables in the gross national energy consumption. In 2015, this percentage was at 69,4%. The share illustrates Norway's unique energy situation, where the

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<sup>6</sup> In 2015, Norway produced more electricity from renewables (and exported parts) than was consumed in total domestically (SSB: 2016).

renewables share lies significantly higher than the 2015 EU average at 16,7% (Eurostat 2016). This means that the renewables policy in Norway has had an entirely different starting point than all EU member states. With nearly all electricity production coming from hydropower, increasing the renewables share has only been necessary in the other sectors of energy consumption. This is a stark contrast to states whose electricity production relies heavily on non-renewable sources, like coal.

Before implementing EU climate legislation in the 2000s, general overall goals set through participation in global UN climate agreements dominated the Norwegian strategy. Domestically, the state pursued these goals through a tax and merit system where GHG-intensive energy consumption was discouraged through fees, while less GHG-intensive solutions were encouraged through tax breaks. Finally, it is important to mention that Norwegian climate policy did not operate with specific targets for individual sectors before EU policy introduced targets as a regulatory measure through climate legislation.

#### 4.3.1 Earlier EU climate and energy legislation in Norway

The implementation of the second Renewable energy directive was not the first introduction of EU renewable energy policy in Norway. In July 2005, a Joint Committee Decision incorporated Directive 2001/77/EC on electricity production from renewable energy sources into the EEA Agreement (EEA Joint Committee 2005). Norway adopted the legal act nearly four years after its publication in the Official Journal of the EU, a period significantly longer than the average time spent on directive incorporation in the EEA Agreement. As the directive did not include binding share targets, like the subsequent Directive 2009/28/EC, the Joint Committee had the flexibility to set indicative targets that were lower than Norway's share in 1997. As more than 90% of the electricity production in Norway came through hydropower, it was assessed that the marginal cost of further share increases would be much higher than in countries with lower shares (Buschle & Jourdan-Andersen 2016: 787).

The introduction of renewable energy share targets in the electricity sector provided a preamble for incorporating all energy sectors in the renewables policy, as the directive introduced conditions in Norway that were necessary for the successful adoption of Directive 2009/28/EC. Even though the target shares for electricity production were lower than the current share and the share in 1997, the directive obliged Norway to refrain from decreasing the renewable share in electricity production below 90%. Furthermore, the directive introduced several definitions, mechanisms and requirements that remained parts of the second Renewable Energy Directive.

Firstly, the directive defined the criteria for a renewable energy source. The definitions introduced common EU criteria in Norway, making it simpler to comply with future directives. Secondly, the directive specified Norway's responsibility to report to the Commission on targets and progress every five years. As this routine was upheld in the second directive, Norwegian authorities already had experience in the reporting procedures.

Another central aspect of Directive 2001/77/EC that facilitated the transition to the second Renewable Energy Directive is the *guarantee of origin* concept. The guarantee specifies that each member state is responsible for ensuring that the directive criteria for renewable energy are applied when issuing guarantees that electricity marked as renewable actually originates from sources and production methods approved by the criteria laid down in the directive. In Norway, the Norwegian Water Resources and Energy Directorate (NVE) became the responsible government agency for issuing such guarantees and approving electricity production plants (NVE 2017a). Finally, it is necessary to mention that the directive introduces standards and requirements for power grid infrastructure that continue to apply in the second Renewable energy directive (Official Journal of the European Union 2008: 174).

#### 4.3.2 Backlog of EU energy policy in Norway

Even though the EU's energy policy is an integrated part of the Internal Market and legislation is in most cases marked as EEA relevant, a substantial part of the policy has not been incorporated into the EEA Agreement. When analysing the implementation of the second renewable energy directive it is important to bear in mind that the EU shapes its policy with a unified vision, and the functioning of one directive will depend on whether the rest of its framework policy is present to support it. Therefore, the backlog is an important part of the context that influences an evaluation of the implementation of a single directive. Firstly, EEA/EFTA states are yet to take in the Third Energy Package which the EU adopted in 2009 (Buschle & Jourdan-Andersen 2016: 784). The set of rules and regulations focusing on energy market liberalisation and integration is an important part of the EU's road to a complete energy market (European Commission 2017c). However, in November 2016, the Commission proposed new rules for a consumer centred clean energy transition in the so-called 'Winter Package' (European Commission 2016). Furthermore, there is a significant lack of synchrony in energy efficiency policy, another field closely related to RES legislation, where EEA/EFTA states have not yet incorporated key directives in the EEA Agreement. Such delays illustrate the differences between the current framework in the EEA/EFTA states and the rest of the Internal Market.

## Analysis

“The EEA Agreement is likely the most comprehensive environmental agreement which Norway has signed” (St.prp. nr. 100 (1991-1992): 266). These are the introductory words to the chapter on environmental consequences of the EEA Agreement in the Parliamentary proposition for approval of the Agreement’s signing in May 1992. Brundtland’s Labour Party government also specified that they believed the best tool for addressing transnational environmental challenges was specific and binding international collaboration (Ibid.: 274). The position exemplifies the political desire to use EU policy to achieve domestic and international environmental priorities. However, as political leadership and national context change, so do Norwegian public and private interests. The implementation process of the EU’s renewable energy policy is an example of how attitudes to EU legislation can change according to the circumstances. The quotes illustrate an early optimism and belief that the EEA Agreement would become a central environmental, and later climate policy, tool for Norwegian authorities. However, data from a ten-year period before Directive 2009/28/EC’s adoption in Norway, as well as the implementation process itself, illustrates that public and private motives were formed by a more complex combination of factors. The following analysis aims to present and discuss these factors in three chapters – one chapter analysing the phase before adoption, one chapter analysing the negotiations for the conditions of the directives implementation, and one chapter analysing the post-adoption period and the consequences of the directive.



## 5. Assessment phase

The Norwegian assessment of whether the second Renewable Energy Directive is a complex process dependent on a multitude of factors. Domestic political factors of the 2000s played a central role in the government's course of action, as the Norwegian debate on the country's renewable strategy turned into a heated political dispute. The application of two-level game theory shows the two-way relationship between the domestic pressures on the authorities and Norway's international obligations. However, as private and non-governmental actors also influence political processes, this chapter argues that they exerted normative pressure as agents of change.

### 5.1 EEA framework

Norway's relationship with the EU, the framework of the EEA Agreement and the terms that dictate the incorporation of energy and climate related legislation are one of the central factors that have influenced the official assessment of the second Renewable Energy Directive. The provisions of the Agreement ultimately bind the Norwegian course of action, as the legislature functions as the legal context for the implementation process. Therefore, it is important to consider that domestic politicians must operate within the boundaries of an international agreement. It is crucial to specify that the decision to adopt the directive in Norway was not simply Norway's sovereign choice. Jourdan-Andersen confirms this by stating "it would have been difficult for Norway to argue for an exemption from Directive 2009/28/EC since the first Renewable Energy Directive 2001/77/EC was incorporated into the EEA Agreement" (Annex ESA).

The question of whether Norway will transpose and implement climate and energy related legislation in the country's national law relies on whether the legislation is incorporated in the EEA Agreement. Norway has access to the EU's Internal Market and several other areas of collaboration through a comprehensive agreement between three EFTA states and the Union. When the Agreement entered into force in 1994, it set up a framework for incorporating past and future EU Internal Market legislation. This means that the agreement is dynamic, and the signatories can continuously incorporate updated legislation relevant to the covered fields. The EEA/EFTA states and the EU need to agree on the incorporation of law through negotiations, and the length and complexity of the talks depend, among many other factors, on how clear the EEA Agreement's framework is on the specific issue (Buschle & Jourdan-Andersen 2016: 773-774).

Energy law is one of the areas covered and regulated by the EEA Agreement. Even though the field is relatively young compared to other categories of EU law, energy is currently an extensively regulated sector. The creation of an internal energy market has grown to become a high priority, and is therefore an essential part of the EEA Agreement. Buschle and Jourdan-Andersen even state that “all pieces of EU legislation forming European energy law are marked as EEA relevant” (2015: 783). Energy related legislation is by definition EEA relevant in cases where it has an effect on Internal Market conditions (Ibid.). If one follows this definition, the second Renewable Energy Directive is EEA relevant regardless of the Norwegian authorities’ evaluation. This significantly limited the policy-makers’ room for manoeuvre and made the legislation’s implementation, in theory, seem inevitable.

However, the question of the EEA relevance of energy related legislation is not as black and white as it might appear at first. Firstly, the EU’s energy policy has evolved since the signing of the EEA Agreement. The original understanding of which legislation is relevant for the Internal Market might not give as clear-cut answers with today’s policy. Jourdan-Andersen states that “what was considered EEA relevant in 1994, is a totally different concept today” (Annex ESA). In cases where Internal Market legislation extends into other policy areas, this question may become increasingly challenging. As the structure of the EU’s legal base has changed, it has also become increasingly difficult to specify which single policy area legislation falls under (Ibid.). Secondly, the EEA/EFTA states may reach an understanding with the EU for exemptions. There are examples of energy legislation that the EEA/EFTA states have not incorporated in the EEA Agreement, even when the EU has marked them as EEA relevant. For instance, since oil and gas stocks were excluded from the EEA Agreement, Norway did not consider the Oil Stock Directive 2006/67/EC and the Gas Security of Supply Directive 2004/67/EC as EEA relevant. Therefore, the negotiations between the EEA/EFTA states and the EU may lead to agreements on derogations and adaptations of legislation for some or all of the three states (Buschle & Jourdan-Andersen 2016: 790-791). These examples illustrate that legislation marked as EEA relevant by the European Commission does not always automatically enter the EEA Agreement in its original form. However, it is important to clarify that there are no specific provisions in the Agreement that give EEA/EFTA states a specific right to ‘opt out’ of legislation. Thus, if Norway wished to be exempted from Directive 2009/28/EC, this would not follow from rules granting a right to veto. Exemptions and derogations can only be reached through negotiations or exceptional cases such as those presented above (Ibid.: 85-89).

In the case of Directive 2009/28/EC, one can argue that EEA relevance was uncertain due to the directive's role in the EU's 2020 climate and energy framework. As the legislation transcends into the field of climate policy with action directed towards reduced GHG emissions, it is arguable whether the directive encompasses a field where Norway is not obliged to transpose EU law. Climate action is a relatively recent field of EU legislation, and its expansion has been most significant after the signing of the EEA Agreement. It is not a field that is automatically marked as EEA relevant, and the EEA/EFTA states are often able to choose whether they wish to take part in the larger overarching climate frameworks. Therefore, this consideration could also have been an aspect that complicated the Norwegian assessment of the directive's relevance.

The conditions set by the EEA Agreement presented above, illustrate how the provisions for transposition and adaptation of legislation in the Agreement may vary depending on the field. Even though the legal basis of the relationship determines the nature of EU law transposition in Norway, there are cases where it is difficult to apply the definition of EEA relevance. EU law on climate and energy is an example of such a field. Nonetheless, the Agreement provides a clear legal frame for Norwegian domestic decisions.

## 5.2 Domestic Norwegian political interests and two-level games

The Norwegian authorities' domestic political concerns and challenges prior to the implementation of Directive 2009/28/EC are central factors in the analysis of public motives in the process. The findings in this chapter show that the policy makers faced various challenges in addressing an increased energy demand, as well a public desire for a more ambitious climate policy and increased investments in renewable energy. The authorities faced further pressure to implement a joint green certificate market with Sweden. Two-level game theory captures these factors well and illustrates how the government could use the directive to achieve domestic political goals, but also how the domestic political circumstances made adoption less challenging.

