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European Union.**

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List of Abbreviations

Commission	European Commission
COP26	United Nations International Climate Conference 2021
Council	Council of the European Union
ECJ	European Court of Justice
EP	European Parliament
EU	European Union
ICC	International Chamber of Commerce
IEA	International Energy Agency
IO	International Organization
LIO	Liberal International Order
NGO	Non-Governmental Organisation
PCI	Projects of Common Interest
TEN-E	Trans-European Networks for Energy
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom
UN	United Nations
US	United States of America

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1 Introduction

“In big political questions, the Commission is highly dependent on member states. Essentially, the Commission is run by the member states.”¹

For some time now, the European Union (EU) has been increasingly confronted by Non-Governmental Organisations (NGO) with accusations of hypocrisy. Be it the EU’s “hypocritical [behaviour] on vaccines” (Ammann 2021), “refugee hypocrisy” (Traub 2022) or the EU’s “arms trade hypocrisy” (Smith 2014) – allegations of perceived inconsistencies between the EU’s actions and its rhetoric are on the daily agenda.

Against this background, the EU’s handling of hypocrisy accusations seems highly relevant. When the EU is accused of hypocrisy, this may affect its reputation and overall legitimacy (Schlipphak and Treib 2017). As an International Organization (IO) primarily relying on soft power, this is vital as the EU’s authority and, thus, its scope of action depend on the public’s belief in its legitimacy to execute delegated acts (Tallberg and Zürn 2019). As hypocrisy accusations, therefore, have legitimacy costs, leading representatives of the EU are interested in dispelling hypocrisy accusations made against it. Given its role as “guardian of the treaties,”² I argue that especially members of the European Commission (Commission) qualify as leading EU representatives (Gronau and Schmidtke 2016, 542). To avoid hypocrisy accusations and its consequences, the Commission will, therefore, employ hypocrisy management.

Effective hypocrisy management involves both preventive and reactive strategies, and, ultimately, aim at restoring an IOs legitimacy when it has been accused of hypocrisy (Seymour 2016, 17). While preventive hypocrisy management

¹ Comment by a former Commission official from DG Energy on the decision-making discretion by the European Commission (Interview #6).

² Article 17 of the Treaty on European Union (TEU) states that the Commission, as guardian of the EU treaties, has the task of enforcing EU law, by monitoring the application of EU law and ensuring its uniform application through the EU.

aims to keep potentially blameworthy events off the agenda, reactive hypocrisy management is about the public confrontation of hypocrisy accusation (cf. Hinterleitner and Sager 2017).

Looking at the EU's reactive hypocrisy management in recent years – i.e., the EU's reaction to highly politicized accusations of hypocrisy – a variety of different communicative strategies can be identified. For example, when the EU, otherwise always in favour of free trade, was criticized for maintaining its agricultural subsidies, the Commission tried to accommodate criticism and claim it was “ready to eliminate export subsidies for key products” (cited in Oxfam 2003). Only recently, however, when the EU was called out for its resistance to a TRIPS waiver on COVID-19 vaccines, tests, and treatments, the Commission refuted allegations of hypocrisy and pointed to the need for increasing and diversifying production capacity (European Commission 2021a).

Overall, the various strategies employed by the Commission can be placed into two categories: *conciliatory* and *adversarial* reactions. While these categories do not provide specific descriptions of all strategies that can be subsumed under them, they reflect the general thrust of the Commission's reaction. While in some cases, the Commission attempts to accommodate criticism, in other instances, it is unwilling to do so and, instead, defends its course of action. However, explanations for why the Commission reacts differently to hypocrisy accusations are still missing. Hence, my thesis aims to address this gap in the literature by answering the following research question: *Under which conditions does the Commission adopt a conciliatory or an adversarial response in reaction to NGO hypocrisy accusations?*

This is both politically and theoretically relevant. Politically, being perceived as a hypocrite is damaging for the EU's reputation. Effectively managing accusations of hypocrisy will be crucial for preserving its scope of action, especially since the EU is primarily relying on soft power. Insufficient hypocrisy management might further undermine the public's belief in the EU's legitimacy to execute delegated

acts and, as a result, strengthen Eurosceptic views within its member states and the already present “constraining dissensus” regarding European integration (Hooghe and Marks 2009). Relatedly, also the stability of the Liberal International Order (LIO) hinges on perceived legitimacy. Given the current debate about the LIO’s decline (see, for example, Ikenberry 2018; Mearsheimer 2019), it will become ever more important for IOs to manage charges of hypocrisy effectively.

Theoretically, very little is known about how IOs in general and the EU specifically react to charges of hypocrisy. Apart from one study on how the International Chamber of Commerce (ICC) has dealt with accusations of hypocrisy from African states (Seymour 2016), the existing literature treats hypocrisy mostly as the inevitable by-product of the conflicting demands IOs face (Brunsson 1989; Cusumano 2019; Lavenex 2018; Knill et al. 2018). Following this notion, it is even more important to investigate how IOs could potentially manage charges of hypocrisy effectively.

I argue that the Commission’s choice between a conciliatory and an adversarial reaction to hypocrisy accusations depends on member state preferences. Member state preferences matter because they determine the political feasibility of a conciliatory response. As research on politicization in the EU has shown, the more alert the public becomes to supranational political authority, the more rational it is for a competence-seeking bureaucracy to care about the public acceptability of its policies (Rauh 2019, 348; De Bruycker 2017). This is because further steps in European integration and the associated transfer of competencies to supranational institutions depend, ultimately, on the consent of the citizens (Hooghe and Marks 2009). In other words, in times of politicization, the public becomes a much more important stakeholder for the EU. Thus, when faced with highly politicized hypocrisy accusations, the Commission is incentivized to adopt a conciliatory response to alleviate public pressure and to signal the public that its concerns are being heard (Rauh 2019, 349). However, before catering to public pressure, the Commission wants to ensure that it can back up its words in reaction to hypocrisy

accusations with action. Therefore, the Commission first assesses the political feasibility of a conciliatory reaction. The political feasibility is, ultimately, determined by member state preferences that constrain the Commission in the inter-institutional decision-making complex of the EU. As such, if member states want to maintain the status quo in the matter related to the hypocrisy accusation, the Commission will react by adopting an adversarial response. Conversely, if member states prefer to change the status quo, the Commission will react by adopting a conciliatory response.

The paper employs a two-step research design, combining insights from co-variational analysis and causal process tracing. Two cases of hypocrisy accusations levelled against the EU by various NGOs are compared. While in the first case, the EU was criticized for its continuous import of commodities linked to deforestation worldwide, the second case entails hypocrisy accusations made against it for the inclusion of twenty gas infrastructure projects in the latest list of Projects of Common Interest (PCI). Both cases relate to the EU's commitment to environmental and climate protection, most notably within the framework of the European Green Deal. Moreover, the cases are characterized by similar levels of policy making authority and an equal level of affectedness. The results of the co-variational analysis show that the Commission's reaction has diverged in a manner consistent with the theoretical expectations. In the case on deforestation, member states preferred to change the status quo in the matter related to the hypocrisy accusations and the Commission reacted in a conciliatory fashion. Meanwhile, in the case of gas infrastructure projects, member state preferences pointed towards maintaining the status quo and the Commission adopted an adversarial reaction.

To increase the strength of the study's theoretical claims, causal process tracing is conducted for both cases. As the process tracing analysis in the deforestation case reveals, the Commission was highly dependent on member state approval due to procedural constraints under the ordinary legislative procedure. However, member state were largely in favour of changing the status quo. Various

member states working together in the Amsterdam Declarations Partnership, including France, Germany, and (back then) the United Kingdom (UK), even called on other member states and the Commission to come forward with an ambitious EU Action Plan on deforestation and forest degradation. While forest-rich countries showed concerns on a technical level, no member study questioned the necessity to act. Therefore, adopting a conciliatory reaction was politically feasible for the Commission.

Also in the case on gas infrastructure, the political feasibility of a conciliatory reaction was determined by the preferences of member states due to procedural constraints. As the analysis shows, the Commission was dependent on the member states due to its legal obligation under the Trans-European Networks for Energy (TEN-E) regulation to present a PCI list. Its dependency was further intensified by the fact that the final decision on the PCI list must be taken unanimously, forcing the Commission to take a mediating role between the member states. As member states were highly interested in gas infrastructure projects, especially Eastern European member states due to insufficiencies in their gas grid, a conciliatory reaction was rendered politically unfeasible. As a result, the Commission adopted an adversarial reaction.

The paper is structured as follows. In the next chapter, I examine the state of the art on blame avoidance and discuss existing gaps in the literature (chapter 2). Subsequently, I develop a theory on how the EU reacts to accusations of hypocrisy (chapter 3). In the following, I introduce the research design and methodology (chapter 4). In the following two chapters, the co-variational and the process tracing analyses will be carried out (chapters 5 and 6). Finally, the conclusion summarizes the findings and discusses the broader theoretical and empirical implications of the analysis, while pointing to further avenues for research (chapter 7).

2 State of the Art and Research Gap

That the EU is regularly criticized for various policies is not very puzzling. As shown in the literature on blame shifting in multi-level governance structures, national governments have high incentives to shift blame onto IOs such as the EU. National governments are assumed to be boundedly rational actors whose primary goal is to stay in office, for which they depend on electoral support (Kriegmair et al. 2022, 1155). To maintain electoral support, national governments have to signal responsiveness to their electorates (Schneider 2020, 330). However, since public evaluations of government responsiveness are likely to fall victim to a negativity bias (Hinterleitner 2017; Weaver 1986), national governments are, above all, interested in avoiding or minimising blame for unpopular policy decisions (Heinkelmann-Wild et al. 2020; Hood 2011; Weaver 1986). Blame can hamper the chances of (re-)election and career advancements, destroy a reputation or legitimacy, and prevent officeholders from pursuing their policy goals. Therefore, when their goals are threatened by blame, officeholders prioritize their motivation to escape blame, since “those who fail to avoid blame are likely to find themselves unemployed” (Weaver 1986, 377f.).

Thus, the inherent aversion to losses and goals threatened by blame make officeholders engage in blame avoidance behaviour (Hinterleitner and Sager 2017, 589). Accordingly, national governments will try to shift blame for failed policies onto IOs such as the EU. IOs make for a good scapegoat when policies fail because their representatives are unlikely to defend themselves and “their” IO for three reasons. First, there is no necessity for IO representatives to fight back because they do not face democratic elections. Second, their ability to defend themselves is limited because they are less likely to be heard in public. Third, their willingness to defend themselves is constrained by their dependence on member state governments (Heinkelmann-Wild and Zangl 2020, 727; Gramberger and Lehmann 1995). Therefore, as the seemingly “ideal scapegoat” (Gerhards et al. 2009, 9), it is not surprising the EU repeatedly comes under public criticism.

Also the concept of hypocrisy has been studied extensively. Most prominently, it has featured in debates on political actors' soft power and legitimacy. According to Finnemore (2009, 75) hypocrisy has three core elements. "First, the actor's actions are at odds with its proclaimed values. Second, alternative actions are available. Third, the actor is likely trying to deceive others about the mismatch between its actions and values." It is important to highly that this conceptualization of hypocrisy does not simply refer to a mismatch between actions and words, but rather to a mismatch between actions and value commitments. Thus, hypocrisy accusations entail moral condemnation.

