Multi-level lobbying in the EU

The case of the Renewables Directive and the German energy industry

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Summary

This study examines the lobbying strategies employed by the German energy industries in the process leading up to EU's Renewable Energy Directive. The focus is on the most controversial part of it: Choice of support mechanisms for increasing production of renewable energy in Europe. The position on this issue roughly divided the energy industry into two sectors: the utilities, favoring green certificates and other supranational incentives and the renewables industry, promoting feed-in tariffs. Nine interest organizations, five German and four at the European level, serve as cases. Expectations based on the two theoretical perspectives liberal intergovernmentalism (LI) and multi-level governance (MLG) are formulated and tested against the empirics in a most likely case design. In addition, resources, mainly in terms of manpower, are assessed as a conditioning factor for choice of lobbying strategies. The findings show that the observations provide more support for the multi-level perspective, MLG, than for liberal intergovernmentalism, LI. Two findings supported the LI perspective: 1) All the German interest organizations put top priority at lobbying the German government. 2) The interest organizations provided German decision makers with crucial information. As envisioned by the MLG-perspective, there was a clear division of work between the organizations at the two political levels. Further, the lobbying activity displayed several multi-level characteristics. First, all the German interest organizations lobbied both at the national and at the European level. Second, the national interest organizations participated in multi-level political coalitions, in particular the renewables industry. There, they coordinated their political positions, pooled resources, shared information and made common strategies. Third, all the European-level interest organizations lobbied both the core EU institutions and national governments. Fourth, their information strategy matched the Commission's need for critical information on the complicated issues involved. It might be expected that interest groups loosing at home could try to “by-pass” national politics by lobbying extra much at the European level, but the observations are inconclusive in this respect. That more resources were associated with a higher number of lobbying channels was true at the European level, but not nationally. The number of political channels used by the German interest organizations rather depended on level of political mobilization and creating of broad coalitions.

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All mistakes and inaccuracies are mine alone.

List of abbreviations

AEBIOM	The European Biomass Association
BBE	Bundesverband BioEnergie (The German Bioenergy Association)
BDEW	Bundesverband der Industrie und Wasserwirtschaft (German Association of Energy and Water Industries)
BDI	Bundesverband der Deutschen Industrie (Federation of German Industry)
BDA	Bundesvereiningung der Deutschen Arbeitgeberverbände (Confederation of German Employers' Associations)
BEE	Bundesverband Erneuerbare Energie (the German Renewable Energy Federation)
BMU	Bundesministerium für Umwelt, Naturschütz und Reaktorsicherheit (Federal Ministry for the Environment, Nature Conservation and Nuclear Safety)
BSW	Bundesverband Solarwirtschaft (German Solar Industry Association)
BWE	Bundesverband Windenergie (German Windenergy Association)
BUND	Bund für Umwelt und Naturschütz Deutschland (Friends of the Earth Germany)
BUSINESSEUROPE	Confederation of European Business
CDU/CSU	Christlich Demokratisch Union Deutschlands, Christlich-Sosiale Union in Bayern (Christian Democratic Union of Germany and the Christian Democratic Union of Bavaria)
DG	Directorates General
DBV	Deutschen Bauernverband e.V. (The Farmer's Union)
EEG	Erneuerbare Energien Gesetz (The German feed-in law)
EnBW	Energie Baden-Württemberg
EPIA	European Photovoltaic Industry Association
EREC	European Renewable Energy Council
EREF	European Renewable Energy Federation
ESTIF	European Solar Thermal Industry Federation
EFET	European Federation of Electricity Traders
EUFORES	European Forum for Renewable Energy Sources
EWEA	European Wind Energy Association
DG Tren	Directorates General for Energy and Transport, today DG Energy
EU ETS	EU Emissions Trading System
EURELECTRIC	The Union of the Electricity Industry
FIT	Feed-in tariffs
GHG	Greenhouse gas emissions
GO	Certificates of guaranteed origin, similar to "green certificates"
GWh	Gigawatt hour
IGBCE	Industriegewerkschaft Bergbau, Chemie und Energie (Mining, Chemical and Energy Industrial Union)
IG Metall	Industriegewerkschaf Metall (IGM, The metal worker's trade union)
ITRE	Committee on Industry, Research and Energy
LI	Liberal intergovernmentalism
MEP	Member of the European Parliament
MLG	Multi-level governance
NGO	Non-governmental organization
NAP	National Action Plan
RECS	Renewable Energy Certificate System
RWE	Rheinisch-Westfalisches Elektrizitätswerk
SPD	Sozialdemokratische Partei Deutschlands (The Social Democratic Party of Germany)
TWh	Terrawatt hour
VDMA	Verband Deutscher Maschinen und Anlagenbau (German Engineering Federation)
VIK	Verband der Industriellen Energie- und Kraftwirtschaft
WWF	World Wildlife Fund

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1.0 Introduction

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

Interest groups are natural parts of all national democratic systems. These groups aggregate the interests of their members and voice them in political negotiations. Other important roles include participating in the public debate and producing information. As the European Union has developed more state-like features and increased its decision competencies in depth and scope, the amount of lobbying towards its institutions has increased vastly. In particular, this lobbying increased significantly after adoption of the Single European Act of 1990, which established a common European market (Coen and Richardson 2009). No one knows the exact number of lobbyists, but Coen and Richardson (2009:3) estimate that EU officials meet between 15 000 to 20 000 different interests during the course of a year. About 70 percent of these stem from business-related groups, while the rest are NGOs. In addition to meeting EU officials in informal occasions and making political campaigns, different interest groups have to a varying extent also gotten institutionalized access to EU bodies, such as through participation in working groups in the Commission and in comitology committees (Eising 2007a and 2007b). Further, EU officials particularly within the Commission and interest groups have grown dependent of each other, because they provide each other with important information, which is labelled *resource dependency* (Hooghe and Marks 2001). Thus, interest groups and their lobbying are inherent parts of both national political systems, and the European Union.

Measuring the exact impact of interest groups' activity is very hard, if not impossible, as for example Dür (2008) points out. A basic premise in many studies of lobbyism in the EU is that interest groups indeed do influence legislation and political processes there. However, due to the political processes' intricacy, such causality is often very hard to track. Indeed, one of Nilsson *et al*'s (2008:14) respondents described lobbying the Renewables Directive as "playing chess at seven boards at the same time". Several studies on interest groups lobbying of EUs environmental legislation interpret the fact that when final legislation has been altered from its initial formulation, this shows that interest groups have influenced the legislation (e.g. Markussen and Svensen 2005, Gullberg 2008b). Researchers regard the Renewables Directive as a prime example of interest groups influence; The Commission altered the final

draft proposal significantly regarding its most controversial part: what kind of support mechanisms the member states could have to increase their production of renewable energy. Nilsson *et al* (2008, 2009) and Toke (2008:3003) partially attribute this outcome to efficient lobbying and large-scale political mobilization by "green" interest groups such as the interest groups from the renewables industry and the environmental organizations. However, the interest groups' strategies and their reasons for choice of strategies in lobbying this directive have been scantly studied. In addition, interest groups lobbying at multiple levels in this political context is highly relevant, but has received little attention from researchers. Since Germany is regarded as a key country for the outcome of the negotiations, it is relevant to investigate which role interest groups for the German industries had in the political process.

1.1 Research questions

1) Which lobbying strategies have the interest organizations of the German energy industries used to influence the EU legislation as it is formulated in the Renewables Directive?

2) Under what conditions do they use these strategies? Which role has resources played for choice of political level and the intensity of lobbying?

These research questions will be investigated in the light of expectations based on two different theoretical perspectives of EU governance: liberal intergovernmentalism (LI) and multi-level governance (MLG). These two are theories on how the EU as a polity functions, and outline where the power of making decisions is centered. LI's main assumption is that the states are the decisive entities in all international negotiations. In contrast, MLG states that the power and governance in the European Union is spread across multiple levels. Assuming this, lobbying to affect the content of EU legislation should follow different paths dependent on where they perceive the most important decision making to take place.

Several theoretical frameworks can be used to investigate the phenomenon multi-level lobbyism in the European Union. In this study, however, liberal intergovernmentalism and multi-level governance will serve as theoretical frameworks. These frameworks are chosen for several reasons. First, energy is a policy domain that traditionally has been characterized by strong national sovereignty (Nilsson *et al* 2009). Thus, the liberal intergovernmentalist perspective which focuses on the nation states in international negotiations is indicated.

Second, as the European Union steadily develops more state-like features, the multi-level governance perspective might constitute a more appropriate tool for understanding the present political processes. Multi-level lobbying is expensive, and is therefore not something that all national interest organizations can conduct. Third, the industries that are affected by this legislation have billions of Euros in turnovers (BMU 2011b, Dagger 2009). Therefore, their interest organizations are also among the most capable of using multi-levels strategies when they perceive it as appropriate means to achieve their targets. Last, both theories are regarded as two of the most influential and relevant theories on the topic today both within research and within the public debate in Europe.

1.2 The Renewables Directive and EU climate policy

The Renewable Energy Directive (further: Renewables Directive) is a part of EUs *climate and energy package* (European Commission 2009). This is a coordinated strategy to achieve several different goals, including fulfilling EUs commitments in the Kyoto protocol[1], be an international leader in development and innovation of renewable energy sources, and ensuring security of energy supply (e.g. European Commission 2010a, 2010b). The past years, development of renewable energy sources has become a core strategic priority (e.g. European Commission 2010a). A first climate package was launched by the Commission in January 2007 and adopted in March the same year. Climate package 1 states that the EU member states have to achieve an average of 20 percent of the energy consumed domestically from renewable energy sources by 2020. Simultaneously, they are to cut emissions of greenhouse gases by 20 percent and reduce energy consumption by 20 percent compared to a business as usual-scenario in 2020. Therefore, these goals are popularly called "EU 20/20/20". January 2008, the Commission launched Climate package 2 (European Commission 2008). This legislation was agreed by the European Parliament and the Council December 2009 and became law June 2009 (European Commission 2010). This legislation contains different remedies to achieve the stated targets for 2020 (Wettestad 2009). The most renowned part is the EU emission trading system (EU ETS), called a "cornerstone" in EUs climate policy (Wettestad 2010).

[1] The EU countries form the main bulk for countries that have to reduce their emissions of greenhouse gases according to the Kyoto Protocol (UNFCCC 1998). Germany is the country in the EU that has managed to reduce its greenhouse gas emissions (GHG) the most (United Nations 2008)

The Renewable Energy Directive, shorthand "the Renewables Directive" (Directive 2009/28/EC) is also an important part of this package. Potentially it will contribute to large-scale investments in renewable power production and innovation. It builds on the former *Renewable Electricity Directive (2001/77/EC)* from 2001 and the *Biofuels Directive (2003/30/EC)*. The initial electricity directive set a goal of 22 percent electricity from renewable sources within 2010. These targets were only indicative, and not binding, and the member states did not succeed in reaching them (European Commission 2011d, EWEA 2009). The new directive differs from its predecessors in several ways. *First*, it merges the former separate directives for renewable electricity and transport fuels and includes also renewable energy used for heating and cooling purposes. Therefore, it covers all renewable energy consumed inland. *Second*, sets *legally binding* individual targets for renewable energy production for the member states. These are based on a combination of wealth as measured per capita BNP and the present level of renewable energy production to make the targets as fair and attainable as possible[2]. EUs member states are very different regarding endowment with sources of renewable energy[3] as well as economic resources. *Third*, all the countries are obliged to prepare National Action Plans (NAPs)[4], showing how they would achieve the interim and final goals, in accordance with detailed templates drafted by the Commission. These should have been submitted by July 2010 and transposed by the member states by December 2010 (EU 2010). *Finally*, the directive leads to some transfer of power to EU bodies, including the Commission and two committees to develop detailed rules in order to enhance implementation (Boasson and Wettestad 2010:9).

The member states' main strategy for achieving their national renewables targets is enhancing their own production of renewable energy. In addition to increasing production of renewable energy sources and decreasing consumption nationally, they can also use three flexibility mechanisms: '1) statistical transfer between member states, 2) collaboration on joint projects between member states, 3) joint projects between member states and third countries' (Directive 2009/28/EC). The directive allows the member states to decide themselves how to achieve their targets. The two most commonly used support mechanisms today are feed-in tariffs (FIT) or the more market based system called "green certificates". Among these, feed-

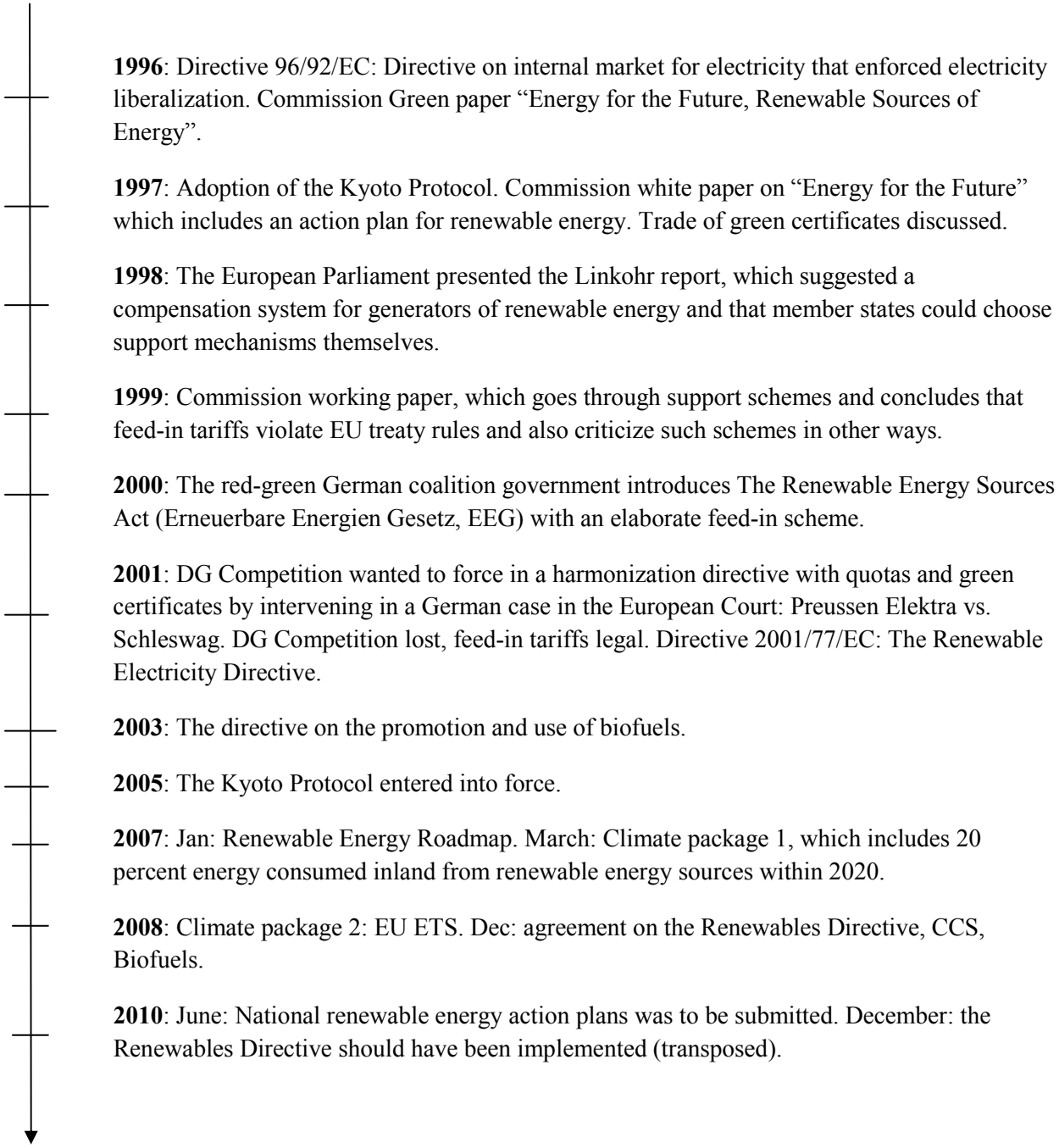
[2] Therefore, they vary greatly, from 10 percent for Malta to 49 percent for Sweden (European Commission 2011a)

[3] The supply of different energy sources is typically called "the energy mix".

[4] Only half of the 27 member states and members of EEA had submitted the National Action Plans by July 2010, but all had it by January 2011. By December 2010, all the member states had implemented the Renewables Directive (European Commission 2011c).

in tariffs in combination with non-discriminatory access to the power grids is the most wide-spread. Feed-in tariffs are technology-specific subsidies which grant that producers of renewable energy are ensured a specific price per unit electricity produced for a long time period to enhance innovation and investment in renewable energy sources (Toke 2008:3002). Green certificates are "guarantees that renewable energy of a particular type and quantity has been generated". Already, they are used voluntarily as a part of inter-state trade, marked as "green electricity" (Toke 2008:3002). In the Renewables Directive, however, inter-state trading will only be available for countries that already have fulfilled their commitments about renewable energy production nationally (Directive 2009/28/EC). However, the debate about appropriate support mechanisms for advancement of renewable energy is far from new at the national and the European level. Figure 1 outlines the most important happenings in Germany's EUs climate and energy legislation.

Figure 1: Important developments in energy legislation and climate treaties



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

1.3 Fierce lobbying efforts to influence support mechanisms

December 2007, the Commission proposed a mandatory European trade-based system as a key part the Renewables Directive (version 9.6.1), similar to the EU ETS. This system would

be based on trading of green certificates, so that sale of such certificates would count against the country's targets for renewable energy (Toke 2008:3002, 3003). Still, according to the informants of Toke (2008:3003), the Commission was internally divided upon the issue. Both member countries and interest groups at the European level working both for and against a trade-based certificate system lobbied hard to convince officials in the Commission about their views (Toke 2008:3003)[5]. The major electric utilities supported a common system of green certificates that first would put an end to national support mechanisms that they viewed as overly costly possibly and second could generate windfall profits. In contrast, the renewable energy interest groups feared such a system could have a devastating effect for many producers of renewable energy for many reasons. One was that investments predominantly would be made in the most mature renewables technologies. Moreover, they claimed that feed-in tariffs were more effective than green certificates for increasing production of renewable energy at the lowest price, as indicated by several studies (Mez 2007, Toke 2008, Mitchell *et al* 2006, and Nilsson *et al* 2009). This conflict between different industries was (and still is) particularly salient in Germany, home to the largest utilities industry and the largest renewables industry in Europe.

After "unprecedented lobby effort from interest groups and member states", according to Nilsson *et al* (2009:4458), the Commission changed its proposal radically, to an optional system where national feed-in tariffs would still be allowed. The Commission presented this in a new draft one month later, in January 2008. A variety of interest groups worked actively to influence the content of the proposal, including the European Renewable Energy Council (EREC), umbrella organization for the renewables industry in Europe. Also member state governments strongly asserted their views towards EU bodies. For example, Germany, Spain, Latvia and Slovenia sent a joint letter asking the Commission to change the directive to allow fee-in tariffs (Taylor 2008). Countries such as the United Kingdom, Italy, the Netherlands and Luxembourg favoured trade of green certificates. The strongest opponents of a Europe-wide mandatory trade-based system included The Union of the Electricity Industry (EURELECTRIC), The European Federation of Energy Traders (EFET) and Renewable Energy Certificate System (RECS) (Toke 2008, Nilsson *et al* 2009). The utilities industry[6] in Europe dwarfs the renewables industry, although the renewables industry has had a large

[5] This debate is still ongoing. For example, EUs energy commissioner Günther Öttinger proposed a market-based system in February 2011 (interviews EPIA and EREF 2011).

[6] This includes the industries that are mainly connected to production of energy from conventional energy sources such as coal, oil, gas and large-scale hydroelectric power.

growth since the year 2000 (EREC 2010). In the making of the directive there were two main lines of conflict; first one between a Europe-wide market-based auctioning system (the green certificates) and a system which allowed feed-in tariffs, second one between a centralized EU-wide system and a national system. The private actors with the strongest views seem roughly to have been the large utilities companies and the small and medium sized companies involved in renewable energy production. The first group argued for a Europe-wide, trade-based system. On the opposite hand, the latter furthered freedom for the member states in choice of support mechanisms (Toke 2008, Boasson and Wettestad 2010).

1.4 Short review of the literature on the Renewables Directive and indicating some gaps in the research

Several studies have analyzed different aspects connected to the Renewables Directive. This literature can be roughly divided into four strands. The first group of studies discusses whether a system of tradable green certificates or feed-in tariffs work the best for achieving EUs targets of reduction of emissions of greenhouse gases, e.g. Jacobsson *et al* (2009), Mez (2007), Fouquet and Johansson (2008) and Johnston *et al* (2008). The second group of studies assesses the direct impact of the revised directive on single countries, for example Labriet *et al* (2010), Anandarajah and Strachan (2010) and Garrain *et al* (2010). The third group of studies discusses the interaction between the Renewables Directive and EU ETS, for example Abrell and Weight (2008), Rathmann (2007) and Böhringer and Rosendahl (2009). The fourth group of studies investigate and do causal analyses of the political processes leading to the revised Renewables Directive, for example Toke (2008), Nilsson *et al* (2009), and Boasson and Wettestad (2010). This last group of studies analyzes "the broad picture", and explains the outcome of the directive, using different theoretical approaches. Toke (2008) focuses on the groups being for and against trading of green certificates, as well as the quality of their arguments. Nilsson *et al* (2008) use a constructivist theoretical framework and analyses why the trading of green electricity certificates was rejected as an EU wide system. Boasson and Wettestad (2010) explain the different governance outcomes of the Renewables Directive and the EU ETS with four different theoretical perspectives. Yet other single studies investigate other aspects of the revised Renewables Directive. Neuhoff (2009), for example, discusses quantitative indicators for authorities to achieve successful implementation of the directive. The present study focuses on the interest organizations for two national industries, more

specifically on those representing the utilities and the renewables producers. To my knowledge, this study is the first to investigate into "the details" in this way.

1.5 Indicating some gaps in the research on lobbying

There is a growing body of research on lobbying in general, and lobbying in the European Union in particular (e.g. Beyers *et al* 2008). Still, there remain several gaps in the literature, and this study seeks to fill some of these. According to Gullberg (2008b:162), "most empirical studies on interest group lobbying focus on single policy decisions within a limited period of time". In the wake of the Single European Act of 1991, there was a large growth of interest group representation in EU. Simultaneously, from the 1990s onwards, interest groups at the European level also received an increasing amount of attention from researchers (Coen and Richardson 2009). Also, there is an increasing amount of research on lobbying efforts of interest groups towards EUs environmental policy, or related issues, such as lobbying the EU emissions trading system (e.g. Markussen and Svendsen 2005). Gullberg (2008b:163) notes that these are dominated by case studies. Most of these lobbying studies focus on the political representation and strategies at the European level, although lobbying towards EU can be, and indeed is, done at multiple levels of governance, including the local, regional and national levels to influence decision makers (e.g. Gullberg 2008a, Gullberg 2008b, and Nilsson *et al* 2009). There are also other studies of lobbying at multiple levels within the European Union (e.g. Coen 2005). Still, few seem to specifically investigate multi-level lobbyism conducted by national and European interest organizations in tandem[7]. There is also a lack of theory testing case studies in EU lobbying on how EUs institutional structures influence interest groups' choice of lobbying strategies. Further, there are seemingly few studies on how industries within member states with diverging interests will lobby to influence policy making in the EU.

[7] There are, however some studies that investigate individual companies' multi-level strategies, for example Miard (2010) and Tenbücken (2002).

1.6 Delimitations

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

The term lobbying is defined in various ways in the literature about EU lobbying. The Commission defines lobbying as "*activities carried out with the objective of influencing the policy formulation and decision-making processes of the European Institutions*" (European Commission 2008b). Some studies distinguish between institutionalized (formal) and non-institutionalized (informal) channels of influence. This is exemplified in participation in public bodies, such as working groups versus meetings with politicians and campaigns in media (Gullberg 2008a:2965). Here lobbying is understood as interest organizations utilization of both types of channels. This thesis will investigate the lobbying routes used by interest organizations of the German industries to influence the Renewables Directive. Industry is defined as "*a group of productive enterprises or organizations that produce or supply goods, services, or sources of income*" (Encyclopædia Britannica 2011). Here "industry" is understood as the power producers and the affiliated businesses, such as the producers of equipment for power production including their interest organizations. Miard (2010) discerns two approach components: tactics and targets. The tactic means how the interest organization chooses to lobby. Lobbying the European level can be practiced in several ways, for example: alone (directly) to the EU bodies or in alliance with one or more

other stakeholders at the national level. Other options include lobbying through another national interest organization, or through one or more European-level interest groups. Furthermore, it is possible to lobby through regional and national authorities as well as via foreign countries governments or international organizations. Last, employing consultants is also an opportunity for lobbying both at the national and the European level (Bouwen 2004).