### 5.2.1 Domestic demand for renewables

The Norwegian public debate on renewable energy in the years before the EU's launch of Directive 2009/28/EC indicates that the government's renewable strategy was under intense pressure. However, it was not until the presentation of their 2020 climate & energy package on 23<sup>rd</sup> January 2008, that the adoption of the revised directive became part of the renewables debate. On that day, the Minister of Petroleum and Energy, Åslaug Haga, declared that Norway



should aspire to at least match the EU's ambitious targets for renewables. Even though Norway at the time was a leader in the field of hydropower, the Minister stated that the country had specific plans for developing alternative renewable sources, such as bioenergy, wind power, small-scale hydropower and offshore wind. Haga also pointed out that it was her personal ambition to develop Norway as a major exporter of clean renewable energy (Regjeringen.no 2008).

There are several elements in Haga's aspirations for Norway to join the EU's 2020 targets, and more specifically, the renewables strategy that offer opportunities for analysis. Firstly, there is a domestic political element to promoting climate friendly solutions and stating that Norway should be an ambitious actor on the international scene. Haga represented the Centre Party in a coalition government with the Labour Party and the Socialist Left Party. In the coalition platform from 2005, the government stated its ambition to utilise the country's competence within the energy sector to develop new technology that facilitates GHG emissions reductions. In order to achieve this, Norway needed to develop the potential of alternative renewable energy sources, like those listed in Haga's statement. Increased government financing of R&D in the field, as well as the realisation of projects through the state-owned enterprise Enova were measures that the authorities expected would contribute to a positive development. Furthermore, there was a clear ambition to establish a domestic green certificate market as a measure for financing renewable energy development (Statsministerens kontor 2005: 58).

However, despite the high ambitions in the coalition's platform, the government received public criticisms on the realities of their renewables policy. The critique supports the argument the authorities had to find ways in which they could strengthen the reputation of their renewables policy. In an October 2007 editorial in one of Norway's leading newspapers, *Aftenposten*, the author criticises the government's budget, with low expenditures on renewables financing being one of the main critiques (*Aftenposten* 2007a). During the next months, numerous other articles flourished, questioning the government's commitment to fulfil the targets of the 2005 platform. Representatives from the electricity industry as well as environmental NGOs urged the government to join European efforts in increasing the renewables share, while pointing out that the governments of other Northern European countries provided better conditions for such development (Aale 2007a) (Lahn et al. 2007). Furthermore, in December, the Minister of Education and Research admitted that more funding in the field was necessary (Aale 2007b). Attention towards this issue was also raised on a political level. In an October 2007 interpellation, an opposition party (the Progress Party)

politician confronts the Minister of Petroleum and Energy Haga with stagnating renewables projects (Stortinget 2007).

It is evident that the Stoltenberg coalition was under pressure from the political opposition and public for not fulfilling the platform ambitions. In light of this backdrop it is reasonable to assume that the government considered the directive as a suitable political tool in securing domestic support, and answering the critiques towards the coalition's renewables policy. The government's use of Directive 2009/28/EC as an opportunity to solve domestic issues is a case that fits well with Putnam's two-level game theory. The framework theorises the process where an actor at the international negotiating table needs to consider domestic factors and negotiate with key figures at home before running a successful international strategy. However, two-level game also functions in a reverse application, where focus lies on how actors can use commitments on the international negotiating table to meet domestic pressures.

Instead of facing a difficult choice at the international level before having to legitimise it for its domestic constituency, Norway experienced the reverse situation. Putnam argues that international policy choices at level I can present new opportunities in the domestic domain. As the Stoltenberg coalition received heavy critique for underachieving in the field of renewables, the government saw that their reputation in energy and climate, one of their main platform causes, was deteriorating. The political opposition was likely to gain strength, while potential voters were likely to become influenced by the media attention directed towards the lack of commitment to renewables. As any state acting on the international level is dependent on re-election in order to retain their position at both the domestic and international negotiating tables, a ruling coalition must constantly focus on maintaining sufficient domestic support. The EU's launch of an ambitious 2020 package and a revised Renewable Energy Directive in January 2008 presented a suitable opportunity for the Stoltenberg coalition to reaffirm its commitment to a strong climate policy and apply what would appear as a more dedicated approach to renewable energy. When discussing the complexity of the domestic Level II, Putnam argues that a decision at the international Level I which appears to constrain the state, in fact, may present the statesmen with a new opportunity which can be exploited at Level II (Putnam 1988: 434). This appears to be the case in the when Norwegian politicians could use Directive 2009/28/EC to boost the legitimacy of their platform commitments.

### 5.2.2 Norwegian energy in the 2000s – concerns of power supply shortage and gas controversy

Concerns around the security of Norwegian power supply and the debate on potential future energy sources were further factors which were likely in favour of adopting Directive 2009/28/EC. During the past century, Norway's power supply has depended heavily on access to hydropower. After WWII, a large-scale development of hydropower plants throughout Norway marked a substantial expansion in response to the country's increased power demand. However, by 1990, the expansion had stopped and the market had to rely on past capacity increases for future production. This strained the supply security, and the combination of a dry autumn and cold winter in 1996/97 led to fears of a supply crisis with electricity rationing in some parts of the country (Stedje 1996) (NTB 1996) (Bugge 1996). Even though the predicted power crises did not occur, the low water levels in the reservoirs raised the question of how vulnerable the Norwegian power market could be. Unfortunate weather circumstances during the winters of 2001, 2003 and 2006 accentuated the question. Thus, by the time the discussion of the second Renewable Energy Directive began, the security of power supply had already been an important factor which the government had to take into account when shaping future energy strategies.

Considering the concerns for power supply, the failure of Norway's gas power expansion appears as another reason to strengthen the renewables policy and implement relevant EU legislation. Among the many proposed solutions to Norway's power supply challenges, one received substantial attention in the media. A sizeable political movement began to favour the utilisation of the country's rich natural gas resources in the North Sea, as this alternative appeared cheap and practical. The idea to use this resource was not new, and the country was already an important exporter of the energy source. However, building power plants running on natural gas was a move that required support from members of Norway's largest parties (Strand 2000). Some of the arguments in favour were that gas was less GHG-intensive than imported coal power, and that there CO<sub>2</sub> purification technology was available. Some proponents even prioritised security of supply to the extent that they argued Norway should develop its gas power sector, even without CO<sub>2</sub> purification (Skogseth 1995). This required amending existing anti-pollution legislation prohibiting such expansions. The matter even escalated to a political crisis in March 2000, when the coalition government led by Kjell Magne Bondevik's Christian Democratic Party, the Centre Party and the Liberal Party asked for a vote of confidence and resigned, after refusing to follow the Conservative and Labour Party's

demands to alter the law (Alstadheim et al. 2000). The debate continued, but with gas being a fossil fuel source and with the costs and challenges accompanying large-scale CO<sub>2</sub> purification technology, gas never became Norway's new alternative power source (Løvås 2017).

### 5.2.3 A joint green certificate market with Sweden

In light of Norway's increased power demand, the failed drive for large-scale natural gas power production and the political and public desires to pursue capacity increases through renewable sources, establishing a green certificate market became a political priority. However, the data shows that such a scheme would be difficult to realise without the adoption of Directive 2009/28/EC. It is thus possible to link the energy situation in Norway to the political will to adopt the directive. Further capacity increases in the country's power production based on renewable energy represented a possible answer to Norway's increased power demand. Waterpower expansion appeared as one of the realistic immediate moves, as the domestic conditions for further resource utilisation were good. Considering Norway's long-lasting experience with hydropower and Norway's suitable topography, this appeared as a safe option. However, such capacity increases are costly, and Prime Minister Stoltenberg had even announced in a 2001 new year's speech that the time for large-scale waterpower expansion in Norway was over (Knudsen et al. 2013: 345). Thus, small-scale capacity increases replaced large-scale constructions in the strategy. Furthermore, Norway began to explore the country's potential in the wind power industry, where studies in 2008 found beneficial conditions at sea (Langøren 2008). However, most of the explored alternatives demanded new support mechanisms. In the early 2000s, discussions about green certificate schemes had already started to appear in Norwegian media. Proponents of the mechanism argued that it would encourage renewable energy development through a scheme where the end consumer finances development through a fee in the final electricity price (NVE 2017a). Thus, there was an alternative where a market-based mechanism could help finance the necessary production capacity expansions. This supports the argument that a green certificate scheme was a likely strategy to meet increased power demands.

By the time the authorities began to assess Directive 2009/28/EC, it was evident that a certificate market was only realistic on an international scale. Thus, the pressure to establish a certificate scheme became interlinked with international collaboration in the renewables field. Studies in the early 2000s showed that the constrictions of the domestic Norwegian power market made it necessary to internationalise the country's renewable energy financing ambitions. In 2002, on appointment of the Parliament, the Ministry of Petroleum and Energy

published a white paper on gas power, where they concluded that implementing a national green certificate market in the current context would imply a high degree of uncertainty for the actors on the energy market. Firstly, the state had just established Enova SF, a government enterprise designed to support renewable development, and secondly, the expected establishment of an international certificate scheme in Europe would require Norway to adapt once again. The ministry stated that it did not support this solution and that the state should await and monitor the certificate markets developing on the international level, especially in the other Nordics countries. However, as these states were members of the EU, the ministry expected European regulations to play an important role in the development. As Norway had not even implemented the first Renewable Energy Directive at the time, there was a high degree of uncertainty. Therefore, the white paper concluded by recommending policy-makers to make sure that the Norwegian power market would be able to adapt if Norway became part of a future international certificate regime (St.meld. nr. 9 (2002-2003): 107-108).

The Norwegian authorities identified Sweden as the best partner state for a joint green certificate scheme, but difficulties in negotiations complicated this topic even further for the government. The failure to reach an agreement further damaged the coalition's credibility in renewable energy policy. A 2003 white paper argued that a joint certificate market with Sweden was one of ten steps in which the government aimed to build resilience. (St.meld. nr. 18 (2003-2004): 8). However, negotiations with the Swedish authorities proved difficult and the energy ministers of the two countries postponed on several occasions the conclusions of an agreement. The Stoltenberg coalition, which assumed power in 2005, inherited thus this challenge from the previous government. The delays sparked negative reactions from several actors, with the environmental movement wanting more investment in renewables and Norwegian industry seeking less uncertainty around future renewable energy infrastructure construction (Teknisk Ukeblad 2008a) (Norsk Industri, EBL, ZERO, Bellona 2006). The coalition government faced intense pressure and criticism regarding the delays. In 2006, the Minister of Petroleum and Energy was accused of halting the renewable transition and spreading misleading information, most notably from within the coalition government's own Socialist Left Party, but also from the opposing Conservative Party (Bellona 2006) (Jensen 2006) (Mathismoen 2006) (Helljesen 2006). Negotiations for a joint certificate market with Sweden resumed in December 2007, more than a year after the opposition in the Parliament demanded the government to do so through a vote (Bjørgum 2007).

Another aspect which complicated the negotiations were the differences between the two countries' relationships with the EU. Even though domestic pressure in Norway kept the government committed to negotiations with Sweden on a common green certificate market, there were further complications emerging on a European level. The launching of the EU's 2020 climate and energy framework indicated that Sweden would soon have external commitments which could limit the opportunity to collaborate with Norway. The EU package announced national renewable targets as important components of the future framework, but Sweden would not know their target until the EU adopted the second Renewable Energy Directive. Thus, it was difficult for Norway's neighbour to commit to a green certificate scheme, as their future Directive 2009/28/EC target would influence their negotiation position. A technology magazine in Norway even predicted that a realised certificate market might not emerge before 2012 (Tenkisk Ukeblad 2008b).