Influenced by institutionalist theorizing, scholars have proposed that IOs are highly prone to hypocritical behaviour. When faced with contradictory demands by different stakeholders, IOs tend to decouple talk and action, rhetorically espousing publicly accepted norms even if these norms are frequently inconsistent with their actual behaviour (Brunsson 1989, 28). Consequently, what IOs "say" (or "proclaim," for that matter) frequently diverges from what they actually "do". This systematic mismatch between an IOs words and deeds is referred to as "organised hypocrisy."³

Since its inception, the concept has been applied many times to study various IOs. For example, Lipson (2007) has shown the United Nations (UN) peacekeeping missions are doomed to hypocrisy because the UN's constituencies have diverse preferences that are often at odds with the UN's values. Also studies on the EU have employed the concept. As such, scholars have identified a mismatch between the EU's rhetoric and its actions in the fields of arms exports (Hansen and Marsh 2015), refugee admission (Lavenex 2018), environmental protection (Knill et al. 2018), maritime rescue operations (Cusumano 2019) and crisis management operations (Cusumano and Bures 2022). In this context, Hyde-Price (2008, 32) referred to the

³ Examining the norm of state sovereignty, Krasner (1999) has coined the concept of "organised hypocrisy" to describe how powerful states constantly violate the norm, while simultaneously reaffirming it rhetorically.

EU as a “tragic actor,” as no IO can “effectively pursue its own interest in a diverse and pluralistic international system and claim to be ‘doing good’ for others, at the same time.”

Due to the steady increase in responsibility attributions for failed policies to IOs, a quickly growing strand in the literature has started to investigate the blame avoidance strategies at the disposal of IOs. While the literature on blame avoidance strategies does not ignore that IOs and their leading representatives are often less able to respond to blame than member state governments, it assumes that IOs with a minimum of policy making authority are not willing to accept blame arbitrarily. Consequently, such IOs are not merely passive “blame takers,” but rather active “blame avoiders” (Heinkelmann-Wild and Zangl 2020, 727).

By now, numerous studies have examined various blame avoidance strategies at the disposal of IOs (e.g., Heinkelmann-Wild and Jankauskas 2020; Heinkelmann-Wild and Zangl 2020). Drawing from insights of research on the blame avoidance strategies of national governments, a distinction can be made between preventive⁴ and reactive blame avoidance (Hood 2011; Sulitzeanu-Kenan and Hood 2005). While an explicit distinction between preventive and reactive blame avoidance is absent in early work on the subject, scholars have subsequently acknowledged that the need to avoid blame does not only arise ex-post, i.e., after the event has occurred and provoked blame. Under particular circumstances, actors can also anticipate the blameworthiness of an event and try to prepare for it in order to protect their goals. For example, when an issue enjoys intensified public attention for a while or when policies force officeholders to take unpopular decisions, policy makers may recognise the need to employ preventive blame avoidance strategies (Arnold 1990; McGraw 1991). Thus, Sulitzeanu-Kenan and Hood (2005) have concluded that one can differentiate between blame avoidance in anticipation of a blameworthy event (preventive) and blame avoidance as a reaction to a blameworthy event (reactive).

⁴ Some contributions refer to preventive strategies as anticipatory strategies.

While preventive blame avoidance, therefore, aims to keep potentially blameworthy events off the agenda, reactive blame avoidance is about the public confrontation of blame (Hinterleitner 2017; Hinterleitner and Sager 2017; Traber et al. 2019).

Preventive Blame Avoidance		Reactive Blame Avoidance
<i>Agency Strategies</i>	<i>Policy Strategies</i>	<i>Presentational Strategies</i>
<ul style="list-style-type: none"> • Delegation • Postponement 	<ul style="list-style-type: none"> • Automatic Execution • Cost Distribution 	<ul style="list-style-type: none"> • Blame Shifting • Reframing

Table 1: Preventive and reactive blame avoidance and examples of strategies.⁵

Regarding the strategies themselves, i.e., what actors can do specifically, the most widely used categorisation differentiates between agency, policy, and presentational strategies (Hood 2011). Preventive blame avoidance includes both policy and agency strategies. A policy strategy aims to design a policy in a manner that renders a political actors' actions appear less blameworthy (Kriegmair et al. 2022, 1156). Examples of policy strategies include equipping policies with automatic, discretion-limiting adjustments for various socioeconomic factors (Weaver 1986), or the formulation of policies with early-order benefits but widespread and postponed costs (Arnold 1990). Agency strategies intend to shift responsibility or competency to other actors by means of delegation (Heinkelmann-Wild et al. 2021), diffusion (Novak 2013) or postponement (Hinterleitner and Sager 2017). Meanwhile, reactive blame avoidance refers to presentational strategies (Traber et al. 2019). Presentational strategies aim at confronting blame in public discourse by means of, for example, denial, framing, and argumentation (Brändström and Kuipers 2003; Hansson 2019).

While all these contributions are highly relevant, they fall short in one regard: They all investigate blame avoidance as means to deal with “normal” policy

⁵ By examining the Commission's reaction to highly politicized hypocrisy accusations, this paper is, according to this categorisation, interested in reactive blame avoidance, or, more specifically, in presentational strategies (light grey).

failures, either by national governments or IOs. To date, there has been no study that systematically analyses blame avoidance employed by IOs that have been charged with hypocrisy accusations. However, it can be assumed that blame avoidance in the wake of such allegations unfolds differently than in cases of conventional blame attributions, as hypocrisy accusations are prone to be much more consequential for IOs.

Charges of hypocrisy are prone to be more consequential because they entail moral condemnation. As already explained, hypocrisy involves deeds that are inconsistent with particular kinds of words, namely proclamations of moral value and virtue. IOs much such proclamations to legitimate their policies and power (Finnemore 2008, 75). Therefore, while IOs may get off lightly and be seen only as incompetent when they are blamed for “conventional” policy failures, their legitimacy is drawn into question when charged with hypocrisy.

This is vital for IOs. As sociological institutionalism stresses,⁶ IOs primarily depend on legitimacy as their most important resource (Hurd 2003; Buchanan and Keohane 2006; Tallberg et al. 2018; Tallberg and Zürn 2019). In this context, legitimacy is broadly defined as the belief that an IO ought to be obeyed (Hurd 2008, 7). To preserve its legitimacy, an IO must conform to societal logics of appropriateness and abide by prevailing and self-proclaimed norms, even if those norms are sometimes inconsistent with one another (Meyer and Rowan 1977; DiMaggio and Powell 1983; March and Olsen 1989). Thus, when an IO “says” one thing, and “does” another, and this mismatch between its words and actions is discovered, its trustworthiness and legitimacy are called into question (Finnemore 2009, 75; Weaver 2008). As a result of the ensuing shaming by other actors, this may undermine its authority and may, ultimately, even threaten its survival (Schlipphak

⁶ In contrast, rationalist approaches highlight the importance of material resources (e.g., Petrov et al. 2019).

and Treib 2017). Against this backdrop, hypocrisy accusations can be understood as special type of blame that deserves more scholarly attention.

3 Theory

This thesis seeks to explain variation in communicative strategies employed by the Commission in reaction to accusations of hypocrisy. First, I will discuss the underlying theoretical assumptions as well as the scope condition for my theory (3.1). Afterwards, the dependent variable, i.e., the types of reaction, are conceptualised (3.2). Building on the state of the art, I then theorise that member state preferences determine the Commission's choice of communicative strategy employed in response to accusations of hypocrisy (3.3). Finally, I discuss alternative explanations and their theoretical expectations (3.4).

3.1 Basic Assumptions and Scope Condition

My theory starts from the assumption that the Commission is a boundedly rational actor with strategic agency (Bressanelli et al. 2020, 332; Heinkelmann-Wild and Jankauskas 2020, 3). In developing its strategic response to hypocrisy accusations, I assume the Commission to be driven by two motivations. First, the survival of the EU as a political system, on whose continued existence it depends (Carpenter 2001). Second, by the preservation of its substantive and procedural powers within the political system of the EU (Bressanelli et al. 2020, 333).

As I am specifically interested in *communicative* response strategies by the Commission, my theory works under the scope condition that the relevant hypocrisy accusations have been politicized to a certain extent. As research on politicization in the EU has shown, the more alert the public becomes to supranational political authority, the more rational it is for a competence-seeking bureaucracy to care about the public acceptability of its policies (Rauh 2019; De Bruycker 2017). This insight holds true especially for hypocrisy accusations. Given their potentially far-reaching consequences, the Commission, as leading

representative of the EU, must respond publicly to such allegations to preserve its authority (Weaver 1986; Weaver 2018; Hood 2011; Hood et al. 2016). Like other political actors that are publicly blamed, the Commission will try to avoid hypocrisy accusations and its consequences, such as reputational costs and potential sanctions (Heinkelmann-Wild and Zangl 2020; Carpenter and Krause 2011; Maor et al. 2013; Busuioc and Lodge 2017). In order not to jeopardize the further transfer of competences to the European level (Rauh 2019, 348), the Commission will, therefore, employ blame and reputation management strategies in public (Hood 2011; Hinterleitner and Sager 2017; Maor 2020).

In contrast to research on IO blame avoidance in response to “conventional” policy contestation (e.g., Heinkelmann-Wild and Zangl 2020), I argue that *ignoring* is not a feasible strategy for the Commission once hypocrisy accusations have become politicized. There are two reasons for this. First, by its very nature, action is more prone to being strategic than inaction (Bressanelli et al. 2020, 334). While inaction may sometimes be a strategic choice, it is often driven by habit, routine, or the stickiness of standard practices. While all these will continue to co-exist next to strategic responses, but they cannot remain the dominant course of action given the intense pressure exerted by politicized hypocrisy accusations and their potentially far-reaching consequences.

Second, once hypocrisy accusations have become politicized, ignoring no longer holds any merit as a strategic response. The literature on blame avoidance conceptualizes ignoring as a response strategy aiming to prevent (further) politicization (e.g., Heinkelmann-Wild and Zangl 2020, 729). Naturally, once hypocrisy accusations have already become politicized, the underlying aim of this strategy can no longer be achieved. Thus, when hypocrisy accusations have become politicized, ignoring them holds no strategic merit. Therefore, I assume that the Commission will recognize a need to act publicly once hypocrisy accusations have become politicized. As a senior Commission official aptly put it, “ignoring such accusations is not an option” (Interview #8). However, “perceiving public pressure

and recognising the need to act does not provide a blueprint for how to act” (Rauh 2019, 334).

3.2 Conceptualizing Responses

Following Heinkelmann-Wild and Jankauskas (2020), I argue that the Commission can choose between two categories of reaction that follow distinct logics.

Conciliatory Reaction. The Commission seeks to avoid more legitimacy costs by enclosing contestation and avoiding further escalation by pleasing contestant(s). To that end, the Commission might opt for a positive-toned communication, complimenting contestant(s), admitting alleged failures and accepting responsibility. In doing so, the Commission might even take ownership of the solution. Following the motto “if you cannot beat them, join them,” the Commission caters to the contestant(s). Proclamations such as “We recognise the concerns” or “It is our duty to act now” are examples of conciliatory reactions.

Adversarial Reaction. The Commission can also try to avoid more legitimacy costs by denying alleged hypocrisy and even attempt to delegitimize the contestant(s). To that end, the Commission might opt for a negative-toned or even hostile communication, shaming the contestant(s), rejecting alleged failures or at least its responsibility for them. In doing so, the Commission might blame other actors or point to other policy objectives and norms. Following the motto “offense is the best defence,” the Commission defends itself vis-à-vis the contestant(s). Proclamations such as “We do not share the concerns” or “It is not our responsibility” are examples of adversarial reactions.