The targets of the lobbying tactics in this study are all decision makers that might have a final influence on the outcome of the political processes. The national authorities that are the most likely to be addressed are the German government and the ministries in charge of renewables legislation: first and foremost the Ministry of Environment, but also the Ministry of Economic Affairs (Dagger 2009). Since the Renewables Directive was subject to the co-decision procedure, this includes the Council of Ministers (implicitly: the governments and permanent representations in the member states), the European Parliament, and the Commission. Furthermore, an interest organization may choose to lobby through several routes at the same time to increase its political leverage.

Bouwen and McCown (2007) divide the strategies that an agent can use to influence decision making in the European Union into three main categories: lobbying, litigation and indirect strategies such as using the press. Lobbying has been labeled a political strategy of "access"; the agents try to participate directly in EU-policy making. Interest groups can also use indirect political strategies, which are called "voice". These for example comprise political campaigns and getting media attention (Bouwen and McCown 2007:423). In addition, litigation can be a very efficient strategy for exerting political influence because court rulings influence how legislation is to be interpreted. However, in this case litigation against feed-in tariffs was ruled out as a strategy when Preussen Elektra lost the case against Schleswag AG in the European Court of Justice in 2001 (Mez 2007). This study will mainly focus on lobbying, since litigation is unlikely and the indirect "voice" strategies are very difficult and/or expensive and thus likely only to be available for some of the agents. Below is an extensive table that lists more or less all possible strategies to influence decision making. As illustrated in table 1, several strategies are possible. However, this study will concentrate on lobbying at the national and at the European level.

Table 1: The different possible strategies for influencing EU legislation

Main strategy	Level	Political bodies	Channels and means
Lobbying	European	The EU Commission The European Parliament The EU Council of Ministers (The European Council)	1) Traditional lobbying, such as holding formal and informal meetings with politicians. 2) Formal strategies such as participation in expert committees in DGs and other bodies, such as advisory groups, public hearings 3) Participation in European- level interest organizations 4) Having an office to be continually represented at the European level 5) Cooperating with other interest organizations that hold similar views 6) Via international organizations 7) Via foreign countries 8) Hiring consultants
	National	The German government, *Regierung* The German Parliament, *Bundestag*	1) Traditional lobbying, such as holding formal and informal meetings with politicians 2) Formal strategies such as participation in expert committees in the ministries and other bodies, such as advisory groups, public hearings 3) Participation in other interest organizations at the national level. 4) Cooperation with interest organizations that hold similar views 5) Hiring consultants 6) (Via foreign countries towards national politicians) 7) (Via international organizations

			towards national politicians)
	Regional (*Länder*)	Government, Parliament	1) Traditional lobbying 2) Participation in regional interest organizations 3) Participation in national interest organizations who also work regionally 4) (Similar strategies to the national level)
Litigation	European	The European Court of Justice	1) Referring a case to the court themselves 2) Making a complaint to for example DG competition, which refers the case further to the European Court of Justice
	National	The High court of Germany, and the Constitutional Court, *Bundeskartellamt*, the regulatory authority	
	Regional	The regional court in the states, *Länder*	
Indirect strategies	EU		Potentially all media channels, such as the Brussels press, TV channels, radio, commercials
	National		Potentially all media channels, such as the German press, TV channels, radio, commercials
	Regional		Potentially all media channels, commercials

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

Comments to table 1: The table shows German interest groups' different potential political strategies to influence decision making processes in the European Union. The table shows that an interest group for example can participate in another interest organization at the national level to influence national politicians' political positions in EU negotiations, or lobby the EUs institutions directly.

1.7 Research strategy

This study enquires the German energy industries' interest organizations lobbying strategies to influence the Renewables Directive. The assessments of these strategies include: 1) establishing lobbying routes they used, 2) determining whether or not they lobbied in a coalition with other interest groups and how this cooperation eventually was organized and 3) assessing to which extent the different interest organizations shared political positions and goals, as this is a precondition for choosing to ally and share resources in lobbying. By combining the theoretical perspectives liberal intergovernmentalism and multi-level governance with lobbying literature, the study will make hypotheses based on each of them. Under each perspective, resources such as personnel, money and expertise are also added as a possible conditioning factor for choice of lobbying strategy. These expectations will in turn be tested empirically by using a most likely case design. This means that if important theoretical expectations are not confirmed, the theory is less likely to explain lobbying behavior in the EU. A variety of methods are used to gather information and secure that the empirics are as valid and reliable as possible. Most of the empirics are based on ten research interviews, but method triangulation has been used extensively to ensure that all the facts are valid. For example, the interviewing is supplied with document studies.

1.8 Outline of the master thesis

The study consists of seven chapters. Chapter 2 will describe the theoretical background for the master thesis: Moravcsik's liberal intergovernmentalism and multi-level governance as it is formulated by Hooghe and Marks. These theories will be combined with relevant lobbying literature to build theoretical expectations that will be further tested out. Chapter 3 describes the method and the methodological considerations behind is. In addition, the cases are

presented briefly. Further, chapter 4 gives a background for understanding the present energy policy in Germany by giving a review of the renewable energy policy the last two-three decades. Chapter 5 presents the empirics by going through the interest organizations and their lobbying strategies. Chapter 6 analyses the empirics in the light of the theoretical expectations outlined in the theory chapter. Finally, chapter 7 synthesizes the study and points towards potential for further research based on the findings.

2.0 Theoretical background

This chapter outlines the theoretical perspectives liberal intergovernmentalism (LI) as it is formulated by Moravcsik (1993, 1998) and multi-level governance (MLG) as it is described by Hooghe and Marks (2001). Further, these perspectives are used to make empirical expectations about the interest organization's lobbying behavior to influence the Renewables Directive. The theoretical perspectives are combined with research literature on EU lobbying and other relevant sources of data. Last, under each perspective's, resources are used as an independent variable for conditioning choice of lobbying strategies at the German and European level.

2.1 Lobbying in an intergovernmental "state-centric" system

2.1.1 The states as the ultimate decision makers

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

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

The LI-theory emphasized that the states with their governments are the predominant decision makers. Interest groups are then implicitly of lesser importance than politicians for political outcomes. The governments might give some authority to supranational institutions, but only in order to gain specific goals such as economic growth and prosperity. Therefore, policy-

making in EU is not largely determined by EU institutions themselves, but should rather be viewed as policy co-ordination by national governments based on negotiations (Hooghe and Marks 2001:2, Moravcsik 1993:474, 480, Moravcsik 1998:7, 9). According to this perspective, states can withdraw authority from the EU institutions whenever they like, and the EU institutions have limited autonomy and self-determination. In this case, lobbying EU institutions will have limited effect because the institutions have little or no independent impact on decisions made there. If the interest groups have this understanding of the political system, they should regard lobbying European institutions as far less important than lobbying the member states' governments and spend their resources thereafter.

Expectation 1:

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

2.1.2 Political mobilization of national economic winners and losers

Moravcsik (1993:480) states that liberal intergovernmentalism has three core elements: a) that a state's behavior is rational, b) a liberal theory of national preference formation, and c) an intergovernmentalist analysis of interstate negotiation. Rationality is first and foremost based on national leaders' economic evaluation of pros and cons with economic interdependence. Still, Moravcsik (1998:23, 24) underlines, some national preferences are "grounded in ideas". A state's preferences are not fixed, but may vary across time, countries and issues. However, a state's objectives within each negotiation are stable. Assuming that a states' rationality primarily is based on politic economic concerns, this necessarily implies that other factors such as legitimacy or security have a lesser say.

Moravcsik (1993:483-488) argues that groups that either win or lose economically by a specific policy will exert the largest influence on national positions: "Groups that stand to gain and loose a great deal per capita tend to be the most influential". This is because they more likely mobilize politically since they have more to win or lose, and more resources to put behind their targets to achieve them. Further, Moravcsik (1993:483, 484) states that state leaders must make coalitions with "influential groups with specific interests" when they make their foreign policy in order to maintain their place in office on the longer term. Assuming this, it is rational for German authorities to create a coalition with either the utilities industry

or the renewables industry in this case, since both had very specific interests and are influential[8].

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

Both the German utilities industry and the German renewables industry had large potential economic gains and losses depending on how the renewables directive would turn out. However, the renewables industry would probably be the most affected, as a renewables directive that included green certificate trade threatened its mere existence, in particular future investments in photovoltaics because the German feed-in tariffs would stop working as efficient support mechanisms (Frankfurter Allgemeine Zeitung 2008). The utilities industry, on the other hand, would benefit from a system of green certificates. First, the grid operators would not have to pay the renewables producers the feed-in tariffs. In addition, the utilities would not suffer from the renewables industries granted grid access, which at times has consequences such as that utilities have to reduce or turn off power production at times when there is produced a lot of renewable electricity (e.g. on particularly sunny or windy days). Second, a trade based system could give them windfall profits by moving to "a marginal market where the most expensive marginal renewable certificate would set the price" (Turmes 2008, cited by Nilsson *et al* 2009:4458). Third, a market based system would lead to allocation where electricity was the cheapest to produce. Fourth, since the large German utilities also invest in energy production in other countries, they favored similar regulatory frameworks across the borders.

Expectation 2

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

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

2.1.3 National policy entrepreneurs' provision of critical information

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

Moravcsik (1993, 1998) argues that the states with the largest sizes and voting powers will be the most powerful and influential in the EU. This relationship he labels "asymmetrical interdependence". According to Moravcsik (1998: 61, 66), the transaction costs are low, and the different governments in international negotiation possess more or less complete information so that the negotiating parts have the information they need for efficient bargaining. "The information and ideas required for efficient bargaining are plentiful and cheap." The reason for this is that government officials have resources to generate all the information they need for different circumstances, such as technical, political and legal information. Therefore, the negotiating governments essentially have the information that they need. Both national governments and interest groups can work as catalysts in the political processes by initiating, and mediating different policies. Moravcsik (1998:66) argues that "critical information[9] and ideas are introduced into negotiations by the most intensely interested governments or social groups." Furthermore these aforementioned groups can act

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

as “effective policy entrepreneurs”, in contradiction to supranational theories which highlight that such entrepreneurs are supranational (Moravcsik 1998:55).

Expectation 3

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

2.1.4 Resources decide lobbying strategies

LI views the state as a unitary actor, but when the state bargains, its bargaining position is heavily influenced by what happens domestically. The governments’ policies are responses to what happens at the domestic arena within their state, similar to theories of “two-level games (see for example Putnam 1988). Governments will build coalitions with influential groups that are in particular affected by the outcome of the negotiations in order to secure that their political stances will be accepted when the legislation is implemented (Moravcsik 1993:484).

Eising (2004:218) notes that efficient lobbying depends on *organizational resources* in terms of factors such as money, staff and time. Gullberg (2008b) describes how more wealthy interest groups can make use of more differentiated political channels and build relationships over time. This necessarily enhances their opportunities of influencing important policy decisions. The utilities sector dwarfs the renewables sector in terms of size and resources, which should enable it to build up a more extensive political network than its little brother. The German utilities industry has a close and long-time cooperation with the mighty German Ministry of Economy (Jacobsson and Lauber 2006). In addition, the leaders of the four large utilities have close relationships to top-level German politicians (see for example Blasberg *et al* 2011). However, the Ministry of Environment is in charge of renewables policy. The environmental organizations and renewables sector have built good long-time contacts with this ministry (Dagger 2009).

Expectation 4

> The interest groups with the largest material resources will use all venues of access to German politicians, while interest groups with lesser resources will lobby fewer channels. Therefore, the interest organizations for the utilities industry worked towards more different political channels than the interest organizations for the renewables industry.

2.2 Lobbying in a multi-level governance system

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

2.2.1 New points of access to political decision making

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

> "As a result, we no longer see EU interest politics in terms of "bottom up" national interests feeding into the EU, or "top-down" coordination of EU lobbying, rather we see a managed multilevel process

with numerous feedback loops and entry points constrained by the size of the interest group, lobbying budgets, origin and the policy area (Coen and Richardson 2009:7)".

This theoretical perspective is supported by an increasing amount of empirical observations. For example, the last years, the Commission, EUs multipurpose executive body, has become increasingly independent of EUs member states. Thus, the Commission increasingly constitutes a higher level of governance than the national governments (Egeberg 2006:1-3). In addition, several treaty reforms, such as the Lisbon treaty has given the European Parliament increased powers. For example, more and more issues are treated under the co-decision procedure (Coen and Richardson 2009). Hence the reforms also give more power to the European institutions on behalf of national sovereignty. Consequently, the European institutions have also become more and more attractive and important lobbying targets. However, the third important European institution in decision making processes, the Council of Ministers, is still considered to be a rather hard target for lobbying groups (Coen and Richardson 2009). By the multi-level governance perspective, the interest organizations should lobby both the EUs institutions and the German government intensively.

Expectation 5

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

2.2.2 Exploiting the opportunities of a multi-level governance system

EU has given business interests many new points of access to the policy cycle. They can now conduct "*political venue shopping*" (Coen and Richardson 2009). This means that interest groups can lobby European legislation through a variety of routes, as mentioned in the introductory chapter. For example, more or less all large German companies and several large interest organizations have their own offices in Brussels. In Germany, sub-national actors such as interest organizations may also lobby at their federal level, the (*Bundes)Länder*-level. Federal German politicians can also participate in political processes in the EU. Another possible venue of influence is via foreign countries or international organizations to make them further their views in negotiations with EU. For example, during the last years, German utilities have invested heavily in renewable power production abroad (e.g. E.ON 2008a), and may potentially have their interests represented by foreign governments, and foreign interest

organizations (e.g. Miard 2010). Member state governments can use the secrecy of decision making in EU to come with proposals to "by-pass" the national constituency and introduce that are unpopular at home and blame the EU for it (Claes and Førland 2004). Callanan (2011:17) notes that industries that are unsuccessful at influencing national governments may be tempted to use other strategies such as lobbying at the European level to "by-pass" them.

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

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

Expectation 6

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

2.2.3 Resource dependency between the Commission and interest groups

The Commission in general needs knowledge for initiating policies, but often lacks the resources to generate the information it needs itself because of low staffing levels compared to its wide-ranging tasks. Therefore, the Commission frequently depends on information from other sources, such as member states, an extensive system of consultative bodies where public and private actors such as interest groups participate, and paid consultants (Nugent 1999, Bouwen 2009, Eising 2007a:208). This poses an eminent opportunity for interest groups to influence policy through providing information of high quality (Broscheid and Coen 2007:349, 350). Thus, the officials in the European Union and the lobbyists have grown dependent of each other, frequently labeled *resource dependency* (Eising 2007a:207). Coen (2007:335) describes this phenomenon as an "elite trust based relationship between insider interest groups and EU officials". This is labeled an *elite pluralist* arrangement where the

interest groups have to fulfill certain criteria to gain access to decision making in close arenas. To achieve this in the Commission, they have to build reputations of being trustworthy and develop long time relationships (Coen and Richardson 2009:152). Frequently, the interest groups make connections with special general directorates within the Commission (Eising 2007a). The Renewables Directive was handled by DG Transport and Energy[10] and the Committee on Industry, Research and Energy (ITRE) in the European Parliament. Eising (2007a:207) points out that interest groups have several important roles, such as aggregating, defining and articulating both member states and their constituencies' interests to EU institutions. Since the issue of support mechanisms is highly complex, the nature of the case should make it likely that Commission officials and others sought the expertise of interest groups to inform themselves in the law making processes.

Expectation 7

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

2.2.4 The more resources, the more efficient lobbying

Coen and Richardson (2009:145) regards business interests as some of the actors best positioned to influence the content of legislation in EU, and notes that they have developed a unique understanding of the multi-level governance structure as well as access to it. Most lobbying in the EU takes place in the Commission, as this is the body that holds exclusive right of initiating new policies as well as monitoring compliance. Influencing policies at an early stage is regarded as the most efficient for interest groups. Lobbyists mainly target the Commission and the European Parliament, but other European institutions are also subject to their political efforts, such as the Council (Coen and Richardson 2009). The European Parliament is known to be the "greenest" of the central EU institutions. EU has the latter years actively tried to support the creation of different kinds of interest groups through for example funding to create its own constituency and enhance its own legitimacy (Eising 2007a:203). Politicians in EU might also prefer talking with groups representing aggregated preferences rather than a host of lobbyists arguing for different policies because they represent broader

[10] From 2010, the energy part of DG TREN was split, and called DG Energy. The rest became Directorate-General for Mobility and Transport (DG MOVE).

constituencies and thus broader legitimacy. For example the Commission prefers to communicate with European level organizations representing common positions in the EU (Greenwood 2007:343). However, earlier research on European-level interest groups has tended to portray Euro-federations as weak groups with little influence, so-called "paper tigers". This weakness has been caused by a variety of factors such as insufficient resources, large internal heterogeneity, little hierarchy and discipline and the Commission's ambiguous attitude towards them (Pijnenburg 1998:303, 304).

Beyers and Kerremans (2007:462) suggest that resourceful interest groups will take particular advantage of the new European multi-level system, while Eising (2004:237) comment that a multi-level governance system tends to favor stronger interests. More researchers, for example Bouwen and McCown (2007:425) emphasize that material resources often are decisive for the type and scope of political strategies that interest organizations will apply to influence policy making. This is for example supported by Gullberg's (2008b) research, which shows that business groups make use of all channels of influence and invest in long-time lobbying. By contrast, the lesser endowed environmental groups rather focus their efforts on single policy decisions. Other studies also support this finding; Eising (2005) for example finds that there are few general traits characterizing lobbying in the EU in a large N survey study:

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

Several studies show that size matters: the larger a company or organization, the more resources it has to make use of different channels of influence both nationally and in the EU. The interest organizations' levels of resources may then also be influential in their choice of lobbying tactic. "Organizational resources are crucial because the pursuit of complex multilevel strategies requires a lot of money, time, expertise, and sustained effort" (Eising 2004:212). For example, since meeting people is considered cheap, this will be a typical way of lobbying for interest organizations with little resources. In addition, due to limited resources the interest groups will focus their efforts where they think it is the most efficient such as people they know are sympathetic to their political views.

Expectation 8

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

3.0 Methodological considerations

3.1 Theory testing case study as an appropriate research design?

This research project addresses the following research questions:

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

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

A basic criticism against the case study approach is the problem of representativeness (Gerring 2007). How can we know *whether* a limited case study is representative and *what* it is representative of? A fruitful way of resolving this could be to perceive case studies as the source of what Yin (2009) refers to as *analytical* rather than *statistical* generalizations. Analytical generalization implies that inferences are drawn to a broader universe of cases which is theoretically and conceptually defined. Lobbying, in this sense, could be seen as having a set of general characteristics; yet there are also specific forms of lobbying which a given theory pertains to and which thereby defines the scope for analytical generalization. In

the present study it is lobbying by interest organizations in a multi-level political system in response to certain specified policy processes that are the analytical focus. This means that the findings may possibly be generalized to understand lobbying in similar cases, but for example not lobbyism in energy policy at the global level (George and Bennett 2005). The concluding section of the thesis aims to make some generalizations of this sort which could be taken forward in further research on lobbying. When theories are tested in case studies, this is typically conducted to refine and nuance our understanding of them, or how "the scope conditions of competing theories should be expanded or narrowed" (Lijphart 1971, George and Bennett 2005:115). The theoretical perspectives will therefore only be strengthened or weakened, not ultimately refuted by the analysis which follows.

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

On the other hand, liberal intergovernmentalism (LI) is also very likely to carry at least some explanatory value, since energy policy is a domain traditionally strongly belonging to the national arena in Europe (see e.g. Lauber 2007, Nilsson *et al* 2008). Therefore, if LI has low

explanatory power for understanding lobbying in this field of policy, the whole theoretical perspective's scope conditions should probably be narrowed. However, as George and Bennett (2005:116) and Lijphart (1971:693) point out, one disconfirmation in a most likely case study is of course (almost) never enough to discredit a whole theoretical perspective. For example, the case of the German interest organization's lobbying of the Renewables Directive could be a deviant one. The most likely cases approach in Eckstein's (1975) terms should therefore be used with some caution.

Choosing whether to conduct a study with large or a little N is a familiar challenge in political research. Some large N studies have enquired multi-level lobbying by interest groups in the EU (for example Eising 2004). However, there are several reasons why case study is a suitable format for researching the actual questions. First, with a limited number of potential cases, statistical analysis about causal effects would generally have low power. Second, even when it is a feasible option, conducting a survey with a low N may be extremely vulnerable to a low response rate. Third, descriptive and conceptualizing work has to be done first in any case, and few if any researchers have to my knowledge described the German interest organizations' lobbying of the Renewables Directive in particular. In addition, the only publicly available information on the topic is data such as press releases and annual reports. Thus, studying these political processes closely requires case study methods such as conducting in-depth interviews that provide "thick descriptions" and asking follow-up questions (George and Bennett 2005).

3.2 Case selection

Five interest organizations directly representing German energy industries and four interest organizations indirectly representing them at the European level constitute the sample to be enquired. Although the Renewables Directive affects more or less all German industries directly or indirectly[11], these cases are chosen because it directly affects the economic conditions for their members, e.g. the energy producers and the affiliated businesses. Therefore, the selected organizations are also obvious candidates to lobby the European Union to promote and protect their interests, which makes them the most appropriate to investigate. This is in line with George and Bennett's (2005:83) recommendation: cases

[11] The support mechanisms for renewable energy affect the electricity price.

should be selected based on their relevance for the research's objectives. I have chosen the different industries interest organizations rather than selected companies for several reasons. First, the staffs of interest organizations are probably more open and willing to provide information than energy companies because their interest organizations' main tasks are to provide information, aggregate political views, promote them, and participate in political processes on behalf of their members[12] (Eising 2007a). Second, interviewing the industries' interest organizations is the only way to get comparable cases[13]. Third, since a multitude of firms of all sizes are involved in energy production in Germany, it is impossible to study them both broadly and in depth within a scope of the time and resource constraints given for this study. Fourth, due to the controversial nature of the topic, it is highly probable that some of the companies within each sector did not share political views with the rest[14]. Therefore, interviewing their interest organizations enables me to get information of the industry sectors' aggregated interests, not only what individual companies work for. Consequently, this approach will probably get fairly accurate results about the interest organizations' main views on the Renewables Directive, as the different companies within each sector in Germany roughly shared main views and preferences.

The utilities industry is intentionally represented by three of their main interest organizations in Germany and in Brussels. These include *Bundesverband der Energie und Wasserwirtschaft* (BDEW), *Bundesverband der Deutschen Industrie* (BDI), and *The Union of the Electricity Industry (EURELECTRIC)*. Other more specialized interest organizations like *Deutsche Atomforum* (the German "atomic lobby") or *Foratom* (the European "atomic lobby") are not chosen for several reasons. First, the largest utilities in Germany do produce energy from all conventional energy sources as well as renewable energy sources (Dagger 2009:50-53). Second, the German utilities and their daughter businesses are members of a host of different interest organizations (Dagger 2009). Thus interviewing them all would be impossible due to time constraints. Furthermore, there were few indications that these latter more peripheral

[12] Indeed, I have contacted E.ON and RWE's offices in Berlin and Brussels. All, apart from E.ON's Brussels office declined to set aside time. Unfortunately, E.ON's Brussels office did not answer my second mail.

[13] The utilities sector in Germany is dominated by four giant conglomerate companies: Energie Baden-Württemberg AG (EnBW AG), RWE AG (until 1990 Rheinisch Westfalisches Eletrizitätswerk AG), E.ON AG and the daughter firm of Swedish Vattenfall, Vattenfall Europe (Dagger 2009)[13]. The renewables industry on the other hand, consists of hundreds of small- and medium sized companies. These have little chance of employing lobbying across more political levels, in contradiction to the aforementioned counterparts, because such lobbying demands resources (Bouwen 2004).

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

organizations were very active on the Renewables Directive. They neither were mentioned in earlier research articles on the Renewables Directive, nor had made particular press releases on the topic. The research interviews strengthened this impression (interviews BDEW, BDI and EURELECTRIC 2011). Therefore, interviewing some of the utilities' interest organizations was both the most appropriate and the only feasible way in the scope of this master's thesis.