Furthermore, the Swedish authorities were apprehensive because Norway's position outside the EU might challenge the legitimacy of a future certificate scheme. Even though the second Renewable energy directive permitted international cooperation schemes on financing development, it was not certain whether the Commission would approve a support mechanism where Sweden collaborated with an EEA/EFTA state which had not adopted Directive 2009/28/EC (Nilsen 2008b). Article 11 in the directive lays the legislative framework for joint support schemes, and states that

*[w]ithout prejudice to the obligations of Member States under Article 3, two or more Member States may decide, on a voluntary basis, to join or partly coordinate their national support schemes (Official Journal of the European Union 2009: 32).*

The legal text also refers to schemes between member states and EEA/EFTA states, as the directive is marked "text with EEA relevance". However, if the EEA/EFTA state had not implemented the directive, there would be no EU renewable energy framework to cover and regulate a joint support scheme between Sweden and Norway from the Norwegian side. This could be legally problematic for Sweden, who risked being sanctioned by the Commission for applying joint support schemes in collaboration with a state not covered by the same framework. Another reason for Swedish concern could have been the lack of resolution exhibited by the Norwegian government. Even in 2008, the Minister of Petroleum and Energy was still showing uncertainty around Directive 2009/28/EC's EEA relevance (Dagsavisen

2008). Without, true commitment to implement EU legislation from the Norwegian side, it would be hard for Sweden to make an early commitment to a joint scheme.

Even though it might seem like there was overwhelming Norwegian support for a green certificate scheme with Sweden, it is important to clarify that there were certain issues that caused concern among Norway's policy-makers. Firstly, negotiations for Directive 2009/28/EC's incorporation in the EEA Agreement had not even started, and it was difficult to predict how ambitious the Norwegian target would be. This aspect introduced uncertainty in which future scenarios for future renewables policy the authorities should consider in negotiations with Sweden. Secondly, policy makers were concerned that the joint scheme was mostly going to fund capacity increases in Sweden (Ruud & Knudsen 2009: 16). It is important to specify that there were tough internal disagreements in the coalition government regarding the green certificate scheme. The Prime Minister, Jens Stoltenberg, was strongly against the agreement, as he believed it would be a measure that would make the Norwegian consumer of power finance development in Sweden. However, other ministers within the coalition countered the Prime Minister and the government's final position to the schemes was positive (Stoltenberg 2016: 420-422). Thus, it is evident that the negotiations between Norway and Sweden were influenced by constraints from the Norwegian side as well.

#### 5.2.4 Two-level games – The certificate scheme's dependency on Directive 2009/28/EC

Through the logic of two-level game theory, the policy-makers' concerns regarding the certificate scheme and its dependency on the second Renewable Energy Directive illustrate how issues relating to domestic policy and government reputation at Level II can motivate action at the international Level I. However, two-level game theory also focuses on how agreements and policy formation at level I also needs to be negotiated at the domestic Level II (Putnam 1988: 434). The rhetoric used by officials when they presented the implementation of the directive as a Norwegian resolve to pursue an ambitious renewables policy exemplifies this process. When using international cooperation and EU legislation to achieve domestic objectives, the Norwegian government needed to find a way in which they could use commitments in international fora to meet challenges within the country borders. Putnam states that statesmen face pressure from a variety of actors and coalitions at the domestic table, and that agreements made at the international table need to satisfy these as far as possible (Putnam

1988: 434). Although the pressures which the Stoltenberg coalition faced at home were multifaceted, they can be summarised in two categories.

The negative media coverage of the lack of prior public investment in renewables illustrates a growing domestic pressure to commit to a more ambitious drive for climate friendly energy solutions. Considering the expressed promises in the coalition's platform from 2005 to reduce GHG emissions, exploit new alternative energy sources and establish a green certificate market, it is evident that widespread negative media attention directed towards the inability to establish a certificate scheme could have a damaging influence on the coalition's reputation. The material consulted for this thesis shows that the policy-makers faced widespread protests when they kept postponing negotiations for the joint green certificate market with Sweden. A major climate and energy policy element was thus under scrutiny and the authorities needed to respond to the criticisms. If the government did not counter the criticisms with action, it risked facing poor results at the next general elections, and thus the failure to secure re-election. In a two-level game, an actor needs to satisfy other players, and even an electorate, in order to secure a seat at the international table as well. Thus, one can argue that the Stoltenberg coalition saw that a certificate scheme with Sweden was going to be difficult without Directive 2009/28/EC and that securing the successful functioning of them was central to the coalition's future renewables strategy. Even if the officials might have been aware of the fact that it would be difficult for Norway to refuse the incorporation of the directive in the EEA Agreement, they could still take advantage of the signal that the declaration of implementation sent to the community.

An important aspect of two-level game theory is the focus on the state's obligation to negotiate and legitimise Level I international agreements at Level II. However, in the Norwegian case the authorities did not experience great challenges legitimising a future implementation of Directive 2009/28/EC. According to Putnam, policy-makers depend on the approval of an international agreement in the domestic sphere, even if the policy implementation is mandatory and stems from an international actor such as the EU. The regulatory framework of the EEA Agreement and Norway's previous implementation of the first Renewable Energy Directive are factors that restricted the choices that Norwegian authorities had regarding the directive's EEA relevance. Nonetheless, one must consider that the authorities usually have to justify a course of action in international negotiating. However, positive attitudes among various private actors, such as the renewables industry, reduced the need to legitimise the adoption of this specific directive. Opinions among power producers and the Confederation of Norwegian



Enterprise (NHO) were already positive, due to their views on equal market conditions for Norwegian enterprises. The public pressure to increase the renewables investments following a period of lower development and economic downturn was another factor that made the directive appear as more desirable than controversial to the involved parties.

One possible interpretation is that the Stoltenberg coalition turned the process around and made a larger question out of the EEA relevance assessment process in order to make Norway seem like a driver for renewable energy development. The rhetoric of the Petroleum and Energy Minister Haga in early 2008, made it seem like the EU set a positive example that Norway wished to follow. When her successor, Terje Riis-Johansen, explained that the government was still evaluating whether the directive was EEA relevant and that incorporation in the EEA Agreement was uncertain in October the same year, his statement constituted a marked contrast to Haga's position. However, he also suggested that Norway had a wider room for manoeuvring than the EEA Agreement allowed. As it later became clear that the directive could become a tool for achieving a certificate scheme, the authorities could again make it seem like implementing it would be an independent choice towards a more ambitious renewables policy. Therefore, the task of legitimising Directive 2009/28/EC was not as challenging as it could have been, as the government used the perceived uncertainty of implementation to their advantage.

### 5.2.5 Directive 2009/28/EC conflict with Norwegian interests

Even though the domestic pressures regarding the coalition's renewables policy and the government's interests in a joint green certificate market with Sweden appear as strong arguments in favour of implementing Directive 2009/28/EC, other factors prevented a swift evaluation of EEA relevance and adoption in Norway. Considering the fact that discussions between Norway and the European Commission did not begin before June 2010, and the directive entered the EEA Agreement in December 2011, it is reasonable to assume that there were certain complications in the process. The complicating factors can be separated in two categories. Firstly, the government did not support adoption completely, as the directives had certain traits which they saw as unfavourable. Secondly, there are institutional issues in Norway that may delay the country's position regarding the adoption of an EU directive.

Some traits and implications of Directive 2009/28/EC were problematic for Norwegian authorities. The first issue was the policy-makers' perception of the directive's low potential of adding value to Norway's economic activities. Key decision makers, also within the Ministry

of Finance, evaluated the directive's potential economic contribution as low (Ruud & Knudsen 2009: 17). One of the arguments in favour of funding an increase in Norway's renewable energy production capacity was related to the potential of becoming a major renewables power exporter – or the 'green battery of Europe' idea. However, in an assessment of the technical and political feasibility of the scenario, Anne Therese Gullberg (2013: 622) concludes that a massive renewables expansion was not likely to replace the existing policy of incremental capacity increases in the short term. The main reasons were the high economic risk connected to expanding production infrastructure and building international interconnectors. Thus, it is evident that it was difficult to link the implementation of Directive 2009/28/EC to the proposed plans for developing Norway's power exporting capacities.

The second factor under the first category concerns the inclusion of biofuel policy in the second Renewable Energy Directive. As the legislation introduced EU biofuel policy in Norway, it was a likely cause for apprehension. In 2009, biofuel was a source of heated political debates and even caused internal divisions in the coalition government. Jens Stoltenberg argued against exempting biodiesel from certain taxation, as he did not see the fuel as more environmentally friendly. However, he met serious opposition within his coalition government and from the opposing parties (Stoltenberg 2016: 423-426). Directive 2003/30/EC on the promotion of the use of biofuels or other renewable fuels for transport was not incorporated in the EEA Agreement, as the EU and the EEA/EFTA states did not consider it as EEA relevant (EFTA 2017). However, Directive 2009/28/EC includes the criteria for biofuels and thus introduces the legislation in Norway. Therefore, Norwegian policy-makers who did not view biofuel legislation as a strong climate policy measure or EEA relevant, were likely to oppose the introduction of the criteria through the second Renewable Energy Directive. Furthermore, the role of biofuel in the directive touched upon the sensitive issue of EU agricultural policy, which is not included in the EEA Agreement. The table of correspondence between Norway and the EFTA Surveillance Authority on the conformity assessment for the directive's implementation reveals that Norway did not consider Article 17, 6 applicable. As the article refers to Regulation 73/2009, which outlines the support schemes for farmers who produce biofuels, Norwegian authorities marked it as irrelevant (EFTA Surveillance Authority 2012: 55).

The second category of factors that were likely to have delayed the Norwegian evaluation process of Directive 2009/28/EC is the institutional structure and procedures that govern the preparation for adoption of EU law. Even in cases when the legislation is less controversial, institutional constraints may prolong the process of establishing a position. Firstly, there was a

significant delay in the official preparatory works for the directive's adoption. The Parliament's EEA Special Committee discussed the legislative proposal eight months before the EU adopted it (Ruud & Knudsen 2009: 20). This prevents an early discussion in Parliament which may build the competence of politicians to deal with incoming EU law. Furthermore, the Ministry of Energy and Petroleum's Special Energy Committee rarely deal with legislation while the European Commission prepares the proposals. The delay also prevents inter-sectoral discussions where representatives from different ministries can begin to prepare positions and courses of actions at an earlier phase (Ibid.: 15). Thus, it is important to assert that the overwhelming pressure to improve Norway's renewables policy must not overshadow the areas where Directive 2009/28/EC did not match Norwegian interests.

### 5.3 Domestic Norwegian non-governmental change agents

During the assessment period preceding Norway's implementation of the second Renewable Energy Directive, independent non-governmental actors had normative roles and influences. The Confederation of Norwegian Enterprise (NHO), the Norwegian organisation for electricity companies Energy Norway, and the environmental NGO Bellona, acted as powerful organisations that spread normative arguments in favour of the implementation of Directive 2009/28/EC. As discussed in chapter 3, the presence of change agents is a necessary condition for domestic change resulting from Europeanisation (Börzel & Risse 2003: 67). The change agents in Norway produced an intriguing alliance as the country's dependency on hydropower contributed to a rare example where the opinions of business and environmental organisations converged. These were among some of the factors that prevented the formation of a strong opposition to Directive 2009/28/EC.