These two categories and their associated presentational strategies are incompatible as their general messages contradict and undermine each other. In public, the Commission cannot, at the same time, accept and reject accusations of hypocrisy put forward by NGO contestant(s). When the Commission opts for an adversarial reaction and, thus, refuses to accept the allegations of hypocrisy, it risks further escalation by the contestant(s) in public. On the contrary, when the

Commission adopts a conciliatory reaction, it might satisfy the NGO contestant(s) but, at the same time, risk a backlash from other stakeholders, such as the member states, who might disagree with the charges of hypocrisy. Satisfying one stakeholder might, thus, upset another one (Zaum 2013, 19; see also Carpenter and Krause 2011, 29).⁷ Hence, while these two categories of reactions might come in the form of different variants and strategies (see, e.g., Gilad et al. 2013; Hood et al. 2016, 545), they are eventually mutually exclusive (Heinkelmann-Wild and Jankauskas 2020, 3). Therefore, when faced with hypocrisy accusations, the Commission – as boundedly rational actor with strategic agency – must decide whether to put its efforts into pleasing the NGO contestant(s) but risking to upset another stakeholder, i.e., adopting a *conciliatory* response; or to openly defend its course of action but bear (further) legitimacy costs and risk further escalation, i.e., adopting an *adversarial* response.

3.3 Member State Preferences

Following Bressanelli et al. (2020, 333), I assume the Commission will choose the type of reaction that will most likely further its main goals: survival of the EU and the preservation (and even expansion) of its own powers. As research shows, politicization renders the European public a much more relevant stakeholder. Considering further steps of European integration and the associated transfer of competencies to the supranational level depend, ultimately, on the consent of the citizens (Hooghe and Marks 2009), the Commission is incentivized to visibly serve to public pressure in times of politicization (Rauh 2019, 348). As such, when the EU is faced with hypocrisy accusations, the Commission is inclined to adopt a *conciliatory* response to serve to and alleviate public pressure. By signalling the public that its concerns are being heard and taken into account, the Commission

⁷ This argument ties back to what Hyde-Price (2008) meant when he referred to the EU as a tragic actor. As the EU has several stakeholders with different demands and expectations, it is difficult to satisfy all of them at the same time.

might improve its public image or even strengthen the support for further steps of European integration.

However, whether the Commission will adopt a conciliatory response, ultimately, depends on member state preferences. If member states are in favour of changing the status quo in the matter related to the hypocrisy accusations, the Commission will adopt a *conciliatory* response. By contrast, if member states want to maintain the status quo, the Commission will employ an *adversarial* reaction.

Member state preferences matter because they determine the political feasibility of a conciliatory reaction due to institutional constraints. Political feasibility, in this context, may be defined as satisfying “the specific political constraints operating the problem under consideration” (Majone 1975, 259). It is often associated with target-group support (or opposition) of specific alternatives (Skodvin et al. 2010, 855). In this paper, therefore, political feasibility refers to member state support of changing the status quo.

Member state support of changing the status quo is important because the Commission wants to ensure it can potentially back up what it has said in reaction to hypocrisy accusations with concrete action. Action, here, refers to policy proposals, either in the form of directives or regulations, that aim to address the allegations by changing the status quo in the matter they relate to. Despite its sole right of initiative,⁸ the Commission is constrained by the member states in this regard (Skodvin et al. 2010, 858). Under the ordinary legislative procedure,⁹ which is in place in most policy fields in the EU today, member states can block any proposal put forward by the Commission with a qualified majority. In highly sensitive policy areas other legislative procedures may apply, all of which reserve the Council the right to reject a Commission proposal. Ultimately, “[f]or every

⁸ Under Article 17 of the Treaty on the Functioning of the European Union (TFEU), the Commission has the sole right of initiation in all policy fields except for the Common Security and Defence Policy and Police and Judicial Cooperation in Criminal Matters.

⁹ The Ordinary Legislative Procedure is based in its scope on Article 289 of the Treaty on European Union (TEU) and its procedure on Article 294 TFEU.

proposal by the Commission, be it a directive or a regulation, the Council must give its approval, either unanimously or by qualified majority vote. Of course, the Council can also block or reject a proposal if the necessary majorities are not achieved” (Rittberger 2021, 64f.; *own translation*). Therefore, as the Commission strives to propose policies that are politically feasible in the EU’s interinstitutional decision-making process (Rauh 2019, 351), especially the preferences of (qualified) Council majorities must be taken into account (Tsebelis and Garrett 2000).

Putting forward proposals that do not enjoy member state support, while practically possible, is not desired by the Commission for two reasons. First, it risks alienating member states. As Rauh (2019, 349) argues, enhanced responsiveness to the public comes at the cost of undermining the Commission’s immunity to short-term political pressure and extant policy solutions. The Commission’s immunity to such pressure is usually highly valued by its traditional stakeholders, most importantly the member states. After all, member states have delegated competences to the EU specifically to overcome short-term political pressure that hampers cross-national cooperation (Moravcsik 1998). Thus, for a competence-seeking authority trying to generate output legitimacy vis-à-vis all its stakeholders, enhanced responsiveness creates trade-offs.

Second, proposals that have been put forward by the Commission without the support of member states will likely not get adopted. In such a scenario, the Commission would have alienated two important stakeholders. On the one hand, the member states that, by blocking a proposal aiming to cater to public pressure, have made it clear that they do not share the Commission’s view. On the other hand, the public, in whose eyes the Commission now looks politically impotent.



Figure 1: Causal Mechanism.

Based on these considerations, I argue that the Commission, as a competence-seeking actor, will base its choice of reaction to hypocrisy accusations, i.e., adopting either a conciliatory or an adversarial response, on member state preferences (see Figure 1). Thus, the following hypotheses can be deduced.

- *H1: If member states favour a change of the status quo, the Commission will opt for a conciliatory response.*
- *H2: If member states favour the status quo, the Commission will opt for an adversarial response.*

3.4 Alternative Explanations

Two alternative explanations for the Commission's choice of strategy in response to hypocrisy accusations can be deduced from the literature on policy contestation and blame avoidance. First, I will discuss policy making authority as an alternative explanation (3.4.1), before elaborating on how the Commission's affectedness by hypocrisy accusations could be determining its choice of response strategy (3.4.2).

3.4.1 Policy Making Authority

Various authors argue that an IO's policy making authority determines its reaction to policy contestation. IOs vary in the extent to which their member states have delegated policy making authority to them (Zürn et al. 2012; Hooghe and Marks 2015; Busch et al. 2020). In some cases, member states design and implement policies largely on their own, while IOs merely assist them in intergovernmental bargaining. In other instances, member states have delegated considerable authority for the design and implementation of policies to IOs (Eckhard and Parížek 2020). For complex IOs such as the EU, we can even observe differences in policy making authority between different policy fields (Leuffen et al. 2021). For example,

competition policy is subject to the exclusive legislative competence of the EU. Member states may only legislate if they are authorised to act by the EU. On the other hand, legislation in the field of education policy, for example, is reserved exclusively for the member states. Here, the EU should only act in a supporting and coordinating capacity.¹⁰

It is argued that the level of policy making authority provides an IO with incentives for a conciliatory or an adversarial reaction (Heinkelmann-Wild and Jankauskas 2020, 4f.; Heinkelmann-Wild and Zangl 2019; Carpenter and Krause 2011). When IOs merely assist member states in policy making, their public reputation is less important for their legitimacy. After all, IOs without policy making authority are generally less focal in public (Rittberger et al. 2017). Such IOs have low incentives to respond adversely but can instead afford to accept blame to end public contestation. Therefore, as they are not substantially involved in policymaking, such IOs will adopt a conciliatory response.

By contrast, IOs with policy making authority have strong incentives to respond adversely to public contestation as they are substantially involved in policy making. By conceding and, thereby, accepting blame, they would undermine their own expertise (Knill et al. 2018). Their reputation is at stake especially because its policy making authority renders it a focal point in public (Rittberger et al. 2017; Heinkelmann-Wild and Zangl 2019; 2020). Therefore, to defend their public reputation, such IOs will adopt an adversarial response. Applied to the EU, the following hypotheses can be deduced.

- *H3: If the EU holds any policy making authority (supranational) in the policy field related to the hypocrisy accusation, the Commission will adopt an adversarial response.*

¹⁰ Exclusive EU competencies are listed under Article 3 TFEU, shared competencies with member states are listed under Article 4 TFEU, and member state competencies are listed under Article 6 TFEU.

- *H4: If the EU holds no policy making authority (intergovernmental) in the policy field related to the hypocrisy accusation, the Commission will adopt a conciliatory response.*

3.4.2 Affectedness

Other authors argue that the degree of affectedness by policy contestation, specifically whether the contestants direct target an IO's polity or administration, determines an IO's reaction to policy contestation (Maor et al. 2013; Hood et al. 2016; Busuioc and Lodge 2017; Traber et al. 2019). After all, it is easier for an IO to concede to contestation that does not target the IO's polity or its bureaucracy itself but merely relates to policies.

In cases of direct contestation, where an IO's overall polity is directly assaulted, for example by criticizing its performance or even necessity, the IO is incentivized to defend itself. As conceding to direct contestation equals blame acceptance, by conceding to direct contestation an IO might lay the foundations for its own demise. In such cases, IOs will, therefore, adopt an adversarial reaction.

By contrast, in instances of indirect contestation, where not the IO's polity overall but merely its policies are criticized, the IO is tempted to respond in a conciliatory manner to end contestation. As the IO is not drawn into question overall, it does not have to bear high reputational costs when conceding to the contestant(s), while going on the counterattack might attract contestation targeting the IO directly. In such cases, IOs will, therefore, adopt a conciliatory reaction. As such, the following hypotheses can be deduced.

- *H5: If the EU is directly contested in the wake of hypocrisy accusations, the Commission will opt for an adversarial reaction.*
- *H6: If the EU is not directly contested in the wake of hypocrisy accusations, the Commission will opt for a conciliatory reaction.*

4 Research Design and Methodology

To probe the plausibility of my theory, I will conduct an in-depth study consisting of two cases. The research design consists of a two-step approach including two methods: co-variational analysis and causal process tracing. The next two chapters will introduce these qualitative research methods respectively while highlighting potential weaknesses (4.1 and 4.2). Subsequently, I will operationalize the key concepts of my theory (4.3), before discussing the case selection (4.4).

4.1 Co-Variational Analysis: Observing Co-Variance

Co-variational analysis presents empirical evidence of the existence of co-variation between an independent variable X and a dependent variable Y to infer causality (Blatter and Haverland 2012, 33). To determine whether X has an effect on Y, a co-variational analysis seeks to approximate the conditions of an experiment (Gerring 2007, 152ff.; see also Lijphart 1971). As such, researchers must select several cases to conduct a study. These cases should vary for the values of X, while holding control variables constant (Mahoney and Goertz 2006, 230f.). The idea of controlling for all factors other than the independent variable X is based on a counterfactual conception of causation. Accordingly, the causal effect of a factor on the outcome means that in the absence of this factor, the outcome would not have occurred in that case. Since other factors are held constant within a co-variational analysis, an observed difference in Y cannot be accounted for by another causal factor (Blatter and Haverland 2012, 40). This method of causal inference has been called the method of difference by Mill (1875, 452). In terms of variables, if the score of the variable had been different, the outcome would have been different in that

case. Of course, we do not know what the outcome would have been if the factor had been absent in *that case*. We cannot rerun history. This is also referred to as the fundamental problem of causal inference (Blatter and Haverland 2012, 37).

The setup of a co-variational study merely approximates the counterfactual situation by comparing cases where the factor is present with other cases where the factor is absent. Naturally, these cases cannot be identical but should be as similar as possible to the initial cases. Moreover, while certainly not “all” variables can be included in the comparison, researchers must include the relevant ones. Excluding variables that would have a causal effect leads to omitted variables bias (King et al. 1994, 168ff.). If a plausible explanation has been left out, co-variation between X and Y may be a spurious rather than a causal relationship (Blatter and Haverland 2012, 54). Hence, careful case selection and the inclusion of alternative explanations are of paramount importance for this approach.