The renewables industry is also represented in the sample by some of their main interest organizations in Germany and at the European level. The organizations are elected on the basis of strategic choice principles in terms of the renewables technologies power output and investments, as well as the organizations' lobbying capacities in terms of personnel resources. Thus they should be the most able of the interest organizations to carry out lobbying at more political levels if they regard it as an appropriate political strategy. Since the largest sources of renewable energy in Germany apart from hydropower are power from wind, biomass and photovoltaics[15] (BMU 2011b), their companies' interest organizations are also likely to be the largest and most capable of lobbying at more levels. These are Bundesverband Windenergie (BWE), Bundesverband BioEnergie (BBE) and Bundesverband Erneuerbare Energie (BEE) in Germany, and European Photovoltaic Industry Association (EPIA), European Wind Energy Association (EWEA) and European Renewable Energy Federation (EREF) at the European level[16].

3.3 Design challenges

Choosing interest organizations as cases has several possible drawbacks. National associations are specialized at representing the national sectorial interest (Bouwen 2004:344). Thus, this approach might not pick up the political views of other important interests in the public debate, such as large dissenting companies or member organizations[17]. To rule out this opportunity, I therefore asked the interviewees specifically about this. With the notable

[15] Although hydropower a significant source of renewable energy, the specialized organizations for hydropower are not as relevant because Germany has already built out most of its capacity for hydropower production. Therefore, investments are low compared to other renewable technologies.

[16] I also contacted the German solar energy association, Bundesverband Solarwirtschaft (BSW) and the umbrella organization for renewable energy at the European level, European Renewable Energy Council (EREC). BSW has never answered the requests, while EREC provided me the contact details to BEE.

[17] A minority of Eurelectric's members favored other solutions, such as feed-in tariffs according to Toke (2008) and Boasson and Wettestad (2010). These did not take any dissenting positions in public documents alike.

exception of BDI, no representatives told about any strongly dissenting voices among their organizations' members (interviews BDI, BEE, BDEW, BWE, BBE, EURELECTRIC, EWEA, EPIA and EREF 2011). These retorts might, of course, not reflect real lack of disagreement. For example, the organizations might have presented themselves as more united than really was the case because of the topic's controversial nature. Such positive self-representation is typical in elite interviews (Berry 2002:680). However, on substantial issues all the interviewees seemed to answer as accurately as possible. In addition, the study risks overstating the significance of the interests that these organizations represent. Further, including European level interest organizations as cases might not seem informative, because they represent the industries in the whole of Europe and are specialized at building consensus positions (Bouwen 2004:344). Indeed, previous research has portrayed aggregation of interests as a problem for such interest organizations or "euro groups" (see for example Pijnenburg 1998). Thus, these organization's political positions might deviate from their German members'. However, the interviews and position papers showed that the industries within the two sectors at the two levels were united in their views regarding support mechanisms[18].

One might ask: Why include European level interest organizations when studying the German energy industries political views? First, three out of the four enquired European level interest organizations have German companies as direct members (EPIA 2011e, EWEA 2011a, and EREF 2011c). Henceforth, they directly fall into the category "interest organization for the German energy industry". This is exemplified by the fact that these organizations have German board members in important positions (e.g. EWEA 2011a). Second, the European level interest organizations all have the German level interest organizations as members. Thus, they probably constitute important indirect routes for lobbying the EU. Last, when enquiring multi-level lobbying to influence a European directive it is natural to include the organizations that organizationally are the closest to the decision makers in the European Union, since they are the most likely to lobby the European institutions. Still, the fact that interest organizations operating at the European level are included here is a reason for

[18] This finding is contrary to what Nilsson *et al* (2009:4457) found in their study. They comment that Eurelectric had problems making a strong position because of diverging interests among their member organizations. However, this claim was refuted by the representative from Eurelectric in (interview 2011). The only exception is BDI in parts of its views. However, BDI is less relevant as a representative for the utilities industry in Germany than BDEW, because it also represent a row of other industries. BDI mainly represents energy intensive industries in this context.

precaution when analyzing and interpreting the empirical material, and might constitute a weakness in the research design. Therefore, the analysis distinguishes clearly between the two groups of interest organizations in order to achieve analytical clarity.

3.4 Choice of methods

Since very little systematized information on the master's thesis topic is available, interviewing interest organization representatives has been the main method for data collection. The interviews were semi-structured with open-ended questions so that the respondents could answer them in their own ways (Andersen 2006). On the one hand, this made the interviewees elaborate in detail and be open. On the other hand, I at times also had to stop them because talked extensively about issues that were not relevant for this study. As Gerring (2007) and Berry (2002) recommend, method triangulation is used to ensure that the reliability and internal validity of the data is as high as possible. Therefore, different methods were used simultaneously, such as process tracing and document studies combined with interviews (Gerring 2007:217, Checkel 2007). Process tracing enabled me map certain decision making processes. For example, I cross-checked interview data from each interview with written sources and other interview data, and written sources were checked against each other and interview data. To achieve this, a variety of different sources were scrutinized, such as press releases, annual reports, newspaper articles and research studies. All sources were critically evaluated, and first hand sources were used as much as possible to ensure correctness in the interpretations of the political processes (Kjeldstadli 1992, George and Bennett 2005:90). Further, I had studied the organizations and the research on the topic closely before the interviews in order to know the context and have qualified expectations about the answers. I also used other methods to enhance the study's validity and reliability. For example, I contacted "the receivers" of the lobbying efforts, such as different members of the European Parliament in the Committee on Industry, Research and Energy (ITRE), like the Belgian *rapporteur* Claude Turmes. Unfortunately, they either declined or did not answer these research interview proposals. Furthermore, all interviews were recorded and transcribed. In addition, I made notes about the main impressions from the interviews the same day that they took place. Last, the interviewees got to read through, check quotes and comment on the presentations of their respective organizations. This proved invaluable. A possible drawback with this approach is that the respondents might withdraw quotes that they realize might put

them in an undesirable light. On the other hand, this increased the validity because misunderstandings and inaccuracies were cleared up. The interview guides in German and English, and the original quotes in German are in the appendixes.

The research project is notified and accepted by the Norwegian Social Sciences Data Services (NSD). Since the topic can be perceived as sensitive, I granted all respondents anonymity so that they could be more open about their lobbying strategies. On the one hand, this might have provided more extensive and more honest answers. On the other hand, transparency is always an ideal in research (Nygaard 2008). Therefore, publishing the interviewee's names is a way of enhancing a study's reliability. The representatives were contacted in January, February and March with a formal research proposal per mail in English (and also German in Germany), in line with Goldstein's (2002) recommendations. If they did not answer, I also phoned them. At least one week beforehand, I sent the respondents a list of key words or the actual interview questions to aid them recollecting exactly what had happened, since the actual political processes happened 3-4 years ago. Under such circumstances, respondent's memories are often weaker than with more recent incidents, which also might decrease the reliability of their answers (Andersen 2006). On the one hand, this enabled them to have time to discuss with others, look up documents and reflect upon what happened back then. On the other hand, they might have been influenced by people they talked with in the meantime. This tactic proved to be highly useful in the interviews in Germany in particular, as German is my third language. Under the interviews I used probing actively in order to ensure that the information was correctly understood, and test that the interview object provided correct information (Berry 2002, Andersen 2006). This was also a very useful strategy, as they all had to specify what they meant and I could test my understanding of the subjects.

3.5 Threats to validity and reliability

There were large differences in the amount of experience the interviewees had with the political processes leading to the Renewables Directive. Some were the main responsible ones in their organizations. These were thus key informants. Others were not, and two respondents were even not employed in the organization at the time. In most of the cases where I did not get to interview the most central person(s), these would be people placed at or near the top of their respective organizations. Since it was hard to get interview dates at all, I reckoned that

asking the organizations to provide me with another interview date when I had already had one would be deemed as rather inappropriate. The representatives from BDI, BEE, BBE and EREF were people who had major responsibility for handling the Renewables Directive within their organization. In BDEW, EPIA and EURELECTRIC, the interviewees had worked more with other topics at the time. The respondents from BWE and EWEA had been employed after the EU negotiations were finished. These latter groups are of course probably less able to provide valid and reliable information than the first, since they did not lobby themselves. A couple of times during the interview with EURELECTRIC's representative, for example, I knew he was providing slightly inaccurate information about the political processes, but this does not need to be at purpose. Rather, a probable explanation is that that the negotiations took place 3-4 years ago, and thus the time has weakened his memory. This fact might also reduce the reliability and validity of the other answers in general (Andersen 2006). This interpretation is supported by the fact that the respondent agreed with my perception of "the story" when I told him that previous research has told a somewhat different story on a couple of details (interview EURELECTRIC 2011). In two instances, to BDEW and BWE, I sent formal requests to people who I had not interviewed earlier, in order to collect more data and improve the validity and reliability of the data. The person in charge at the time in BWE then provided the information that I needed[19]. One of BDEW's people in charge then also supplied additional and useful information[20].

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

[19] The interviews with BWE's two interviewees are therefore referred to as "interview BWE 2011a" and "interview BDEW 2011b" respectively.

[20] The interviews with BDEW's two interviewees are therefore referred to as "interview BDEW 2011a" and "interview BDEW 2011b" respectively.

labeled elite informants, and they all seemed to have their own political agendas by the fact that many of them tried to convince me about which support mechanisms were the better. This made me extra cautious when interpreting the findings, in line with Andersen's (2006) and Berry's (2002) recommendation. Both underline that the interview subjects are not obliged to tell the truth, and that it is common to exaggerate their own importance. A further factor that might have impaired the validity and reliability of the data is that it is always harder to get hold of the best quality information and understand the political contexts in foreign cultures, as for example Hantrais (1999:103) points out. However, the fact that information gathering has taken place in a foreign culture might also be an asset, because I automatically then got an "outsider's perspective" on the political processes.

4.0 "The world's first major renewable energy economy"

This chapter will briefly go through the history of renewable energy in Germany from its beginning until today. Such an overview is important for understanding the political context in which energy policy in Germany takes place. Particular emphasis will be put on the conflict between the conventional power producers and the renewables producers. A figure will sum up the most important pieces of legislation. Further, the different sides in the conflict will be summarized in a table. In the end, three small sections will outline the development of the three largest renewable energy technologies in terms of power output. Hydropower is excluded here, as its potential is almost fully exploited already.

4.1 The historical development of renewable energy in Germany

Non-renewable sources, such as coal, oil/gas and nuclear power account for the largest share of energy production in Germany, and this has been the case since WW2. To keep up with an increasing demand, the German government has traditionally provided large subsidies to research and development of these sources of electric power (Jacobsson and Lauber 2006). As a large industry state and major world exporter, Germany both has a high level of energy consumption as well as high levels of greenhouse gas emissions. As a country with scarce natural energy resources, Germany is to a large extent dependent on imported fossil fuels.

Germany started its policy on renewable energy in 1974, after the oil crisis. The first 15 years, it consisted mainly of funding research on renewable energy. This action was in part a result of environmental concerns from the political opposition parties, in particular protest against nuclear energy (Lauber and Mez 2004:599). In 1978, opposition against nuclear energy was at its height. Indeed, similar to several other European green parties, the German Green party was founded as a political reaction against nuclear energy and nuclear weapons (Schmidt-Haüer 2011). Today, this party is one of the largest and most influential green parties in the world, and it is one of the largest German parties according to the polls, thriving not the least on the widespread resentment against nuclear energy[21] (see for example Die Zeit 2011b). The

[21] March 27th 2011, the Green party won a historic victory in the federal state Baden Württemberg. After 58 years of CDU rule, the Green party together with SPD won the majority of votes, and the Green party the

government funding led to a host of different research programs carried out by universities, private firms and research institutes both within wind- and solar energy, which provided knowledge to base actions on. From the 1970s on, a number of different interest groups also started to emerge. For example, the German Solar Energy Association (Bundesverband Solarindustrie) and several environmental organizations were founded in the 1970s (Jacobsson and Lauber 2006:263).

The 1960's strategy, to base the security of electricity supply on nuclear reactors and coal-fired power plants has only recently been seriously challenged. One of its results is that, the nuclear and coal industry has received a total of funding and tax subsidies that dwarf the support of renewable energy. The funding has contributed to making the German utilities industry a very large and influential actor both politically and economically (Jacobsson and Lauber 2006:262, 263). Until the European electricity directive that required unbundling, the utilities could exploit monopoly positions in the supply infrastructure (Eikeland 2011). Through a series of mergers, the market today is dominated by the aforementioned four giants EnBW, RWE, E.ON and Vattenfall, but other actors also produce electric energy, such as a host of different municipalities. From the beginning of the 1990s onwards, the utilities industry and their interest organizations have been largely hostile towards certain support mechanisms for renewable energy, such as feed-in tariffs. One of the reasons is that they have considered renewable energy production, which often has been produced in small and decentralized units, as uneconomic and not fitting into the supply system (which they to a large extent have owned). According to Jacobsson and Lauber (2006:261, 262) as well as other researchers, the utilities industries' main ally in the Government has been and remains the Ministry of Economic Affairs. The utilities industry is represented through different interest organizations at the German and the European level.

The Germans were highly divided on the topic of nuclear energy until the Chernobyl accident in 1986. Within a couple of years, a large majority became opposed to nuclear energy. After this enormous accident, the Social Democrats demanded that the nuclear plants should be phased out gradually. The Greens were even more radical, and demanded immediate shutdown (Lauber and Mez 2004:599). Nuclear phase out, "*Atomausstieg*" has been important issues for these parties ever since, while the majority of people in the Liberals, FDP, have

largest fraction of these two. Thus, Baden Württemberg was the first German federal state which got a Green President (Die Zeit 2011b).

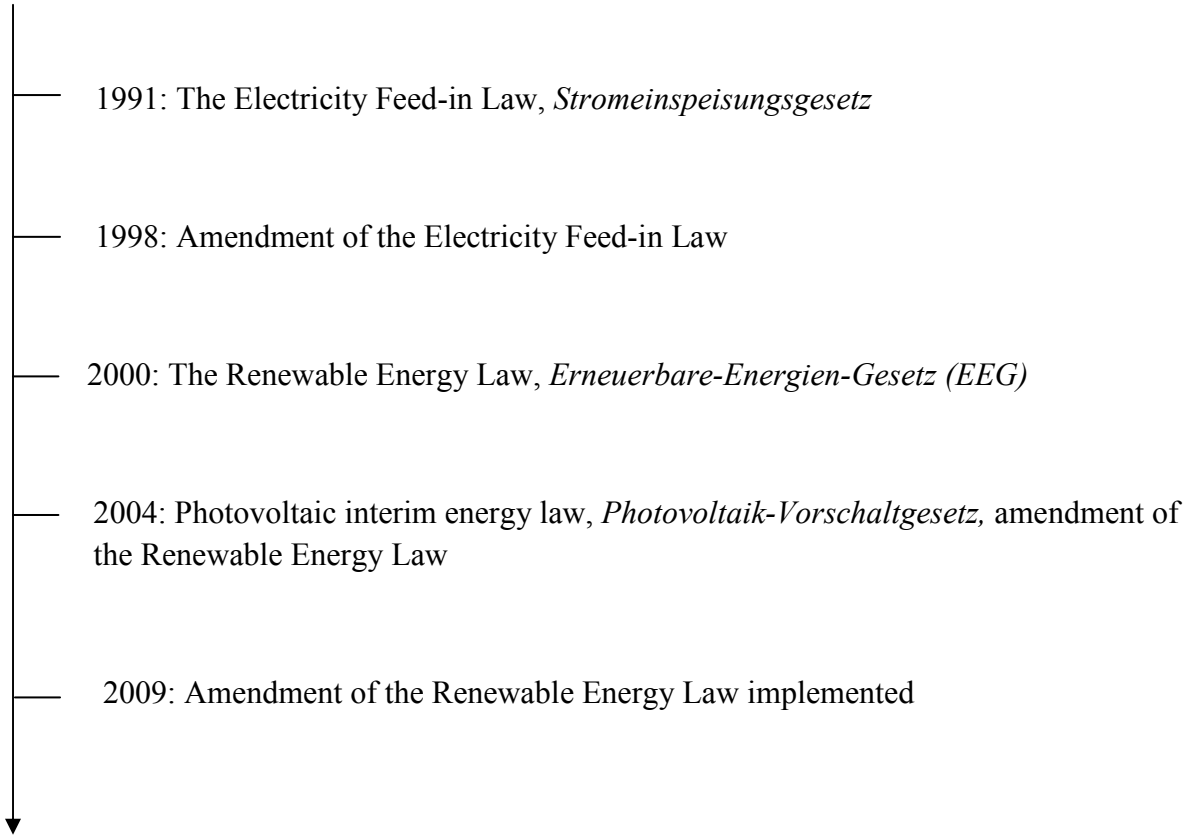
traditionally been staunch supporters of nuclear energy. The Christian Democrats in CDU/CSU have had a position in between, being categorized as a part of the "green side" by several researchers[22], but also giving in to demands of the nuclear industry[23].

In 1988, the Government decided to create a market for renewable energy (Jacobsson and Lauber 2006:260). German authorities implemented several different measures to boost investment in renewable energy production, such as a program that aimed at installation of 250 megawatt of wind power. In 1991 they introduced a feed-in law which required that the grid operators (then, this was the utilities sector) to pay producers of certain types of renewable energy 80 percent of (average historical) prices for energy as feed-in tariffs. In addition, electricity suppliers had to accept renewable electricity fed into the grid (Jacobsson and Lauber 2006:264, Held *et al* 2010). This became the start of the massive growth of renewable energy that has taken place ever since. At first, the government tried to make the utilities commit themselves voluntarily. When this did not work, the last option was to introduce a bill which made these commitments compulsory. Several actors supported this law, such as Conservative CDU/CSU and the Green party, the Ministry of Research and the Ministry of Environment. In contrast, the conservatively headed Ministry of Economic Affairs, and the parliament were more skeptical. In the end, the bill got consensual support and was adopted. The large utilities companies did not make any large scaled protest at this time. Lauber and Mez (2004:561) explain this inaction by that the utilities were preoccupied with the reunification, and also underestimated the effect of the new law. The reunification of Germany had a deep impact on consumption and production of energy. Germany's total emissions of CO_2 decreased significantly because the government decided that old polluting industry should be taken out of business. This has been called "wall-fall profits" (Håkonsen Karlseng 2006). Later, this law had a cap so that regional grid operators should not be at a disadvantage. The grid-operators had to pay feed-in tariffs until 5 percent of the energy production stemmed from renewable energy sources. The fact that the feed-in tariffs were tied to the retail electricity prices made the renewable energy producers vulnerable to declining power prices, which was a consequence of liberalization of the electricity market in the 1990s (Held *et al* 2010).

[22] See for example Dagger (2009).

[23] October 2010, the German government consisting of CDU/CSU and FDP remarkably changed the law made by the SPD and the Green that demanded shut down of all the German nuclear power plants by 2021. The moratorium gave all the power plants longer running times, *Laufzeitsverlängerung* (Die Zeit 2011c).

Figure 2 Timeline: most important renewable energy legislation in Germany



Sources: Jacobsson and Lauber (2006), Dagger (2009).

The combination of the programs for renewables power and the new feed-in law was immediately successful in boosting production of renewable energy. Both capacity for photovoltaic power and especially wind power were built out (Jacobsson and Lauber 2006:264). The law was most efficient for the wind industry, because the tariffs did not compensate well enough for large establishment costs for new production facilities for other renewable power sources such as solar power (Jacobsson and Lauber 2006:260). Before the law was implemented, the German government asked the Commission whether or not it would be acceptable, and got approval. According to Lauber and Mez (2004), this had two reasons. First, the law was assumed to have insignificant effects. Second, it was "in line with the policy objectives of the Community". As the law had large impact on the utilities, and burdened different regions unequally because the power companies in regions with a lot of wind power had to pay much more in feed-in tariffs than other companies, these power

companies regarded the new law as unfair. In addition, the industry wanted to avoid the situation the authorities made in 1975 when they introduced special subsidies to the hard coal industry on the cost of the utilities industry and the consumers. Therefore, they tried by both political and juridical measures to change this legislation (Jacobsson and Lauber 2006:265).

The feed-in law (StrEG) was, according to Agnolucci (2006:3542, 3543) favoring wind power strongly on behalf of the utilities companies. These companies had to pay fixed prices for electricity that indirectly subsidized the wind power industry. This resulted in large-scale increase in wind power between 1991 and 1995, which halted between 1995 and 1996. The wind power plants were mostly in the northern federal states (Länder). The utilities there had to pay more than southern energy companies after the energy market in Germany was liberalized in the 1990s. In addition, the utilities lost market shares to the new renewable actors which they viewed as competitors. Therefore, energy companies issued law suits in different German courts. In 1996, both the German High Court, and the Constitutional Court declared that the feed-in law was constitutional (Agnolucci 2006:3543, Szarka 2007:33). Therefore, the utilities' interest organization *Verband der Eletrizitätswirtschaft*, VDEW made a complaint with DG competition, claiming that the EU state-aid rules were violated (Jacobsson and Lauber 2006:265). At this time, the Commission also claimed that the minimum price for wind was too high, and that the legislation thus should be altered. According to Lauber and Mez (2004), their steady supporter Ministry of Economic Affairs was happy with the Commission's support, and proposed to reduce the tariff rates.

This ruling resulted in a major political battle between different interest groups, which ended in a massive demonstration. On the one side of the conflict was a coalition consisting of the metalworkers union, farmers, church groups, and environmental organizations and renewables associations. On the other side was the alliance of investment goods industries and the utilities companies (Lauber and Mez 2004:5). In the *Bundestag*, however, the utilities did not succeed in changing the feed-in law. There, the law amendment was narrowly defeated (Jacobsson and Lauber 2006:265). The ongoing conflict between 1996 and 1998 made investors less inclined to invest in wind turbines, but when the tariffs were given as before, the wind turbine industry grew even faster than before. In addition, now large companies entered it, and thereby increased its negotiating power (Lauber and Mez 2004:5). Activists and local utilities who worked for introducing solar power plants in their areas supported the solar industry. Through different means, the market for solar panels continued growing after the first measure, the

1000-roofs program was finished, although the authorities did not launch a follow up program (Lauber and Mez 2004:6, Jacobsson and Lauber 2006:265). Solar power had a high reputation among Germans. It was built out after local activists had political campaigns to make local governments have their local utilities make contracts with suppliers of renewable energy that ensured that the investment costs would be covered. The *Länder* also supported making a market for solar power. In addition, Greenpeace had a large campaign that resulted in many thousand orders for solar cell rooftops (Jacobsson and Lauber 2006:266). The solar cell industry intensified its lobbying.

In 1998, a law called *Energy Supply Industry Act* was adopted in order to implement the electricity directive 96/92/EC in German law (Lauber and Mez 2004:5). Lauber and Mez (2004:5) point out that this law modified the previous feed-in law in several ways, first and foremost a new compensation mechanism that made the cost for attaching extra electricity suppliers to the network more evenly distributed, but the feed-in tariffs remained unchanged. At this point, a coalition between the Social Democrats and the Greens was in office. This red-green government launched several strategies to improve conditions for renewable energy, such as an eco-tax on energy, a 100 000 roof program for solar cells, and to negotiate an agreement to phase out nuclear energy. In addition, different programs offered favorable "soft loans" for renewables. Three years later, all the goals set were achieved (Staiss 2003, cited by Jacobsson and Lauber 2006:267,268, Agnolucci 2006:3539). In 1998, a large energy market reform was implemented by liberalizing the energy market. This led to reduction of electricity prices, and consequently lower incomes for the wind turbine owners (Jacobsson and Lauber 2006:267).

In 1999, the Ministry of Economic Affairs wanted to reform the Feed-in law of 1990, and proposed a system where the utilities could pay a voluntary tax to promote renewable energy, and argued in favor of a quota system. This alternative was also favored by the utilities companies, because it would be economically beneficial for them. The parliamentary party groups of the coalition opposed this solution, and instead proposed a bill which was adopted in March 2000, the famous Renewable Energy Sources Act (EEG, *Erneuerbare Energien Gesetz*). Basically, this act carried on the previous feed-in philosophy where "the polluter pays" principle was essential. In addition, continuing subsidizing renewables would only be fair, because the utilities industries had been subsidized heavily through decades. The act granted investors in renewable energy steady prices per unit produced for 20 years. In

addition, the feed-in tariffs were no longer capped according to share, but distributed evenly among all grid operators (Jacobsson and Lauber 2006:267, 268, Held *et al* 2010).

