

From the Board: Resetting Ambitions and Relations

The first semester of 2024 has brought about quite some changes in the political landscape of the European Union (EU) and its Member States. Presidential elections were held in Finland, Lithuania and Slovakia. National elections were held in several Member States, such as Portugal and Croatia. In some of these elections, right-wing nationalist parties have repeated the strong performances seen earlier in other Member States, such as the Netherlands and Italy. In Bulgarian and Belgian national elections, organized together with those for the European Parliament (EP), far right-wing parties equally showed their strength. Right-wing nationalist parties also gained ground in the EP elections, though less than predicted. The results still allow centrist parties in the EP to form a coalition without far-right support. Nevertheless, the European elections led to a national shock in France as the far-right came first in the European elections. President Macron responded by immediately dissolving the French Parliament and calling a snap election. Though the left and centre-right managed to act strategically in the second round and reverse the situation, the French far right came out of the first round with the most candidates ahead. In Germany, right-leaning parties obtained more than 45% of the vote. One might wonder whether and how these national and European election results will affect the ambitions and projects on the table in the EU.

As always, there are political documents such as guidelines, agendas and strategies that already set out the ambitions for the EU in the years to come. The strategic Agenda of the European Council and the political guidelines of the European Commission for the institutional cycle 2024–2029 show few signs that the institutions are trying to take into account the dissatisfaction with current policies, notably the Green Deal, that seems to inspire part of the right-wing voters. However, these documents seem to be mostly directed towards ensuring continuity as much as possible.

For one, at its meeting in Brussels on 27 June 2024, the European Council agreed on the Strategic Agenda 2024–2029.¹ It sets the EU's priorities and strategic orientations in a very general way. As such, it will guide the work of the institutions and presumes a certain continuity in the EU's ambitions and policies. The strategic agenda refers to upholding European values within the Union and living up to EU

¹ European Council, *Strategic Agenda 2024–2029* (24 Jun. 2024), https://www.consilium.europa.eu/media/4aldqf2/2024_557_new-strategic-agenda.pdf (accessed 1 Sep. 2024).

values at the global level, to ensuring coherent and influential external action, to strengthening the EU's security and defence, to pursuing a comprehensive approach to migration and border management, and ensuring a 'prosperous and competitive Europe'. In the document the European Council declares: 'Our values and the rule of law are our compass, both internally and externally. They are the foundation for a stronger, more prosperous and more democratic Union for our citizens'. The agenda also confirms the ambition to become the first climate-neutral continent and to turn the green and digital transitions into a success while strengthening the basis for long-term competitiveness. On these points, it does not differ much from the previous strategic agenda.² But where the previous strategic agenda only mentioned that the EU would promote sustainable agriculture, the 2024–2029 version pays more attention to the position of farmers, stating that the EU 'will promote a competitive, sustainable and resilient agricultural sector that continues to ensure food security' and 'strengthen the position of farmers in the food supply chain', which could be seen as a response to the farmers' protests in the EU. Another 'new' point in the strategic agenda 2024–2029 confirms continuity in stating that the EU will 'stand by Ukraine as it fights to retain its independence and sovereignty and regain its territorial integrity within its internationally recognised borders'.

Secondly, as part of her candidacy for a second term as President of the European Commission, Ursula von der Leyen presented Political Guidelines for the next European Commission 2024–2029 and referred to the European Council's strategic agenda in her speech to the newly elected EP on 18 July 2024.³ In the guidelines she unfolds her plans related to the economy, to defence and security, to social policy, sustainability, protection of democracy and to Europe's position in the world. Von der Leyen also seems to reach out to farmers by devoting more attention to their position by underlining that 'farming is a core part of the European way of life – and it must always stay that way' and she explicitly mentions that 'farmers and rural areas are increasingly under pressure – from the impact of climate change to unfair global competition, higher energy prices, a lack of younger farmers and difficulties in accessing capital. At the same time, they are making huge efforts to contribute to the green transition, for instance through nature-based solutions'. As to Ukraine, the Political Guidelines refer to sustaining political, financial, and military support for as long as necessary.

² By way of comparison, the Strategic Agenda 2019–2024 had four priorities: protecting citizens and freedoms; developing a strong and vibrant economic base; building a climate-neutral, green, fair and social Europe; promoting European interests and values on the global stage, see <https://www.consilium.europa.eu/media/39914/a-new-strategic-agenda-2019-2024.pdf> (accessed 1 Sep. 2024).

³ Ursula von der Leyen, *Europe's Choice. Political Guidelines for the Next European Commission 2024–2029* (Strasbourg 18 Jul. 2024), https://commission.europa.eu/document/download/e6cd4328-673c-4e7a-8683-f63ffb2cf648_en?filename=Political%20Guidelines%202024-2029_EN.pdf (accessed 1 Sep. 2024).