To increase the explanatory leverage of the study, researchers applying the co-variational approach should assume that the causal relationship between X and Y is deterministic (Blatter and Haverland 2012, 39). Accordingly, all hypotheses derived from the theory should be formulated as a law: If X is present/absent, Y is always present/absent. Hypothesis formulated in this way allow for a much stronger test of the theory as they are inherently riskier. Afterall, a single case where the assumed relationship between X and Y does not hold is enough to falsify the theory (Gerring 2007, 53). On the contrary, if the hypotheses are formulated in a probabilistic way, they allow for exceptions. Consequently, if the assumed relationship between X and Y is not found in a few cases, this cannot be taken as conclusive evidence against the validity of the hypotheses (Blatter and Haverland 2012, 39). To increase the explanatory leverage of my study, I have, therefore, formulated all hypotheses in a deterministic way.

Finally, it is important to note that within a co-variational analysis, researchers do not try to determine empirically whether the assumptions

formulated about the causal pathways and mechanisms that presumably lead from X to Y actually hold (ibid., 52). To strengthen the theoretical claims of a co-variational analysis and to show how X influences Y, Blatter and Haverland (2012, 33) suggest complimenting co-variational analyses with causal process tracing.

4.2 Causal Process Tracing: Establishing Causation

Causal process tracing is an analytical tool for drawing descriptive and causal inferences from diagnostic pieces of evidence. Given the close engagement with and the centrality of fine-grained case knowledge, causal process tracing can make decisive contributions to diverse research objects, including assessing new causal claims and gaining insights into causal mechanisms (Collier 2011, 824). Therefore, causal process tracing is well suited to compliment a co-variational analysis by uncovering how precisely X influences Y.

Process tracing is hardly a single research method. One can distinguish three different types of process tracing: theory-testing, theory-building, and explaining-outcome process tracing. This thesis entails a theory-building approach, as I want to uncover the potential mechanism between two variables for which I have established an empirical correlation in the preceding co-variational analysis (Beach and Pederson 2013, 164). The purpose of the analyses, therefore, is to build a plausible mechanism for how X and Y are causally related.

Following Beach and Pederson (2013, 33), to test a hypothesized causal mechanism, it is necessary to explicitly theorize it along with the empirical manifestations of each part of the mechanism. The logic of empirical testing in process tracing is that if we expect X to cause Y, each part of the mechanism between X and Y should leave the predicted empirical manifestations that can be observed in the empirical material (Beach and Pederson 2013, 100).

Furthermore, it is essential to take the distinct ontological nature of the mechanistic understanding of causality in process-tracing seriously (Bennett 2008). A common misunderstanding about mechanisms is their conceptualization as a

series of intervening variables, which is problematic for two reasons. First, it shows that a probabilistic understanding of causality is utilized, which undermines the explanatory leverage of process tracing. Second, the use of intervening variables has the practical consequence that the linkages between the variables are neglected. As a result, the actual transmission of causal forces from X to Y is not being studied explicitly (Bunge 1997). Causal mechanisms are more than just a series of intervening variables. They are invariant regarding both the whole mechanism and each part. Either all parts of the mechanism are present, or the mechanism itself is not present (Glennan 2005, 446). To reflect these considerations, I have formulated each part of the hypothesized causal mechanism in deterministic terms.

To test a hypothesized causal mechanism, different types of evidence are gathered. Van Evera (1997, 32ff.) distinguishes between four different types of tests, based on different kinds of evidence, that enable the researcher to update the confidence in the presence or absence of the causal mechanism. The most straightforward way to establish causality are “doubly decisive” tests. These tests provide substantial inferential leverage that confirms one hypothesis and eliminates all others. They meet both the necessary and sufficient standards for establishing causality (Collier 2011, 827). However, as Bennett (2010, 2010) notes, single test that meet both necessary and sufficient standards are rare in the social sciences. Instead, researchers may achieve equal leverage by combining “smoking gun” and “hoop” tests, which, taken together, support one explanation and eliminate all others. “Smoking gun” tests confirm a hypothesis by providing a sufficient but not necessary criterion for accepting the causal inference. Thus, passing a “smoking gun” test can strongly support a given hypothesis without eliminating alternative explanations (Collier 2011, 827). Since this is not enough to establish causality, all alternative explanations would normally need to fail a “hoop” test in a second step. “Hoop” tests do not provide a sufficient but a necessary criterion for accepting causality. Therefore, any explanation that fails a “hoop” test can be eliminated (*ibid.*, 826). Thanks to the mixed-methods approach, however, all alternative explanations

will have already been eliminated based on the co-variational analysis, which is why “smoking gun” tests alone will be sufficient for the purposes of this study.

4.3 Operationalization and Data Collection

In the following, I will operationalize key concepts of my theory. First, I will outline the operationalization of the independent, dependent and control variables (4.3.1). Subsequently, I will make case-specific predictions for the scope condition and each step of the postulated causal mechanism causally linking X to Y (4.3.2). Finally, I will briefly discuss data collection (4.3.3).

4.3.1 Operationalization of Key Variables

Member state preferences are the independent variable. As already explained, member states can either be in favour of changing the status quo in the matter related to the hypocrisy accusation or be against it. Given its policy proposals must be adopted by the Council, the Commission will assess member state preferences against the background of procedural requirements under the ordinary legislative procedure. Therefore, the cut-off point is defined based on the criteria for a qualified majority in the Council. Accordingly, if at least 15 out of the EU’s 27 member states that represent at least 65 percent of the EU’s population are in favour of changing the status quo, member state preferences are in favour of changing the status quo. If only or one of these two criteria is fulfilled, member state preferences are in favour of maintaining the status quo.

Furthermore, *policy making authority* needs to be controlled for. Since the way the hypotheses have been formulated only allows for a dichotomous categorisation of this variable, I will deviate from the standard procedure employed in the literature that splits policy making authority into three values, namely intergovernmental, supranational, and hybrid (e.g., Heinkelmann-Wild and Zangl 2020). For the purposes of this study, the variable can only take two values, intergovernmental or supranational. When the EU only assists the actions of

member states in a policy field, policy making authority is defined as intergovernmental. In contrast, when the EU holds exclusive or shared competence in a policy field, policy making authority is defined as supranational (cf. Tallberg et al. 2013).

To measure the second control variable, namely *affectedness*, the substantial thrust of contestation must be assessed. Following the literature (e.g., Heinkelmann-Wild and Jankauskas 2020), this variable can take two values, high or low. When the hypocrisy accusation entails direct attacks on the EU, most importantly by drawing its necessity into question or criticizing its overall performance, affectedness is high. By contrast, when the hypocrisy accusation does not entail such attacks on the EU, affectedness is low.

Finally, as explained already, the dependent variable, i.e., the *Commission's reaction*, can take two values: conciliatory or adversarial. Its reaction is conciliatory when the Commission adopts a positive tone and signals its accommodation of the contestant(s) by praising it, accepting responsibility, and even taking ownership of the solution. In contrast, its reaction is adversarial when the Commission adopts a negative tone and signals its objection to the hypocrisy accusations through defending its course of action, rejecting the accusations, and even blaming others.

Table 2 contains information on the predicted evidence for each variable and the type of data used to measure the underlying concepts.

Variable	Predicted Evidence	Type of Data Used to Measure Concept
Independent Variable: Member State Preferences	Calls on the Commission, either in public or behind closed doors, including recommendations on how to proceed.	Measured using account evidence (public statements, newspaper articles, interviews).
Control Variable: Policy Making Authority	Commission holds (no) exclusive or shared competencies in the policy field related to the hypocrisy accusation.	Measured using trace evidence (treaty texts) and account evidence (interviews).
Control Variable: Affectedness	Commission is (not) criticised directly for its performance and its necessity is (not) called into question.	Measured using account evidence (public statements, newspaper articles, interviews).
Dependent Variable (1): Conciliatory Response	Positive-toned communication, admitting failures and even responsibility, taking ownership of the solution.	Measured using account evidence (public statements, newspaper articles, interviews).
Dependent Variable (2): Adversarial Response	Negative-toned communication, denying failures or at least responsibility for them, blaming others.	Measured using account evidence (public statements, newspaper articles, interviews).

Table 2: Operationalization of key variables.

4.3.2 Operationalization of Causal Mechanism

Table 3 presents the operationalization of the postulated causal mechanism and the data used to measure the predicted evidence.

Conceptualization	Predicted Evidence	Type of Data Used to Measure Prediction
The public <i>exerts</i> pressure on the Commission by accusing the EU of hypocrisy.	Expect to see criticism of EU policies with explicit insinuations of hypocritical behaviour.	Measured using account evidence (public statements, newspaper articles, interviews).
Member states <i>hold</i> preferences on the policy concerned by the hypocrisy accusations.	Expect to see calls on the Commission, either in public or behind closed doors, including recommendations on how to act.	Measured using account evidence (public statements, newspaper articles, interviews).
Commission <i>assesses</i> the political feasibility of a conciliatory response.	Expect to see references by the Commission on its dependency on Member States.	Measured using trace evidence (treaty texts) and account evidence (interviews).
Commission <i>chooses</i> its response strategy according to the political feasibility of a conciliatory response.	Expect to see references to political feasibility under given Member State preferences.	Measured using account evidence (public statements, newspaper articles, interviews).

Table 3: Conceptualization and operationalization of causal mechanism.

4.3.3 Data Collection

The intense focus on a few cases allows for data triangulation, using multiple sources or data to measure the same concept for a single unit. Data triangulation is vital for qualitative case studies as it should at least partly correct for any systematic or non-systematic biases in measurement, which can lead to invalid inferences (Beach and Pederson 2013, 128). For example, interviews may lead to socially desirable answers. By triangulating interviews with other evidence, such as official documents or

meeting minutes, these biases can at least be partly corrected (Blatter and Haverland 2012, 68).

To reflect these considerations, I have gathered multiple sources of data. My main data source are eight qualitative interviews with representatives from the Commission and NGOs, conducted between August and September 2022. To ensure interviewees could speak as freely as possible, they were assured full anonymity prior to the interview. Additionally, the analysis will draw on official documents, public statements, and newspaper articles.

4.4 Case Selection: European Climate Protection

Case selection is a crucial element of co-variational analyses. The validity of the causal inferences drawn by the researcher is largely based on the properties of the cases selected (Blatter and Haverland 2012, 41). For co-variational analyses, case selection should follow the “most similar systems design” (Leuffen 2007, 207; Hönnige 2007, 226; see also Lijphart 1971, 687; Przeworski and Teune 1982, 32f.; Seawright and Gerring 2008, 304ff.). The most similar system design, which consists of at least two cases, follows two rules. First, the cases should vary (as much as possible) regarding the independent variable. Second, the cases must be as similar as possible regarding the variables the researcher seeks to control for.

Note that in contrast to many comparative studies that employ the method of difference, in the co-variational approach cases are selected based on the score of the independent variable X and not based on the score of the dependent variable Y. Following the underlying logic of the approach, selecting on the dependent variable would introduce selection bias. As in an experiment, the dependent variable must vary “freely” to identify the causal effect (Geddes 1990; King et al. 1994; Haverland 2006; Leuffen 2007).

To evaluate the plausibility of my theory, two cases in the field of European environmental policy have been selected: (1) the case of European imports and their

connection to deforestation worldwide and (2) the case of the European Green Deal and gas infrastructure projects on the fifth list of PCIs under the TEN-E regulation.

The independent variable X, member state preferences, varies across the two cases. In the case on deforestation, various EU member states “urged the European Commission to present, as soon as possible, a roadmap for the development [...] of an ambitious EU Action Plan on deforestation and forest degradation” (Ellemann-Jensen 2018). The seven signatory countries, therefore, ramped up pressure on the Commission to change the status quo (Greenpeace 2018c). In the case on gas infrastructure, member states stayed silent in public, while advocating to keep the status quo behind closed doors (Interview #6).