EEG met harsh criticism from the utilities interest groups and other business organizations. The Federation of German Industries (BDI) maintained that this law would burden the German economy by destroying its competitiveness and make electricity prices higher. VDEW claimed that the prices would only be passed on to customers, because of price increases caused by lesser competition in the market (Jacobsson and Lauber 2008:268). The very important industrial association, German Engineering Federation (*VDMA, Verband Deutscher Maschinen und Anlagenbau*), on the other hand, supported the law[24]. The EU general directorate DG Competition was skeptical to the law in the beginning and questioned whether it was compatible with EU law until 2002, although the European Court of Justice had ruled that the German laws were compatible with EU law in the similar *PreussenElektra vs. Schleswag* case in 2001 (Lauber 2007:18). In 2001, the government consisting of the Social Democrats and the Greens introduced a law that obliged the utilities to shut down all their nuclear reactors by 2021. The same year the government effected the transfer of the responsibility for renewable energy from the Ministry of Economic Affairs to the Ministry of Environment in 2001, which favored renewable energy production (Lauber and Mez 2004:607)

The debate in Germany has at least since the 1990s been marked by two fronts with opposite views regarding funding, support mechanisms, net access and other topics connected to renewable energy production. Several researchers have enquired these groups of actors, for example Dagger (2009), who enquired how the different groupings lobbied to influence the revision of the renewable energy law in 2008. The patterns of alliances have seemingly changed little apart from one thing: increasingly; all political parties have members and supporters who are very positive towards renewable energy production. In addition, it seems that over time, the utilities are getting more positive towards renewable energy production. For example, they have all established daughter firms who invest heavily in renewable energy. The two fronts are illustrated in table 2. The groupings are based on Sabatier's advocacy coalition's theory framework (1998) to illustrate that a row of different actors participated and influenced policy-making on renewables support mechanisms.

[24] VDMA still does. It represents manufacturers which among other things produce equipment for the steadily growing wind- and photovoltaic industries.

Table 2: The different fronts in the debate about renewable energy in Germany

	The economic coalition: supports market based system	**The ecologic coalition: supports feed-in tariffs**
Ministries	Bundesministerium für Wirtschaft und Technologie (BMWi, The Ministry of Economic Affairs)	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherhet (BMU, The Ministry of Environment) Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz (BMELV, The Ministry of Food, Agriculture and Consumer Protection)
Political parties	Freien Demokraten (FDP, The Liberals)	Bündnis 90/Die Grünen (The Greens), Sozialdemokratische Partei (SDP, The Social Democrats), Die Linke (The Left) A large fraction of CDU/CSU (Christian Democratic Union of Germany and the Christian Democratic Union of Bavaria)
Business organizations	VDEW- Verband der Elektrizitätswirtschaft, (today: BDEW, Bundesverband der Energie und Wasserwirtschaft) Bundesverband Deutsche Industrie (BDI, The Federation	Bundesverband Erneuerbare Energie (BEE, The German Renewable Energy Federation) BEEs members, such as Bundesverband Windenergie (BWE, The German

	of German Industries) Verband der Industriellen Energie und Kraftwirtschaft, (VIK) Industriegewerkschaft Bergbau, Chemie und Energie (IG BCE, Mining, Chemical and Energy Industrial Union)	Windenergy Association) Verband Deutscher Maschinen und Anlagenbau e.V. (VDMA, The German Engineering Association) Industriegewerkschaft Metall (IG Metall, The metal workers‘ trade union) Deutschen Bauernverband e.V (DBV, The Farmers‘ Union)
Other organizations		Environmental groups, Greenpeace in particular, civic interest groups for renewable energy such as Eurosolar, church groups
Companies	The utilities companies, RWE, E.ON, EnBW and Vattenfall	Solar cells producers, wind energy manufacturers, producers that concentrate on renewable energy in general

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

Comments table 2: The table illustrates how many German public and private groups that have participated and participate in the public debate about support mechanisms, and how broad legitimacy renewable energy production enjoys.

4.1.1 PreussenElektra v. Schleswag in 2001

The large utilities company PreussenElektra[25] had lost to the renewables company Schleswag for the so called "additional costs" caused by the feed-in law of 1990 in the Regional Court of Kiel. The background was a claim that such indirect support would be incompatible with EU legislation. This court referred the case to the European Court of Justice to see whether this was the case, and also if it was allowed to have quantitative import restrictions. The ruling was made in March 2001. The European Court of Justice did not agree with PreussenElektra, and pointed out that the obligations could not be considered as state aid because it "did not involve any direct or indirect transfer of State resources" (Agnolucci 2006:3545, Szarka 2007:33). Regarding quantitative import restrictions, the court ruled that it was acceptable both because of the European Communities own legislation, as well as other international treaties such as the Kyoto Protocol (Szarka 2007:33). This ruling has had paramount importance because it established guiding principles for feed-in tariffs in Europe, and led to new such laws both in Germany and the rest of Europe (Szarka 2007:33, Mez 2007). According to Szarka (2007:33), the large utilities companies like E.ON and RWE have been players in a battle between renewable and conventional energy providers, where the latter have tried to influence policy "according to their preferences".

4.2 The 2000's: enormous growth for renewable energy

The four large German utilities are truly giants in terms of sizes. For example in 2010, the world's largest non-state owned power company E.ON AG achieved almost 93 billion in sales and more than 85 000 employees around the world (E.ON 2011, E.ON 2008a, RWE 2008). The four large utilities together had around 200 000 employees in 2010 (Blasberg *et al* 2011). Although they have close ties to top politicians and have lobbied steadily, Germany has as aforementioned still continued and expanded the feed-in laws, and also launched other laws that the utilities and their interest organization are basically opposed to the last two decades, from the first *Stromeinspeisungsgesetz* (*electricity feed-in law*) in 1991 to the *Erneuerbare Energien Gesetz (EEG) (renewable energy law)* in 2000, which was revised in 2004 and 2009 (Held *et al* 2010).

[25] VEBA and VIAG merged, and created the energy giant E.ON AG in year 2000, which today is the largest non-state energy business in the world (E.ON 2011) One of its daughter firms, E.ON Energie AG, was created by the merger of the firms Bayernwerk and PreussenElektra

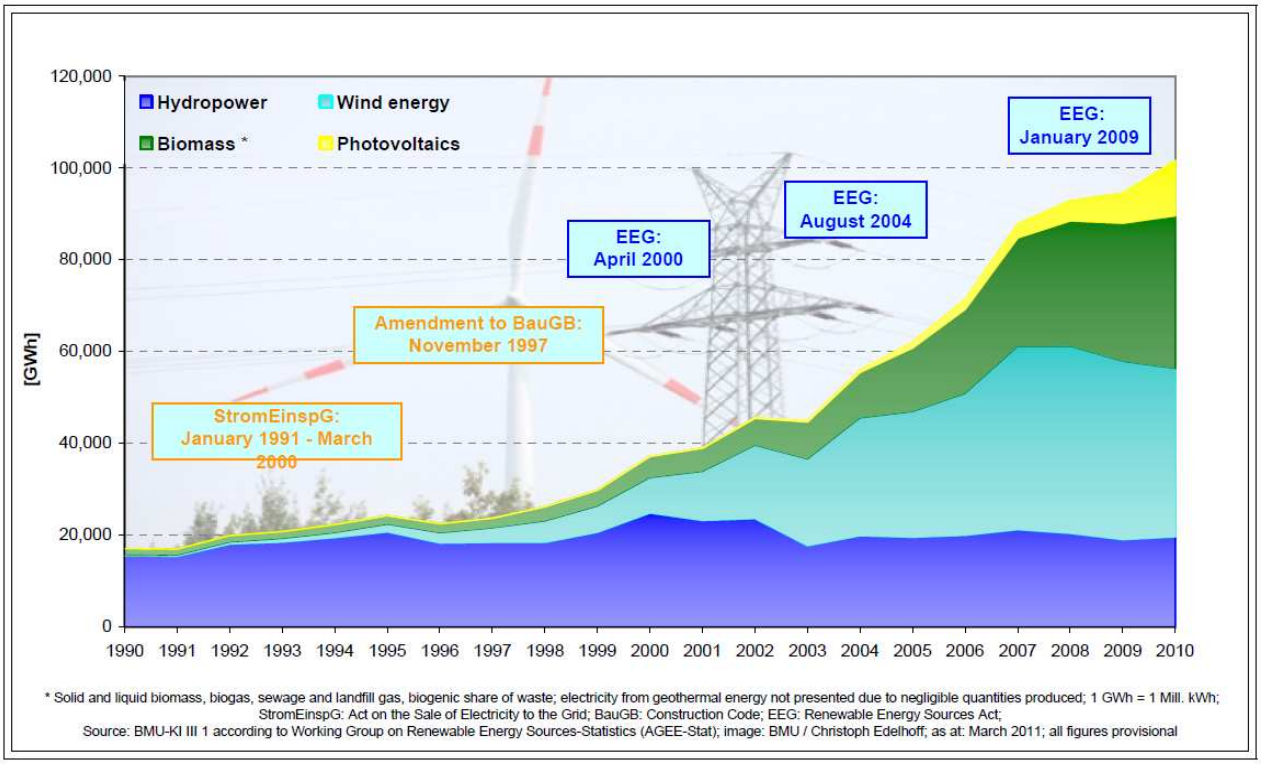
The utilities and their interest organization in particular criticize solar energy, which receives the highest rate of feed-in tariffs of the larger renewable technologies (interview BDEW 2011a). The criticism seems to have had little effect. On the contrary, the German governments continue supporting renewable energy production in general and photovoltaic energy in particular, as exemplified by the German Government's decision regarding implementation of the Renewables Directive. As aforementioned, Germany put in all their efforts in Brussels to defend their views about voluntary support systems during the negotiations that lead to the Renewables Directive (Nilsson *et al* 2009).

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

The renewables industry in Germany has steadily created more jobs, and increased revenues, as well as contributing to a larger and larger share of the electricity production and total energy supply. Altogether, the industry more than doubled its number of employees when all associated businesses are included from 2004 to 2010, with a growth from 160 500 to 367 400 (BMU 2011a, 2011b). The renewables share of electricity production increased from 6,4 percent in 2000 to 15,1 percent in 2008 and 16,8 percent in 2010. This is more than 100 terawatt hours (TWh) (BMU 2011a, 2011b). In addition, Germany has some of the world's largest producers of renewable technologies such as equipment for wind production as well as solar energy production within its borders. This makes Germany "the world's first major renewable economy" (Burgermeister 2009). As a consequence, the renewables industry becomes increasingly important economically, socially and environmentally. German progress has inspired many EU countries. Today 19 other EU members have similar systems to enhance their production of renewable energy (Lauber 2007). The massive growth in Germany is illustrated in figure 3.

Germany aims to be an environmental leader both in the EU and in the world. Therefore, the country has set ambitious long time targets for itself. For example, fall 2010 the government launched new aggressive targets that included boosting the share of renewables to 80 % of the energy consumption and 60 % of the primary energy consumption by 2050 (BMU 2010).

Figure 3: the production of renewable power in Germany from different sources



Source: BMU (2011b)

Comment figure 3: renewable energy production is marked in colors. The figure illustrates that the German renewable energy production has grown considerably, in particular the last decade. Production of wind energy declined in 2009 because there was very little wind that year. The table also illustrates massive investments in photovoltaics the last years.

4.2.1 In the forefront in technology and innovation

Germany has several research institutes related to renewable energy. For example, the Wuppertal Institute researches on renewable energy, and the large Fraunhofer Institute group of 60 institutes conducts research on different renewable technologies and energy efficient living. Öko Institute researchers into different challenges related to sustainable development, including renewable energy support mechanisms (see for example Mitchell *et al* 2006, Hennenberg and Fritsche 2008). The German Ministry of Environment has in-house expertise and is commissioning research reports. In addition, it provides several such research institutes base funding to conduct research on environmental and renewables issues (BMU 2011b). In addition, all the German political parties have personnel focusing on renewable energy (interviews BEE and BBE 2011). The utilities interest organizations also had research

institutions that argued along their lines. For example, several studies demonstrate the shorter term incompatibility of the Renewables Directive and the EU ETS in terms of creating a common European electricity market and reducing emissions of greenhouse gases.

4.2.2 The front-runner: wind energy

Wind energy has grown considerably in Germany the two last decades, and is the largest source of renewable electricity production. In 2007 and 2008, there was approximately 20 000 centers for wind production across Germany, and they produced 22 347 and 23 903 Megawatt hours of electricity. In 2007, the wind industry employed about 90 000 people, which is more than the number of people currently employed in the coal industry. The number of employees in the industry is expected to grow strongly in the years to come similar to other renewable technologies. Offshore wind in particular will expand rapidly because of domestic and world-wide demand (BWE 2011a, Die Wind Industrie in Deutschland 2011). Equipment for wind production is a large export article: about 80 percent of the wind energy production facilities and equipment that is produced in Germany is exported (BWE 2008b). The last years wind energy has been the renewable technology producing the cheapest power after hydroelectricity (BWE 2011f). The price of electricity from wind power has declined steadily due to improved technology, and therefore the feed-in rates have been reduced accordingly[26] (BWE 2011b). Wind power technology is fundamental in reaching the renewable goals set.

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

4.2.3 The work-horse: bioenergy

Bioenergy contributes to most, around 70 percent, of renewable energy altogether when energy from electricity, heating and transportation is included (BMU 2010, interview BBE 2011). According to its own estimates, the industry employed 96 100 persons in 2007 and 95 800 in 2008, with turnovers that rose from approximately 10 billion Euro to 10,8 billion

[26] Germany has a steeped feed-in system, which means that when a technology improves so that it provides electricity at a lower price, the tariff is lowered to reflect this improvement (Held *et al* 2010).

Euros from 2007 to 2008. The industry is expected to grow considerably in the years to come, and employ around 200 000 people and have a turnover of 20 billion Euros in 2020 (BBE 2011d).

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

4.2.4 The diva: photovoltaic energy

The largest photovoltaic market in Europe is not around the Mediterranean ocean, where the sun shines the most, but rather in Germany. Both in Germany and at the European level, photovoltaics have had the largest increase in investments the last years of all the renewable technologies (BMU 2011b, interview EPIA 2011, EPIA 2011f). In Germany, it is in particular private households produce power from the sun, but there are also an increasing number of large installations (BMU 2011b). Consequently, the number of employees connected to the industry in Germany alone, but probably to some extent also in the rest of Europe, is rising sharply (BMU 2011b). The last years, photovoltaic technology has improved rapidly, which has led both to a large increase in the output of power that a panel can produce and lower price per Watt installed. The feed-in tariffs in Germany have accordingly been reduced (interview EPIA 2011). Other European countries have also put priority to photovoltaic energy, for example Spain.

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

> "The photovoltaics in Germany have in the last years had an incomparable development worldwide" (German government 2011).

Although photovoltaic energy is still small in comparison to other renewable energies in Europe, it has experienced a massive growth the last two decades (EPIA 2011c). Especially after the Renewables Directive was introduced, the sector has experienced a boom, and has rather bright future prospects: within 2020, it expects more than 100 GWh of capacity to be installed in Europe (Ossenbrink 2011).

5.0 The interest organizations' lobbying strategies

One of the main aims of this paper is to describe how the German industries lobbied to influence the Renewables Directive and the conditions for their choice of political strategies. In this chapter we will survey the different lobbying strategies employed by the interest organizations, organized as follows: a) a brief presentation of the organization, b) its political position, c) which routes they used to achieve their targets, including which organizations they cooperated with and d) through what forms they provided information. First, the renewables interest organizations will be presented at the German and European level. Then, the lobbying strategies of the utilities organizations at both levels will be presented. The lobbying routes of the two most important interest organizations at the national level will be illustrated in two figures. Finally, a concluding section presents the most important lobbying strategies, illustrated by a figure and summarizes the arguments and the coalitions in the discussion in two tables.

5.1 The renewables organizations lobbying strategies

The renewables interest organizations at the national level

5.1.1 Bundesverband Erneuerbare Energie e. V. [27]

Bundesverband Erneuerbare Energie (BEE) is the umbrella organization for all the renewables energy technologies industrial interest organizations in Germany, which count 24 member organizations. Thus, it represents more than 30 000 single members per May 2011. In addition, it has supporting members, which for example are suppliers of *"Ökostrom"* ("ecoelectricity", i. e. electricity from renewable energy sources) and companies offering financial services and municipal power producers. BEE was founded in 1991 to improve the conditions for the renewables industry (BEE 2011c, d and e). BEE's secretariat is placed in Berlin and counts 9 people.

[27] The German Renewable Energy Federation

Political positions

BEE strongly maintained that the directive should leave the decisions about national support mechanisms to the member states. The argumentation was manifold, for example; if certificate trade was introduced, that would undermine the successful German support model.

> „It doesn't make sense at all to establish a feed-in tariff which cannot have the desired effect, because – due to the equally applicable certificate trade - all cheap resources are bought out by other member states to comply with their targets. I could have in the feed-in law: you will get 9 cent per kilowatt hour, which would be a good incentive for wind power investment. But, if the same investor can get 12 cent per kilowatt hour from the certificate trade in Great Britain, no wind farms and even less so production facilities will be built in Germany" (interview BEE 2011)[28].

A certificate trading system[29] would lead to lower investment in and deployment of renewables because of lower security for investors and would result in higher prices for the consumers. In addition, Europe would most likely not even come close to achieving its renewables target of 20 percent. Trade of certificates would create more bureaucracy, because every country would have to create a body to be in charge of the trading and to create a common European market place for it. This would be very expensive, in particular for the small and middle-sized producers. A certificate trading system would not increase security of energy supply, because Europe lacks electricity grid infrastructure to handle sending large amounts of electricity across borders. If energy were to be produced only where it could be produced most efficiently in Europe, wind power would be produced in Great Britain and along the coasts, photovoltaic power in Southern Europe and bio energy in Eastern Europe. Hence, the power would be produced mainly in peripheral places, where there is no net capacity to handle such amounts of electricity. In addition, it would probably be very unpopular among the inhabitants in these areas (BEE 2007, BEE 2008a, 2008b). BEE was satisfied with the outcome of the directive. Indeed, the BEE representative expressed that they managed to convince the German politicians about their arguments, although the utilities industry still dwarfs the renewables in terms of economic output.

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

[29] Certificate/Quota-Systems and Feed-in tariffs are both essentially "market based" although only quota-systems are termed market based in everyday language: Certificate/quota-systems are setting the quantity and getting the price on the market, whereas Feed-in is setting the price and getting the quantity from the market.

Lobbying routes

BEE expects policy makers in the government to listen to them, and has good contacts within the Ministry of Environment in particular, which is in charge of renewable energy, but also contacts within all the political parties, which have their own experts on renewable energy (interview BEE 2011). Bundesverband Erneuerbare Energie had the German state as its main target for its lobbying efforts, but also worked actively to promote the industry's interests directly towards the European Institutions. Its' committee Arbeitsgruppe Europa (AG Europa) forged the policies on European issues such as legislation made in the European Union (interview BEE 2011). In addition to lobbying the two responsible ministries, the Ministry of Environment and Ministry of Economic Affairs directly, they also used two indirect lobbying channels. First by exerting pressure on the government through finding "friendly" politicians particularly within the two ruling parties, at that time SPD and CDU/CSU, but also the other parties. Second, they made an informal alliance with environmental organizations like Greenpeace in particular, but also others like Friends of the Earth (BUND), who lobbied the government actively on renewables policy because the technologies contribute to mitigation of greenhouse gas emissions. BEE's goal with its lobbying/political actions was to get as broad a base of support as possible, also within the public so that the politicians know that when they make laws that are negative towards renewables, they also go against public opinion (interview BEE 2011). They were also supported by a majority in the German parliament, who voted for a resolution that the member states should decide support mechanisms themselves, and that there would be no Europe wide certificate trade (Dagger 2009:99).

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

At the European level, BEE participated in meetings and exchanged information with EREF, EREC and other European associations. BEE is a founding member of EREF and is closely cooperating with EREC in a network of national associations (BEE 2011b, interview BEE 2011). BEE lobbied European Union services, for example the EU Commission's unit within the Directorate General for Transport and Energy (DG TREN) that drafted the directive, particularly the Head of Unit, Hans van Steen (interview BEE 2011). The Chairman of AG Europa, Rainer Hinrichs-Rahlwes, is at the moment also the president of EREF, European

Renewable Energies Federation. From 2008, he was one of the vice-presidents, and before that a board member. He therefore has spent a considerable amount of his working time in Brussels and has good contacts within the Commission and the European Parliamentarians. This contributes to coordination of viewpoints, and actions towards politicians at the German and at the European level in BEE, EREF and EREC (BEE 2011b, EREF 2010, interview BEE 2011).

All renewables organizations lobbied the executives responsible for drafting the directive, DG TREN in the Commission, and the committee in charge in the European Parliament, ITRE. BEE's focus in Brussels was in particular to talk with the German members of the European Parliament (MEPs) from the different political parties within the European Parliament who could then work further towards other parliamentarians in the European Parliament. These interest organizations and their coalition partners coordinated their efforts at the European level about who would meet who in the European Union and when these meetings were to take place, and also shared information to a large extent. Figure 3 illustrates the complexity of lobbying European legislation.

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

On most issues, the renewable energy's interest organizations argued rather calmly and patiently with the Commission experts in the drafting process. However, when it came to the debate about feed-in tariffs versus green certificates, they were very decisive and outspoken towards Commissioners and even the President of the European Commission that the commission would be strongly criticized if they proposed a certificate trading system instead of leaving the decision about support mechanisms to the member states.

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

Supply of information

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

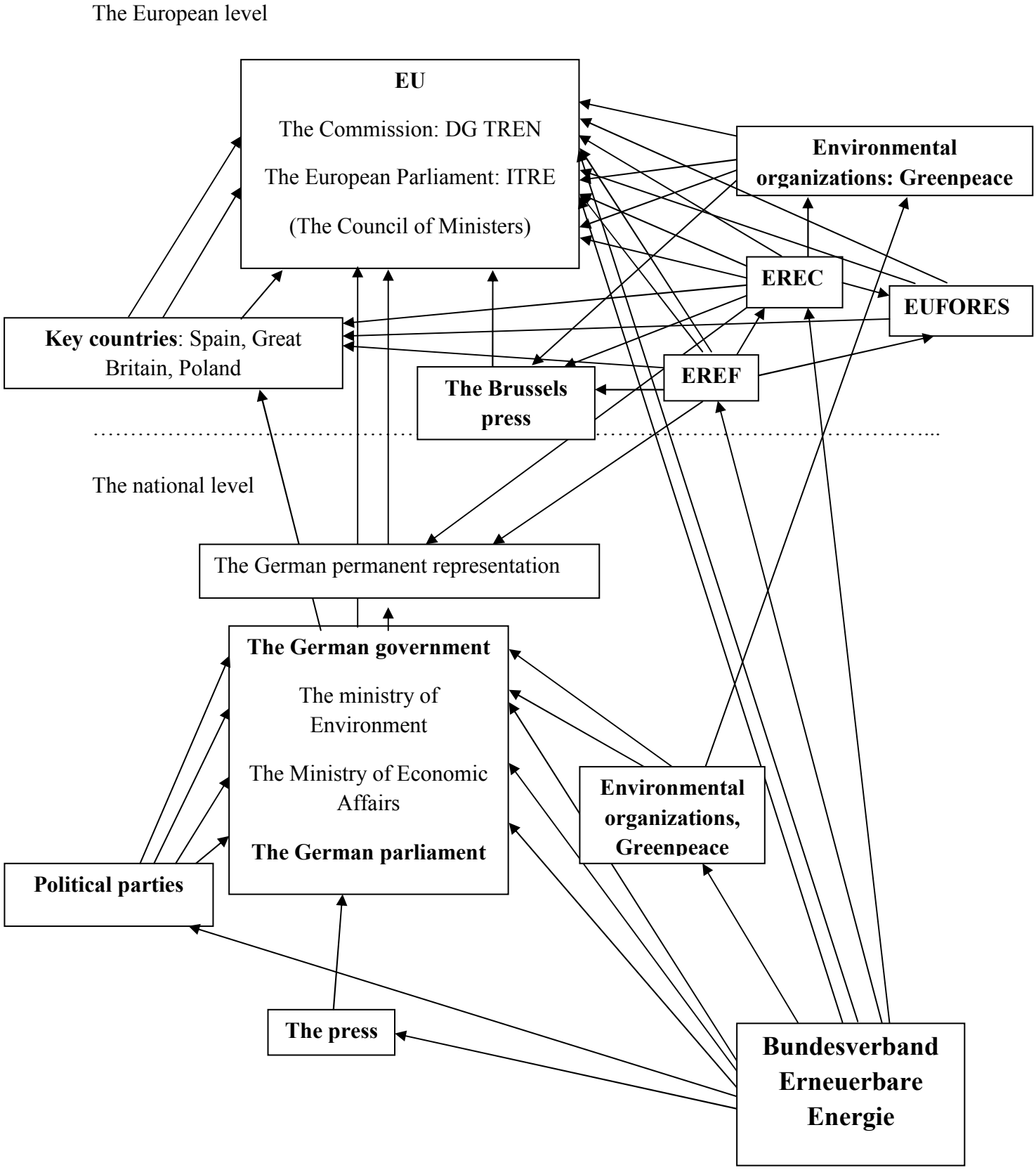
BEE arranged dinner debates with German MPs in Berlin, and with German MEPs in Brussels. Due to limited resources, they mainly concentrated on like-minded politicians who in turn would provide further outreach to others. This turned out to be a successful and productive strategy which was well received by MPs and MEPs. BEE did not have so much money and not that many employees, so they could for example not publish advertisements in the papers. Therefore, they rather had to spend their efforts where it was the most effective, such as on certain arguments and on some people, and make pointed position papers. By having informal coalitions with environmental organizations at the national and the European level, they indirectly increased their level of personal resources. This probably enabled them to increase their total amount of lobbying pressures. Both in Germany, and at the European level in Brussels, the respondent underlines that informal meetings in offices and meetings, but also were by far the most important (interview BEE 2011).