#### 5.3.1 NHO and the energy businesses

The Confederation of Norwegian Enterprise is one of the influential NGOs in Norway, and its positive stance to the second Renewable Energy Directive reveals that the political representation of business aided in creating common acceptance of the directive. NHO is the largest interest organisation for enterprises in Norway, with roughly 25 000 members in 2017 (NHO 2017). Traditionally, the organisation has favoured Norwegian participation in European integration, as NHO has experienced that its members are most often at an advantage if they operate within the same rules as EU enterprises. Although the organisation favours Norwegian EU membership, it has as of 2017 no desire to restart the debate. However, NHO aims to make sure the EEA Agreement works as optimal as possible while securing Norwegian business

competitiveness in the European market (NHO 2015: 2). In a 2015 policy document on EU affairs, NHO also advocated a strong involvement in the shaping of the Union's climate and energy policy (Ibid.: 15). Such participation requires an extensive transposition of climate and energy-related legislation.

NHO showed early support for Directive 2009/28/EC and maintained the position throughout the adoption process. In March 2009, after the Ministry of Petroleum and Energy sent out a hearing on the second Renewable energy directive, NHO responded by stating that the organisation was positive to the directive's implementation (NHO 2009: 1). The interview with NHO conducted for this thesis confirms this, as the interviewee states that the organisation saw no reason why Norway should not have implemented Directive 2009/28/EC. Most employees in NHO considered it as an almost certain fact that the directive would be found EEA relevant (Annex NHO). Part of the reason for this position was the view that Norway already had a high renewable share and was thus in an advantageous position to reach the targets. Secondly, in line with the organisation's view that equal conditions for Norwegian enterprises in Norway and the EU ensures competitiveness, NHO saw the implementation of the second Renewable Energy Directive as an important step towards streamlining Norway and the EU's climate and energy policy (Annex NHO). Finally, in the hearing response, the confederation explained that Norway's already high renewable share did not necessarily entail extremely costly methods of increasing the percentage. As the country already had a high production capacity for hydroelectric power production, increasing the share through further capacity increases could have meant expensive infrastructure projects. However, as the directive allowed for several flexibility mechanisms, such as statistical transfers, joint international projects and international subsidiary mechanisms, NHO saw cost-efficient ways of reaching the target (NHO 2009: 1).

### 5.3.2 Energy Norway

As the confederation represents the interests of a broad field of Norwegian enterprises, it is important to bear the composition of Norway's business environment and the nature of NHO's different members in mind. Even though the confederation consists of variegated business interests, influential member organisations also backed the adoption of Directive 2009/28/EC by supporting NHO's position and exerting influence independently. An example of a powerful interest organisations in favour was Energy Norway (Energibedriftenes Landsforening EBL prior to 2009). Energy Norway represents the interests of roughly 270 companies working with the production, distribution and trading of electricity. The organisation represents a large and

wealthy sector, which gives it a powerful voice in the NHO structure as well as in the business society in general. Energy Norway was positive to the implementation of the directive, as its members saw that increasing the demand for renewable energy in Norway would equal an increase in the demand for energy produced from waterpower. As many of the organisation's members were involved in this sector, they saw the directive's effects as important sources of potential profit from increased production and sales. However, Energy Norway also viewed an ambitious target as important for achieving more security of supply for the country. Therefore, Energy Norway welcomed the decision to implement the directive. Furthermore, there was a political view that the country's unique position with renewable energy abundance obligated Norway to accept a share of the European efforts to reduce GHG emissions. Finally, one must note that the organisation valued the focus on cost-effectiveness and the Directive's conditions for market based strategies for achieving the targets (EBL 2009a) (Annex Energy Norway).

However, the positive positions to the directive do not necessarily represent the entire spectre of enterprises. Not all business communities exhibited the same position, as their activity would not necessarily benefit from an increased renewable share. An example was the oil and gas industry, which depends on sales of fossil fuels. However, the largest business organisation, Norwegian Oil and Gas, did not reply to the official hearing, and the response of the smaller "Norsk Petroleumsinstitutt" merely reiterated the importance of asserting Norwegian interests in the negotiations for the specifics of implementation (Regjeringen.no 2009) (Norsk Petroleumsinstitutt 2009). Finally, it is important to consider the disagreements within NHO and the business community in general regarding the measures Norway should use to achieve its target. Energy producers favoured production capacity increases, while certain industries argued for increasing energy efficiency. The divide reflected different economic interests, but it did not lead to opposition against the directive's adoption (Annex NHO). Therefore, while keeping in mind that business interests across sectors vary, it is evident that the most predominant and heard position from the NHO community was a positive stance to adoption.

### 5.3.3 NHO and Energy Norway as epistemic communities

With two examples of influential business organisations that supported the implementation of the second Renewable Energy Directive, there is reason to claim that there was substantial support for the legislation in the private sector. However, in order to categorise these actors as change agents, it is necessary to discuss how they exerted influence in the domestic domain. The concept *epistemic communities* in sociological institutionalism is useful when categorising the role of NHO and Energy Norway. Defined as agents who lay claim to knowledge by

providing cause-and-effect explanations, epistemic communities exert influence by defending their position as backed by facts (Börzel & Risse 2003: 68). NHO as a centralised organisation did not take on the largest responsibility for information campaigning related to the second Renewable Energy Directive specifically, but the organisation's argumentation was highly congruent with the criteria for epistemic communities (Annex NHO). The confederation argued that the best way to make Norwegian businesses competitive was through integrating Norway with the Internal Market (NHO 2015: 1). Therefore, NHO's view on adopting EU legislation had to reflect this value. This does not mean that the confederation always stays positive to all incoming legislation from the EU. If legislation in its original form is seen as detrimental to business interests, the organisation will express this. Nonetheless, in the case of Directive 2009/28/EC, NHO saw it as a part of the EU's climate and energy package, and expressed that Norway needed to adopt an ambitious policy that sought to reduce GHG emissions in a cost-effective way (Annex NHO).

The example of Energy Norway as an epistemic community change agent is similar, in the sense that the organisation also argued for the transposition of the directive, as well as for ambitious investments in renewable energy development (EBL 2009a: 1). The organisation used a similar logic, stating that it would be a disadvantage for Norwegian power producers if a delayed implementation of the directive limited their capabilities to participate in renewable energy investment opportunities in Norway and the EU. Energy Norway stated in their 2009 hearing response that aligning Norway with the EU will increase the possibilities of establishing a joint green certificate market with Sweden (Ibid.: 3). Even though the organisation expressed some concerns regarding the methods Norway would use to reach the targets, Energy Norway established a baseline argumentation that resembled the one of their umbrella organisation NHO.

Energy Norway played an even more central role by spreading information and influencing a wider audience. Their actions exemplify the organisation's role as a change agent that aimed to steer policy-makers in a certain direction at a time when the course was uncertain. Firstly, it is evident from several articles on their website that they wished to inform their business community and the public of their stance on the directive. In an article from October 2008, Energy Norway stated that the second Renewable Energy was central to Norway's climate and energy partnership with the EU, even though the current Minister of Petroleum and Energy, Terje Riis-Johansen, had indicated that the government was still evaluating whether to transpose Directive 2009/28/EC. It listed the framework's potential to exploit Norway's rich

renewable resources while facilitating a certificate scheme with Sweden as the two main arguments (EBL 2008). This shows how Energy Norway began to act in favour of the directive's implementation already in 2008, and before the Ministry of Petroleum and Energy had finalised a position.

Energy Norway continued to spread information, and the organisation even began to collaborate with the environmental NGO Bellona. Their actions show how an alliance between an energy company organisation and an environmental NGO began to apply pressure 3 years before the EEA Joint Committee's decision on implementation in the EEA. In a publication from January 2009, Energy Norway asked for a swift implementation of the directive, as Energy Norway preferred targets and other commitments to be clarified as early as possible, and work towards the 2020 goals to start as early as possible in Norway (EBL 2009b). The same month, Energy Norway and Bellona published an article on how Norway could use the second Renewable Energy Directive to reach the targets of the 2008 climate settlement with a 20% GHG emissions reduction by 2020 and carbon neutrality by 2030 (EBL 2009c). The two organisations also arranged a seminar where they discussed the implementation as a certainty. (Bellona & EBL 2009). Even though the terms on energy-related legislation in the EEA Agreement made it nearly certain that the directive was EEA-relevant, there was still a moment of uncertainty caused by the statements of the Minister of Petroleum and Energy. Nonetheless, Energy Norway and Bellona stated that the second Renewable energy directive will be implemented as a certain fact.

Börzel and Risse (2003: 67) state that epistemic communities can be more influential in times of uncertainty among policy makers. With a minister refusing to confirm the implementation of the directive, it is evident there was a degree of uncertainty among the policy-makers on how obliged Norway was to implement Directive 2009/28/EC. Thus, when two well-known actors such as Energy Norway and Bellona exhibit a more certain approach to Norway's role in energy policy in the EEA Agreement, one can argue that their role as change agents becomes more marked. They also appear as more informed in a time when policy-makers in Norway had endured a period of pressure related to their renewables policy.

Another example that strengthens Energy Norway's role as a change agent is their tendency to spread knowledge through reports from external agents. In September 2011, it was already clear that the second Renewable directive would bind Norway to have a renewables share of 67,5% by 2020. Energy Norway responded by assigning an analytics firm to produce a report

on how the target could be reached. The report was only available for the organisation's members, but when considering the fact that some of these members were Norway's largest power producers, it is clear the audience was significant (Energi Norge 2011). Furthermore, Energy Norway ordered and financed a report written by the Norwegian Central Statistical Bureau (SSB) on how the second Renewable energy directive would influence the energy companies. The report predicted different trajectories in the renewable sectors based on the different scenarios and policies chosen by the authorities, and concludes that it was possible to reach the targets given that the green certificate scheme with Sweden is established and the power export capacity is increased (SSB 2011). It is thus evident that Energy Norway played a role in an epistemic community that has laid claim to knowledge and argued for a cause-and-effect relationship between the Directive 2009/28/EC and positive effects for the energy business community.

The example of collaboration between Energy Norway and Bellona shows that a principled issue network supplemented the influence of the epistemic community. Bellona is one of the well-known Norwegian foundations that since 1986 has worked for increased understanding of how humans influence the environment and climate. Collaboration with the business environment is not new for them, as the foundation argues that the approach to climate and environmental challenges needs to focus on sustainable and realistic solutions that can be carried out in an economically sound manner (Bellona 2017). In this context, Bellona can also be classified as part of an epistemic community that has argued that Directive 2009/28/EC will lead to lower GHG emissions in Norway. However, the foundation also performs some of the functions of advocacy- or principled issue networks. Börzel and Risse define such networks as change agents who "are bound together by shared beliefs and values rather than by consensual knowledge" (2003: 67). This description can, to a certain extent, be ascribed to Bellona, as the foundation's main values stem from its goal to persuade society to prioritise GHG-reduction measures. The ambition to pursue an ambitious climate policy is not always shared by actors who believe the costs are too great. Thus, Bellona can also be categorised as part of a principled issue network, as their influence and role derive from their stance in the fundamental question of how much one should prioritise climate action over profitable sectors. In this particular context, the NGO's collaboration with the large and profitable Norwegian power industry increases their influence, as their view on the second Renewable Energy Directive coincides with the opinion of a central and influential sector.





## 6. Negotiation phase

The win-set analysis of this chapter reveals that an overlap between Norwegian aims to adopt the directive with a lowered share target and the European Commission's imperative to assert the terms of the EEA Agreement and maintain the homogeneity of the Internal Market resulted in an agreement. Negotiations between Norway, the European Commission and the other two EEA/EFTA states lasted from 25<sup>th</sup> June 2010 until the EEA Joint Committee adopted the Decision (JCD) on incorporation on 19<sup>th</sup> December 2011. This chapter discusses the period through an application of two-level game theory, with the interests of Norway and its negotiation counterparts placed in a win-set framework. Arguments from the previous chapter on public and private Norwegian interests indicate that the incorporation of the second Renewable energy directive should not have been a complicated procedure. Nevertheless, discussions were extensive and the JCD came one and a half years later (Buschle & Jourdan-Andersen 2016: 787).