Strategic agendas and political guidelines exist for reasons of continuity in policies and ambitions on the longer term, and the introduction of the ‘trio’ presidencies of the Council having to agree upon a common program for an eighteen month period that is prepared in close cooperation with the president of the European Council and the Commission, also serves that purpose.⁴ The eighteen month-program of the Council for the June 2023–December 2024 trio presidency Spain–Belgium–Hungary⁵ includes more references to concrete measures, but in general the program’s gist does not differ much from the Strategic agenda 2024–2029 of the European Council. That should not come as a surprise, as the trio also set out to contribute to the preparation, adoption and implementation of that agenda. The trio’s programme does not however mention the position of the farmers, but it does address the situation in Ukraine and confirms the EU’s support for Ukraine ‘in exercising its inherent right of self – defence against Russia’s illegal aggression, for as long as it takes, taking into account the security and defence interests of all Member States’.⁶

However, agendas, guidelines and programs cannot guarantee continuity of policy and ambition; law seems more fit for that purpose. It could explain why in the first semester of 2024, at a time when discontinuity seemed to be knocking at the door in the form of approaching EP elections, several important ‘Green Deal’ legislative measures previously put on hold – particularly those affecting the agricultural sector – were adopted. The ‘now or never’ argument seemed particularly relevant for further limiting emission values and for the nature restoration law.

On 12 April, the Council adopted ‘IED 2.0’, a Directive with tighter rules on using best available techniques to reduce emissions for industry and livestock rearing, covering large industry and the largest and most polluting intensive pigs and poultry farms.⁷ It also includes the obligation for the Commission to publish in December 2026 a report with solutions to more comprehensively address the emissions from the rearing of livestock, in particular cattle. The adoption of the Directive was accompanied by the adoption of a Regulation on the establishment of an industrial emissions portal that aims to regulate and monitor the environmental impact of

⁴ European Council Decision 2009/881 EU of 1 Dec. 2009 on the exercise of the presidency of the Council, OJEU L315/50 of 2 Dec. 2009 and Council Decision 2009/937/EU of 1 Dec. 2009 adopting the Council’s rules of procedure, OJEU L325/35 of 11 Dec. 2009.

⁵ Council of the European Union, Note from the General Secretariat of the Council to Permanent Representatives Committee and Council, 20 Jun. 2023, 10597/23, POLGEN 62.

⁶ *Ibid.*, at 8.

⁷ Directive (EU) 2024/1785 of the European Parliament and of the Council of 24 Apr. 2024 amending Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC on the landfill of waste, OJEU L1785 of 15 Jul. 2024.

industrial emissions.⁸ It provides the public with better access to environmental data of industrial installations, thereby allowing civil society to monitor whether targets are met and eventually take further legal action. Also on 12 April, the Council adopted the Euro seven Regulation that further limits the emission values for vehicles and batteries and also covers limits to particles emitted by brakes and tyres.⁹ Furthermore, a revised Directive on the energy performance of buildings was adopted, setting up more ambitious energy efficiency standards for new and renovated buildings.¹⁰

On 13 June 2024, the ‘net-zero industry act’ was adopted.¹¹ This industrial policy act is meant to ensure the EU’s reliability on its own net-zero technologies and their supply chains, while at the same time contributing to decarbonization, quality jobs, and therefore the competitiveness of the EU. The objective is to cover 40% of EU’s energy annual needs necessary to fulfil the 2030 climate targets and 15% of the production of mondial net-zero industry by 2040. The Regulation addresses simplification of permit procedures, facilitation of access to market, support for strategic projects and enhancement of skills of the workforce by the creation of European ‘academies’.

On 17 June, the last Council of environmental ministers under the Belgian presidency, a general approach was agreed on the green claims directive, the soil monitoring directive and the revised waste framework directive. Two more contentious issues were on the table. One of those is the Union-wide 2040 (intermediate) target for greenhouse gas emissions in the EU that, once agreed, will be the basis of the EU’s new nationally determined contribution under the Paris Agreement. An intermediate target is necessary because the period of twenty years between the 2030 target of reducing net greenhouse gas emissions by at least 55% (turned into law by the ‘fit for 55 package’) and the 2050 target of a climate-neutral EU seems too long. Furthermore, the 2021 European Climate Law¹² obliges the Commission to propose

⁸ Regulation (EU) 2024/1244 of the European Parliament and of the Council of 24 Apr. 2024 on reporting of environmental data from industrial installations, establishing an Industrial Emissions Portal and repealing Regulation (EC) No 166/2006, OJEU L1244 of 2 May 2024.

⁹ Regulation (EU) 2024/1257 of the European Parliament and of the Council of 24 Apr. 2024 on type-approval of motor vehicles and engines and of systems, components and separate technical units intended for such vehicles, with respect to their emissions and battery durability (Euro 7), OJEU 1257 of 8 May 2024.

¹⁰ Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 Apr. 2024 on the energy performance of buildings (recast), OJEU L1275 of 8 May 2024.