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

It was not only the renewables lobby that asked for informal meetings with politicians, civil servants in the relevant ministries and the like; it was just as well the other way around (interviews BWE, BEE, EWEA 2011). BEE and other interest organizations steadily kept in contact with people both in Berlin and at the European level. This provided a flow of information that would not be possible through official channels. Early access to information provides opportunities to make suggestions about what should be changed and to mobilize early. The renewables industry's interest organizations shared such legislative drafts with

each other and had a large scaled mobilization when a first “leaked draft” proposed a system which included EU-wide certificate trade for target compliance in December 2007 (Nilsson *et al* 2009). Still, this kind of interaction between interest groups and governments and commission services is not at all specific for dealing with the Renewables directive, but it is normal business in Brussels (interview BEE 2011). In addition, press releases with BEEs points of views were published in order to affect public opinion and decision makers in the German government and the German parliament.

Figure 4: The different lobbying routes of Bundesverband Erneuerbare Energie



Sources: (interviews BEE, EREF, EPIA 2011, press releases)

Comment to figure 3: The figure sums up the typical lobbying routes of the German renewables organizations. It illustrates several findings regarding the German renewables industry's lobbying: first, it seemingly used more lobbying routes than the utilities industry's interest organizations. Second, as opposed to the utilities industry, the renewables industry was supported by the environmental movement both in Germany and at the European level. Third, the renewables industry had a larger number of interest organizations working on its side at the European level, also here the environmental movement. Last, but not the least, the renewables industry was supported by key countries such as Germany and Spain. The figure is based on the interviews and other material. However, some lobbying channels might be left out.

5.1.2 Bundesverband Windenergie[30]

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

Political positions

Bundesverband Windenergie promotes stable economic conditions so that it is safe to invest in wind energy in the years to come. Therefore, it advocated a system with national support mechanisms such as feed-in tariffs, similar to the German *Erneuerbaren Energien Gesetz*. BWE is also against a system with tradable green certificates because, according to them, that would lead to wind being produced almost exclusively at the coasts of Europe, far away from the important economic zones and where electricity is consumed. Such construction would not easily be accepted among the locals there. In addition, BWE pointed out that a virtual trade that doesn't take energy transfer into account is the wrong way to go in Europe, where the electricity grid urgently needs to be built out and improved (BWE 2008b). Since the directive provided stable framework conditions for the wind industry and had legally binding

[30] German Windenergy Association

national targets, BWE was basically satisfied with the outcome of the Renewables Directive (BWE 2008d and 2008e). Table 4 summarizes the different arguments in the debate.

Lobbying channels and coalition partners

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

> "BWE also coordinated with wind energy companies (manufacturers, project operators etc.) and these also took the opportunity to approach politicians/ MEPs / Commission etc. so that we were able to do task sharing and multiply our actions" (interview BWE 2011b[31]).

[31] This respondent answered in English; therefore the quote is of course not in the list of translated German quotes in the appendix 9.1.

Provision of information

BWE provided the German politicians and the German press with different kinds of information. For example, they produced press releases, (e.g. BWE 2008a), position papers (e.g. BWE 2008b) and statistics (e.g. BWE 2011d). According to EWEA, EWEA supported their German member organization with arguments as well as with money (interview EWEA 2011). BWE used several means to get its' message across. For example it arranged parliamentary evenings in Brussels, had personal conversations with decision makers, and expanded its internet site. Similar to the other German renewables interest organizations, BWE was aided by the fact that the Ministry of Environment, in particular, frequently hired research institutes to investigate into different topics related to renewable energy. In some of these projects, BWE participated and provided information on wind energy (interview BWE 2011b).

> "[…] a lot of good material at the time was e.g. provided publicly by research institutes hired by the Ministry of the Environment […] (interview BWE 2011b)

5.1.3 Bundesverband BioEnergie[32]

Bundesverband BioEnergie (BBE) is an umbrella organization for the whole bioenergy industry in Germany, and works with all kinds of bioenergy uses, e.g. for electricity, heat and for fuel. Thus, it represents other organizations for bioenergy both at the national, regional and local level. Some of the members are also research institutes (BBE 2011a, BBE 2011c). Several of BEEs members mainly earn money from exporting, and thus, the Renewables Directive was important for the organization also because of the conditions it would set for European bioenergy production and consumption (interview BBE 2011). The secretariat is located in Bonn and today counts 7 people, but had 4 people at the time the directive was negotiated. One of them worked specifically with European affairs (interviews BBE 2011, BBE 2011e, 2011b).

Political positions

BBE argued for ambitious and binding renewables targets, and was against harmonized support for mechanisms. Rather, it underlined that the member states should have the opportunity to decide themselves. The organization strongly wants Germany to continue to

[32] The German Bioenergy Federation

have the *Erneuerbare Energien Gesetz*, because they view it as "outstanding", and by far the most efficient instrument to increase the renewables share of the electricity production (interview BBE 2011). Therefore, BEE was satisfied with the outcome of the Renewables Directive, in particular that there was no harmonization of support mechanisms and trade of green certificates. However, in line with other renewables interest organizations, the organization argues that the goals in the directive should have been more ambitious, as the German target was only what the German government already had decided to pursue.

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

Lobbying strategies

Normally, Bundesverband BioEnergie focuses on the German market and influencing the political processes in Germany and German law making processes and policies. At the national level BBE is a member of Bundesverband Erneuerbare Energien (BEE), which made a common position for all the renewable power producers in Germany. However, as the Renewables Directive was a very important piece of legislation for the German renewables industry, BBE worked hard politically to influence the German government and parliament, as well as the political processes in EU through being an active member of AEBIOM, the European Biomass Association. Indirectly, it is through AEBIOM also a member of the European Renewable Energy Council (EREC). In addition, Bundesverband BioEnergie has signaled its position directly to the Commission (interviews BBE, AEBIOM 2011a, 2011b, EREF 2011).

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

These organizations at the national and the European level produced information jointly, such as press statements and reports, and made common political stances (interview BBE, EREF, and BEE 2011). Bundesverband BioEnergie also kept in contact with environmental organizations, and tried to convince them about bioenergy's virtues. Therefore, the largest German environmental organizations such as BUND, World Wide Fund for Nature (WWF) and Nature and Biodiversity Conservation Union (NABU) were invited to all their events

(interview BBE 2011). Among the renewable energy sources, bioenergy is and has been regarded as by far the most controversial by the environmental organizations. The environmentalists are skeptical towards expansion of bioenergy production because they do not regard some types of bioenergy as sustainable, and also point out that some of the sources of bioenergy are very inefficient and costly (e.g. Greenpeace Germany 2008, WWF 2011 and NABU 2008).[33] Also at the European level, the environmental organizations were rather skeptical towards bioenergy, because of its possible adversary consequences on food production and other features. Therefore, the renewable energies' interest organizations had to support a common position that bioenergy was to follow sustainability criteria to be accountable for the renewable energy targets. Under these conditions, the environmental organizations worked as an informal coalition partner (interviews BBE and BEE 2011).

Through collaborating with other renewables interest organizations, they got better access to existing contacts and new political contacts. These contacts included employees in the ministries, parliamentarians, decision makers in other interest organizations, businesses, church groups, interest organizations and environmental organizations. The organization works continually to maintain a good long-term relationship with decision makers. Limited resources contributed to that BBE concentrating its resources where it perceived it to be most useful, and that did not include creating a formal alliance with environmental organizations (interview BBE 2011).

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

Provision of information

Bundesverband BioEnergie provided political institutions with information through in several different forms, such as position papers written alone and together with the other members of BEE, press declarations, brochures and graphics. Information was conveyed through several channels and means: events, conferences, parliamentary evenings and breakfasts, personal conversations with decision makers, information speeches, press conferences and study tours to producers of renewable energy. BBEs representative views the most important channels of

[33] Greenpeace was dissatisfied with some parts of the Renewables Directive, in particular that the directive "encourages widespread use of biofuels" (Greenpeace Germany 2008).

influence to be the position papers and the personal conversations (interview BBE 2011). With a small secretariat of four people, the capacity to work directly towards the European Union was limited. Further, the representative commented that the strategy would always be dependent on the monetary resources as well as manpower in the organization.

The renewables interest organizations at the European level

5.1.4 European Renewable Energy Federation asbl

European Renewable Energy Federation (EREF) represents small and middle-sized producers of different types of renewable energy in Europe. These members are particularly dependent on good and stable support mechanisms for their production. Germany is the country with the largest number of members, for example the aforementioned Bundesverband Erneuerbare Energien and Bundesverband Windenergie, but also other organizations like Bundesverband Deutscher Wasserkraftwerke and Fachverband Biogas. In addition, four of the German members are private producers. Two people are employed half time (EREF 2011a, interview EREF 2011). EREFs present president, Rainer Hinrichs Rahlwes, was also the leader of AG Europa in Bundesverband Erneuerbare Energien at the time the directive was negotiated and afterwards. From 2008 to 2010 he was one of the vice presidents of EREF (EREF 2010, EREF 2011b).

Political views

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

Lobbying channels and partners

EREF did very intensive lobbying to voice their views regarding the Renewables Directive. This for example included participating in all formal events. Since they had rather small personnel resources due to few employees and little money, they had to concentrate on having as many personal meetings as possible. This included the key commissioners even before the proposal for the directive was published, people in the European Parliament, the different units in the Commission (DG Tren and DG Environment), and key governments like Germany and Spain, but also France. The organization has long time relationships with decision makers and public servants in the European Union, and emphasize that it is important to meet decision makers and public servants regularly (interviews BEE and EREF 2011). Otherwise they depended on their national member organizations to lobby their respective governments.

EREF also organized different workshops. In all large events, the European renewables organizations worked together. In addition, they had informal allies in the environmental organizations Greenpeace, Friends of the Earth Europe and the group of parliamentarians, EUFORES, where the second rapporteur Claude Turmes from the Greens was a very active member. The renewables organizations at the European level and at the national levels had a joint effort to make their governments protest against the draft that proposed a trade based scheme with harmonized support mechanisms (interview EREF 2011). They succeeded with their pressure, which for example led to the letter that key member states sent the Commission right before the directive was published, 15. January 2008. This letter strongly criticized a market based scheme (EurActiv 2008, Toke 2008). At the same time, EREC also sent an open letter with harsh criticism (EREC 2008). Three of the signatories of this letter, Germany, Spain and Slovenia, also cooperate in an organization called the *International Feed-In Cooperation*, which work to promote feed-in tariffs internationally and improve existing feed-in systems (International Feed-In Cooperation 2007).

> "…we also managed to get the German and Spanish government to write a letter to the Commission that the Commission was not allowed, or should not come up with a harmonized green certificate scheme, but that it should be up to the member states" (interview EREF 2011).

Provision of information

EREF has for several years produced the EREF price report, which gives an overview of prices of renewable energies in the different states in Europe and compares the prices for the

different support schemes with each other (see for example EREF 2007). In addition, EREF made press releases which were used in the media (interview EREF 2011, see for example EREF 2008). The organization also covers their main opponent, EURELECTRIC's policy in order to have their own opinions on the topics and "put in a counterweight". The EREF price report is one such means, as the utilities industry for example has commissioned and produced reports with a very different starting point in terms. These argue that the present feed-in mechanisms are very expensive when put into practice (interview EURELECTRIC 2011). The respondent pointed out that the majority of member states were always against trade of green certificates. The few countries that favored it, for example the United Kingdom which had trade of green certificates nationally, changed position on the topic because they realized that trade would have an adverse effect on their own markets for renewable energy (interview EREF 2011).

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

5.1.5 European Wind Energy Association

European Wind Energy Association (EWEA) is the largest of the renewables industry's interest organizations in Europe. As aforementioned, EWEA today has more than 600 members from the whole world, and represents the manufacturers that hold the lion's share, 90 %, of the global wind power market. EWEAs permanent staff counts about 55 employees per today, and was around 20 when the Renewables Directive was negotiated. Both companies and interest organizations such as Bundesverband Windenergie are members, but in different categories. The membership fee is calculated on the basis of turnover in "wind energy activities", so that the largest member companies pay by far the most. All the renewable daughter firms of the utilities are represented in EWEAs board of corporate members, such as E.ON Climate and Renewables and RWE Innogy (EWEA 2011a, 2011b, interview EWEA 2011). In their board group for associations, both Bundesverband Windenergie and VDMA hold places. Thus, the German renewables industry seems to be well represented. EWEA was founded already in 1982 (EWEA 2011c)

Political positions

The EWEA respondent (2011) pointed out that the Renewable Electricity Directive (2001) was a very good starting point, because most of the contents of it were simply copied to the electricity part of the revised version. EWEAs main targets with its lobbying was to convince the policy makers about legally binding national targets and that the national action plans should have a template made by the Commission. Similar to the other renewables industries interest organizations, EWEA wanted the countries to have the opportunity to choose support mechanisms themselves. Their main point is that well-functioning support mechanisms should continue to be used to ensure stable conditions for investors. Imposing harmonized support mechanisms would be very difficult in Europe when the countries have so different base of renewable energy resources and so different economic conditions. Thus, EWEA was very content with the outcome of the directive negotiations (interview EWEA 2011).

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

Lobbying strategies and partners

EWEA worked with the Commission, the Parliament and almost all the permanent representations and visited of the countries that seemed to be negative about the directive. It was especially important for them to have the big countries on their side. The EWEA lobbyists participated in all formal public hearings and official consultations, as well as had contact with all relevant directorates and units. In addition, they had frequent personal meetings with decision makers and employees in the Commission and the European Parliament. EWEA followed the political processes very closely, and lobbied the people who they knew were positive, as well as trying to convince people who were skeptical to their positions. In addition, it had a political campaign targeted at policy makers, which was symbolized by a full-scale wind turbine that they erected in front of the Beralymont building. In order to be able to lobby more efficiently, EWEA raised the membership fees, which the members willingly paid so that it could employ more people (interview EWEA 2011).

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

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

Supply of information

Information to decision makers were provided through workshops, conferences, brochures, e-mails and meetings with representatives they regarded as being very important. These included parliamentarians in the European Parliament such as the German Metchild Rothe, Anna Podimata from Greece and Fiona Hall from the United Kingdom. EWEA produces different kinds of information, like reports, position papers and the magazine Wind Directions (interview EWEA 2011, EWEA 2007). The lobbying was targeted particularly at people in the ITRE committee in the European Parliament and the members of the Industry and Energy Committee. Where EWEA put in their lobbying efforts towards the Commission, Parliament and the members of the Council in the national representations depended on where in the policy phase the directive was. EWEA and the national renewables associations coordinated their views and strategies, and the national associations were the ones mainly in charge of lobbying the national governments (interview EWEA 2011).

5.1.6 European Photovoltaic Industry Association

European Photovoltaic Industry Association (EPIA) is an organization that represents 240 different members from the whole photovoltaic sector in Europe and the rest of the world. This makes it the "world's largest industry association devoted to the solar photovoltaic (PV) electricity market." EPIA has had a large increase in number of employees the last years, from 10 when the directive was negotiated to 24 in 2011 (EPIA 2011b, 2011g, interview EPIA 2011).

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

Political positions

EPIA argued for binding national as well as sectorial targets for renewables. Similar to the rest of ERECs members, they were strongly against harmonization of support schemes. EPIA feared it would lead to trade of certificates, which mainly would support the most mature technologies such as wind power, the "low hanging fruits". Thus it will have a devastating effect on renewable technologies that are not yet cost competitive, such as photovoltaic power. Thus, EPIA favors feed-in tariffs, or systems that work similarly, like the Spanish premium system. Hence, EPIA argued for a voluntary system where the member states could decide support mechanisms themselves. In addition, mandatory national renewable action plans with a template from the Commission was a key issue. Apart from that the final directive did not include sectorial binding targets for electricity, heat and transport, they were very content with the outcome of the directive (interview EPIA 2011, EPIA 2008a, 2008b and 2008c, EREC 2007).

Lobbying channels and lobbying partners

EPIA lobbied both directly and indirectly. The most important channel was through EREC, but they also lobbied directly towards members of the European Parliament and the European Commission. EPIA put priority to meeting the members of the Parliament and Commission who they knew were positive towards renewables, such as the German MEP Metchild Rothe, Anna Podimata from Greece and the rapporteur Claude Turmes from Luxembourg. Lobbying was not only done to propose their views, but also to get hold of information as early as possible. The intensity of the lobbying depended on where in the policy phase the draft was (interview EPIA 2011). In addition, they cooperated a little bit with ESTIF, the European Solar Thermal Industry Federation. Also at the European level EPIA and the other renewables interest organizations were allied with NGOs such as Greenpeace Europe in particular and Friends of the Earth. The lobbying was done through events such as lunch meetings, debates in the Parliament and personal meetings with the Commission (interview EPIA 2011). In general EPIA cooperates closely with Bundesverband Solarwirtschaft (BSW), the German

solar energy association, which they support with arguments, but EPIA also learns from their experiences. In Germany, Bundesverband Solarwirtschaft does the industrial lobbying work on behalf of the photovoltaic sector. The large and internationally oriented German solar energy companies such as Schott AG and SolarWorld are well represented, as they have held, and hold several of the director posts in EPIA (EPIA 2011e). Accordingly, the German solar energy industry probably has a significant influence on EPIA. The only activity EPIA did at the national level was meeting with the most important national permanent representations in EU, like the German and Greek one, and the other key governments regarded as necessary/essential at the moment, like Spain. Otherwise, EPIA rests on its German board members communicate its position at the German national level (interview EPIA 2011).

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

As aforementioned, renewable industry's interest organizations also cooperated with environmental organizations at the European level, and especially Greenpeace (interview BEE 2011). Greenpeace European Union has for more years worked for renewable energy, which includes commissioning and publishing scientific reports about future scenarios for renewable energy and publishing press releases (see for example Greenpeace European Union 2008, Greenpeace European Union 2007). In addition, Greenpeace has at least since the 1990s promoted photovoltaic power.

Provision of information

To convince policymakers in the European Union and key member states, EPIA organized meetings with them such as personal meetings, but also formal events. Through a series of six roundtables with people from the Commission, the Parliament, an industry representative and the press, they informed about different topics connected to photovoltaic energy. EPIA also had briefing breakfasts and lunch meetings with people who are friendly towards their case, such as members of The European Forum for Renewable Energy Sources (EUFORES)[34]. The initiative for contact between decision makers and the interest organization was made on both

[34] EUFORES is a cross-party group consisting of members of parliament of parliament, honorary members of parliament and honorary presidents. These are full members. In addition, it has supporting membership for non-parliamentary members such as for people from EU industry associations, non-profit organizations and individuals (EUFORES 2011a, 2011b).

sides; sometimes meetings were suggested and scheduled by EPIA, other times by people in the Commission (interview EPIA 2011).

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

The decision makers were supplied with different forms of information, ranging from press releases and position papers to studies made together with Greenpeace. They have published the magazine Solar Generation since 2001 (EPIA 2011d). Information brochures such as these are expensive to produce, and EPIA would probably not have managed to do such a job alone. However, when pooling resources with Greenpeace, they have managed to conduct studies and thereby contribute high quality information to decision makers and the public.

5.2 The utilities industry's interest organizations

The utilities interest organizations at the national level

5.2.1 Bundesverband der Energie und Wasserwirtschaft[35]

Bundesverband der Energie und Wasserwirtschaft (BDEW) has 1800 members, which represent in the energy sector 90 percent of Germany's electricity sales and more than 60 percent of the local and district heat supply, 90 percent of natural gas sales. It represents companies that stretch from the large German utilities, to the small public owned power producers in municipalities (interview BDEW 2011b). The reason why BDEW is not a member of Bundesverband der Deutschen Industrie (BDI) is that BDEW represents both private and public interests such as communal power producers, and BDEWs public section would not like to be a part of a private umbrella organization (interview BDI 2011). The secretariat is located in Berlin. BDEW established a European Office in Brussels as early as 1979, which today has around 3 advisors on energy, out of these 1 on renewable energy (together with other dossiers like energy efficiency, climate and environmental policy) and 8 employees altogether (BDEW 2011c, interviews BDEW 2011b). As BDEW represents the lion's share of power producers as well as grid operators, the German government and other

[35] German Association of Energy and Water Industries.

stakeholders consult them actively in order to ensure cooperation and appropriate implementation of for example the German feed-in law (interview BDEW 2011a).

Political positions

Despite the differentiated group of members, BDEW was clearly in favor of a gradual integration of renewables into the market, also into the European internal energy market. Therefore, BDEW was asking - in the mid- to long-term - for a European wide harmonized and market-based system. Acknowledging the need for a sufficient transition phase, BDEW was generally in favor of the option of tradable green certificates and promoted this view (BDEW 2008a and 2008b, Dagger 2009:98, Umwelt Bundesamt 2006). One of their worries is the most cost-efficient renewables deployment. Another consideration is that when renewables, especially intermittent ones, introduced into the system without any responsibility for system stability and outside any markets ("produce and forget"), get steadily larger market shares, the rest of the market will not function in the end (interview BDEW 2011a).

> „That means, one wants to get away from a support system and integrates renewables gradually into the market" (interview BDEW 2011a).

When the climate and energy package was launched, the organization expressed on behalf of the industry that the target of 18 percent energy from renewable energy sources is very ambitious. The industry is prepared to contribute its part to achieve the binding target (BDEW 2008a). It envisages that renewable energy in and outside European level should be located where the conditions are optimal, such as sun around the Mediterranean ocean, including for example North Africa (BDEW 2011b, 2011d).

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

Strategies and partners

BDEW's main office in Berlin lobbied both German politicians and the government. The political processes within Germany are their main target. The organization also lobbied the Commission, Council and European Parliament through its Brussels office. In the European Parliament, BDEW had contact with people from all the political parties, but had closer contact with the friendly ones. In addition they lobbied the committee in charge there,

Committee on Industry, Transportation and Energy (ITRE) (interview 2011b). The organization has a group of partner organizations that it cooperates with on different issues, like the BDI. In the case of the Renewables Directive, BDEW participated in committee meetings with (BDI), but had no formal cooperation (interview BDI 2011). At the European level, BDEW is a member of EURELECTRIC. According to EURELECTRIC, BDEW is important in formulating their policies (interview EURELECTRIC 2011).