In various other dimensions, the two cases are similar allowing to control for potentially confounding factors. First, both cases entailed highly politicized hypocrisy accusations, which is assumed to be a scope condition for the theoretical model. In both cases, the allegations were primarily put forward by NGOs. Second, the EU holds policy making authority in both cases, meaning it is involved in the design and implementation of policies in the respective policy field. In the case on deforestation, both Council and Commission are involved via the ordinary legislative procedure, whereas in the gas case, both Commission and member states are part of the so-called “regional groups” that discuss and adopt the PCI lists. Third, the affectedness of the Commission is low in both cases, as criticism primarily targeted the policies rather than its performance generally, let alone the necessity of the EU. Finally, the substance of the two contested policies is similar: they can both be subsumed under the goal of climate protection. As such, they are especially relevant for the current Commission that has declared the European Green Deal to be one of its main political objectives (European Commission 2019).

Variable Type	Variable Name	Case One	Case Two
Independent Variable	Member State Preference	Change Status Quo	Keep Status Quo
Control Variable	Policy Making Authority	Supranational	Supranational

Control Variable	Affectedness	Low	Low
Dependent Variable	Commission Reaction	?	?

Table 4: Preliminary case comparison.

5 Co-Variational Analysis: Do Member State Interests Matter?

To evaluate the theory, I will now carry out the co-variational analysis by measuring the key variables. The aim of this chapter is to assess whether there is covariance between the independent variable of interest, namely member state preferences, and the dependent variable, the Commission’s reaction. I will start by providing extensive introductions to the selected cases (5.1), before examining the Commission’s reaction in response to the accusations of hypocrisy (5.2). Subsequently, the independent variable and both control variables are measured in a comparative perspective (5.3). The final chapter summarises the results (5.4).

5.1 Case Introductions

In the following, both cases will be introduced. First, I will provide an extensive introduction to the case on deforestation (5.1.1), before turning to the gas infrastructure case (5.1.2). The case introductions will be guided by Finnemore’s (2008) conceptualization of hypocrisy¹¹ to ensure overall comparability. In doing so, I will show there was substantial public pressure on the Commission in both cases, which is the scope condition of my theory.

5.1.1 Case One: European Imports and Deforestation Worldwide

The actor’s actions are at odds with its proclaimed values. The EU has long proclaimed it is committed to climate and environmental protection. In addition to claiming a leadership role in the global fight against climate change (European Commission 2021b), the EU sometimes even goes so far as to blame other countries,

¹¹ To reiterate, Finnemore’s (2008, 75) concept of hypocrisy has three elements. “First, the actor’s actions are at odds with its proclaimed values. Second, alternative actions are available. Third, the actor is likely trying to deceive others about the mismatch between its actions and values.”

such as the United States of America (US) or China for their greenhouse gas emissions (Kanter 2009).

When Ursula von der Leyen became Commission President in 2019, the fight against global warming moved center stage as the “European Green Deal” was announced as one of the Commission’s main political priorities for her first term in office (European Commission 2019b). As explained by the Commission itself in various Communications,¹² the fight against climate change also involves stopping deforestation and forest degradation. The expansion of agriculture in tropical regions remains the biggest threat to forests, which lead to the conversion of around 5 million hectares per year between 2005 and 2017 (Pendrill et al. 2020). Overall, it is estimated that about 178 million hectares of forest have been lost since 1990 (Harms 2021). The situation is particularly bad in the Amazon region of Brazil. In 2019 alone, around 11,000 square kilometres of rainforest were cut down under right-wing populist President Bolsonaro. The gained land is primarily being used for the cultivation of soybeans. As a result, Brazil has risen to become the world’s largest soy producer within just a few years due to the ongoing deforestation of the rainforest (Voss 2020).

But the problem is not only soybeans, but also beef, palm oil, cocoa, coffee, and wood. The EU, as one of its most important customers, is purchasing these commodities *en masse* from Brazil (Janson 2021). The EU’s imports are, therefore, driving the deforestation of tropical forests on a massive scale, as WWF has now pointed out in a comprehensive report. “In 2017, the international trade of agricultural products was associated with 1.3 million hectares of tropical deforestation, emitting some 740 million tonnes of CO₂” (WWF 2021a, 12). In 2017 alone, the EU was responsible for 16 percent of deforestation associated with international trade, totalling 203,000 hectares and 116 million tonnes of CO₂ (WWF 2021b). Behind China, but ahead of India, the US and Japan, the EU occupies second

¹² See, for example, the Commission’s Communication on deforestation under COM/2008/0645.

place in the recently published “World Ranking List of Forest Destroyers” (WWF 2021a, 5). According to the report, the deforestation not only affects ecosystems far away from Europe, but also the global climate.

Therefore, on the one hand, the EU pretends to be internationally committed to the fight against climate change, while on the other hand, the EU is massively damaging the climate through imports of various commodities from Brazil and other countries directly responsible for the deforestation of rainforests. Various experts and NGO representatives have called out the EU on its apparent mismatch between various commitments to stop deforestation and its actions. For example, a policy officer at WWF explained:

We have the Sustainable Development Goals, where the target was not met. We have the forest declaration, where we still have a bit of time until 2030 but the targets are currently also not met. [...] We have a clear lack between commitments made and their implementation, that is how it is. [...] Though we have to say that this current Commission is very ambitious with their European Green Deal, we can now see that from the implementation perspective that it is not exactly living up to the expectations it has raised (Interview #6).

Also the report by WWF (2021a, 11) highlights that the EU has committed to halt deforestation under the Sustainable Developments Goals, but, instead, it is continuing to drive deforestation through its consumption of commodities linked to deforestation. Harms (2021) concludes that while “we Europeans like to think of ourselves as exemplary, responsible, and considerate, [we] exploit the planet more ruthlessly than most other regions of the world with our consumption and ignorance. It is time we recognise our hypocrisy.”

Alternative actions are available. Various alternative actions are conceivable regarding the issue of deforestation, most importantly binding legislation at the European level and close cooperation with forest-rich countries. In their criticism of the EU’s stance on deforestation, contestants point to various alternatives available to the EU. The most frequently mentioned option is adoption of binding

legislation at the European level (Adams 2019; Interview #4; Interview #6). As Hannah Mowat, campaigns coordinator at Fern, explains: “We desperately need new laws that require companies to demonstrate that goods they put on the EU market are not tainted with deforestation” (Maclean 2019). Voluntary commitments by companies, in comparison, are proven not to work, either because companies do not make commitments at all or because their commitments are not board enough (Interview #6). Sébastien Risso, Greenpeace EU forest policy director, underscored the need for binding legislation by claiming that “we are at one minute to midnight – the European Commission must not lose more time in putting forward an EU action plan to make Europe a deforestation-free economy and turn the tide on global forest destruction” (Greenpeace 2017). Instead of being part of the problem, with the right legislation in place, the EU could be part of the solution (WWF 2021b).

Other approaches, such as working together much more closely with forest-rich and wood-producing countries, could help too (Interview #6; Interview #8), but “then you are operating much more in the realm of diplomacy and with soft power, which brings with it much more unstable outcomes that are always vulnerable to local political change” (Interview #4). Considering the long-term uncertainty of such approaches, adopting binding legislation at the European level is, according to the views of most environmental NGOs, without alternative (Interview #6). Consequently, a whole coalition of European organisations has been advocating for binding EU legislation for companies as the most appropriate measure to tackle deforestation (Interview #4).

The actor is likely trying to deceive others about the mismatch between its actions and values. In an attempt to cover the mismatch between its commitments and actions regarding deforestation, the EU has continuously argued that voluntary non-regulatory measures are sufficient. However, while these private sector initiatives to tackle deforestation provided a platform for corporate frontrunners to organise and collaborate, they have “really not lead to any kind of structural change within

the industry, and [...] have had more of a chilling effect on substantial regulatory reforms (Interview #4). Precisely because of voluntary initiatives, industry participants could always argue that there is no need to legislate. Reportedly, the Commission has always been supportive of such voluntary mechanisms that private sector platforms have adopted. “The Commission’s support of these voluntary mechanisms reflects the neoliberal argument to let the market figure it out on its own, without stepping in with legislation. This is one of the reasons the Commission got away with doing nothing for so long” (Interview #4).

To summarise, various environmental NGOs have criticized the continued import of commodities linked to deforestation. While pointing to conceivable alternatives, most importantly binding legislation at the European level, the contestants have repeatedly criticized the Commission for its hypocritical behaviour regarding deforestation. While rhetorically committing to the global fight on climate change, the Commission did not attempt to reduce the EU’s imports of commodities linked to deforestation.

5.1.2 Case Two: The European Green Deal and Gas Infrastructure

The actor’s actions are at odds with its proclaimed values. The EU and especially the Commission have long committed themselves to environmental protection. Speaking ahead of the United Nations International Climate Conference 2021 (COP26), Commission President von der Leyen said that the world “[needs] sufficient commitments to really cut the emissions this decade. Science is very clear on that. Science tells us that it is urgent” (Global Witness 2021). Indeed, a recent report by the International Energy Agency (IEA) states no new gas or other fossil fuel developments should be built if we are to limit global warming within 1.5°C (Harvey 2021). However, as international climate talks continued at COP26 – where von der Leyen proclaimed that “it is our duty to act now” (cited in Food & Water Action Europe 2021) and that Europe would spare no effort to become the first

climate-neutral continent (Nicholás 2021) – twenty gas projects worth € 13 billion have been included in the latest edition of the PCI list.¹³

Every two years, the Commission compiles a list of priority energy infrastructure projects deemed beneficial to the EU and its member states according to the criteria laid out in the TEN-E regulation.¹⁴ Projects on the list gain fast-tracked permits and eligibility for EU funds (Boffey 2022). Since 2013, the EU has spent nearly € 5 billion on expanding Europe’s network of gas pipelines and import terminals. 40 percent, or € 1.5 billion, of the Connecting Europe Facility’s (CEF)¹⁵ fund have been awarded to fossil gas projects (Friends of the Earth Europe 2021).

In reaction to the inclusion of twenty gas projects in the latest PCI list, four environmental organisations¹⁶ that deem the inclusion of those projects unlawful started legal action against the Commission (Client Earth 2022). “The EU talks a good game on climate leadership at COP26, but it continues to subsidise fossil fuel projects back at home. This is beyond hypocrisy,” commented Tara Connolly, a senior gas campaigner working in Brussels (Global Witness 2021). Meanwhile, Jorgo Riss, Greenpeace EU Director, called the EU’s behaviour at COP26 “the definition of hypocrisy and greenwash. While in Glasgow the EU urged the whole world to take momentous climate action, back in Brussels EU officials are working hard to keep fossil gas ground for decades” (Greenpeace 2021). The inclusion of twenty gas projects is deemed hypocritical especially against the backdrop of the European Green Deal and updated climate targets, argue senior NGO representatives (Interview #2; Interview #3; Interview #6). “We are in the era of the European

¹³ C/2021/8409.

¹⁴ Regulation No 347/2013 of the European Parliament and of the Council of 17 April 2013. On 15 December 2020, the Commission adopted a proposal to revise the rules of the TEN-E regulation under COM/2020/0824 final.

¹⁵ The CEF fund is an EU fund established in 2014 for infrastructure investments. Projects on the PCI list are eligible to apply for CEF funding.

¹⁶ ClientEarth, Friends of the Earth Europe, Food & Water Action Europe and CEE Bankwatch Network have started legal action with a request for internal review. The Commission has up to 22 weeks to reply. If the Commission refuses to budge, the contestants will be able to ask the European Court of Justice (ECJ) to rule in the matter.

Green Deal, [...] everything is meant to be fit for 55.¹⁷ [...] Those projects do not make a lot of sense in the context of the greater, increased climate targets, which, of course, also have a knock-on impact on Europe's energy saving and renewable energy targets. [The Commission's behaviour] is quite hypocritical" (Interview #3). Ahead of the release of the latest PCI list, the Commission had promised to deliver a list in line with the European Green Deal with less room for gas projects (Friends of the Earth Europe 2021). "So, one thing has been said, and another thing has been done" concluded a senior official at Food and Water Action Europe (Interview #2; own translation).