¹¹ Regulation (EU) of the European Parliament and of the Council of 13 Jun. 2024 on establishing a framework of measures for strengthening Europe’s net-zero technology manufacturing ecosystem, OJEU L of 28 Jun. 2024.

¹² Article 4, para. 3 of Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 Jun. 2021 establishing the framework for achieving climate neutrality, OJEU 2021 L243/1.

a Union-wide 2040 climate target. In February 2024, the Commission presented the target of 90% reduction of greenhouse gas emissions compared to 1990 levels.¹³ During the Council meeting a policy debate on the 90% target took place which will have to continue during the next institutional cycle when the new Commission has to include a 2040 climate target in a legislative proposal. It is to be noted that the 90% target may significantly impact the agricultural sector and probably will lead to quite some discussion in the coming period.

The second contentious issue was the nature restoration law, which requires the EU to revive 20% of its land and sea by 2030, and all eco-systems in need of restoration by 2050.¹⁴ The road towards its adoption was quite bumpy. After the agreement of a compromise between Parliament and Council, Hungary suddenly withdrew its support for the law just before it would be formally adopted. On 17 June, the law was put on the agenda as a discussion item, leading possibly to a vote, as it was not sure beforehand whether there would be enough votes in favour. The Austrian environment minister Gewessler indicated quite last-minute that she would vote in favour, instead of abstaining from the vote as was agreed in the Austrian government. The nature restoration law was adopted by qualified majority, with Finland, Hungary, Italy, the Netherlands, Poland and Sweden voting against. Belgium abstained from voting.

The Austrian environment minister seemed to follow the ‘now or never argument’. The recent national and EP election results predict that ambitious green bills will be very hard to pass in the next five years. The outgoing Dutch government for instance, despite being in favour of the nature restoration law, followed the wish of the newly elected parliament and voted against. When Gewessler announced she would vote in favour, the Austrian government immediately protested that Gewessler could not legally speak for Austria. Gewessler herself pointed to a changed position in Vienna, one of the Austrian *länder* that allegedly and according to internal Austrian rules gave her the competence to decide to vote in favour.¹⁵ The Belgian rotating presidency considered the matter an internal Austrian controversy and confirmed the vote was final.¹⁶ Meanwhile, the Austrian government with several of the Austrian *länder* announced it would start an action for annulment of the vote before the EU Court of Justice. If pursued, it would be unlikely for the Court to rule on the matter, as it would imply an interference with internal procedural rules.

¹³ European Commission, *Securing our future. Europe's 2040 Climate Target and Path to Climate Neutrality by 2050 Building a Sustainable, Just and Prosperous Society* COM(2024) 63 final of 6 Feb. 2024.

¹⁴ Regulation (EU) 2024/1991 of 24 Jun. 2024 on nature restoration and amending Regulation (EU) 2022/869, OJEU L of 29 Jul. 2024.

¹⁵ Louise Guillot, *Rogue Austrian Minister Burns Bridges to save EU Nature Law* (Politico 17 Jun. 2024).

¹⁶ *EU Passes Biodiversity Law as Austrian Climate Minister Defies Chancellor* (Le Monde 17 Jun. 2024).

Beyond green deal measures and (prevention of) their possible impact on the agricultural sector, the EU's position towards Ukraine was affected by the remarkable incident of a Council presidency acting as representant without the support of the representee. On 1 July, Hungary took over the Council presidency from Belgium. After a visit to Ukraine on 2 July, Hungarian president Orbán made a visit to Moscow on 5 July, pretending to be on a peace mission as part of the rotating EU presidency. The high representative of the Union for Foreign Affairs and Security Policy Josep Borrell immediately issued a statement that the rotating presidency does not entail any external representation of the Union and that Orbán had not received any mandate from the EU to visit Moscow.¹⁷ Furthermore, it seems Orbán has a very flexible interpretation of the statement on Ukraine as included both in the European Council's Strategic Agenda and in the eighteen month-program of the Council Hungary drew up together with Spain and Belgium.

As stated above, agendas, programmes and guidelines will not guarantee continuity. Mandates to negotiate, vote, or act cannot always guarantee a loyal representation of the position of the representee. Even if after the EP elections some felt relief that right-wing and nationalist parties did not perform as well as some had predicted, it remains to be seen whether the next institutional cycle will bring a lowering of ambitions in the green and digital transitions, and a less uniform position in the EU's relations with third states. The decision of centrist parties in the EP to cordon off the two right-wing and nationalist groups – Patriots for Europe and the Europe of Sovereign Nations – might prevent a resetting of the EU's ambitions and relations, but it would be a mistake to do so without trying to address the dissatisfaction within the EU of a large part of the voters.

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¹⁷ European Union External Service, *Russia: Statement by High Representative on the Visit of Prime Minister Orbán to Moscow*, Press Release (5 Jul. 2024).