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

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

Provision of information

BDEW did provide the German government with information such as position papers and statistical data (BDEW 2008a, interview BDEW 2011a). BDEW also produces different kinds of studies and publications in all kinds of fields (BDEW 2011e, interview BDEW 2011a). The organization also provided information through arranging at least one information day, a type of event where BDEW hosts events with politicians, environmental organizations and others meet and discuss (interview BDEW 2011a). According to the representative (2011a), "BDEW

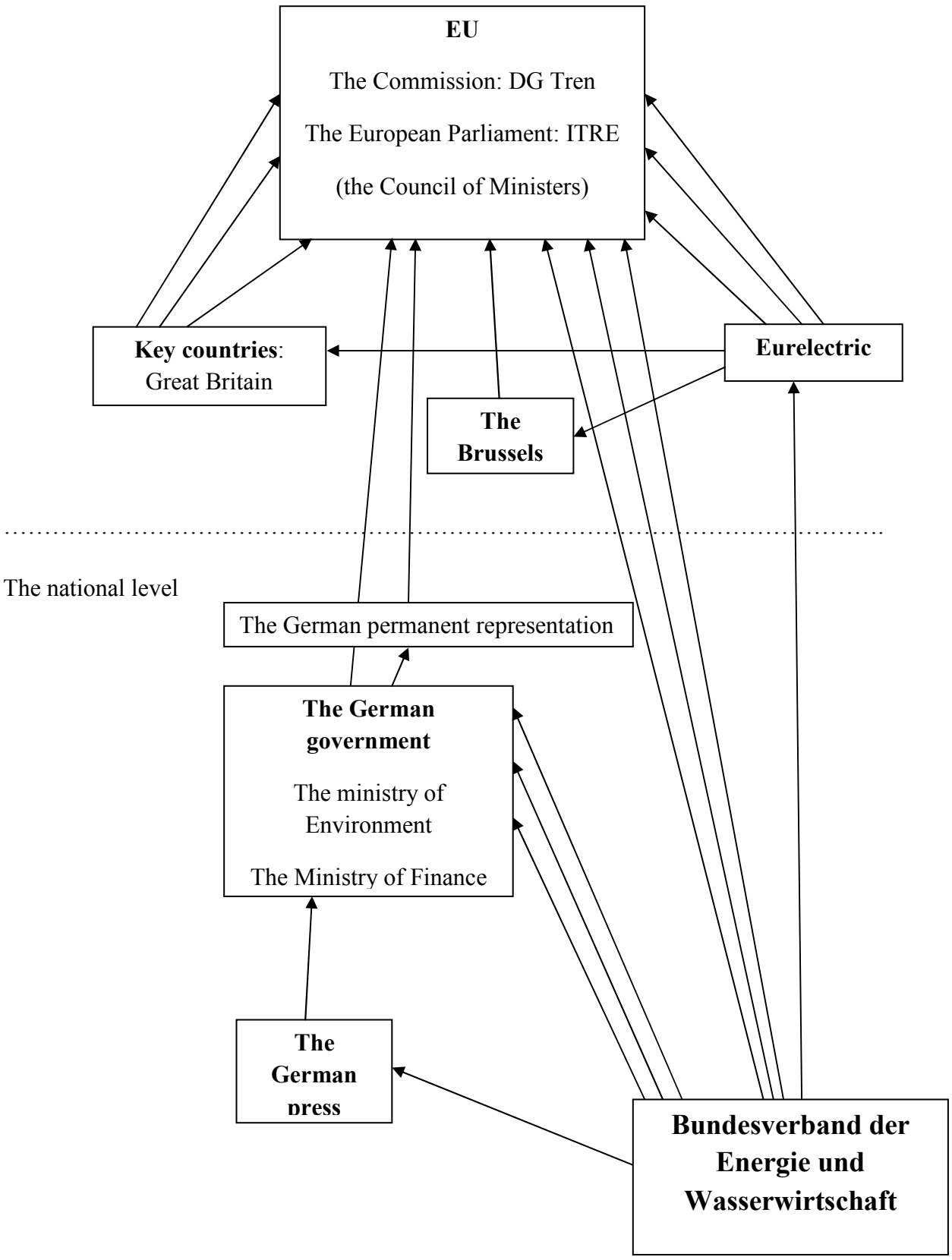
commissioned some general studies concerning the overall development of the energy sector considering climate change, renewable and energy efficiency policies." However, BDEW did not perceive that further studies were needed in that specific situation because of the large amount of studies that had already been made by research institutes and others, and because such studies are expensive. These had been commissioned by the government, NGOs or the affected industry. (BDEW 2011a)

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

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

Summing up, similar to the other German interest organizations, BDEW had three main lobbying routes. First and foremost, it lobbied the German government. Further, it lobbied the EU through its membership in the European level interest organization EURELECTRIC. Last, it lobbied the European institutions directly itself. This is illustrated in figure 4.

Figure 5: The lobbying routes of Bundesverband der Energie und Wasserwirtschaft



5.2.2 Bundesverband der Deutschen Industrie[36]

Bundesverband der Deutschen Industrie (BDI) is an umbrella organization that subsumes more than 30 organizations, indirectly representing 100 000 companies and more than 8 million employees (BDI 2011a). BDI was one of the first business organizations having an office in Brussels (BDI 2011b). It has represented energy producers in six ways through its member organizations[37]. Verband der Maschinen und Anlagenbau (VDMA) is the largest member organization with more than 3000 members, and represents the producers of equipment to wind energy and photovoltaic energy production amongst others. Frequently VDMA is in conflict with BDI regarding renewables legislation because it supports the current system in Germany. VDMA has its own European office in Brussels (VDMA 2011a, VDMA 2011b, interview BDI 2011).

Political views

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

[36] Federation of German Industry

[37] The first is **VdV**, *Verband der Deutschen Verbundswirtschaft*, which organizes the large energy companies in Germany within both nuclear, gas and coal power (BDI 2011d). In addition, **WeG** is a member. That is an acronym for *Wirtschaftverband Erdgasgewinnung*, and produces the gas used for 15-16 percent of the natural gas consumption in Germany. The third way BDI represents the power producers is the coal power through the organization, **VRB**, *Die Vereinigung Rohstoffe und Bergbau e.V*. BDI represents production of natural oil through **MWF**, *Mineralöwirtschaftverband*, which represents the refineries. This energy source only stands for 4 percent of the oil consumption and is therefore small. Last, BDI indirectly also represents the renewable energies through: a) solar power in **BV Glas**, *Bundesverband Glasindustrie*, b) wind power through **VDMA e.V**, *Verband Deutscher Maschinen und Anlagenbau e. V.* (Interview BDI 2011, BDI 2011c,VDMA 2011b).

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

BDI did not have the Renewables Directive as a key priority, but rather has spent their major efforts at influencing the German renewables legislation such as the Erneuerbare Energien Gesetz (EEG), which they perceive as a "catastrophe" because it is so expensive for industrial electricity consumers. BDI finds the German renewables targets extremely optimistic, but did not do much to try to influence this part of the German position, as what Germany argued for in the EU negotiations which also became the national target, 18 percent, was less ambitious than what Germany had already decided to achieve nationally (European Commission 2011a, interview BDI 2011).

Lobbying strategies and coalition partners

BDI cooperated with BDEW through common committee meetings about how a common European marked-based system could be made, but they never declared common political positions. These two organizations to a large extent shared views, apart from that BDEW was more eager to further tradable green certificates. BDI was not as positive towards tradable green certificates because of some of its members, e.g. the German chemical industry, which had negative experiences with EU Emission Trading System and therefore did not want another trade-based system. Rather than cooperating with BDEW, BDI cooperated informally with another organization in the "economic coalition", namely the large labor union Industriegewerkschaft Bergbau, Chemie, Energie (IG BCE). IG BCE organizes the employees in the utilities and the energy intensive chemical industry (IG BCE 2011). Thus, BDI and IG BCE made a common position paper to show that both the industrial employers and the employees in the renewables industry were affected and shared views (interview BDI 2011, IG BCE 2008).

BDI targeted both the German politicians and policy making at the European level to influence the final content of the Renewables Directive. In Germany, BDI lobbied the minister of environment and the minister of economics in particular. They participated in all public hearings alike, but did not address the German parliament, as the German Parliament had little to do with the directive directly. They (BDI) approached EU-level decision making

processes by two means: indirectly through their membership in Confederation of European Business (BUSINESSEUROPE), and directly on their own. BUSINESSEUROPE and BDI largely shared points of view in this case (interview BDI 2011, BDI 2008, BUSINESSEUROPE 2008). As aforementioned, BDI has a small Brussels office in main charge of lobbying at the European level. Thus, BDI followed the decision-making process and contacted the people within the Commission and the members of European Parliament according to where in the process the draft was. Due to lack of time and personal resources, they had to concentrate on the most important people at the European level, such as the rapporteur Claude Turmes, in addition to the German members within ITRE who were sympathetic towards the positions of the German industry (interview BDI 2011). The BDI representative thinks that the renewables industry is better represented in Brussels than both BDI and BUSINESSEUROPE. BDI was not successful in influencing the German politicians about their views. The renewables industry's interest groups, on the other hand were very important for the German political position, and therefore also the outcome of the Renewables Directive in the European negotiations (interview BDI 2011).

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

The renewables industry worked with "heart and soul" and managed to convince the decision makers about the importance of further developing renewable energy. BDI perceives that many politicians tend to have a rather oversimplified perception of the different sources of energy production, and that they have extensive support from the public.

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

Provision of information

BDI made a press release when the green package was released. In addition, they made at least one position paper (BDI 2008, interview BDI 2011). Every once in a while, BDI arranged parliamentary evenings where they invited 10-12 members of the European Parliament. Then, the BDI employees in the Berlin office who had been mainly in charge of the German positions went to Brussels to participate. When there were formal hearings and

similar occasions connected to the Renewables Directive, BDIs European office always participated. In addition, they met people informally both at the German and European level to exchange information about political views and political developments.

The utilities interest organizations at the European level

5.2.3 The Union of the Electricity Industry

The Union of the Electricity Industry (EURELECTRIC) is the umbrella organization for all the utilities national organizations in Europe with 33 full members from the 27 member states and other OECD countries. In addition, it has affiliates and associates on other continents. All together, the electricity industry that is represented, which produces the lion's share of electricity in Europe, counts around 2500 different companies. Therefore, it indirectly also represents all the largest utilities in Europe, which have seats in their different committees. These committees decide EURELECTRIC's political stances, and then it is the member's responsibility to disseminate and promote the political positions within their countries. It is the recognized association for the electricity industry in Europe in matters regarding energy policy and is invited to all formal hearings alike by the different EU bodies (interview EURELECTRIC 2011). On their web pages, the staff listed counts 37 people.

Political positions

Following up earlier positions, EURELECTRIC strongly advocated a European market-based scheme that would include trade of green certificates across borders by both companies and governments, including non-EU countries. They were against national binding targets because "it would have a perverse effect on carbon price" because taking an amount of the electricity out of the carbon market would depress the price of carbon in EU ETS. Thus, immature technologies should get initial support, but not in the longer run, because "the CO2-price in the EU Emissions Trading Scheme should be the main driver for companies to invest in low-carbon energy technologies" (interview EURELECTRIC 2011). According to a study the consultant firm Pöyry did for EURELECTRIC in 2008, having 27 different support schemes for renewables in Europe was rather inefficient, suboptimal, and would cost 17 billion Euros a year more than a market-based approach (EURELECTRIC 2008c, 2008e). Individual subsidy

schemes, on the other hand, would create "subsidy tourism", where people would build installations for energy production where the subsidies were the largest rather than allocating them where the resource base was the most optimal (interview EURELECTRIC 2011).

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

Cost efficiency is a key word in their argumentation. One part of EURELECTRIC's argumentation is that feed-in schemes are not good tools for installing improved technology because the owners of the installations know they have support for very many years to come regardless about what they do with their production facilities (interview EURELECTRIC 2011, EURELECTRIC 2007, 2008a, 2008b). Thus, EURELECTRIC was very dissatisfied when the directive in the end both included legally binding national targets and national choice of support mechanisms to achieve their targets. This could possibly lead to "distortion of competition" (interview EURELECTRIC 2011, e.g. EURELECTRIC 2008d).

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

Lobbying routes and lobbying partners

EURELECTRIC participated in all formal occasions during the negotiations leading to the Renewables Directive, and had it as a top priority. Therefore, 2- 3 people were working on it full time at the critical stages. The Working Group Energy Policy and working group Renewables and Distributing Generation were in charge of formulating EURELECTRIC's political positions (EURELECTRIC 2008e). In addition, EURELECTRIC had personal meetings with people they regarded as important to talk with, and who would be positive to their views. Their efforts were mainly targeted at the European institutions such as different parts of the Commission, DG Tren, DG Environment, DG Climate and DG Enterprise, and the rapporteurs and party leaders in the European Parliament. For example, EURELECTRIC contacted parliamentarians who they know were friendly to them. Still, the majority in the European Parliament were in favor of national choice if support mechanisms (interview EURELECTRIC 2011).

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

EURELECTRIC left it to their members to lobby their national governments. Their only close ally when lobbying the issue about support mechanisms at the European level was Renewable Energy Certificate System (RECS), which they according to their activity report from 2008 collaborated intensively with when lobbying. In addition, they cooperated to some extent with European Federation of Energy Traders (EFET). In 2007, EURELECTRIC made a joint press release with RECS and EFET (EURELECTRIC 2007, interview EURELECTRIC 2011).

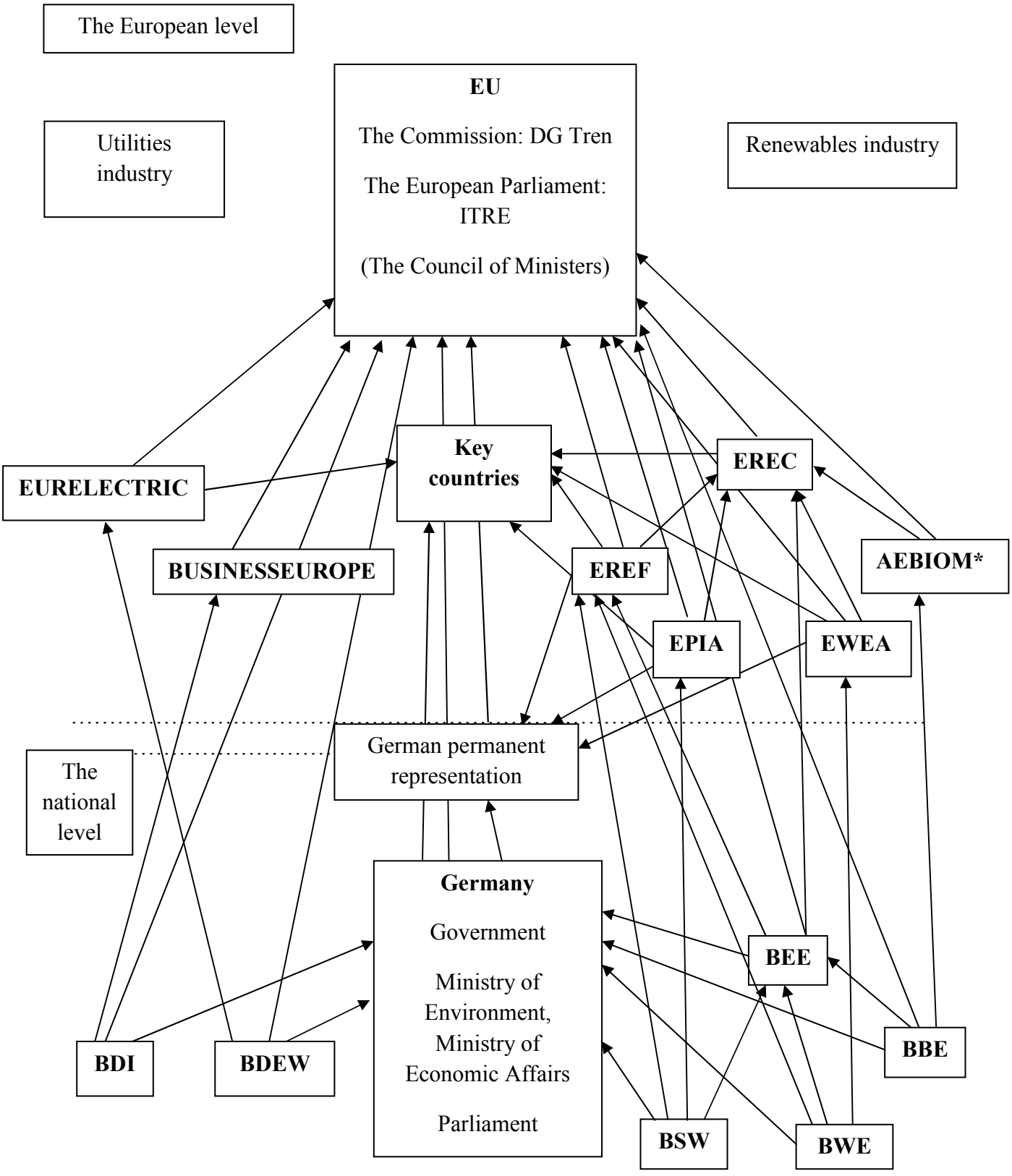
Provision of information

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

5.3 Summing up the empirics

All the German interest organizations had three main lobbying routes. The first and most important route was lobbying the German government. There, the Ministry of Environment and the Ministry of Economic Affairs were the main targets. Further, all these interest organizations also lobbied the central EU institutions directly themselves. In particular, they lobbied the bodies in charge of the Renewables Directive in the European Parliament and the Commission: the Committee on Industry, Research and Energy, and DG Transport and Energy. Last, the German interest organizations lobbied the EU institutions through their European-level organizations. The European level interest organizations for the renewables industry had three main lobbying routes. First, they coordinated their efforts under the umbrella organization European Renewable Energy Council. Second, they lobbied the European Commission, the Parliament and the Council directly on their own. Third, they lobbied key member states. The utilities European-level interest organization EURELECTRIC also lobbied the European institutions and most likely also the key member states. These observations are illustrated in figure 5.

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



*Bundesverband Solarwirtschaft most likely also lobbied the European Union institutions directly. For example, EPIAs president in 2007, Winfried Hoffmann, was simultaneously the president of Bundesverband Solarwirtschaft (Hoffmann 2007).

**AEBIOM might also have lobbied the German permanent representation, but since they have not been interviewed, I don't know whether this is the case or not. The same goes for BUSINESSEUROPE.

A precondition for lobbying in alliance is coordination of political positions at the different political levels and across the levels. The interest organizations of the renewables industry and the utilities industry to a high extent managed to do this. The arguments used by the interest organizations at the German and at the European level were to a large extent the same, only adapted so they would suit for their different institutional contexts. The only exception in the sample is Bundesverband der Deutschen Industrie (BDI), which only indirectly represents the utilities in Germany. On the other hand, the interest organizations of the two industries disagreed strongly on how to achieve enhanced production of renewable energy in the EU. Their arguments are summed up in table 4.

Table 3: Overview of the key arguments in the debate

Category	**The utilities industry and the rest of the "economic coalition"**	**The renewables industry and the rest of the "ecologic coalition"**
Costs	A harmonized system of support mechanisms is more cost efficient for the society, whereas feed in tariffs will cost the state and consumers billions of Euros more.	Feed-in tariffs are the most efficient and least costly way of building out different forms of renewable energy production. Germany pays less for its renewable energy per unit than countries with market based systems like Great Britain. The real costs of the non-renewable energy production are not included in the price, such as the price of pollution. In addition, a market-based approach will lead to a much lower pace of increasing renewable energy production, and to a

		higher total price.
Allocation	A market based system will lead to allocation where the potential for renewable energy production is the largest in Europe, rather than where the subsidies are the largest, such as locating large amounts of solar panels in Germany.	A market-based approach will lead to energy production that is often located far away from people. The less cost efficient technologies will not be used even though they still can be important contributors.
Fairness	It is unfair that renewable energy has preferential access to the grid, and that it receives such a lot of indirect subsidies that are based on taxing the grid owners[38].	The reason why the utilities have good access to the grid is that there has used to be monopolies. In 2007, the four big utilities in Germany owned 100 percent of the whole distribution net and exploit this fact. Historically, the utilities themselves have received enormous amounts of subsidies. Renewable technologies are developing rapidly and should continue getting tariffs until they are mature.
The future	Conventional energy production is important for Germany's energy security and should therefore not be overlooked.	In the future, Germany should be supported by 100 percent renewable energy. Continuation of the feed-in system will lead to more investments in technology and innovation, where Germany already is in lead in Europe.
Employment	A higher renewable energy production will lead to increased costs for the industrial consumers, which will threaten the competitiveness of the German industry and thus also work places	The renewables industry is expected to grow vastly in the years to come, and steadily employ more people. In 2020 it will amount to more than 500 000 in Germany alone.

[38] The German utilities are large grid owners.

	there.	
Security of supply	Germany needs continuity in its supply, which only the conventional energy sources can deliver since the wind and sun doesn't produce electricity continually.	German should reduce its dependence on imported fossil fuels such as oil by rather producing more renewable energy domestically. Bioenergy can give base load production. Germany can use for example Norwegian dams as storage facilities. The Government must invest in technologies for efficient storage of energy.
Investments	Feed-in tariffs do not stimulate investments in new and improved technologies for production because the owners of the installations are ensured income for several years.	Feed-in tariffs would not be useful any longer because people from foreign countries would buy the cheap certificates for the cheapest renewable technologies such as wind power. In other countries with higher tariffs for wind power, people would invest there rather than were the wind power is produced the cheapest, in Germany.

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

The interviewed European-level interest organizations only constitute "a part of the picture". Also other interest organizations, private companies and not the least member states were also active in trying to affect the content of the Renewables Directive. The research interviews indicate that the other important actors first and foremost are key member states such as Germany, Spain and the United Kingdom, key people within the Commission and the European Parliament, and the environmental organization Greenpeace. However, since this study is primarily not concerned with issues of causality, no attempt will be made here to qualify which actors were most important in influencing the final content of the directive.

This also implies that there might have been other influential participants in the political processes that are not mentioned in this study. These observations are illustrated in table 4.

Table 4: The different fronts in the debate at the European level

	Pro a European certificate trading system	**Pro national choice of support mechanisms**
General Directorates in the Commission	DG Enterprise DG Environment The leaders of DG Transport and Energy	Other parts of DG Transport and Energy, DG Environment and DG Climate
Countries	The United Kingdom (initially), Belgium, Denmark, Italy, Luxembourg, and Sweden	Germany, Spain, Slovenia, Latvia, Poland, France and the United Kingdom (in the end)
European Parliament	The European Conservative and Reformist Group (ECR) , parts of The European Peoples Party (EPP) (the Christian Democrats)	The Greens, the members of EUFORES, the Social Democrats
Business organizations	EURELECTRIC European Federation of Energy Traders (EFET) Renewable Energy Certificate System (RECS) Association of Issuing Bodies (AIB) Confederation of European	European Renewable Energy Council (EREC) European Wind Energy Association (EWEA) European Photovoltaic Industry Association (EPIA) European Renewable Energy Federation (EREF)

	Business (BUSINESSEUROPE)	European Biomass Association (AEBIOM) (the other industry associations that are EREC members)
Other organizations		Environmental groups such as Greenpeace, Friends of the Earth, Climate Action Network, World Future Council, European Environment Bureau
Companies	The German utilities companies, RWE, E.ON, EnBW and Vattenfall, most other utilities in Europe, (companies that produce equipment for conventional power production)	Iberdrola, the largest Spanish utility, (the large manufacturers of equipment for production of renewable energy)

Sources: interviews EURELECTRIC, EREF, EWEA, EPIA, BEE, BWE 2011b, Nilsson *et al* (2009), Toke (2008), EURELECTRIC (2008b), Boasson and Wettestad (2010)

Comments to table 4: The table shows that the political views on support mechanisms were divided both within the Commission, the European Parliament, the member states and to some extent also the utilities companies. At the same time, the renewables interest organizations at the European level had a broader base of support because it made a coalition with environmental interest organizations like Greenpeace. Some member states changed opinions during the negotiations, like The United Kingdom.

6.0 The explanatory power of the theoretical perspectives

This study analyzes the conditions for the interest organizations of the German energy industries' choice of lobbying strategies, and which role resources have played. Eight theoretical expectations based on the liberal intergovernmentalist perspective and the multi-level governance perspective will here be tested on the empirics. The theory testing will take the form of a congruence analysis, where I discuss to which extent the empirics on lobbying behavior are in line with the theoretical expectations that are stated in the theory chapter. The multi-level governance (MLG) perspective outlines that interest groups will lobby at multiple levels when the stakes are high. Such lobbying is also dependent of financial resources (Eising 2007b). Since the German energy industries are large and wealthy, their lobbying of the Renewables Directive constitutes a most likely case for lobbying in accordance with the MLG-perspective. If the core assumptions based on this perspective are not fulfilled, the explanatory power of this perspective for understanding EU industrial lobbying is weakened. Liberal intergovernmentalism (LI) underlines that states are the main actors on the international arena. Thus, interest groups should lobby almost exclusively there when they want to further their interests. Countries have used to exercise strong sovereignty in energy policy (Nilsson *et al* 2009). Hence, lobbying at the national level also constitutes a most likely case for the liberal intergovernmentalist perspective. Therefore, if the expectations based on this perspective are disconfirmed, LI's explanatory value when applied on energy industries lobbying in the European Union is weakened. The expectations based on the two theoretical perspectives will be discussed sequentially. Finally, there will be a concluding discussion about the explanatory power of the two theoretical perspectives and the main findings in this study.