It is necessary to consider Norway's role as an EEA/EFTA state when discussing the negotiation phase. The 28 EU member states have various channels for influencing policy formation through their membership. However, Norway is not able to take part in this process unless they are consulted through expert groups in the European Commission. Ruud and Knudsen cite sources from the Ministry of Petroleum and Energy, saying that Directive 2009/28/EC was not influenced by Norwegian interests through preliminary consultation, and that Norway's representatives in Brussels find it increasingly challenging to access early information on policy formation in the Commission (2009: 20). Furthermore, there is often a risk that EU policy and its underlying methodology is based on data and context from the 28 member states, and not EEA/EFTA states (Buschle & Jourdan-Andersen 2016: 790).

On the 25<sup>th</sup> June 2010, Norway began discussions with the European Commission on the details of the implementation of Directive 2009/28/EC in Norway. One of the main topics raised during the talks was the target renewables share for Norway. Norwegian policy-makers and private actors used the original EU calculation method to predict the Norwegian target, and found targets ranging from 70-75% (NHO 2009). There could be several reasons why Norwegian authorities did not desire this scenario, even when large segments of the industry and environmental movement called for targets above 70%. However, two reasons appear as central and are listed in the EEA Joint Committee's adjustment to the directive when implementing it in the EEA Agreement (EEA Joint Committee 2011: 1).

Firstly, the already high share of waterpower in the energy mix increased the marginal cost of further developing the sector. The calculation method for targets was based on the relatively low average renewable share in the EU. Thus, the methodology produced targets that were more easily achievable for countries with less developed renewable energy sectors. Norway's waterpower sector was already highly developed, and further capacity increases could entail costly projects in unexploited areas. Furthermore, the authorities had on numerous occasions indicated that the time for large waterpower expansions was over, and that future projects would most likely take the shape of small-scale plants (Knudsen et al. 2013: 345). This meant that the policy-makers would have to pursue an ambitious target through other alternative renewable sources. Therefore, Norway bargained for a percentage lower than the one emanating from the original calculation method.

Secondly, the Norwegian power sector was heavily dependent on climatic conditions. Chapter 5, which outlines the government's concerns surrounding dry and cold years illustrates how vulnerable a waterpower-based power electricity market is to unfavourable weather. Since a year with significantly lower hydropower production affects the total renewable energy consumption rate negatively, it is evident that Norway's renewable share may fluctuate from year to year. Other countries with more stable conditions for energy production can rely on gradual, but constant increases in the renewable share, depending on the speed and effect of policy. However, in Norway, unstable weather conditions may cause significant fluctuations in the energy production from one year to another (Official Journal of the European Union 2012: 1).

In parallel to its negotiations with the Commission, Norway had to find common ground with the other EEA/EFTA states in the EEA Joint Committee. As the Joint Committee needs to agree on a unified position that it then sends to the European Commission, it is important to note that the final draft is also the result of negotiations with Iceland and Liechtenstein. In the case of Directive 2009/28/EC, the incorporation exempted Liechtenstein, but Iceland was still an important actor in the talks. The sources on these discussions are limited, as documents are not public. This limits the possibilities to discuss the Icelandic influence. However, considering the nature of Iceland's energy sector, where hydropower represents nearly the entire power production, it is evident that the country is also in a unique position in terms of renewables. Yet, parallels should be drawn with caution, as there are significant differences between the two energy sectors as well (Regjeringen.no 2017).

## 6.1 Norwegian win-sets

The application of two-level game theory to the negotiations preceding the implementation of Directive 2009/28/EC is challenging, due to the multitude of win-sets that need to be taken into account. As the theory requires the researcher to consider which agreement scenarios a state's domestic Level II constituency will accept, a wide range of factors in Norway, Iceland, the EEA Joint Committee and the EU as a whole become relevant. However, as several of the Norwegian preferences are apparent, it is possible to suggest a win-set alternative.

Firstly, it is evident that the directive's implementation was a necessity for Norwegian policy makers. With domestic pressure from industry and environmental movements to increase renewables investments and establish a joint green certificate scheme with Sweden, the domestic Norwegian constituency would not accept any scenario where the directive was not incorporated in the EEA Agreement. Secondly, the statesmen had to consider the nature of the domestic energy market and make sure that Directive 2009/28/EC did not impose unfavourable restrictions on profitable aspects of Norwegian industry. However, as the directive only set a renewable share target, the means of achieving it were mostly left to the individual state. Therefore, the third central trait of Norway's win-set is the negotiator's obligation to settle on a share target which was not too high for cost-effective policy, but not too low and unambitious for the industry sectors and environmental movements who wished for a target higher than 70%. These were likely some of the criteria that had to be met if the Stoltenberg coalition wished to assure domestic acceptance of the directive's implementation. It is important to mention that the proposed win-sets are not absolute as it is challenging to consider all domestic factors enabling and restricting the policy-makers' foreign policy action.

## 6.2 The European Commission's win-sets

In order to cover a broader range of factors in the negotiation phase, it is also necessary to consider win-sets of the EU. Firstly, the Commission must prioritise the effective functioning of the Internal Market when negotiating on the incorporation of legislation in the EEA Agreement. When there are delays in the transposition of EU law in EEA/EFTA states, they create uneven conditions for actors in the Internal Market. Since the Commission marked Directive 2009/28/EC as EEA relevant, the institution must have considered the piece of legislation as a law that influences the principles of the EEA market. Therefore, lacking or partial implementation would have been an unwanted scenario. One can thus argue that a part

of the Commission's win-set would be to maintain the essence of the directive where Norway increases its renewables share through a national target.

Secondly, the Commission also needs to maintain the functioning of the EEA Agreement without allowing EEA/EFTA states to escape difficult legislation. The 28 member states of the EU are all individual actors with individual, and often variegated, preferences. The Commission is a supranational actor who often needs to justify policy to member states with national priorities (Egeberg 2010: 126-127). In order to legitimise such difficulties, the Commission needs to maintain a determined position when negotiating with EEA/EFTA states. Renewable energy legislation is also an important pillar of the EU's ambitious climate policy. Climate strategy which involves costly policy which might be detrimental to GHG-intensive industry is often subject to intense debates. Norway and Iceland are two states with high renewable shares and high GDP/capita rates, and are countries of whom EU member states might expect to take their share of climate efforts. Thus, the Commission had a reason to make sure Iceland and Norway did not evade ambitious targets for 2020.

Considering the win-set factors presented in the previous paragraphs, it is evident that there is a degree of overlap between the win-sets of Norway and the Commission. Norway needed an incorporation of Directive 2009/28/EC in the EEA Agreement with an adjustment of the renewables target. The Commission also desired incorporation, but needed Norway to accept a target that would still entail a significant increase from 2005 levels. Thus, the actors reached an agreement and on 19<sup>th</sup> December 2011, the EEA JCD incorporated the directive in the EEA Agreement with amendments. (EEA Joint Committee 2011) (Regjeringen.no 2011). Norway received a target of 67,5%, while Iceland had to reach 64% compared to the 2005-level of 55%. Even though the percentages were lower than the initial calculations, Norway still had to increase its renewable share with roughly 7,5% compared to 2009 levels, and with roughly 9% compared to 2005 levels. Other than this, the exemption of Liechtenstein and the adaption of some articles to the EEA/EFTA technical conditions, this was the main amendment to the directive. Even though the framework of the EEA Agreement sets a thoroughly developed framework for the incorporation of legislation in the EEA Agreement, one can argue that the win-sets of Norway and the Commission played important roles in determining the conditions under which Directive 2009/28/EC entered EEA law. Even though limited sources from the negotiations prevent an assertive conclusion, it is still possible to suggest the nature of the parties' win-sets based on available information on their preferences.

## 7. Implementation phase and effects of Directive 2009/28/EC

The third and final phase of this analysis reveals that the degree of misfit between Directive 2009/28/EC and Norwegian domestic conditions was moderately low, and together with epistemic community change agents produced a case of policy accommodation with traits of absorption. Details from the directive's implementation show that the legislation's policy and institutional adaptational pressure was not strong enough to demand spectacular domestic Norwegian changes. However, as this thesis argues that the authorities' needed the second Renewable Energy Directive to establish the joint green certificate market, the policy measure constitutes one of the major effects.

### 7.1 Misfits between Norwegian policy and Directive 2009/28/EC

This section argues that the degree of misfit between domestic Norwegian conditions and the second Renewable Energy Directive was not high enough to produce strong adaptational pressure. A comparison between Norwegian policy goals and the provisions of the directive shows that the policy misfit was low. However, as the directive entailed a new overall target-based strategy that had not existed in Norwegian renewable policy previously, and it encompassed a wider range of sectors than the previous Directive 2001/77/EC, the degree of pressure cannot be underestimated. As policy misfits between domestic conditions and EU legislation is a necessary factor for domestic change in rational choice institutionalism, the framework provides a fitting approach (Börzel & Risse 2003). In Risse et al.'s (2001) three-step approach to analysing the relationship between Europeanisation and domestic change, the first step is to identify the process of policy development at the EU level. The background chapter presenting the directive's specifics has already covered this. The second step involves to determining the degree of misfit between the new European legislation, and the domestic conditions. This is the focus of this section.

The first necessary condition for domestic change within rational choice institutionalism is a mismatch between domestic processes, policies and institutions and EU law. One variety of mismatch is policy misfit, where European legislation challenges aspects such as national law, policy goals, standards and procedures (Börzel & Risse 2003: 61). Several aspects of the directive's transposition suggest that the degree of policy misfit in this case was low. Firstly, considering that Norway had already implemented the first Renewable Energy Directive, there

was already a foundation for European renewables policy in Norway. The first directive had introduced definition standards for renewable energy sources, rules for progress reports to the Commission, and the guarantees of origin standards (EEA Joint Committee 2005) (NVE 2017b). Furthermore, one can argue that the legislative requirements in Directive 2009/28/EC's text only introduce moderate changes in Norwegian legal procedures. With standards for renewable energy already in place, the directive's main legal consequences were the introduction of biofuel standards and Norway's 2020 renewable target of 67,5%. Domestic officials could determine through which methods they would realise the target, which means that the practical on-ground renewable policy was domestic. This provides a contrast to EU legislation on various standards that demand a country to change legislation in fields such as production methods and safety rules. If the national rules were significantly different, actors on the market would have to undergo significant adaptation processes in order to comply. However, in the case of Directive 2009/28/EC, one can argue that the specifics of the legal text did not impose demanding requirements on procedures other than achieving the target share.

Secondly, there are indicators which suggest that the implementation of the second Renewable energy directive did not prevent Norway from achieving domestic policy goals. The chapter on Norwegian interests illustrates how officials faced pressure to increase renewable spending and implement a joint green certificate scheme with Sweden. Since Directive 2009/28/EC became a means of answering these pressures, one can argue that Norway aimed to achieve their domestic policy goals through the international target commitment. Furthermore, the increase of renewables was also a policy feature in the first Norwegian climate settlement of 2008, where several of the strategies relied on the further introduction of renewable energy through alternative sources (St.meld. nr. 34 (2006-2007): 55-56). Since these policy goals could coincide with the requirements of the second Renewable Energy Directive, it is evident that the adaptational pressure on the coalition government's climate and energy strategy did not demand a major reformation.

