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***Europeanization under Membership Uncertainty:  
The Cases of Environmental and Energy Policy in  
Turkey***

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# Europeanization under Membership Uncertainty: The Cases of Environmental and Energy Policy in Turkey

Çağrı YILDIRIM, Alper BAYSAN and Volkan Ş. EDİGER\*

## ABSTRACT

This article examines modalities of rule adoption from the EU's *acquis communautaire* under conditions of membership uncertainty. Drawing upon the case of Turkey, we probe into the viability of a policy-type approach (drawing upon Theodor Lowi). Our main contention is that the substantive design of policies (distributive or redistributive qualities) has consequential implications for the form (conflict-free vs. veto player constellations) and outcome (transposition likelihood) of the subsequent political process. The proposed policy-type approach, *internalist* in its outlook, is thus readily compatible with available Europeanization models which are *externalist* insofar as being premised on the study of domestic politics. In terms of policymaking, the EU needs to make more frequent use of policy-based intermediate rewards to encourage rule adoption where membership prospects are uncertain.

**Keywords:** Europeanization, Energy and Environmental Policy, Membership Uncertainty, Turkey-EU Relations

## Üyelik Belirsiz Olduğu Durumlarda Avrupalılaşıma: Türkiye'nin Enerji ve Çevre Politikaları

### ÖZET

Bu makale yasa uyum modelitelerini AB'nin topluluk müktesebatına üyelik belirsizliği koşulları çerçevesinde incelemektedir. Türkiye örneğinden yola çıkarak, politik kategori yaklaşımının uygulanabilirliğini derinlemesine araştırmakta olup, bu makalede ileri sürdüğümüz fikir politikaların substantif bazlı dizaynının (dağılımsal ve tekrar dağılımsal özelliklerine göre) birbirini izleyen siyasi süreçlerin formasyonu (barışçıl – veto aktörleri kümeleri gibi) ve sonuçları (yasaların aktarma olasılığı) üzerinde önemli sonuçlara sahip olduğudur. Önerilen politik kategori yaklaşımı, içsel bir perspektif olduğundan, şimdiki kadar Avrupalılaşıma çalışmalarına dışsal yaklaşım gösteren modellerle birlikte (iç politika) uyumlu olmaktadır. Dolayısıyla, AB yasalarının uyulmasını teşvik etmek için politika bazlı aracı ödüllerin kullanımına daha fazla ihtiyaç duyulduğu sonucuna varılmıştır.

**Anahtar Kelimeler:** Avrupalılaşıma, Enerji ve Çevre Politikaları, Üyelik Belirsizliği, Türkiye-AB ilişkileri

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## Introduction

Scholars working on the Turkey-European Union (EU) nexus largely concur that granting candidate status to Turkey at the European Council's Helsinki Summit in 1999 gave significant impetus to the country's EU reform and rule adoption process.<sup>1</sup> The ensuing period has correspondingly been characterized as a time marked by unparalleled change, or as Kubicek put it, a "golden age of reforms."<sup>2</sup>

Ever since the beginning of accession negotiations in 2005, however, the country's alignment process with the *acquis communautaire* (the EU's body of law and legislation) has markedly slowed down.<sup>3</sup> EU scholars have attributed this development to the EU's weak membership commitment (that is, EU credibility vis-à-vis Turkey).<sup>4</sup> Opposition by key member states such as Germany and France, the open-ended nature of the accession process as written into the accession agreement, the Cyprus issue, and decreasing domestic support can be named as central factors that have contributed to the deceleration of Turkey's harmonization with EU rules.<sup>5</sup>

In view of these difficulties, some authors have gone so far as to posit that Europeanization in Turkey has "come to a virtual halt" since 2005.<sup>6</sup> This argument, however, is rather more sweeping than accurate. Empirical evidence suggests that Turkish elites have neither ceased alignment with the EU's political criteria,<sup>7</sup> nor with the EU's *acquis communautaire*.<sup>8</sup> The passing of a second national program for the adoption of the *acquis* by the Turkish Parliament in 2008, as well as the establishment of a distinct ministry for the specific purpose of dealing with issues related to the EU accession process are two important political developments mitigating against that argument. Regarding *acquis* Europeanization, Turkish policymakers in fact continue transposing EU legislation. They do so, however, in a highly selective manner. Taking the latter observation as a genuine research puzzle, we ask how to make sense of Turkey's patchy Europeanization practices in the realm of environmental and energy policy in the post 2005 period?<sup>9</sup>

1 See, Meltem Müftüler-Baç, "Turkey's Political Reforms and the Impact of the European Union", *South European Society and Politics*, Vol.10, No.1, 2005, p.16-30.

2 Paul Kubicek, "Political Conditionality and European Union's Cultivation of Democracy in Turkey", *Democratization*, Vol.18, No.4, 2011, p.914.

3 Tobias Böhmelt and Tina Freyburg, "The Temporal Dimension of the Credibility of EU Conditionality and Candidate States' Compliance with the *Acquis Communautaire*, 1998-2009", *European Union Politics*, Vol.13, No.4, 2012, p.1-23. We arrive at this conclusion based on our own analysis of empirical data see Figure 2 below.

4 Sandra Lavenex and Frank Schimmelfennig, "Relations with the Wider Europe", *Journal of Common Market Studies*, Vol.44, 2008, p.149; Mehmet Ugur, "Open-Ended Membership Prospect and Commitment Credibility: Explaining the Deadlock in EU-Turkey Accession Negotiations", *Journal of Common Market Studies*, Vol.48, No.4, 2010, p.967-991.