6.1 The liberal intergovernmentalist perspective

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

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

To make analytical sense, this hypothesis obviously has to be applied to the German interest organizations, since the European interest organizations per se have been founded to lobby the European Union's institutions. This is the core expectation based on the liberal intergovernmentalist perspective. Therefore, if the empirical findings do not confirm it, the liberal intergovernmentalism has significantly weaker explanatory power for understanding lobbying in EUs energy policy. The expectation focuses on *where* and *how* they lobbied.

The empirical observations show that the national level interest organizations clearly have directed their main lobbying efforts at political institutions in Germany (interviews BDI, BDEW, BBE, BEE and BWE 2011). This is natural, as all interest organizations normally focus on the political level where they are the closest. There they also enjoy the largest legitimacy because they represent a domestic constituency that the decision makers have to relate to (Eising 2007a, Mahoney 2007). The analysis is based on the assumption that the interest organization's selection of political strategy depends on *rational actor* logic. Thus, lobbying strategies are chosen rationally to maximize benefit with the least possible costs (Simon 1976:38-41). However, the first expectation still seems to have low explanatory value when scrutinizing *all* the interest organizations' lobbying routes.

In contrast to the expectation, several findings indicate that the German interest organizations put high priority to lobbying also at the European level to exert influence. The main observations can be summed up as following: first, the interest groups all lobbied the EU institutions directly and/or together with other national interest organizations. Their targets were in particular the German members of the European Parliament (MEPs), the Committee on Transport, Energy and Research (ITRE) and the public officials in DG Transport and Energy. Using fellow nationals as "door openers" to the EU system is a typical finding in political research (e.g. Michelmann 1978). This finding also reflects that institutional reforms have given the European Parliament increased powers, which increasingly makes it an attractive lobbying target (Coen and Richardson 2009). This reflects Eising's (2007b) argumentation: national interest organizations will lobby the European institutions in cases where the legislation strongly affects them, such as the Renewables Directive. Second, all German interest organizations lobbied the EU's institutions indirectly through their own European level interest organizations (interviews BBE, BEE, BWE, BDI 2011, interview BDEW 2011a). This is the typical way national interest organizations defend their interests at the European level.

Also other factors indicate that the German interest organizations highlighted lobbying at the European level. Third, the German renewables interest organizations coordinated their political positions in Bundesverband Erneuerbare Energie (BEE) *and* with their European interest organizations. To achieve this, they arranged meetings to exchange information and arguments. As aforementioned, some of the interest organizations' staffs were even employed in organizations at both levels (e.g. EREF 2010). This structural feature probably simplified aggregation of interests and making common political positions. Further, both at the national and at the European level, the renewables interest organizations also coordinated their political positions with informal coalition partners, in particular Greenpeace[39] (interviews BEE, BBE, BWE, EPIA, EWEA and EREF 2011). The German utilities interest organizations coordinated their political positions in EURELECTRIC and BUSINESSEUROPE (interviews BDEW 2011a, BDI 2011). Such coordinated positions signal to decision makers that some political positions have broad support, and therefore increase their credibility (Mahoney 2007). Since such coordination is resource demanding (Mahoney 2007), it is rather unlikely that these interest organizations would have put efforts into it if it they did not perceive policy making at the European level to be important for the directive. Fourth, the utilities' German interest organizations BDEW and BDI have their own Brussels offices seem to have lobbied the EU institutions as much as they were capable of, sometimes aided by people from their headquarters (interviews BDI 2011, BDEW 2011a). Coen (2005:198) finds that complex multilevel advocacy coalitions and ad hoc interest groups have developed to a large extent as a response to the wants of the European institutions. These have asked for horizontal alliances between different groupings such as business and societal interests. Such simultaneous multichannel lobbying is sometimes necessary to maximize political leverage in EU decision making processes (Coen 2005:200). It seems that this was in particular the strategy of the German renewables interest organizations.

What consequences do the findings have for the theories?

Summing up, the interest organizations' lobbying efforts were genuinely multilevel because they perceived the European Union's institutions as important for the outcome of the negotiations. The liberal intergovernmentalist perspective in this case does not explain

[39] According to Nilsson *et al* (2009:4458), some subunits of the environmental organizations disagreed with the environmental organizations political stance of arguing for national support mechanisms and feed-in tariffs, but the main picture was that they were negative to a Europe-wide green certificate system.

important parts of the observed lobbying behavior. Hence, LI is weakened as a tool for understanding industrial energy lobbying in the European Union. These findings support Eising's (2004) conclusion in his large N study of interest organizations. His analyses (2004:227:230) show that more than a fifth of the national interest organizations[40] in the sample have become *multi-level players,* which he defines as an interest organizations that are regularly represented at both the national and at the European level. About 30 percent of the German associations belonged to this group. Further, this study indicates that another of Eising's (2004:230) findings is confirmed: multi-level players are more likely to be located at the top of systems of associations. Three of the interest organizations in the sample, BEE, BDI and BDEW probably qualify as multi-level players, and two of them are represented by their own Brussels offices. All of these are located at the top of the national systems of associations. Further, studies on EU lobbying should take into account the role of cooperation between lobbying at different levels of government. In addition, this kind of coordination and cooperation should also be investigated when studying causal processes such as why legislation like the Renewables Directive ended up in its present form. Still, the fact that multi-level lobbying has taken place is of course not enough to discredit the whole liberal intergovernmentalist perspective.

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

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

This is also an important expectation based on the liberal intergovernmentalist perspective. The expectation is confirmed if the German interest organizations did their outmost to influence the German government's political position. If this expectation is confirmed, the LI perspective will be strengthened. Since this study first and foremost enquires lobbying strategies and not causal effects, the emphasis in this analysis will be on the interest organizations' lobbying efforts rather than conducting a causal analysis of which industry was the most influential in the end. This expectation focuses on *the intensity* of their lobbying.

[40] The sample in Eising's (2004) analyses consisted of interest organizations from Great Britain, France and Germany.

Moravcsik (1993) argues that degree of economic gains and losses will affect interest organizations' motivation for gaining influence. From such a perspective, organizations will act rationally and mobilize resources to ensure a tight coupling between goals, strategies and actual influence. The empirical findings indicate that both the utilities industry and the renewables industry's interest organizations mobilized politically to influence the German government's bargaining position. For example, they all arranged or participated in formal and informal meetings with the ministries in charge or renewables legislation, the Ministry of Environment and Ministry of Economic Affairs. Also, the organizations produced extensive position papers and published several press releases (interviews BEE, BBE, BWE, BDI 2011, BDEW 2011a). The utilities industry seemingly emphasized influencing the German government to a somewhat lesser extent (interviews BDEW 2011a, BDI 2011). However, it is difficult to know the exact extent of their engagement. On the one hand, they produced extensive position papers and press releases. As demonstrated in the chapter about Germany's renewables policy, the utilities and their interest organizations have worked against the feed-in tariffs for years. These findings are supported by Dagger (2009:98), who notes that the members of the "economic coalition" including the four large utilities and BDI worked very hard in favor of a European trade-based system with trade of green certificates. The "ecologic coalition", in particular the German renewable power producers, was infuriated by the Commission's proposal to introduce such a system[41]. On the other hand, the interviewees from the utilities' interest organizations stated that the Renewables Directive was *not* a top priority for them (interviews BDEW 2011b, BDI 2011).

Germany's political positions and actions in the EU negotiations were very much in line with the renewable energy industry's points of views. Further, the German government knew that it was essentially backed by large parts of the political parties, the environmental movement, and a majority in the parliament (cf. table 2 in chapter 4, Dagger 2009:99). All these supported the German feed-in law, and would be negative to an EU directive that would have put an end to it. Therefore, this outcome is in accordance with Moravcsik's (1993:483,484) argumentation that to maintain their place in office, governments in democratic societies must have support from "a coalition of domestic voters, parties, interest groups and bureaucracies". In addition, an industry with large gains and losses was probably the most influential.

[41] For a description of the "economic coalition" and the "ecologic coalition", see chapter 4.

What consequences do the findings have for the theories?

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

Although Germany supported national feed-in tariffs and national support mechanisms, this does not need to be only because of large scale mobilization of the renewables industry. The German government's motivation for its actions probably had many reasons. In contradiction to Moravcsik's fairly simple economy-based model, many factors can be influential in shaping a country's negotiating positions. Determining which factors are the most important requires close process tracing and careful causal analysis to avoid *causal overdetermination* (George and Bennett 2005). In this case, other causal factors probably include future economic prospects, previous policies, which parties that are in government and a country's international role. The simplicity is one of the liberal intergovernmentalism's assets, as a good theory should not be too complicated, and generate clear predictions. However, as is demonstrated here, this feature might also constitute a drawback, as it can be too unrefined when applied on the complexity of the real world. Such weaknesses have been demonstrated in the LI perspective several times before. For example, Sverdrup (1999:254, 265) studied the large intergovernmental treaty conferences. Even there, at the most intergovernmental of all EU negotiations, the outcome was affected by factors such as *path dependency*[42]. The complexity of the issues made communication costly and complicated. Further, the Europeanization of the nation state had made organizational factors at the European and national levels important. As Forster (1998) points out, LI therefore has to be complemented by other theories/models to fully explain how and why states act as they do in international negotiations.

[42] Path dependency means that selection of one path may affect future paths (Krasner 1998).

6.1.3 Expectation 3: The provision of decisive information

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

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

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

Such meetings can also be regarded as a strategy to get in position to provide "critical information" because they enable the conversation partners to ask following-up questions, clear up misunderstandings alike. The topic's complicated nature probably made personal meetings and good communication skills especially relevant. Indeed, the BEE respondent (interview 2011) regarded such personal informal meetings as the most important means to get their messages across. The interest groups appreciated that the German Ministry of Environment was eager to keep updated. Much information was already available, because the Ministry of Environment and Ministry of Economic Affairs had commissioned a row of studies by research institutes. Therefore, the German government already had access to much

information (interviews BWE 2011, BDEW 2011a, Dagger 2009) and thus had the best preconditions for being knowledgeable about renewable energy and its implications in the EU negotiations. Along with this evidence, Boasson and Wettestad (2010:13) note that Germany was important in providing information to the other countries in the negotiations leading to the Renewables Directive and that this probably influenced its final content. Of course, information having an impact on the end result is per definition critical.

There are several reasons why the renewables industry's interest organizations seemingly managed to provide crucial information. They focused on some main points, some people and provided pointed arguments (interview BEE 2011). Their pooling of resources and coordinating of political positions probably enhanced the quality and impact of their argumentation. The same seems not to be true to the same extent about the utilities' interest organizations BDI and BDEW, since they had somewhat diverging positions on green certificates. The renewables interest organizations were aided by the fact that they had good access to the Ministry of Environment (interviews BEE and BWE 2011). Thus, institutional factors enhanced their impact.

As described in the theory chapter, Moravcsik's model outlines that the only influential entrepreneurs in international negotiations are national governments and national interests. Still, the fact that the national renewables industry provided crucial information does not mean that their and Germany's political entrepreneurship were the *only* that was decisive in the end. For example, our observations indicate that there was a lot of lobbying at the European level. The information that was conveyed there might have had a larger impact than what national organizations provided (interviews EWEA, EREF, EPIA and EURELECTRIC 2011). Therefore, without interviewing the "targets" of the lobbying at the national and the European level, it is impossible to know which of the actor's information that really was *critical*. Further, Moravcsik (1998) leaves out "supranational entrepreneurs", like European level interest organizations and EU institutions like the European Parliament. Findings in this and other studies like Toke (2008) and Nilsson *et al* (2009) emphasize the importance of such European-level entrepreneurship. For example, the rapporteur Claude Turmes and some other members of the European Forum for Renewable Energy Sources (EUFORES) are regarded as playing key roles for the outcome (interviews BEE, EREF and EPIA 2011). Therefore, such European-level entrepreneurs also have to be taken into account when assessing influence and crucial information in EU negotiations.

What consequences do the findings have for the theories?

It seems that the liberal intergovernmentalist perspective is correct in its emphasis on eager/proactive governments and national interest groups' provision of *critical* information in international negotiations. In this regard, the explanatory power of LI is somewhat strengthened, but it should be noted that the data are consistent with several other, competing, hypotheses too. The German government and the interest groups were both keen to influence the content of the Commission's policy proposals. Therefore, they may both be called "policy entrepreneurs". The findings indicate that agile national interest organizations contributed crucial information to governments participating in international negotiations. However, these findings are based on indications. Moravcsik's theory is very hard to test because such assessments require extensive process tracing including in depth interviews (correctly answered) with key people in the national governments and ministries to be confirmed or disconfirmed. The German renewables interest organizations and the German government were not alone in acting as political entrepreneurs. Empirical observations and earlier research indicate that entrepreneurs at the European level and their provision of information were probably also crucial for the outcome of the Renewables Directive. In summary, therefore, the liberal intergovernmentalist perspective has not shown high predictive power with regards to which groups would be playing key roles in European negotiations.

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

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

This expectation is not directly based on the liberal-intergovernmentalist perspective. Therefore, a confirmation or refutation of it will neither serve to strengthen nor to weaken it. Resources here is first and foremost measured in terms of manpower, e.g. how many employees the organizations have, and further how many of these employees that have worked on the Renewables Directive. This expectation focuses on *the number* of *national* lobbying routes.

The two largest organizations in the sample in terms of personnel resources are BDEW and BDI. The findings show that the interest organizations for the utilities, BDEW and BDI mainly lobbied the Ministry of Environment and their longtime ally, the Ministry of Economic Affairs. In addition, they sent out press releases (interviews BDEW 2011a and BDI 2011). Of course, it is possible that the interviewees from the utilities industry did not mention all the lobbying channels that their organizations used[43]. In addition, BDI (interview 2011) did not regard the German parliament, political parties or other institutions as important in this case, since they were not directly involved in the political negotiations. A third factor that might have constrained how many lobbying channels they used was that these organizations probably also had much of their personnel resources tied up to the negotiations leading to the EU ETS directive. Both expressed that their resources for lobbying the Renewables Directive were limited (interviews BDI 2011, BDEW 2011b). Such administrative capacity influences the opportunity to exert influence in political processes. An organization has to put priority to some areas and overlook others (Cyert and March 1963:124, Egeberg and Trondal 2009:674). Thus, when capacity probably at least to some extent was limited, this might also result in less political influence. Bouwen (2002:366) underlines that when lobbying groups gain access to political institutions, this does not necessarily imply that they also will be influential. This is demonstrated here; For example, the utilities interest organizations lobbied the Ministry of Environment, but with little effect (interview BDI 2011).

Despite the renewable industries interest organizations' smaller sizes in terms of personnel and money, they seemingly lobbied more political channels at the national level, than the utilities industry. For example, they also lobbied political parties, members of the German parliament and environmental organizations (interviews BEE, BBE, BWE and BDI 2011). This heavy mobilization is probably related to the fact that much was at stake for them. The interviews (BEE and BEE 2011) indicate that the renewables industry also had access to more decision makers than otherwise because it was supported by the environmental movement in Germany, as well as sympathizing politicians from the different parties. Thus, collaboration gave them new points of access to the political processes and enhanced their personnel resources. Informal coalitions may increase the leverage of interest groups because they signal to policy makers that a varied group of actors have similar interests. In addition, a coalition signals that the interest groups have worked out and aligned different positions (Mahoney

[43] For further information, see chapter 3.

2007). Here, the renewables industry's interest organizations had to forge a common position regarding political views on controversial types of bioenergy in order to achieve the environmental organizations' support (interviews BEE and BBE 2011). Cooperation can make the individual groups more influential because of the synergetic effect of pooling resources, such as dividing the lobbying work among them (Mahoney 2007). This also seems to be the case at least to some extent for the renewables interest organizations. Weber and Khademian (2008) highlight the role of networks for solving complex problems[44]. Here, it seems that the Ministry of Environment, environmental organizations and renewables industry seemingly already had a network (interviews BEE and BWE, Jacobsson and Lauber 2006). This probably also increased their number of access points to the political processes.

What consequences do the findings have for the theories?

It seems that in this case, the number of lobbying channels at the German level has no direct relationship to the amount of resources in terms of personnel and money that the interest organizations individually possessed. Rather, the number of channels that the interest organizations used at the German level was affected by the ability to make a broad coalition with other industry interest organizations, environmental organizations and finding allies within all political parties. In addition, the number of routes was directly connected to their level of mobilization, which again was caused by how much was at stake in the directive proposal. Resources still seem to have had an impact on lobbying in several ways. First, the cheapest ways of lobbying, personal meetings, was seemingly conducted the most frequently by all the industry interest organizations. Second, they clearly spent their efforts where it would be the most efficient, and did not lobby everywhere. The effects of pooling of resources and coordination of political positions were large in this study, and at least in similar situations, they should be taken into account in future research on interest organizations. In addition, networking literature might contribute to alternative analytical tools for understanding how governance challenges of complex cases are solved.

[44] Networks are defined as "enduring exchange relations established between organizations, individuals, and groups" (Weber and Khademian 2008:334).

6.2 The multi-level governance perspective

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

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

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

As aforementioned, the findings indicate that at the national level, interest organizations conducted multi-level lobbying regardless of size and resource base in terms of money and number of personnel, and whether or not they had their own European office. Both the German government and EUs main institutions were important lobbying targets (interviews BDI, BEE, BBE, BWE 2011, and BDEW 2011b). These observations are described in more detail under expectation 1 and 2. During the work with the directive the renewables interest organizations built new contacts and improved existing ones both at the European, and the national level. In addition, they established contacts between the different national renewables industry interest organizations (interviews BEE and BWE 2011b). Such multi-level networking may be very useful as a tool for increasing political leverage (e.g. Mahoney 2007).

The European-level interest organizations lobbied the European institutions intensively, as expected. Their targets were in particular DG Transport and Energy (DG Tren) in the Commission and Committee on Industry, Research and Energy (ITRE) in the European Parliament. They were closely monitoring the political processes and arranged meetings with people at different political levels, ranging from the Commission's leader Barroso to the public servants who drafted the directive proposals (interviews BEE, EREF, EPIA, EWEA and EURELECTRIC 2011). As expected, (see e.g. Coen 2007), the Commission and the European Parliament were the European institutions most frequently targeted by all interest groups in the sample. Their relations to these institutions were far from new, which probably enhanced their access to the political processes. In particular, the renewables industry has a good long-time relationship to the European Forum for Renewable Energy Sources

(EUFORES). The lobbying of the European Parliament reflects its increased authorities and that it is regarded as EUs "greenest institution". The Council, on the other hand, is known to be harder to access (e.g. Hayes-Renshaw and Wallace 2006). This also seems to be reflected here. Some of the interviewees mentioned the Council as a lobbying target, but the interest organizations seem to have put more efforts into influencing the two other major political institutions (interviews EWEA, EREF, EPIA 2011). However, this does of course not indicate that they did not lobby the Council, only that they told more about, and possibly focused more on, lobbying other European institutions. This lobbying strategy and its execution demonstrates good insight into EUs political processes, similar to what Coen and Richardson (2009) describes as typical for industrial lobbyists in the European Union.

The multilevel governance perspective does theoretically not only outline "uploading" of influence and targeted lobbying behavior at different political levels, but also "downloading" to lower levels of governance. For example, the Commission can potentially use national-level interest organizations to introduce and legitimize policies within the member states (e.g. Eikeland 2008). The observations indicate such "downloading" in three cases. First, the European interest organizations lobbied at the national level by meeting governments and permanent representations they regarded as important, like the German, Spanish and French (interviews EURELECTRIC, EPIA, EWEA and EREF 2011). In addition, coalition partner Greenpeace lobbied member states' governments (e.g. House of Lords 2008). Second, the European Wind Energy Association (EWEA) assisted the Bundesverband Windenergie (BWE) both economically and through knowledge transfer (interview EWEA 2011). Third, EURELECTRIC depends on its members to disseminate the common political positions that are agreed upon within its committees (interview EURELECTRIC 2011).

What consequences do the findings have for the theories?

Hooghe and Mark's theoretical perspective seems to fit well with the observed lobbying behavior. The explanatory potential of this theoretical perspective when applied on industrial lobbying in EUs energy policy is therefore confirmed. The observations unequivocally confirm the expectations both regarding the lobbying behavior of the national interest organizations and the European level interest organizations. Clearly, the interest organizations do perceive, and more importantly relate to, the European Union as a genuine multilevel system. Consequently they lobby both at the national and at the European level in order to

achieve their lobbying targets when much is at stake. One finding in this context regards a phenomenon that has been little commented upon in EU lobbying literature: National interest organizations can create networks with each other to enhance political leverage and create trust. Such networks should be further explored in future research.

6.2.2 Expectation 6: By-passing the German government?

> *The German utilities industry's national interest organizations and its affiliates should lobby extra much on the European-level in order to attempt to bypass national politicians, who supported a system that would allow national feed-in tariffs.*

This expectation only applies to BDI and BDEW since they are the national representatives of the German utilities in the sample. BDEW is the most important organization of the two, since it is the energy industry's main interest organization. On the other hand, BDI had important reasons for lobbying, since it also represents the industrial customers of the energy producers and net owners. Therefore, their members are very affected by the electricity prices. If the expectation is not clearly confirmed, this does not necessarily mean that the explanatory value of MLG-perspective is weakened, because according to the perspective it is *likely*, not a *necessity* that interest groups who have lost domestically will lobby more at the European level. Here I use lobbying more than normally as a simple operationalization of "lobbying extra much".

Both BDEW and BDI participated in European-level interest organizations in addition to having their own offices in Brussels to handle European affairs. Similar to the renewables industry's interest organizations, they met decision makers and public officials on several formal and informal occasions. Neither the BDEW nor BDI representatives expressed that they lobbied to by-pass national political positions. Rather they gave the impression that their political work with the Renewables directive was a part of the "normal lobbying procedures" (interviews BDI 2011, BDEW 2011b). However, since the topic is sensitive for them, it might be that they did not want to tell about such strategies. Still, both produced long and detailed position papers. Production such material demands personnel resources. Therefore, despite the fact that both BDI and BDEW qualify as *multi-level players*, they *seemingly* did not exploit this fact here. These organizations maintained that the resources available for such lobbying were rather limited (interviews BDI 2011, BDEW 2011b). Unfortunately, these

observations do not constitute unambiguous findings because the information about the intensity of lobbying at the European level is incomplete. The organizations' largest members, the utilities, at least lobbied intensively at the European level (E.ON 2008b, Toke 2008, Nilsson *et al* 2009).

In contrast, BDEWs umbrella organization EURELECTRIC did everything it possibly could to influence the content of the Renewables Directive, and had about three people working full time on it in the critical phases (interview EURELECTRIC 2011). According to Toke (2008), EURELECTRIC's continual push for a trade-based scheme with certificates was a contributing factor to the Commission's initial proposal for a trade-based system both in 2001 and in 2007. Thus, there is a chance that BDEW exerted pressure on the European level through its umbrella organization. However, the only indication that this might have been the case is that BDEW was very important in formulating EURELECTRIC's policies[45] , but this should be expected from a major member in any case (interview EURELECTRIC 2011).

What consequences to the findings have for the theories?

The study lacks enough observations to disconfirm the expectation that multilevel strategies were employed directly by the German interest organizations specifically to bypass national politicians, although the multi-level governance perspective outlines that this a likely and rational strategy for wealthy interest groups in particular. Therefore, the MLG-perspective is neither strengthened nor weakened. Lack of evidence to support the expectation does not preclude the use of such strategies by interest groups to increase their influence in matters where they "have lost" at the national level. In fact, the employment of such strategies might very well be considered a sensitive theme by the actual interest organizations, making explicit confirmations harder to obtain. Furthermore, such strategies could well have been used by the large German utilities, such as E.ON and RWE as elements in concerted action. Consequently, these observations cannot be generalized to industrial lobbying in EUs energy policy in general.