However, there are also aspects of Directive 2009/28/EC that suggest that there was some degree of adaptational pressure on Norway's climate and energy strategy. Firstly, this was the first time Norway would operate with a binding overall target that demanded an increase in the total renewables share of its gross final energy consumption. Even though the Stoltenberg coalition had previously indicated that they wished to pursue an increased introduction of renewables in the energy consumption, there was no specific binding target that Norway had to reach. This policy shift cannot be underestimated, as the authorities were responsible for

realising external policy targets set by the EU. This is significantly different than implementing policy determined domestically. The strategies used to achieve an EU target might differ from the strategies used to pursue a more vague and less binding policy which the policy-makers had set themselves. In turn, this could demand adaptation, but also present opportunities to actors on the Norwegian power market. This process is dealt with in more detail in the discussion of effects of Directive 2009/28/EC. However, in this context, the argument shows that a more ambitious strategy demanded a significant rise in renewables production and consumption, and that the actors who needed to account for this rise experienced adaptational pressures.

Secondly, the second Renewable Energy Directive included more sectors than its predecessor did. The first directive only set a target for electricity, while Directive 2009/28/EC concerned the total mainland energy consumption. This means that the renewables strategy had to be more cross-sectoral than what the previous directive demanded. For instance, the transport sector is included in the current framework and needs to reach a 10% renewables share target. In Norway, as in other EU countries, transport is one of the more challenging areas to address, as the renewables consumption rate is dependent on the availability, maturity and price of technology. The two climate settlements of 2008 and 2012 addressed transport as a challenging, but important sector where GHG cuts were necessary (St.meld. nr. 34 (2006-2007)) (St.meld nr. 21 (2011-2012)). However, the argument from the previous paragraph applies in this case as well. A specific binding target for sectors previously unaffected by overarching EU goals implies that efforts are also dictated by an external commitment in addition to domestic political goals. If the directive bound Norway to apply stronger measures, it is possible to argue that there was adaptational pressure present.

## 7.2 National renewable energy action plan

The requirement to submit a national renewable energy action plan (NREAP) to the EFTA Surveillance Authority within six months after the 2011 JCD is another direct effect of the second Renewable Energy Directive. The Ministry of Petroleum and Energy produced Norway's NREAP and sent it to the EFTA Surveillance Authority in June 2012. The action plan contains a detailed plan of the various policy instruments that Norway planned to apply in order to achieve its renewable target by 2020. The presentation of policy tools included both existing national policy that promoted the increased use of RES, as well as planned measures. There were three main categories of measures – financial, regulatory and informational tools.



Nearly all of the presented policies and measures were already existing at the time of implementation, something that strengthens the argument that the directive's adaptational pressure was low (Ministry of Petroleum and Energy 2012: 19-24). Furthermore, the NREAP presented statistical data on the energy sector, such as renewable shares in different sectors, as well as current and projected energy use. Another important section in the plan was devoted to explaining administrative licensing procedures and answering Commission questions on existing domestic conditions renewable energy development.

### 7.3 NVE and green certificates

The joint green certificate scheme is a major policy instrument and its effects suggest that it is one of the most significant direct consequences of Directive 2009/28/EC's implementation in Norway. This is one of the measures that Norway relies on when working towards the 67,5% target (Ministry of Petroleum and Energy 2012: 20). When it became clear that Norway would implement Directive 2009/28/EC, Norway and Sweden reached an agreement on a cooperation scheme. The scheme entered into force on the 1<sup>st</sup> January 2012 and the two signatories agreed that the green certificates would help finance an increased renewable energy power production of 28,4 TWh by 2020 (NVE 2017a). The discussion on the evaluation phase of the directive shows that the government's interests surrounding the certificate scheme were closely related to the implementation of the second Renewable Energy Directive. One can argue that there is a two-way influence, where Norway had prior interest for green certificates, but needed to implement the directive in order to establish a certificate scheme on the one hand, but also that Norway needed the joint mechanism to achieve the targets set out in the EU legislation.

The main feature of the green certificates scheme is that it aims to finance and incentivise increased power production from renewable energy sources. It does this through a market-based approach where the end consumer ultimately finances increases in production capacity. Power producers who invest in renewable energy production receive green certificates, which can be sold on a certificate market. One certificate is awarded for each megawatt hour (MWh) produced from renewable sources. Thus, producers make a profit in addition to the price of the power sold. The market for these certificates spans across Norway and Sweden, and supply and demand determines the price of the green certificates. The demand for certificates comes from power suppliers who are obligated to purchase certificates in accordance with a quota. Suppliers cover their expenses for certificates by adding a fee in the power consumer's bill.

This mechanism is designed to apply a cost-effective approach to stimulating power production capacity increases, and collaboration with Sweden expands the size of the market.

The Norwegian Water Resources and Energy Directorate was appointed as the institution responsible for administering the Norwegian side of the green certificate scheme. The directorate is a public body that functions as an administrator of the country's water and energy resources. Furthermore, NVE is the Ministry of Energy and Petroleum's advising institution for various technical matters. The main tasks which the directorate was given were related to approving and registering installations which were eligible for receiving green certificates. Prior to the implementation, the directorate had been positive to Directive 2009/28/EC, but was cautious of supporting a too ambitious target which would demand too much from Norway. As Norwegian consumption of electricity, especially in households, could vary more from year to year than what was common in the rest of Europe, NVE assessed that it would be beneficial if Norway received a target adjusted to domestic circumstances (Annex NVE).

When discussing misfit between EU and Norwegian policy, institutional adaptational pressure is another relevant aspect. Since NVE assumed a central role in the main policy tool under the directive, it is important to discuss whether the directorate experienced institutional pressure following with this responsibility (NVE 2017a). On the one hand, one can argue that the second Renewable Energy Directive did not place high adaptational pressure on NVE, as the institution had experience in administering Norway's renewable energy sources, and was positive to their further development. On the other hand, NVE had to administer a new policy tool under the green certificate market, and granting licences to installations was an extension of the institution's mandate. Thus, the institutional pressure on NVE appears moderate, as it was given new responsibilities. However, they were related to development which the institution supported and had experience with.

The most direct effect of the mechanism is that power producers are presented with an opportunity to make profit on renewable expansions. In the framework of rational choice institutionalism, domestic change is also gauged by assessing whether European legislation has presented actors with new opportunities that they can exploit. Since 2012, the green certificate scheme has financed the development of 17,8 TWh new power production from renewable energy. This supports the view that Directive 2009/28/EC, through the certificate market, led to change which Norwegian power producers could experience. It is more challenging to answer whether this demanded significant adjustment. However, with an opportunity to

develop power production activities in a direction desired by the EU's climate and energy policy, one can argue that the green certificate scheme is a sign of domestic change related to a Europeanisation process.

#### 7.4 Statoil's transition and exploitation of renewable opportunities

Statoil provides an important case of an actor who has changed its focus and is attempting to capitalise on EU policy. The extraction, treatment and export of petroleum is the major source of Norwegian wealth since the 1970s, and sales revenue serve as a backbone to the welfare state (Knudsen 2009: 11). Considering the EU's policy to phase out the use of non-renewable energy sources in the total energy consumption of member states, one can argue that the development is a threat to core Norwegian economic interests. However, there are indicators that even this industry has adapted some of its activity to the EU regime, and the case of Statoil even shows how an oil company can use the directive to its advantage.

Statoil is a multinational Norwegian oil and gas company (Statoil 2017). However, since the implementation of Directive 2009/28/EC, the company has directed significant investments towards various fields within the renewables sector. The main investments and projects are located outside Norway, but considering Statoil is an important actor on the Norwegian domestic scene, it is relevant to include their role in the discussion. Firstly, it is evident that the company has seen the potential for profit in renewables development. Sizable investments in wind park projects off the coasts of Scotland and Germany are indicators of this. Secondly, Statoil has played an important role in Norwegian R&D on the transfer of knowledge from the petroleum sector to the offshore wind sector. Steen & Hansen (2014) argue that spillovers from the oil and gas sector to offshore wind are part of a strategic move to take advantage of the company's traditional activity when exploiting an emerging market. Statoil has taken part in this process by carrying out and supporting the R&D for new technology solutions in the field.

The theoretical framework in rational choice institutionalism places emphasis on the ability of domestic actors to exploit new opportunities brought by new EU legislation and minimise the adverse effects from constraints (Börzel & Risse 2003: 63-64). It is evident that Statoil provides an example of this, as the company has sought to compensate a reorientation from its traditional sales products with the development of a new strategy where renewable production brings them profit. Even though the renewable sector is much smaller than Statoil's oil and gas activity, it is their fastest growing sector, and the company projects that it can become four times as large (Annex Statoil). There are various other reasons which affect Statoil's portfolio decisions, and

it is important to refrain from attributing their strategy to the implementation of the EU's renewable policy. However, since the ambitions of Statoil show that the company seeks to take advantage of a growing industry, it is evident that measures which promote renewable energy power production strengthen the need to compensate for any potential future losses from the transition.

## 7.5 The development of Norway's renewable energy share

A discussion of the results of the second Renewable energy directive is incomplete without a presentation of the development of Norway's renewables share. The following table illustrates the yearly Norwegian renewable share since 2011.

	2011	2012	2013	2014	2015
RES share in gross final consumption	64,4%	65,6%	66,7%	69,4%	69,4%

(Eurostat 2017)

The table shows that during the four year period from 2011 to 2015 the share has risen by 5%. Furthermore, the numbers show that Norway surpassed its target of 67,5% already in 2014, 6 years before the 2020 deadline. The section covering the factors which govern the Norwegian renewables share specify that there are many interconnected factors which may alter the renewable share as it is calculated by the European Commission. Firstly, the climatic conditions which influence the total electrical power production will also influence the final renewable consumption share. Secondly, varying rates of consumption in households might alter the figures. Nonetheless, it is evident that an increasingly ambitious renewables policy has led to increases in production capacity in installations which use renewable sources. For instance, the green certificate scheme has helped finance a substantial construction of new installations. Thus, it is evident that Norway is on a solid path towards maintaining the national target set by Directive 2009/28/EC, and that policies aimed at promoting renewable energy production are facilitating this increase.

## 7.6 Domestic change caused by Directive 2009/28/EC?

The rational choice institutionalist framework also helps explain the degree of domestic change in cases of EU policy implementation. Börzel and Risse separate between three responses to Europeanisation – absorption, accommodation and transformation (2003: 69-70). The evidence

used so far in this study and the theoretical framework suggests that the Norwegian response to Directive 2009/28/EC falls under accommodation with certain traits of absorption.

Firstly, there are several aspects which can be used to argue that the adaptational pressure of the second Renewable energy directive was relatively low. Norway had already implemented the first directive, and the country's climate and energy policy was geared towards introducing more renewable energy in the total energy consumption. Furthermore, the directive did not introduce new standards or requirements which demanded extensive legislative change, as most of the policies and measures were domestically designed. The introduction of a binding target for final consumption and the introduction of the certificate scheme are factors which suggest that there was a degree of adaptational pressure. However, these pressures do not come across as factors which demanded substantial Norwegian adaptation to external factors, as the certificate scheme was a measure which the authorities and many other actors desired. Secondly, the chapter evaluating the role of change agents in Norway shows that there were factors which facilitated and pushed for an implementation of Directive 2009/28/EC. Even in times when there was uncertainty among the authorities, there were assertive and positive stances in the industry and environmental communities, who voiced opinions, spread information and organised events in order to influence the nature of the public debate.