Alternative actions are available. Various alternative approaches available to the EU. Feasible options include an updated understanding of energy security, spending more money on energy instead of gas projects, and an improved PCI assessment methodology. According to the NGO contestants, arguably the biggest issue regarding gas infrastructure projects is the underlying logic of the EU's goal of ensuring energy security. According to the interpretation of the Commission, energy security is achieved by diversifying energy sources and ensuring the security of supply (European Commission 2021a; European Commission 2021b). Instead, the best way to look at energy security is "from the understanding that the lesser energy you need, the more secure you are" (Interview #3). According to this interpretation, trying to diversify is, indeed, part of the problem. However, reducing overall energy and especially gas demand has never been on the agenda (Interview #2). In fact, the "Safe Gas For A Safe Winter' regulation,¹⁸ that was proposed and agreed within less

¹⁷ As part of the European Green Deal, the EU has set itself the binding goal of achieving climate neutrality by 2050 under the European Climate Act. By "55", the interviewee refers to a legislative package under the term "Fit for 55" the EU has formulated for itself as an intermediate step on its road to climate neutrality. The package includes even more ambitious climate targets, including the reduction of emissions by at least 55 percent until 2030 (European Commission 2019b).

¹⁸ Council Regulation 2022/1369 of 5 August 2022 was adopted as a response to the war in Ukraine. According to Article 3, member states shall use their best efforts to reduce their gas consumption until March 2023 by at least 15 percent compared to their average gas consumption in the previous year for the same period. In the case of a "Union alert," which can be declared by the Council, this voluntary provision becomes mandatory for all member states.

than a week, is the first explicit political agreement around the need to reduce overall gas demand.” (Interview #3).

Moreover, the Commission could have spent more money on electricity as opposed to gas projects. According to the TEN-E regulation, most of the money in CEF is supposed to go into electricity projects (Interview #6). As a senior NGO representative put it, “in this regard, the Commission certainly had more room for manoeuvre” (Interview 2; own translation).

Finally, the assessment of projects and the underlying methodology could be adjusted to reflect climate commitments. For example, energy efficiency could be included as one criterion in the assessment process (Interview #2). Moreover, proposed projects could be selected based on their cumulative rather than their individual basis. After all, when one project is already in place, the added value of another project of the same kind could be a lot smaller (Interview #6).

The actor is likely trying to deceive others about the mismatch between its actions and values. Various interviews reveal that the Commission misrepresents certain aspects and issues concerning the PCI list in public. For example, a senior gas campaigner at Global Witness points out that “what you will see in some of what the Commission writes are very optimistic timelines about certain pieces of gas infrastructure being ready even within a year, when in reality some of those sites are just green fields, there is nothing there” (Interview #3). The grouping of gas projects into clusters on the PCI list is another case in point. “Two to five projects can form a cluster. This is not only confusing but also artificially brings down the number of projects” (Interview #2). Reportedly, such practices are not uncommon in the Commission.

Especially when faced with criticism, the Commission initially tries to present things in a disproportionately positive way (Interview #3; Interview #6; Interview #7). As a former Commission official from DG Energy reports, “the Commission is

partly also... I would not say 'lying', but it is pretending that the programme is different now, even though it is not. [...] The Commission tries to deceive the public sometimes and gloss over issues with words" (Interview #6; *own translation*). A Director at DG Energy confirmed this.

I do not think that we are always honest vis-à-vis the public. What happens is that politicians, as politicians often do, at every level, try to present things in the beautiful or positive way. [...] We, as the civil servants, prepare the input, the assessments, and the advice to our political masters. We try to do it as honestly as possible and based on facts. But then, what happens after that, is the responsibility of the politicians in the Commission. And sometimes things get very political in the negative meaning of the word (Interview #7).

To summarise, given the EU's commitments to environmental protection, various NGOs have criticized the inclusion of twenty gas infrastructure projects in the latest edition of the PCI list as hypocritical. As the comments by contestants have shown, several alternatives are conceivable, most importantly an updated interpretation and understanding of energy security. In its public presentation, the EU tries to deceive others about the mismatch between its words and actions. Overall, there was considerable public pressure on the Commission following the adoption of the fifth PCI list.

5.2 The Commission's Responses

Having introduced the cases, I will now examine the independent variable, namely the Commission's reaction to the hypocrisy accusation, in both cases.

5.2.1 Case One: European Imports and Deforestation Worldwide

In the case on deforestation, the Commission opted for a conciliatory response. Overall, the Commission adopted a positive tone in its communication, it admitted failures and even responsibility.

As a senior official claims, deforestation is understood as an issue of great importance within the Commission (Interview #8). For example, Vice-President Frans Timmermans warned that the EU “will not meet its climate targets without protecting the world’s forests. The EU does not host the world’s major primary forests on its territory, but our actions as individuals and our policy choices have a major impact” (European Commission 2019a). He later added that “to succeed in the global fight against the climate and biodiversity crises, we must take the responsibility to act at home as well as abroad” (European Commission 2021b). The Commissioner for the Environment, Oceans and Fisheries, Virginijus Sinkevičius, remarked self-critically that “if we expect more ambitious climate and environmental policies from partners, we should stop exporting pollution and supporting deforestation ourselves” (European Commission 2021b).

In its responses, the Commissions also notably took ownership of the solution. Already in 2019, Sinkevičius’ predecessor, Karmenu Vella, had called for European solutions when he commented that “stronger and more effective European action is needed to protect and restore forests because the situation remains fragile” (European Commission 2019a). Meanwhile, Neven Mimica, Commissioner for International Development under Jean-Claude Juncker, pledged that the EU stands ready to work with partner countries to protect and sustainably manage forests across the world (European Commission 2019a). Speaking to delegates at COP26 in Glasgow, even the Commissioner for Trade, Valdis Dombrovski, recognised the need to act when he proposed that trade policy “must do more to help us achieve our global climate targets” (cited in Rankin 2021).

To summarise, in its response to hypocrisy accusations regarding European imports and the issue of deforestation worldwide, the Commission adopted a positive-toned communication. It admitted failures and even responsibility. Most notably, the Commission also took ownership of the solution. As such, the Commission adopted a *conciliatory* response.

5.2.2 Case Two: The European Green Deal and Gas Infrastructure

In contrast to the deforestation case, the Commission adopted an adversarial response in reaction to hypocrisy accusations in the context of the fifth PCI list. In its communication, the Commission adopted a negative tone, denied failures, and specifically rejected the notion that it is acting hypocritically.

Confronted with the NGO hypocrisy accusations, a policy officer in DG Energy replied that the Commission does not think the inclusion of twenty gas projects on the PCI list is hypocritical. “On the contrary. The number of gas projects on the list has significantly decreased over the past years” (Interview #1; see also European Commission 2021d). Citing the TEN-E regulation, a member of DG Energy explained that, next to sustainability, the Commission also has to ensure security of supply and affordability. “One has to look at these three elements at the same time, one cannot only look at one of these three pillars and then say the policy has failed” (Interview #7).

Notably, the Commission also tries to redirect attention to the potential benefits of building gas infrastructure projects in Europe, further substantiating their view that the policy is not a failure. For instance, the Commission highlights the potential of gas as a “transition fuel,” especially for Eastern European member states that are still moving away from coal usage (European Commission 2021e; Interview #2; Interview #6). Moreover, gas pipelines would allegedly be built “hydrogen-ready,” meaning member states could use gas pipelines to transport hydrogen¹⁹ in the future (Interview #3; Interview #6). In its public response, the Commission specifically stresses that the inclusion of the twenty gas projects in the fifth PCI list does not endanger the fulfilment of climate targets under the European Green Deal (European Commission 2021e).

¹⁹ The EU currently explores the potential for renewable hydrogen to help decarbonise the EU in a cost-effective way (European Commission 2022).

Furthermore, the Commission has also denied responsibility in its responses. The explanations of a senior Commission official pointing to the situation on the internal gas market in 2009 can serve as an example.

At the time, there was a lot of gas in the Western part of Europe which could not be transported to Eastern Europe due to infrastructure bottlenecks. [As such,] from 2009 to 2013 and onwards, it became important that we have a grid that can transport gas from the Western to the Eastern part of Europe. That is the reason why there are still twenty gas projects on the list (Interview #7).

Finally, the Commission also did not shy away from shaming its contestants. For example, a policy officer in DG Energy argued that the environmental NGOs that accuse the Commission of hypocrisy are, in fact, acting hypocritically themselves because they supposedly undermine the diversification policy of the EU (Interview #1). In another instance, a Commission official warned NGOs to tone down their criticism in order not to lose their credibility (Interview #7). Two NGO representatives could even recall personal attacks in meetings on the PCI list with Commission staff. “The Commission made weird accusations in various instances. An extreme example was almost being put in the same bag with terrorists” (Interview #2; own translation). Likewise, a senior gas campaigner reported to have sometimes felt attacked in meetings with Commission staff. “I quite honestly have been spoken to in ways that I would not accept if it were to happen again, I mean really ways that have been inappropriate I have to say. That is how aggressive they have been sometimes” (Interview #3).

To summarise, in its reaction to hypocrisy accusations regarding the fifth PCI list, the Commission adopted a negative-toned communication. It denied policy failures and responsibility. While highlighting potential benefits of building gas infrastructure in Europe, the Commission even went on the counterattack in various instances and tried to shame its contestants. As such, the Commission adopted an *adversarial* response.

5.3 Measuring the Variables

In the following, I will measure the independent variable (*member state preferences*) and both control variables (*policy making authority and affectedness*) for both cases.

5.3.1 Member State Preferences

(1) *Deforestation*: In the case on deforestation, member states were in favour of changing the status quo. Reportedly, the need to act was not disputed by a single member state (Interview #6; Interview #8). Already in March 2018, France, Denmark, Germany, the Netherlands, and the UK called on the delegations at the Environment Council to “combat imported deforestation” (Greenpeace 2018a). In November of the same year, seven EU member states working together in the so-called “Amsterdam Declarations Partnership,” called on the Commission to come forward with an ambitious EU Action Plan on deforestation and forest degradation (Ellemann-Jensen 2018; Greenpeace 2018c). The signatories were Germany, the Netherlands, France, Italy, the UK, Norway, and Denmark.²⁰

While forest-rich countries such as Finland and Sweden also showed concern over the loss of tropical forests (Interview #8), they initially remained cautious due to concerns on a technical level (Interview #4). According to Toopakka (2021), Finland (71 percent of total land area) and Sweden (67 percent) are the most heavily forested countries in the EU, followed by Slovenia (64 percent), Estonia (58 percent) and Latvia (56 percent). Naturally, these countries were worried about the impact that highly intrusive and protective laws on deforestation could have an impact on their local timber production (Interview #4). At the same time, as policy implementation would have to be carried out by them, various other member states showed concerns over the associated administrative burden of potential legislation (Interview #8). Reportedly, however, concerns were limited to technical details of

²⁰ In the meantime, Belgium and Spain have joined the Amsterdam Declarations Partnership.

legislation, not the overall necessity of legislation. As such, “they played out in the discussions of the Council, for example in the debate on how many trees you can cut down before you degrade a forest” (Interview #4).

To summarise, small concerns on a technical level notwithstanding, all member states fully acknowledged the need to act. Various member states, among them arguably the most influential ones such as Germany, France, and (back then) the UK, even called on the Commission to come forward with an ambitious EU action plan on deforestation. A potential Commission proposal on deforestation would have been supported by a qualified majority within the Council, as member state were overall in favour of changing the status quo.