[45] A comparison of data about frequency of meetings, levels of resources employed, meeting documents where and possible extra funding of its European level umbrella organizations where political activity to influence the Renewables Directive is compared to other important pieces of EU legislation could possibly reveal if more lobbying at the EU level was done in this case than on other issues. Unfortunately, I have no access to such data.

6.2.3 Expectation 7: influencing EU through provision of information

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

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

Both the renewables industry's interest organizations and the utilities industry's interest organizations clearly provided the relevant bodies in the Commission, the European Parliament and the Council with different types of potentially critical information. Also coalition partners like Greenpeace provided such information (Greenpeace/EREC 2007 and 2008). Examples of this are the EREF price report and the Pöyry study commissioned by EURELECTRIC (interviews EREF, EURELECTRIC 2011). The information was conveyed through channels such as personal conversations, workshops, dinner debates, and different types of written material. On the other hand, the interest organizations also needed the EU officials and politicians, for example to keep track of the recent political developments, get recommendations and not the least influence the draft proposals. Similar to the situation at the national level, the initiative for these personal meetings could be made both by the EU officials and the interest organizations. This illustrates how keen EUs public officials can be to keep updated in key political issues (interviews BEE, EREF, EWEA, EPIA and EURELECTRIC 2011). Such interaction has already been commented on in earlier research. As Bouwen (2004: 339) notes: "It needs to be recognized that the EU institutions are eager to interact because they need close contacts with the private sector in order to fulfill their institutional role".

The topics' pronounced complexity and salience made politicians and decision makers turn towards interest organizations to get knowledge on the field (interviews BEE, EWEA 2011, Nilsson *et al* 2009). This is in line with earlier findings about the Commission, such as Coen (2007). He notes that the Commission emphasizes building long-time relationships with interest groups "based on *consistency* for information exchanges, wide *consultation* and *conciliatory* actions" (Coen 2007:335). Much lobbying literature describes the salient *resource dependency* between the Commission and interests such as interest organizations. For example Eising (2007b) found that the Commission treats businesses and their interest groups as regulatory interlocutors. This also seems to be the case here, which implies that the findings are in line with earlier research. For example, the main goal of the information provision was to convince policy makers, and therefore they had to give them good arguments (interview BEE 2011).

A significant part of the information was produced jointly. At the national level, the renewables interest organizations cooperated in *Arbeitsgruppe Europa* in Bundesverband Erneuerbare Energie (BEE), where they produced joint papers. These were also given to the decision makers in the European Parliament and the Commission. At the European level, the renewables interest organizations cooperated in EREC, where they for example produced common position papers and press releases in addition to coordinating their strategies. Informal coalition partners like Greenpeace in particular also provided information (interviews BEE, EREF, EWEA and EPIA 2011). It seems that this pooling of resources enabled the renewables interest organizations in particular to provide more and better information to decision makers than what otherwise would be the case. BDEW and BDI both provided the relevant European bodies information (interviews BDEW 2011b, BDI 2011). At the European level, EURELECTRIC supplied the EU institutions with different kinds of information, and produced a common position paper with Renewable Energy Certificate System (RECS) and European Federation of Electricity Traders (EFET). However, this was no formal alliance (interview EURELECTRIC 2011).

Which consequences does this have for the theories?

Expectation 7 is confirmed to the fullest. All the interest organizations put priority to providing high quality information alone and together with other organizations that the

European institutions needed. Therefore, the MLG-perspective is strengthened, but also in this case, several competing hypotheses could yield the same expectations. Public officials in the Commission were eager to meet the interest organizations. This confirms the general insights about the resource dependency of the Commission in particular when drafting proposals for legislation. The fact that all German interest organizations also were active in providing this kind of information at the European level offers unambiguous support of the multi-level governance perspective. The European level interest organizations for both the renewables and the utilities industry clearly had strong political stances and coordinated their political positions with their allies. Thus, earlier research portraying Euro federations as weak "paper tigers" who have problems aggregating political views because of their heterogeneous membership (see for example Pijnenburg 1998 and Eising 2007b) does not seem to be applicable to this case. On the other hand, provision of information in itself does of course not say something about the impact of this knowledge. As noted in 6.1.3, such assessments require more elaborate methodology, for instance in depth interviews of the "receivers", the relevant decision makers.

6.2.4 Expectation 8: Resources decide in the European Union

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

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

The German interest organizations for the utilities industry, BDI and BDEW, both have their own European offices in Brussels. At least in theory, this should improve their capability of lobbying the European institutions directly, and therefore also increase their number of available lobbying routes. As aforementioned, I unfortunately obtained relatively little

information about the operations in these offices, apart from them doing the "normal lobbying work" such as making parliamentary evenings, and meeting people in the Commission, the European Parliament and the Council. Since BDI only had two employees on the renewables topic in Brussels, they concentrated their efforts on the decision makers who were the most likely to support their case. BDEW had one person working on renewable energy in Brussels and one working on it part time in Berlin. Despite their smaller sizes, the German renewables interest organizations lobbied the same channels at the European level as the utilities'. As expected, however, to a certain extent they lobbied different people, since all tended to have more contact with the people who were friendly to their political views (interviews BDEW 2011a, 2011b, BDI, BEE, BBE, and BWE 2011). This feature is typical; when interest organizations have limited resources, then they have to concentrate their efforts on the places where the chance of success is the highest.

Resources were important for the European level organizations both for lobbying intensity and number of political channels. The largest renewables interest organization in terms of staff, EWEA, followed the political processes very closely and met with more people than for example the smaller EPIA. While EPIA concentrated on friendly-minded people for example within the European Parliament, EWEA lobbied both their "friends and foes". In addition, EWEA was the only organization which also had a political campaign aimed at decision makers to influence the content of the renewables directive (interviews EWEA, EPIA, EREF and EURELECTRIC 2011). The European renewables interest organizations managed to enhance their level of personnel resources efficiently by coordinating their actions with environmental interest organizations such as Greenpeace and private companies such as wind energy equipment manufacturers (interview BWE 2011b). Greenpeace had at least one person who worked on campaigning for renewable energy (e.g. House of Lords 2008, Greenpeace European Union 2008b). The findings are in line with the theoretical expectation as well as earlier research. For example Eising (2007c:356) underlines that "Well-endowed associations have much better access than poor associations, underscoring that EU lobbying needs substantial material backing".

The empirics on lobbying at the European level also show another clear pattern; Number of political channels employed was not only influenced by level of resources, but also by degree of political mobilization and political skills and knowledge in the organization. The more important the Renewables Directive was for the organizations, the more they mobilized. For

example, even EREF with only two employees lobbied a variety of different actors at the European and national level (interview EREF 2011). EPIA underlined that its political skills had been vastly enhanced the last years (interview EPIA 2011). One of the ways the interest organizations enhance their level of political insight is employing people with background from politics, such assistants of parliamentarians in the German Parliament and the European Parliament (interviews BWE and EPIA 2011). Through their coalition partners, like Greenpeace, the European renewables interest organizations probably got access to more channels and could conduct more intensive lobbying. This might also have been the case for EURELECTRIC, but here the findings are more uncertain. Mahoney (2007) notes that European federations might prefer lobbying alone rather than finding coalition partners because they already represent a large group of actors. These findings are in line with Eising's (2005:2) comment, that "economic clout, the financial resources and the expertise of interest groups as well as their political mobilization when they face of EU regulation" is typical for EU interest mediation.

Eising (2007a:210) also notes: "generally, EU associations have fewer resources than their national members, and as a consequence their sizes are much smaller". In contrast, this does not seem to be the case here. For example, EWEA in fact empowered its national members with arguments and money. This finding is example of a development where growing industries dependent on stable and predictable conditions set up increasingly larger interest organizations both at the national and at the European level. The difference in sizes and personnel resources between national interest organizations and their Euro groups might be decreasing. At least, this seems to be the case for the energy industries.

What consequences to the findings have for the theories?

The observations confirm the resources' role for number of lobbying channels and lobbying intensity. It seems that there was an association between available resources and the amount of lobbying channels used both by the utilities industry's interest organizations and the renewable industry's at the European level. In addition, level of mobilization and political skill and knowledge influenced the lobbying activity. The renewables interest organizations in particular managed to enhance its level of resources considerably by cooperating with environmental interest organizations like Greenpeace and private businesses. This is quite in line with what Eising (2005) found in his large N study of interest groups at the European

level. There was however, not a clear connection between the national interest organizations' level of resources and their number of lobbying channels at the European level. The difference between the energy industries national and European interest groups in terms of sizes and resources seems to be decreasing,

6.3 Discussion about the two theoretical perspectives' explanatory value

From the preceding discussion, it should be clear that while both perspectives have explanatory value. However, the liberal intergovernmentalist (LI) perspective fails in capturing essential features in the dynamics of functioning of the EU system in the renewables directive case. This can by no means be attributed to the theme being unsuited for this perspective. On the contrary, the renewables development in EU has in several important respects morphed into a portfolio of rather diverse national projects: An eminent example of policies for a "Europe of the national states". Arguably, the directive ended up making the states the ultimate decision makers, seemingly fitting perfectly in Moravcsik's conceptual framework. But as we have seen, the process of getting there, which is the focus of this study, is not that well described by LI.

The multi-level governance (MLG) perspective seems to capture many aspects of the dynamics of the situation fairly well. There is a kind of asymmetry between the perspectives in that, while LI doesn't have much to say about internal relationships on the EU level, MLG easily copes with situations where power is transferred upwards and downwards in the hierarchy. One may say that if the national states choose to give up power to union level organs, like the European Central Bank, the LI perspective might not be able to easily follow suit to account for the new dynamics created. While MLG, on the other hand, has not built in any assumptions about power transfer having any preferred direction.

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

the German interest organizations' lobbying behavior. As expected by both theoretical perspectives, the German interest organizations focused most on the German level.

6.3.1 The liberal intergovernmentalist perspective

Some of the basic assumptions about the functioning of national states underlying the LI perspective seem to be confirmed in this study, and therefore it is still to some extent useful. For example, the national interest groups still mainly focused on lobbying their own government. But whenever the initiatives of the Commission and the autonomous and expanding competence of the European Parliament play decisive roles, LI seems less relevant. For example, it maintains that the only important political entrepreneurs in international negotiations are governments and national interest groups. The empirical findings here, in contrast, point out the importance of European entrepreneurship, such as that conducted by the second rapporteur Claude Turmes and other members of EUFORES, as well as European interest organizations.

6.3.2 The multi-level governance perspective

What are the main limitations the multi-level governance (MLG) perspective has shown in the confrontation with the current data? We have seen that on the whole, the perspective fits quite well. In particular, the perspective is confirmed by the fact that the national interest organizations emphasized lobbying the European institutions, and that they created informal multi-level coalitions. Being a less developed theory than LI while encompassing an arguably larger field, it is only to be expected that it is not able to capture some of the dynamics between the different levels. As illustrated by expectation 6, it may have a tendency to default to "fail-safe" on more complicated issues, so it can't be refuted simply because it is so general.

7.0 Conclusion

7.1 Summing up the study

This study has aimed at enquiring lobbyism in relation to the EU conducted by the German energy industries' interest organizations. It scrutinizes the institutional conditions for choice of choice of lobbying strategies, where the independent variables are the institutional structures according to Moravcsik's liberal intergovernmentalism or Hooghe and Marks' multi-level governance perspective. In addition, the study investigates the role of resources for choice of lobbying strategy. Few studies have enquired multi-level lobbying in EU in a theory testing case study before. Further, few studies have scrutinized the political processes leading to the Renewables Directive, and no studies to my knowledge have enquired the reasons for choice of lobbying strategies and the role of the German interest organizations in this European legislation[46]. The design is a theory testing most likely case design. The study outlines altogether eight expectations based on the two theoretical perspectives and literature about European Union lobbying. Further, these expectations are tested on how the German energy industries' interest organizations have lobbied at the national and at the European level to influence the Renewables Directive. The congruence method/pattern matching has been used to evaluate to which extent the findings accord with the theoretical expectations. Moreover, the study discusses these results and which theoretical implications that has. The research questions are:

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

Several methods have been used to obtain as accurate empirics as possible, such as in depth research interviews, and using available material from several written sources in order to conduct process tracing. To enhance validity, as much of the data as possible was tested against other data such as research articles. In addition, the interviews were taped and

[46] The role of German interest organizations' lobbying on German renewable energy legislation has on the other hand been enquired several times before, for example by Dagger (2009), Lauber and Mez (2004) and Jacobsson and Lauber (2006).

transcribed. Moreover, the respondents read through the presentations of their organizations afterwards and commented on them.

7.2 The explanatory power of the liberal intergovernmentalist perspective

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

On the other hand, another prediction was fulfilled, that the interest organizations would all put top priority to influencing the position of the German government. Moravcsik has emphasized provision of *crucial* information as a means of exerting political influence in international negotiations. Both industries at least to some extent provided such information. Still, it is hard to estimate the real effect of this information, as the German authorities had access to very much information already. For example, the fact that department in charge of renewables policy, the Ministry of Environment was much more eager to listen to the renewables industry than the utilities industry, provided the renewables industry better access to decision makers and public officials. The expectation about resources is not directly connected to the liberal intergovernmentalist perspective. At the national level, there was no clear link between how many personnel resources each organization possessed and their number of lobbying routes. The number of lobbying routes rather seemed to depend on other

factors such as ability to create coalitions and pool resources with other organizations. Summing up, the liberal intergovernmentalist perspective only carried some explanatory power in predicting the interest groups lobbying behavior.

7.3 The explanatory power of the multi-level governance perspective

The multi-level governance perspective was supported by most of the empirical findings. First, as aforementioned, all interest organizations, regardless of which political level they mainly operated at, put priority to influencing the European Institutions. There was a clear sharing of work between the organizations at the two levels, as expected in the multi-level governance perspective and also typically seen in lobbying literature (Eising 2004). Still, national level organizations lobbied at the European level and European level organizations lobbied at the national levels. The German interest organizations had three main lobbying routes: either towards their own government alone or in coalition, directly voicing their views in the European institutions, or through a European level interest organization.

However, one likely theoretical opportunity, that the utilities interest organizations would lobby extra much at the European level was neither confirmed nor disconfirmed because of lacking data. As expected, resource dependency constituted an opportunity for the interest organizations to meet public officials in the Commission. Thus, the interest organizations created and accumulated information that the decision makers and public servants could use, and had frequent meetings with them. The European Parliament was also in need for information in this case, whereas the interest organizations needed political support. Therefore, resource dependency also seems to be an appropriate way of understanding contact between the European Parliament and the interest organizations. At the European level, there was a clearer link between level of resources, lobbying routes and intensity of lobbying. In particular, the largest interest organization conduced more intensive lobbying by using more channels and meeting more people than the smallest interest organization in the sample. Also here, degree of political mobilization and ability to create coalitions with other interest groups seems to be influential for their total amount of political leverage. Summing up, the multi-level governance perspective, although somewhat vaguely formulated, have produced the most accurate predictions about how lobbying behavior would take place.

7.4 Analytical implications

The results in this study have more analytical implications. The interest organizations clearly perceive the European Union as a multi-level system and act thereafter when EU legislation is important for them. Therefore, they lobby accordingly by creating the most appropriate multi-level strategies and participating in coalitions that span over more political levels. Work-sharing between national and European associations here simply describes where they put in their main efforts. In this case, all the national associations lobbied at the European level and vice versa: the European associations lobbied the national levels (the permanent representations in particular). Thus, research on industrial lobbying in the future should take this into account and enquire multi-level lobbying strategies where it is reasonable to expect that this happens, rather than focusing on either the national or the international level.

By pooling resources, especially the renewables industry's interest organizations shared and coordinated information, contacts and political positions efficiently. In addition, they managed to create broad coalitions. Further, this enabled them to lobby more intensively and make use of more lobbying channels than otherwise would be the case. Therefore the decision makers both in Germany and at the European level met a unified and coordinated group of lobbyists. The benefits of such networking has been investigated and underlined several times before (see for example Mahoney 2007 and Sabatier 1988). Still, as the European Union develops steadily more state like features, such coordinated lobbying should be the subject to more research attention, as it probably happens to an increasing extent. In contradiction to the findings of for example Mahoney (2007), the empirics do not indicate that the smallest organizations rather choose to lobby alone than participating in coalitions because such cooperation demands resources.

The lobbying strategies that have been investigated reflect that the European institutions to an increasing extent have an independent role in the policy making processes. However, the member states have been and are still important, as Hooghe and Marks (2001) also underline. For example, in this case the renewables organizations' lobbying probably had not been as efficient had they not been joined by key member states such as Germany and Spain. This study underlines the importance of the interest organization's expert knowledge: they contributed with high quality information in this highly complex case both in Germany and at the European level. Thus, the emphasis on expert/critical knowledge in itself is nothing that is

particular for either of the two theoretical perspectives. Such knowledge might play a key role when policies are formulated in very complex issues at all political levels.

7.5 Proposals for further research

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

A first research topic may be connected to The Renewables Directive and Sabatier's advocacy coalition theory. Relevant research questions may be these: Is it possible to identify long time cooperation patterns between the actors that cooperated here? If so, in how does this affect policy outcomes over time? How are these coalitions organized? Previous studies have only investigated which coalitions that were made in connection to this directive. However, for example Greenpeace has cooperated with the renewables industry's interest organizations for long while.

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

A third research topic may be connected to success or failure of various interest organizations. Relevant research questions may be these: Often, European level interest organizations have been portrayed as weak, and not being able to aggregate positions in a good way. Why do they succeed sometimes, like here, and not at other times? What mechanisms may be in play?

8.0 Literature

8.1 Academic Literature

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9.0 Appendixes

9.1 List of translated quotes

Interview with Bundesverband BioEnergie

"[…] Bioenergie ist eigentlich die tragende Säule im Mix der erneuerbaren Energien."

Interview with Bundesverband der Deutschen Industrie

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

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

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

„Also, es ist in erster Linie auf den Einfluss Deutschlands zurück zu führen dass wir die Fördersystemen völlig unterschiedlich in Europa…"

Interview with Bundesverband Erneuerbare Energie

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

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

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

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

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

Bundesverband der Energie und Wasserwirtschaft

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

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

Bundesverband Windenergie

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

Die Zeit

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

The German Government

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

"Die Photovoltaik hat in den vergangenen Jahren in Deutschland eine weltweit beispiellose Entwicklung genommen"

9.2 Interview guide in English

- Which formal roles did your organization have in Germany and/or the EU in the negotiations leading to the revised Renewables Directive? Participation in public hearings? Advisory bodies? EUFORES?

- What did you want that the Renewables Directive to look like?

- And to what degree has this been the case?

- What has been your organizations' political positions regarding the Renewables Directive? (Could you also give me access to press statements, and other kind of formal documentation of your political positions? Strategic documents?).

- Is this view shared by every member of your organization? Do all the members of your organizations agree upon these political positions, or are there internal differences in opinion regarding the renewables directive. If so, what are these? The German members?

- Which political strategies have your organization used to assert your views? (Formal and informal meetings with politicians? Litigation? Political campaigns? All of them?)

- Which political channels have you used in Germany and at the EU-level? (make a list- Bundestag, The European Parliament, the Council, the Commission, different types of committees, both formal and informal, participation in other organizations like EREC and EURELECTRIC).

- How has the intensity of interest representation/lobbying been in these different channels?

- What exactly did you try to achieve with these strategies?

- Why did you choose them? (resources, real influence of the EU, different degrees of access, bypass national politicians, "friends and foes") What has been the logic behind the different strategies?

- Have you made coalitions with other interest groups or for example politicians? (Die Grüne, SPD, Friends of Earth, EUFORES, EREC/BDI, EURELECTRIC?)

- If you have participated in coalitions, have you then shared resources when campaigning? If you have participated in a coalition, has this provided you access to new venues of political influence?

- What has the role of European level of European-level interest organizations been in this case?

- Which venues of influence have been the most important? Why? How have your political strategies differed from one venue to another?

- Are there venues that you have used, but not have used? If so, why?

- Have there been competitors with opposing views, like BDI and BDEW in Germany and EURELECTRIC in Brussels? If so, how has this influenced your political strategies? Have you also tried to convince them?

- To which degree would you say that your strategies have succeeded? What is the reason for this?

- Long-term relationship? Have you or your organization developed a particular relationship to people within the Commission, the Council and the European Parliament? EUFORES? / The German government, Bundestag, other political bodies?

- If so, why is this important?

- How have you achieved this?

- What kind of information does your organization provide for political bodies, like the German government, or the Commission? (Facts, expertise demands?)

- Which role would you say that this provision of information has had for your organization's success?

- Why would you say that the revised Renewables Directive ended up being in its present form regarding feed-in tariffs versus GO-certificates? (Successful lobbying from the green side? Member states' governments?)

9.3 Interview guide in German

- Welche formalen Rollen hatte Ihre Organisation in Deutschland und / oder in der EU bei den Verhandlungen, die zu den überarbeiteten *Renewables Directive* geführt haben? Teilnahme an öffentlichen Verhandlungen? Beratungsinstitutionen?

- Welche Ausgestaltung der *Renewables Directive* wäre für Sie wünschenswert*?*

- Und zu welchem Grade ist das geschehen?

- Was ist die politische Position Ihrer Organisation im Bezug auf die *Renewables Directive? (Pressmeldungen?)*

- Sind alle Mitglieder mit diesen Position einverstanden, oder gibt es interne Meinungsunterscheide bezüglich der *Renewables Directive*?

- Welche politischen Strategien hat ihre Organisation benutzt, um ihre Meinungen auszudrücken? (Treffen mit Politikern, Kampanien usw.?)

- Welche politischen Kanäle (Wege) haben Sie in Deutschland und in der EU benutzt?

- Wie hat die Intensität der Repräsentation von Interessen und des Lobbying in diesen Kanälen variiert?

- Was genau wollten Sie mit diesen Strategien erreichen?

- Warum haben Sie diese unterschiedlichen Strategien gewählt? (Ressourcen? EU Einfluss? Zugang? Keine/viele Unterstützung von nationalen Politikern?) Was war die Logik hinter diesen verschiedenen Strategien?

- Sind Sie in Koalitionen mit anderen Interessenorganisationen oder Politikern eingegangen? (Die Grüne, SPD, Bundesverband Erneuerbare Energien, Bundesverband Solarwirtschaft, Umweltorganisationen, EREC)

- Haben sie beim Lobbying Ressourcen geteilt, falls Sie Koalitionen eingegangen sind? Falls Sie Koalitionen eingegangen sind, hat dies Ihnen Zugang zu neuen Kanälen politischen Einflusses verschafft?

- Was war die Rolle des europäischen Levels bei Interessenorganisationen auf europäischem Level in diesem Fall?

- Welche Kanäle von Einfluss sind am wichtigsten gewesen? Warum?

- Wie haben die Strategien von einen bis einen anderen Kanal variiert? Welche sind die wichtigste, und warum?

- Gibt es Kanäle, die Sie benutzen hätten können, jedoch nicht genutzt haben? Falls ja, warum?

- Gibt es Konkurrenten mit anderen / gegensätzlichen Meinungen, (wie BDEW und BDI/BEE) in Deutschland, und (EURELECTRIC/EWEA) in Brüssel? Falls ja, wie hat das Ihre politische Strategien beeinflusst? Haben Sie auch mit solchen Gruppen gearbeitet, um diese zu überzeugen?

- Zu welchen Grad sind diese Strategien gelungen? Warum ist dies so?

- Langzeitbeziehung? Haben Sie oder Ihre Organisation eine besondere Beziehung zu Menschen innerhalb der Kommission, des Europaparlamentes und des Ministerrates aufbauen können?

- Warum ist das wichtig?

- Wie haben Sie dies erreicht?

- Welche Art von Information stellt Ihre Organisation den politischen Institutionen, wie die Deutsche Regierung oder die Kommission, zur Verfügung?

- Welche Rolle hatte Ihrer Meinung nach diese Bereitstellung von Informationen für den Erfolg Ihrer Organisation

- Warum hat die überarbeitete Renewables Directive Ihrer Meinung nach zu dem momentanen Ergebnis geführt bezüglich Feed-in Tarifen vs. Harmonisierung.

9.4 List of organizations where representatives have been interviewed

Germany:

Bundesverband Erneuerbare Energie (BEE)

Bundesverband BioEnergie (BBE)

Bundesverband Windenergie (BWE) (2 interviewees)

Bundesverband der Deutschen Industrie (BDI)

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

The European Union:

European Photovoltaic Industry Association (EPIA)

European Wind Energy Association (EWEA)

European Renewable Energy Federation (EREF)

Union of the Electricity Industry (EURELECTRIC)