Börzel and Risse argue that both rational choice institutionalism and sociological institutionalism predict that low degrees of adaptational pressures combined with facilitating factors produce the accommodation of Europeanisation (2003: 71). They define the accommodation of EU policy as countries adapting their processes and institutions without changing underlying principles and collective understandings. Applying this to the Norwegian case seems logical, as the authorities have used Directive 2009/28/EC as a framework tool to achieve domestic policy means. The legislation did not impose difficult conditions of change which were unwanted in Norway. On the contrary, the directive allowed the government to finalise talks with Sweden for a green certificate scheme, while strengthening the reputation of the coalition government's renewables policy. Furthermore, it is evident that the directive has not led to a redistribution of resources and power in Norway or the country's power market. Operators in the waterpower industry continue to enjoy their position as the most important suppliers of electricity in Norway, while the expected growth of the wind power sector is yet to create a new industry which can challenge the dominance of water power.

## 8. Conclusive remarks

This thesis set out to investigate “how did Norwegian public and private interests influence the transposition and implementation of the EU’s Renewable Energy Directive 2009/28/77?” The study responded to this question by means of a theoretically informed analysis of a wide range of environmental, economic, political and social factors that have interacted with the adoption and implementation process of the second Renewable Energy Directive in Norway.

### 8.1 Evaluation phase – pressure to deliver

The analysis revealed that the period preceding the Norwegian adoption of Directive 2009/28/EC – in this thesis referred to as the “assessment phase” – saw an amalgamation of various interests. A combination of a strong support from powerful business organisations and environmental movements pressured the government to strengthen its renewables policy through the adoption of the directive and establishment of a joint green certificate scheme with Sweden. The second Renewable Energy Directive presented the authorities with an opportunity to subdue this pressure. However, uncertainty in which measures were appropriate and plausible complicated the authorities’ assessment.

The first, and the most legally binding factor that has influenced the Norwegian adoption of Directive 2009/28/77 is the legal framework of the EEA Agreement. The evidence suggests that the nature of the directive may have complicated the Norwegian perception of manoeuvrability when adopting it. As the directive is energy related legislation, the Commission marked it as EEA relevant and expected Norway to adopt it. However, the second Renewable Energy Directive is also a central element in the EU’s climate policy, which is not always EEA relevant (Buschle & Jourdan-Andersen 2016: 783,787). This overlap may have spread confusion among certain policy-makers in Norway, some of whom even declared that they were assessing the degree of relevance in 2008 (Dagsavisen 2008). Thus, even within the framework of a legally binding international agreement, there was a perceived room for manoeuvrability among some-policy makers.

The analysis suggests that the perception of manoeuvrability created by the overlap of energy and climate legislation was one of the factors behind the authorities’ use of the directive in the domestic political context. The findings support the argument that the authorities may have used the directive to satisfy domestic needs in a two-level game. In 2007, the Labour Party-led coalition government was criticised heavily for their renewable energy policy and for failing

to live up to the ambitions and commitments in their 2005 government manifesto. Thus, when the European Commission launched the revised Directive 2009/28/EC in January 2008, they also presented Norwegian policy-makers with an opportunity to reiterate their commitment to a strong renewables policy. Furthermore, the pressure to strengthen the renewable strategy coincided with a widespread desire among businesses and environmental actors to launch a green certificate market with Sweden. However, the conditions of the EU's newly launched renewable policy indicated that a certificate scheme would only be possible if Norway and Sweden harmonised their European climate policy frameworks. A two-level game analysis of these concerns shows how the authorities were able to respect an international obligation at Level II, while using it as a tool for solving domestic issues. The scenario resembled a win-win situation, where the government could respect the provisions of the EEA Agreement and exhibit a commitment towards a stronger renewables policy to its domestic constituency.

The dominant normative support throughout the business community stands out as a central factor which is likely to have established the perception that the Norwegian energy sector would have benefited from Directive 2009/28/EC. Actors like NHO and Energy Norway maintained the view that the directive's swift implementation was necessary for the competitiveness of the Norwegian economy. Environmental NGOs, like Bellona, strengthened this argument by claiming that the directive was a cost-efficient way of reducing Norwegian GHG emissions. The alliance between business and Environmental NGOs thus formed a strong group of change agents who used normative argumentation to justify their cause.

## 8.2 Negotiation phase – overlapping win-sets

During the negotiation phase, Norwegian and European interests met. The discussions between Norway and the Commission lasted one and a half year, and resulted in an agreement to reduce Norway's renewables share target to 67,5%. The outcome illustrates which preferences the two negotiating parties were likely to have maintained and which win-sets overlapped. Political pressure to implement the directive and establish a certificate scheme during the assessment phase strengthened the Norwegian desire to adopt the second renewable directive. However, as Norway risked obtaining a target between 70% to 75%, the authorities had to ensure that the directive did not demand too costly measures in Norway. The European Commission had marked the directive as EEA relevant and needed to ensure a harmonious implementation of energy policy in the EEA, in order to prevent further disparities within the Internal Market. The Commission also had to assert Norway's obligation as an EEA/EFTA state to implement

energy legislation. Allowing Norway to evade a central directive, or permitting the country to bargain for an unambitious target would not have sent a positive message to member states who were bound to carry out expensive energy transitions at home. Thus, as expected, negotiations resulted in an agreement to adopt. However, as Norway successfully argued that the country's unique energy mix would impede the country from reaching a higher target, the two parties agreed on 67,5%.

### 8.3 Implementation phase – moderate domestic change

This thesis' analysis of the implementation phase has focused on the degree of adaptational pressure and domestic change after the adoption Directive 2009/28/EC. The findings indicate that the relative congruence between Norwegian and EU renewable policy goals and the moderately low policy and institutional misfit of the directive have exerted a fairly low degree of adaptational pressure. However, as evident facilitating actors in the business community were present and the directive enabled the implementation of a joint green certificate scheme, Norwegian domestic change can be categorised as accommodation with traits of absorption (Börzel & Risse 2003: 69-70).

The discussion on the degree of misfit between Directive 2009/28/EC and Norwegian conditions has shown that the directive's provision did not demand major adaptations. Firstly, the policy goals of achieving a higher renewable share matched the government's manifesto ambitions and their need to respond to the mounting critique of their renewables strategy. Secondly, the directive's legal text did not demand significant adaptation, as the target of 67,5% was the main binding element. Directives allow states to choose which measures to use when working towards policy targets. Norway's NREAP illustrates that most of the measures intended to increase the country's share were already in place before the directive's adoption.

However, Directive 2009/28/EC placed certain degrees of policy and institutional adaptational pressure. The legislation introduced biofuel standards in Norway and thus exerted some degree of pressure. Furthermore, it facilitated the introduction of a joint green certificate scheme with Sweden. In turn, the scheme introduced new opportunities for renewable power producers through a market-based support mechanism. Some market actors, such as Statoil, have even exploited the drive for a stronger renewables policy by diversifying their focal points and investing in wind power R&D. With these factors taken into account, Börzel and Risse's (2003) theoretical framework on domestic change suggests that this case is characterised by accommodation with some traits of absorption. This means that the processes and institutions



have shown some degree of adaption, while the underlying principles and collective understandings do not change (Ibid.: 71).

## 8.4 Categorising the interests and their influence

The research question asked ‘how’ public and private interests have influenced the process in this case. The three phases in the analysis show that four main categories of factors have framed the influence of public and private interests in the Norwegian adoption and implementation of Directive 2009/28/EC – regulative, political, economic and normative. Firstly, Norway’s commitment to implement EU legislation through the EEA Agreement have shaped public institutional interests. In order to respect a binding international agreement and maintain the economic relationship with the EU, Norwegian authorities had to consider the country’s legal obligations. The assessment and negotiation phases illustrate the regulative role of public interests, as Norway eventually adopted the directive with modified targets within the EEA framework for bargaining for derogations. Certain private interests were also shaped by regulatory factors, as NHO and Energy Norway argued that implementing the directive would contribute to better synchrony between Norwegian economic conditions and the Internal Market. The implementation phase also illustrates how interests had to respect EU regulations, as all measures had to comply with the provisions of the directive and EEA law in general.

Secondly, political factors concerning the coalition government’s position in domestic Norwegian politics are evident in all three phases. Pressures to improve the renewables policy and implement a certificate market seem to have been one of the major concerns of the authorities in the entire process of implementation. This category is directly related to the economic nature of interests, as the authorities on the one hand were worried about the costs of renewable energy production capacity increases, while business organisations focused on the economic opportunities which the Directive could present.

Finally, private interests have played a normative role, as Directive 2009/28/EC is also a piece of climate legislation. Firstly, the motives to curb GHG emissions through the promotion of renewable energy has been a strong argument from environmental NGOs. Climate action is currently one of the main societal concerns, and international climate policy developments on global and European levels exemplify the emphasis on international action. Environmental NGOs reiterated this, when stating that Norway is obliged to follow the EU’s ambitious climate policy. Secondly, the interests of business NGOs, such as NHO and Energy Norway, have

exerted a normative pressure on authorities, as they argued that implementing the directive was beneficial for Norwegian enterprises.

## 8.5 Opportunities for further research

Having identified four categories of interests involved in the adoption and implementation of Directive 2009/28/EC, it is important to be aware of what this thesis does *not* reveal about the process. Firstly, this thesis does not prove any causal relationship between interests, as it is difficult to assert that certain factors led to certain events. This is one of the main limitations in social science studies, where it is impossible to isolate one case from all factors except the ones taken into account in a study. Secondly, there is a large quantity of unavailable data which would provide more accurate answers to the research question. As public access to official documents from internal discussions in Norwegian ministries or the negotiations between the EEA/EFTA states and the EU is restricted, it is challenging to produce a certain conclusion. Furthermore, this study lacks a comparative base where other EU climate and energy legislation provides a larger context. EU legislation is designed to complement other legal acts, and a larger study of this topic could assess the entire implementation of European climate and energy legislation in Norway. Finally, this thesis does not evaluate the directive's success as the target year 2020 is yet to come. A much more comprehensive study of this directive will thus be possible after the program period is over.

EU policy is a dynamic field with constant updates, and the introduction of new features provides plentiful material for research. Climate and energy is no exception, as the EU introduces new legislation continuously. On the 23<sup>rd</sup> of February 2017, the Commission proposed a revision of the Renewable Energy Directive where it proposes that the EU works towards a 27% target by 2030, through a pan-European framework without individual national targets (European Commission 2017). If adopted, this legislation will change the context for national renewable strategies, and the Norwegian position to the revised directive will certainly provide an interesting case for future research. Future studies of the implementation of EU renewable policy in Norway will have to focus on how the domestic conditions interact with an overall EU target instead of a national target. Thus, the field of EU climate and energy policy is under evolution and the factors identified in this thesis might interact differently with the adoption and implementation process in the future.



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## Annex 1: Directive 2009/28/EC – individual country targets

	Share of energy from renewable sources in gross final consumption of energy, 2005	Target for share of energy from renewable sources in gross final consumption of energy, 2020
Belgium	2,2%	13%
Bulgaria	9,4%	16%
Czech Republic	6,1%	13%
Denmark	17,0%	30%
Germany	5,8%	18%
Estonia	18,0%	25%
Ireland	3,1%	16%
Greece	6,9%	18%
Spain	8,7%	20%
France	10,3%	23%
Italy	5,2%	17%
Cyprus	2,9%	13%
Latvia	32,6%	40%
Lithuania	15,0%	23%
Luxembourg	0,9%	11%
Hungary	4,3%	13%
Malta	0,0%	10%
Netherlands	2,4%	14%
Austria	23,3%	34%
Poland	7,2%	15%
Portugal	20,5%	31%
Romania	17,8%	24%
Slovenia	16,0%	25%
Slovak Republic	6,7%	14%
Finland	28,5%	38%
Sweden	39,8%	49%
United Kingdom	1,3%	15%

(Official Journal of the European Union 2009: 46)

## Annex 2: Interview list

Anders Marvik – Vice Presiden and head of Statoil EU political affairs office, Brussels

Birgitte Jourdan-Andersen – Senior Officer, EFTA Surveillance Authority

Knut Kroepelien – Legal Adviser, Energy Norway

Mari Hegg Gundersen – Section Manager, NVE

Nils Kristian Nakstad – Chief Executive Officer, Enova SF

Per Anker-Nilssen – Senior Adviser, NHO

Tore Strdandskog – Business Policy Director, Nelfo



## Annex 3: Interview guide – Statoil

Hvordan vil du beskrive Statoils hovedvirksomhet?