(2) Gas Infrastructure: In the case on gas infrastructure projects, member states wanted to keep the status quo. While they are generally “very wary of their secure gas supply” (Interview #7), historically, there have been differences in how invested member states were in new gas infrastructure projects. Reportedly, especially Eastern European member states have always had a big interest in seeing new gas projects get on the PCI list (Interview #2). “Member states themselves have a big interest in keeping things as they are. Especially those from Eastern Europe. That is as far as the horizon goes, it really is only about gas, gas, and gas” (Interview #6; own translation).

Western European member states, on the other hand, have not attached much importance to the PCI list, at least not until the war in Ukraine. For example, “Germany was never interested in the PCI list, at least not on the gas side. After all, there has not been a single German project on there” (Interview #2; own translation). In some instances, Western European member states even agreed to drop proposed gas projects from the list. A Commission official explains that this is because Western European countries “already have good gas grids, whereas the Eastern part of Europe does not” (Interview #7). Moreover, in addition to

insufficiencies in their gas grids, Eastern European countries are also still struggling to replace the usage of coal (Interview #1).

However, these historical differences have been largely disappeared because of the war in Ukraine. Primarily out of the fear of supply shortages, Western European governments have regained interest in gas infrastructure projects and the PCI list. For example, Spain, Portugal, and Germany have revived talks on a gas interconnector project between France and Spain, called “MidCat.” The project had been dropped from the PCI list in 2019 by Spanish and French regulators for its lack of necessity and high costs (Interview #2; Interview #7). On August 11, German Chancellor Olaf Scholz said he regretted that the project had been abandoned, claiming “the additional capacity was dramatically lacking in Europe during this crisis” (cited in Messad 2022).

To summarise, member states wanted to keep the status quo regarding gas infrastructure project. While Eastern Europe always had an interest in keeping gas projects around, primarily due to insufficiencies in their gas and as a transition fuel away from coal, Western European member states regained their interest in gas infrastructure projects due to the war in Ukraine and the fear of supply shortages.

5.3.2 Policy Making Authority

(1) Deforestation: In the case on deforestation, policy making authority is supranational. As the hypocrisy accusations relate to the import of commodities linked to deforestation, trade and environmental politics are concerned. While under Article 3 TFEU, the EU holds exclusive competencies in the field of trade politics, according to Article 4 TFEU, the EU and the member states share their competencies on environmental policy. Importantly, according to Article 2(2) TFEU, in the area of shared competencies, both the EU and the member states can legislate, though the member states can only do so if the EU does not exercise its competence. As such, the EU possess considerable authority to design and

implement policies in the fields of trade and environmental politics (Knill and Liefferink 2007, 1). Thus, policy making authority is supranational.

(2) Gas Infrastructure: In the case of gas infrastructure projects, policy making authority is also supranational. As the hypocrisy accusations relate to the inclusion of gas infrastructure projects against the background of the European Green Deal, energy and environmental politics are concerned. According to Article 4 TFEU, the EU and member states share their competencies on trade and environmental politics. As such, the EU possesses considerable authority to design and implement policies in the fields of energy and environmental politics. Thus, policy making authority is supranational.

5.3.3 Affectedness

(1) Deforestation: In the case of deforestation, affectedness is low. Contestants did neither criticize the general performance of the Commission, nor did they question the overall necessity of the EU. On the contrary, NGO representatives emphasized the need for further cooperation with the Commission to tackle the issue effectively (Interview #6). Considering its policy proposal on deforestation from November 2021,²¹ NGO representatives even said they were “quite pleased with what the Commission has put out” (Interview #4).

(2) Gas Infrastructure: Similarly, also in the case on gas infrastructure affectedness is low. The contestants did neither criticize the general performance of the Commission, nor did they draw the overall necessity of the EU into question. On the contrary, one NGO representative wished for a “strong Commission” to tackle challenges more effectively (Interview #2), while another NGO official showed understanding for the Commission’s position. “The political context has changed;

²¹ COM/2021/0706.

the member states have used the Commission as a bit of a scapegoat for everything they do not like about Europe” (Interview #3).

5.4 Case Comparison

The Commission’s reaction in the two cases of hypocrisy accusations related to deforestation and gas infrastructure projects indicate that the theory presented in this paper provides a plausible account of hypocrisy management in the EU.

As theoretically expected, when member states preferred to change the status quo in the matter related to the hypocrisy accusation, the Commission reacted by adopting a *conciliatory* response. Also predicted, when member states preferred to keep the status quo in the matter related to the hypocrisy accusation, the Commission reacted by adopting an *adversarial* response (see Table 5). Therefore, based on the observed covariance between the independent variable and the dependent variable, it can be assumed that the changes in the independent variable will led to changes in the dependent variable. Or in other words, changes in the member state preferences regarding the matter related to the hypocrisy accusation led to changes in the Commission’s choice of response strategy. Based on these results, H₁ and H₂ can be accepted.

Moreover, as both control variables (*policy making authority* and *affectedness*) remain constant over both cases, they cannot explain the different values of the independent variable (*commission reaction*) across the two cases. As such, H₃ to H₆ can be rejected. While acknowledging that the inferences from these results are limited, the empirical results do, indeed, corroborate my theoretical propositions in the cases on deforestation and gas infrastructure.

Variable Type	Variable Name	Case One	Case Two
Independent Variable	Member State Preference	Change Status Quo	Keep Status Quo
Control Variable	Policy Making Authority	Supranational	Supranational
Control Variable	Affectedness	Low	Low

Table 5: Final case comparison.

6 Causal Process Tracing: Why Member State Preferences Matter

Having established co-variation between the independent variable of interest (*member state preferences*) and the dependent variable (*commission reaction*), I will now conduct two process tracing analyses to further strengthen my theoretical claims. The aim is to uncover the causal mechanisms that led from the independent variable to the dependent variable. My argument was that member state preferences, ultimately, determine the political feasibility of a conciliatory reaction by the Commission through institutional constraints. When member states favour a change of the status quo, the Commission will be able to adopt a conciliatory response. By contrast, if member states want to maintain the status quo, the Commission will adopt an adversarial response. In the order of the causal mechanism, I will first assess member state preferences (6.1), then political feasibility (6.2) and finally the Commission's reaction (6.3).

6.1 Member State Preferences

The starting point of my hypothesized causal mechanism are member state preferences on the underlying issues concerned by the hypocrisy accusation. Member states can either be in favour of changing the status quo in relation to the hypocrisy accusation or be against it. As such, I predicted to see calls on the Commission by member states, either behind closed doors or in public, accompanied by recommendations on how to act.

(1) Deforestation: As previously shown, in the case on deforestation, member states were largely in favour of changing the status quo. Already in 2018, a group of

member states, including France, Germany, and the UK, working together in the “Amsterdam Declarations Partnership,” called on the Commission and other member states to act. For example, in March 2018 they send a Communication to other delegations at the Environment Council (Greenpeace 2018a), whereas in November of the same year, they explicitly called on the Commission to put forward an ambitious EU Action Plan on deforestation and forest degradation (Ellemann-Jensen 2018; Greenpeace 2018c). Some of the more progressive member states also tried to solve the issue by themselves, for example, through the support of private sector commitments to transition to deforestation-free supply chains (Interview #4). Initially, forest-rich countries such as Finland and Sweden showed concerns about the impact of highly intrusive and protective legislation at the European level on their domestic timber production, while other member states were worried about the potential administrative burden of European legislation. However, these concerns merely touched upon technical issues. Ultimately, the need to act was not disputed by a single member state (Interview #6; Interview #8). Member states were, thus, in favour of changing the status quo.

(2) Gas Infrastructure: As shown, in the case on gas infrastructure, member states wanted to maintain the status quo. While member states are generally very wary of their secure gas supply (Interview #7), there were differences in how invested member states were in new gas infrastructure projects. While Eastern European member states always had a big interest in getting new gas projects on the PCI list (Interview #2, Interview #6), Western European member states did not attach much importance to them historically (Interview #2). The diverging in interest in the PCI list mainly originated from differences in the sufficiency of the member state’s gas grids: The gas grid of Eastern Europe is still lacking, whereas Western Europe already has a good grid (Interview #7). As a result of the war in Ukraine, however, even Western European governments regained their interest in gas infrastructure projects due to the fear of supply shortages. For example, Spain, Portugal, and

Germany have revived talks on a gas interconnector project that had previously been dropped from the list (Messad 2022). As such, member states were in favour of maintaining the status quo.

6.2 Political Feasibility

In the following, I argued that member state preferences determine the political feasibility of a conciliatory reaction due to institutional constraints. The political feasibility is important because the Commission wants to ensure it can potentially back up what it has said in reaction hypocrisy accusations with concrete action. As such, I predicted to see, for example, provisions in the EU treaties granting member states the ability to block or veto Commission policy initiatives.

(1) Deforestation: As the accusations of hypocrisy highlighted, the EU was, overall, perceived to be doing too little. As a Greenpeace official put it, “ignoring the problem and delaying action will only move us deeper into catastrophic climate change and a major global species extinction” (cited in Neslen 2018). Given its sole right of initiation, it was expected of the Commission to come forward with a legislative proposal to tackle the problem of deforestation on the basis of binding legislation (Interview #4; Interview #5). Considering the potentially far-reaching consequences of hypocrisy accusations, the Commission was incentivized to cater to public pressure and adopt a conciliatory reaction (Interview #8).

However, the political feasibility of a conciliatory response hinged on the preferences of the member states due to institutional constraints. After all, under the ordinary legislative procedure, the Council must agree to any legislative proposal put forward by the Commission, whether it is a directive or a regulation, with a qualified majority.²² The Council can also block or reject legislative proposals if the

²² Since the Treaty of Lisbon, which came into force in 2009, the qualified majority is, strictly speaking, a *double* majority: to adopt a directive or regulation, 55 percent of the EU member states, representing at least 65 percent of the EU population, must agree to the proposal (Rittberger 2021, 63; own translation).

necessary majorities are not achieved (Rittberger 2021, 65; own translation). “Especially under the co-decision procedure, the Commission does not have much to say, it is the European Parliament and the member states that make the decision” (Interview #5). Given member states were overall in favour of changing the status quo, a conciliatory reaction become feasible since a potential Commission proposal on deforestation would have been supported by a qualified majority within the Council (Interview #8).

Summarising, the ordinary legislative procedure gives the Council the ability to block or reject any legislative proposal put forward by the Commission. Given Commission was expected to come forward with proposals for binding legislation, it was, therefore, forced to take member state preferences into account. Because member states overall favoured to change the status quo regarding deforestation, a conciliatory response become politically feasible.

(2) *Gas Infrastructure*: Also in the case of gas infrastructure projects, the Commission come under considerable pressure from NGO hypocrisy accusations. Just like in the case on deforestation, the political feasibility of a conciliatory response hinged the support by the member states due to institutional constraints. The selection of priority gas infrastructure projects is laid out in the TEN-E regulation. Accordingly, in a first stage, promoters submit their projects for selection as PCIs. Subsequently, so-called “regional-groups”²³ assess the projects’ compliance with the criteria and their European added value. The regional groups are chaired by the Commission and include, amongst others, member state representatives. Based on the assessment of the regional group, the Commission and the member states then decide on the final PCI list.

²³ There are regional groups dedicated to each of the following types of energy infrastructure: electricity, gas, oil, smart grids, and CO₂ networks.

Importantly, unless a regional group decides there is no longer a need for a PCI list, the Commission is required under the TEN-E regulation to present such a list (European Commission 2021b). Hypothetically, therefore, the regional group on gas could have decided that a gas PCI list was no longer necessary.²⁴ Naturally, the legal obligation to present a list makes the Commission highly dependent on member states. Its dependency is further intensified by the fact that the decision on the final PCI list must be taken on the basis of consensus.²⁵ Consequently, the Commission is primarily occupied with mediating between member states (Interview #1, Interview #6, Interview #7).