Hvordan ser Statoil på fornybarsatsingen i Europa og Norge?

Hva var Statoils posisjon til fornybardirektivet før EØS-komiteens vedtak om EØS-relevans?

Er det aspekter med direktivet som passer Statoils virksomhet?

Er det aspekter med direktivet som strider med Statoils virksomhet?

Opplevde Statoil at det var faktorer i Norge som fasiliterte innlemmelsen?

Opplevde Statoil at det var faktorer i Norge som forhindret innlemmelsen?

Jobbet Statoil for å påvirke Norges posisjon til direktivets innlemmelse?

Samarbeidet Statoil med andre norske aktører for å få gjennomslag for sitt ståsted rundt direktivet?

Var Statoil i kontakt med utenlandske aktører for å få gjennomslag for sitt ståsted rundt direktivet, og utveksle erfaringer og kompetanse?

Hva var Statoils stilling til Norges prosentandel fornybar energi i forkant og i etterkant av EØS-komiteens vedtak?

Hva var Statoils stilling til tiltakene som skulle gjennomføres for å nå fonybarmålet?

Kom det nye tiltaksordninger som følge av fornybardirektivet som Statoil ble spesielt involvert i?

Hvordan når Norge fornybarmålet gjennom de ovennevnte tiltakene?

Hvorfor har Norge nådd målet for 2020?

Fra Statoils ståsted, hvorfor var det ønskelig for Norge å innlemme fornybardirektivet?

Etter ca. fem år virkning, hvordan evaluerer Statoil fornybardirektivets resultater?

## Annex 4: Interview guide – EFTA Surveillance Authority (ESA)

Which are ESA's main functions?

How does ESA assess the overall Norwegian compliance with adopted EU legislation?

Does Norway implement a substantial amount of energy related legislation from the EU?

Has Norway previously implemented any EU legislation related to renewable energy?

What characterises the implementation of earlier energy-related legislation in Norway?

Overall, has Norway complied with the conditions of previous energy related EU legislation?

Are there any aspects of EU energy policy which have been difficult for Norway to comply with?

After Norway negotiated with the European Commission for the terms of the implementation of the renewable energy directive of 2009 in Norway, did the agreed upon terms deviate significantly from the original EU directive?

Did ESA notice any factors in Norway which facilitated the transposition and implementation of the renewable energy directive?

Did ESA notice any factors in Norway which impeded the transposition and implementation of the renewable energy directive?

Do the premises for state aid and support schemes in the renewable energy directive differ from earlier Norwegian practice in state aid in energy policy?

Have the premises for state aid in the renewable energy directive been difficult for Norway to respect?

Has the renewable energy directive demanded adaptation from Norway?

If yes, what kind of adaptation?

Have there been cases where Norway has been in breach of the renewable energy directive?

## Annex 5: Interview guide – Energy Norway

Hva var Energi Norges posisjon til fornybardirektivet før EØS-komiteens vedtak om EØS-relevans i desember, 2011?

Var det stor variasjon mellom posisjonene til Energi Norges medlemmer?

Ligger det muligheter for økonomisk gevinst for norsk næringsliv i fornybarsatsning?

Hvor informerte var aktørene i norsk næringsliv om fornybardirektivets detaljer og implementering i norsk lov?

Opplevde Energi Norge at det var faktorer i Norge som fasiliterte innlemmelsen?

Opplevde Energi Norge at det var faktorer i Norge som forhindret innlemmelsen?

Opplevde Energi Norge at fornybardirektivets betingelser var i samsvar med tidligere norsk praksis på fornybarområdet?

Jobbet Energi Norge for å påvirke Norges posisjon til direktivets innlemmelse?

Samarbeidet Energi Norge med andre norske aktører for å få gjennomslag for sitt ståsted rundt direktivet?

Hva var Energi Norges stilling til Norges prosentandel fornybar energi i forkant og i etterkant av EØS-komiteens vedtak om nedjustering av prosentandelen?

Hva var Energi Norges stilling til tiltakene som skulle gjennomføres for å nå fornybarmålet?

Er det noen segmenter av norsk næringsliv som blir negativt påvirket av fornybardirektivet?

Er det noen segmenter av norsk næringsliv som blir positivt påvirket av fornybardirektivet?

Kom det nye tiltaksordninger som følge av fornybardirektivet som berørte Energi Norge og organisasjonens medlemmer?

Ble Energi Norge involvert, eller konsultert i forbindelse med noen av disse tiltakene? Hvis så, hvilke?

I Energi Norges syn, hvorfor har Norge allerede nådd fornybarmålet for 2020?

Fra Energi Norges ståsted, var det ønskelig for Norge å innlemme fornybardirektivet og har direktivet hatt en ønsket virkning så langt?

## Annex 6: Interview guide – NVE

Hvilke er NVEs hovedfunksjoner?

Hva var NVEs posisjon til fornybardirektivet før EØS-komiteens vedtak?

Er det aspekter med direktivet som passer NVEs virksomhet?

Er det aspekter med direktivet som strider med NVEs virksomhet?

Opplevde NVE at det var faktorer som fasiliterte innlemmelsen?

Opplevde NVE at det var faktorer som forhindret innlemmelsen?

Jobbet NVE for å påvirke Norges posisjon til direktivets innlemmelse?

Samarbeidet NVE med andre norske aktører for å få gjennomslag for sitt ståsted rundt direktivet?

Var NVE i kontakt med utenlandske aktører i forbindelse med direktoratets ansvar under fornybardirektivet?

Hva var NVEs stilling til Norges prosentandel fornybar energi i forkant og i etterkant av EØS-komiteens vedtak?

Hva var NVEs stilling til tiltakene som skulle gjennomføres for å nå fonybarmålet?

Hva innebærer elsertifikatorordningen?

## Annex 7: Interview guide – Enova SF

Hvilke er ENOVAs hovedfunksjoner?

Hva var ENOVAs posisjon til fornybardirektivet før EØS-komiteens vedtak?

Er det aspekter med direktivet som passer ENOVAs virksomhet?

Er det aspekter med direktivet som strider med ENOVAs virksomhet?

Opplevde ENOVA at det var faktorer i Norge som fasiliterte innlemmelsen?

Opplevde ENOVA at det var faktorer i Norge som forhindret innlemmelsen?

Jobbet ENOVA for å påvirke Norges posisjon til direktivets innlemmelse?

Samarbeidet ENOVA med andre norske aktører for å få gjennomslag for sitt ståsted rundt direktivet?

Var ENOVA i kontakt med utenlandske aktører i forbindelse med direktoratets ansvar under fornybardirektivet?

Hva var ENOVAs stilling til Norges prosentandel fornybar energi i forkant og i etterkant av EØS-komiteens vedtak?

Hva var ENOVAs stilling til tiltakene som skulle gjennomføres for å nå fonybarmålet?

Kom det nye tiltaksordninger som følge av fornybardirektivet?

Fikk ENOVA ansvaret for noen av disse tiltakene? Hvis så, hvilke og hva innebærer de?

Hvorfor fikk ENOVA forvaltningsansvaret for de nevnte tiltakene?

Hvordan når Norge fonybarmålet gjennom de ovennevnte tiltakene?

Brukte man gamle tiltak som eksisterte før fornybardirektivet for å oppfylle målene i direktivet?

Hvorfor har Norge nådd målet for 2020?

Fra ENOVAs ståsted, hvorfor var det ønskelig for Norge å innlemme fornybardirektivet?

## Annex 8: Interview guide – NHO

Hva var NHOs posisjon til fornybardirektivet før EØS-komiteens vedtak om EØS-relevans i 2011?

Var det stor variasjon mellom posisjonene til NHOs medlemmer?

Ligger det muligheter for økonomisk gevinst for norsk næringsliv i fornybarsatsning?

Hvor informerte var aktørene i norsk næringsliv om fornybardirektivets natur og implementering?

Opplevde NHO at det var faktorer i Norge som fasiliterte innlemmelsen?

Opplevde NHO at det var faktorer i Norge som forhindret innlemmelsen?

Opplevde NHO at fornybardirektivets betingelser var i samsvar med tidligere norsk praksis på fornybarområdet?

Jobbet NHO for å påvirke Norges posisjon til direktivets innlemmelse?

Samarbeidet NHO med andre norske aktører for å få gjennomslag for sitt ståsted rundt direktivet?

Hva var NHOs stilling til Norges prosentandel fornybar energi i forkant og i etterkant av EØS-komiteens vedtak om nedjustering av prosentandelen?

Hva var NHOs stilling til tiltakene som skulle gjennomføres for å nå fornybarmålet?

Er det noen segmenter av norsk næringsliv som blir negativt påvirket av fornybardirektivet?

Er det noen segmenter av norsk næringsliv som blir positivt påvirket av fornybardirektivet?

Kom det nye tiltaksordninger som følge av fornybardirektivet?

Ble NHO involvert i noen av disse tiltakene? Hvis så, hvilke og hva innebærer de?

Hvorfor har Norge nådd målet for 2020?

Fra NHOs ståsted, hvorfor var det ønskelig for Norge å innlemme fornybardirektivet?

## Annex 9: Interview guide – Nelfo

Hva var Nelfos posisjon til fornybardirektivet før EØS-komiteens vedtak om EØS-relevans i desember, 2011?

Var det stor variasjon mellom posisjonene til Nelfos medlemmer?

Ligger det muligheter for økonomisk gevinst for norsk næringsliv i fornybarsatsning?

Hvor informerte var aktørene i norsk næringsliv om fornybardirektivets detaljer og implementering i norsk lov?

Opplevde Nelfo at det var faktorer i Norge som fasiliterte innlemmelsen?

Opplevde Nelfo at det var faktorer i Norge som forhindret innlemmelsen?

Opplevde Nelfo at fornybardirektivets betingelser var i samsvar med tidligere norsk praksis på fornybarområdet?

Jobbet Nelfo for å påvirke Norges posisjon til direktivets innlemmelse?

Samarbeidet Nelfo med andre norske aktører for å få gjennomslag for sitt ståsted rundt direktivet?

Hva var Nelfo stilling til Norges prosentandel fornybar energi i forkant og i etterkant av EØS-komiteens vedtak om nedjustering av prosentandelen?

Hva var Nelfo stilling til tiltakene som skulle gjennomføres for å nå fornybarmålet?

Er det noen segmenter av norsk næringsliv som blir negativt påvirket av fornybardirektivet?

Er det noen segmenter av norsk næringsliv som blir positivt påvirket av fornybardirektivet?

Kom det nye tiltaksordninger som følge av fornybardirektivet som berørte Nelfo og organisasjonens medlemmer?

Ble Nelfo involvert, eller konsultert i forbindelse med noen av disse tiltakene? Hvis så, hvilke?

Etter Nelfos oppfatning, hvorfor har Norge allerede nådd fornybarmålet for 2020?

Fra Nelfos ståsted, var det ønskelig for Norge å innlemme fornybardirektivet og har direktivet hatt en ønsket virkning så langt?