The Commissions' role, talking about the final stages of the decision-making process, is mainly to get the member states to agree on a list. We need to make sure we have a PCI list. And sometimes there are a lot of differences between member state interests (Interview #1).

Because the Commission has to focus on getting member states to agree on a list, especially in the later stages of the process, it does not have many of its own ideas (Interview #1). Instead, the drawing up of the list is basically run by the member states themselves (Interview #2; Interview #6; Interview #7). “Especially in the case of the PCI list, it is the usual horse-trading. There must be something for everyone. Otherwise, Malta will complain and potentially block the list, because it is not getting something” (Interview #6; own translation). As a result, member states are pretty much free to choose which projects they want to have on the list. “If the Commission does not make sure a single Polish project is included in the PCI list – and the Poles always have benefited extremely much from the list – then maybe the Poles and the other Visegrád countries will block the list” (Interview #2; own translation).

²⁴ In contrast to the regional group for gas, the regional group for oil decided that there is no longer a need for an oil PCI list. Therefore, the Commission did not have to adopt an oil PCI list.

²⁵ It should be noted that under Article 3 of the TEN-E regulation, member states possess the right to veto projects on their territory. Other member states may request an explanation for their veto, though this has never occurred in practise (Interview #1; Interview #7).

Again, due to these institutional constraints, the political feasibility of a conciliatory response hinged on the preferences of member states. However, considering the overwhelming interest of member state in gas infrastructure projects, it was politically unfeasible to adopt a conciliatory response as the member state would not have supported changing the status quo (Interview #6).

Summarising, under the TEN-E regulation, the Commission is dependent on member states in two ways. First, the Commission is required to adopt a PCI list unless the member states themselves decide a PCI list is no longer needed. Second, all member states must agree to the list, which, naturally, due to its legal obligation to present a list, forces the Commission to take member state preferences into account and mediate between them. Ultimately, a conciliatory response was politically unfeasible as member states preferred to maintain the status quo.

6.3 Commission Reaction

Finally, I argued that the Commission bases its choice of reaction on the political feasibility of a conciliatory reaction due to the fear of a bad image, both vis-à-vis the member states and vis-à-vis the public. As such, I predicted to see references to the political circumstances under given member state preferences.

(1) Deforestation: Because member states favoured a more progressive approach towards deforestation, reacting in a conciliatory way became politically feasible for the Commission, as it could rest assured that it would be able to back up its words in reaction to hypocrisy accusations with action. As such, “it became politically safer to propose these kinds of changes just because there was obvious support on climate leadership” (Interview #4). Against the background of the calls by various member states on the Commission to come forward with an ambitious EU Action Plan, the Commission then chose to adopt a conciliatory response. A senior official at WWF confirms that the pressure by member states “made a difference” (Interview #5).

The Commission has links to member states and other players, and I think [the call to come forward with an ambitious EU Action Plan] was one of the reasons to look into it now. [The Commission is] not acting in a vacuum. Pressure changes things, in one way or the other. [...] They need to listen to stakeholders, that is sort of the role of the European Commission (Interview #5).

Summarising, as member states preferred to change the status quo regarding deforestation, it became politically feasible for the Commission to adopt a conciliatory response in reaction to related hypocrisy accusations.



Figure 2: Causal mechanism in the deforestation case.

(2) Gas Infrastructure: As member states preferred to maintain the status quo regarding gas infrastructure projects, it was politically unfeasible for the Commission to adopt a conciliatory reaction. Instead, it opted for an adversarial response, as it could not ensure it would be able to back up its words in reaction to hypocrisy accusations with action. As a Commission official aptly put it, “if you propose something that has no chance of getting through [...] it makes us look politically impotent and it doesn’t help Europeans” (cited in Rauh 2019, 360).

Indeed, both members of the Commission and representatives of NGOs point to the strong role of member states preferences as an explanation for the Commission’s behaviour regarding gas infrastructure projects (Interview #2; Interview #6; Interview #7). For example, a representative from Food & Water Action Europe confirms that the “Commission regularly points to the immense

pressure that is coming from the member states, that is no secret” (Interview #2; own translation). Generally, as a former Commission official claims, “in big political questions, the Commission is highly dependent on the member states. And this trend has intensified. [...] Essentially, the Commission is run by the member states” (Interview 6; own translation). Asked specifically why the Commission has adopted its current stance on gas infrastructure projects, a senior Commission official from DG Energy explains:

Coming to the list then, this is quite political. Member states have a completely different approach to gas than the European Parliament, and we, of course, need to work with both. Member states are very wary of their secure supply [...], whereas the Parliament, because of the environmentalist debate, has a different approach. And the Commission is in between, and we cannot take the European Parliament's line if the European Council is not in agreement (Interview #7).

Summarising, as member states preferred to maintain the status quo regarding gas infrastructure projects, it became politically unfeasible for the Commission to adopt a conciliatory response in reaction to related hypocrisy accusations. Instead, it opted for an adversarial response.



Figure 3: Causal mechanism in the gas infrastructure case.

Based on these findings, the postulated causal mechanism can be accepted for both cases (see Figure 2 and Figure 3). As such, this study provides a plausible causal mechanism that links member state preferences to the Commission’s choice of reaction in response to highly politicized hypocrisy accusations.

7 Conclusion

What explains the differences in communicative response strategy employed by the Commission? In this final chapter, the results of the empirical analysis will be summarised, and their explanatory power assessed (7.1). Subsequently, I present the theoretical contributions and suggest pathways for further research (7.2).

7.1 Empirical Findings and Explanatory Power

To explain under which conditions the Commission adopts a conciliatory or an adversarial response in reaction to hypocrisy accusations, the paper applied a two-step method combining insights from co-variational analysis and process tracing. Whenever hypocrisy accusations become highly politicized, the Commission has an incentive to respond in a conciliatory manner to alleviate public pressure and cater to public demands. After all, politicized hypocrisy accusations can become highly consequential, undermining the legitimacy and authority, and, thus, the scope of action for the EU. However, before catering to public pressure, the Commission wants to ensure that it can back up its words in reaction to hypocrisy accusations with action. Therefore, the Commission first assesses the political feasibility of a conciliatory reaction. It was argued that the political feasibility was, ultimately, determined by member state preferences that constrain the Commission in the inter-institutional decision-making complex of the EU. As such, if member states want to maintain the status quo in the matter related to the hypocrisy accusation, the Commission will react by adopting an adversarial response. Conversely, if member states prefer to change the status quo in the matter related to the hypocrisy accusation, the Commission will react by adopting a conciliatory response.

Two cases were selected to test the explanatory power of the theory. The first case entailed hypocrisy accusations concerning the EU's continuous import of various commodities linked to deforestation worldwide, while in the second case

the EU was criticized as hypocritical for the inclusion of twenty gas infrastructure projects in the fifth and latest edition of the PCI list.

In a first step, I measured key variables of the theory within the framework of a thorough co-variational analysis to compare both cases. As the results show, the independent variable of interest, namely *member state preferences*, as well as the dependent variable, *Commission reaction*, vary across both cases. In the deforestation case, the member states pushed for a change of the status quo in the matter related to the hypocrisy accusations and the Commission reacted by adopting a conciliatory response. By contrast, in the case on gas infrastructure projects, the analysis shows that member states were largely in favour of maintain the status quo and the Commission reacted by adopting an adversarial response. Both control variables, namely *policy making authority* and *affectedness*, were kept constant across both cases. Based on the observed co-variance between member state preferences and the Commission's reaction, it can, therefore, be concluded that changes in the values of the independent variable X led to changes in the dependent variable Y. As both control variables showed the same value across both cases, the underlying alternative explanations can be ruled out as explanations for the different values of Y.

To strengthen the theoretical claims of the study, two process tracing analyses were then carried out, one for each case. As the process tracing analysis on the deforestation case reveals, numerous environmental organisations heavily criticized the Commission for its inaction on the issue of deforestation worldwide. Given its dependency on the member states under the ordinary legislative procedure, the Commission had to take member states preferences into account. As shown in the analysis, member states were largely in favour of changing the status quo. In fact, numerous national governments working together under the Amsterdam Declarations Partnership specifically called on the Commission to come forward with an ambitious EU Action Plan on deforestation and forest degradation.

Thus, it was politically feasible for the Commission to react to by adopting a conciliatory response.

Public pressure also mounted on the Commission in the case on gas infrastructure projects, as environmental organisations criticized the inclusion of twenty gas projects in the fifth PCI list against the background of the European Green Deal and related climate targets. Due to its obligation under the TEN-E regulation to present a list, the Commission was highly dependent on member states. Moreover, its dependency was intensified as the decision on the final PCI list must be taken unanimously, which forces the Commission into a mediating role between member states to ensure they will, ultimately, reach a consensus. As the analysis shows, member states were highly interested in gas infrastructure projects. Whereas Eastern European member states pushed for gas infrastructure projects due to insufficiencies in their gas grid and their struggle to replace the usage of coal, governments in West Europe regained their interest in the PCI list as a result of the ongoing war in Ukraine. Consequently, it was politically not feasible for the Commission to react in a conciliatory manner. Instead, the Commission opted for an adversarial reaction.

Admittedly, the population of cases to which these findings can be generalized is rather small (Blatter and Haverland 2012, 69). In other words, external validity is low. However, statistical generalization was not the goal of this study. Instead, the aim was to show that a key variable made a difference in a small set of cases. Based on these results, it seems worthwhile to continue studying member states preferences within the framework of large-N research programmes. Moreover, due to the highly context-sensitive operationalization and measure of key variables, the internal validity of this study is high. The two causal process tracing analyses added further explanatory leverage by constructing a plausible mechanism for how X and Y are causally related.

7.2 Theoretical Contributions and Future Research

The results of this study allow for several theoretical contributions. Most importantly, the study adds to the literature on IO blame avoidance by investigating how the Commission reacts to hypocrisy accusations. Such allegations, as has been shown, constitute a special type of blame in the sense that they entail serious moral implications. As an IO primarily relying on soft power, hypocrisy accusations can be potentially far more consequential than conventional blame attributions since they undermine an actor's legitimacy. Further research could be conducted on hypocrisy accusations, for example which factors determine the employment of the various presentational strategies that can be subsumed under the broad categories of conciliatory and adversarial responses.

Relatedly, this paper also adds to the literature on politicization in the EU. The studies findings suggest that EU politicization can, indeed, increase supranational responsiveness. It creates an incentive structure in which NGOs representing diffuse societal interests can strengthen their influence on supranational policy by raising the public salience of their requests (De Bruycker 2016; Rauh 2019). EU politicization is thus not only constraining – instead, when member state interests allow, it may lead to increased responsiveness by the EU, most likely not only on a rhetorical level. Further research should, therefore, be conducted on whether EU politicization and, more specifically, accusations of hypocrisy, can lead to increased responsiveness in the form of policy output or even policy change.

Finally, this study mainly yields insights on the effect of hypocrisy accusations on the EU's standing in the eyes of the general public. Further research should be conducted on the potential effect(s) of hypocrisy accusations on the EU's standing as a global actor in international relations. Do accusations of hypocrisy matter, for example, for international cooperation or the negotiation of trade agreements?

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- #1 (2022), European Commission, deputy head of unit, via Zoom, 11 August.
- #2 (2022), Food & Water Action Europe, director, via Zoom, 16 August.
- #3 (2022), Global Witness, senior campaigner, via Microsoft Teams, 16 August.
- #4 (2022), Client Earth, senior campaigner, via Zoom, 22 August.
- #5 (2022), WWF, senior campaigner, via Zoom, 26 August.
- #6 (2022), European Commission, former deputy director, via Zoom, 26 August.
- #7 (2022), European Commission, deputy general director, via Zoom, 31 August.
- #8 (2022), European Commission, member of cabinet, via WebEx, 6 September.