5 Frank Schimmelfennig, "Entrapped Again: The Way to EU Membership Negotiations with Turkey", *International Politics*, Vol. 46, No 4, 2009, p.415.

6 See Zeynep Özler, "Breaking the Vicious Circle in EU-Turkey Relations: Visa Negotiations", *Turkish Policy Quarterly*, Vol.10, No.1, 2012, p.125.

7 Beken Saatçioğlu, "Revisiting the Role of Credible EU Membership Conditionality for EU Compliance: The Turkish Case", *Uluslararası İlişkiler*, Vol.8, No.31, 2012, p.23-44.

8 See Figure 2 below.

9 Note that this is part of a more general question about the modalities of rule adoption from the EU's *acquis* under conditions of membership uncertainty.

Recent scholarship has offered some explanation to Turkish elites' "à la Carte Europeanization" strategy since 2005.<sup>10</sup> Previous studies, which are mostly predicated on an *externalist* view on Europeanization processes insofar as domestic and/or international political factors are reported as determinants of rule adoption, have suggested different mechanisms of policy diffusion. One group of scholars has argued that policymakers in candidate countries align with EU law insofar as it fits their political agenda or helps them consolidate their power.<sup>11</sup> From another perspective, rule transposition has been suggested to occur when elites expect certain EU policies to solve existing domestic problems or at least improve the *status quo*.<sup>12</sup> Yet a different approach conceives of rule adoption as a matter that hinges upon elites' socialization with EU values, norms and principles.<sup>13</sup> While these accounts provide, in and of themselves, plausible mechanistic explanations to understanding the selective Europeanization patterns in post-2005 Turkey under conditions of membership uncertainty, an important limitation lies in their limited scope of generalizability.<sup>14</sup> What is more, many extant studies at best constitute loosely concept-driven inquiries rather than analyses centred around the investigation of explicitly derived hypotheses.<sup>15</sup>

In this light, the present paper sets to probe into the viability of a policy-type approach to understanding selective Europeanization patterns from the EU's *acquis* under membership uncertainty. We label our perspective *internalist* due to its focus on substantive policy design. Theoretically speaking, our approach follows Radaelli's suggestion that an alternate way of going about the examination of Europeanization processes lies in studying the effect of "policy variables."<sup>16</sup> To this end, the present article draws upon US public policy scholar Theodor Lowi's policy typology and fits it to the Europeanization context.<sup>17</sup> The hypotheses so deduced are tested against three carefully selected pieces of EU legislation from the fields of energy and environmental policy in Turkey - two substantively under researched policy areas in the pertinent literature. These are the renewable energy (Directive 2009/28/EC), coal state subsidies (Council Decision 782/2010), and industrial air pollution control (Council Directive 84/360/EEC) directives. The study cases are selected to cover the range of values of our independent variable (policy-type). An additional case is thereby drawn upon as a form of 'before-after comparison.'<sup>18</sup> Ap-

10 Tanja Börzel and Didem Soyaltin, "Europeanization in Turkey. Stretching a Concept to its Limits?", *KFG Working Paper Series*, No.36, February 2012, Kolleg-Forscherguppe (KFG) "The Transformative Power of Europe" Freie Universität Berlin.

11 Gamze Avci, "The Justice and Development Party and the EU: Political Pragmatism in a Changing Environment", *South European Society and Politics*, Vol.16, No.3, 2011, p.409-421; Gergana Noutcheva and Senem Aydın-Düzgit, "Lost in Europeanisation: The Western Balkans and Turkey", *West European Politics*, Vol.35, No.1, 2012, p.59-78.

12 Richard Rose, "What is lesson-drawing?", *Journal of Public Policy*, Vol.11, No.1, 1991, p.3-30.

13 Kivanc Ulusoy, "Turkey's Reform Effort Reconsidered, 1987-2004", *Democratization*, Vol.14, No.3, 2007, p.472-490.

14 Jon Elster, "Mechanisms", Peter Hedstrom and Richard Swedberg (eds.), *Social Mechanisms*, New York, Cambridge University Press, 1998, p.45-73.

15 Tolga Bolukbasi, Ebru Ertugal and Saime Ozcurumez, "The Impact of the EU on Turkey: Toward Streamlining Europeanisation as a Research Programme", *European Political Science*, Vol.9, No.4, 2010, p.464-480.

16 Claudio Radaelli, "The Europeanization of Public Policy", Kevin Featherstone and Claudio Radaelli (eds.), *The Politics of Europeanization*, Oxford, Oxford University Press, 2003, p.48-50.

17 Theodor Lowi, "American Business, Public Policy, Case-Studies, and Political Theory", *World Politics*, Vol.16, No. 4, 1964, p.677-715.

18 More on this later on, Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences*, Cambridge, MIT Press, 2005.

proximating the ideal of a natural experiment, this strategy is essentially geared towards strengthening the confidence in our findings and inferences.

Our probe suggests that the choice of Turkish policymakers to align with the EU's *acquis* in the absence of a credible membership reward can be described to alter as a function of policy type – rule adoption being most likely with distributive policies, and least likely with redistributive policies. To be sure, policy-type approach is not in itself a causal force instigating EU law transposition. Rather, it is a structural element entailing crucial properties which affect the subsequent political rule adoption process.<sup>19</sup> As such, policy-type approach helps to predict whether political power struggles are likely to emerge in the domestic arena. To this effect, the typology we propose is perfectly complementary with extant approaches premised on the study of domestic politics, interest-group formation and/or veto player constellations.

The rest of this article is organized as follows: we first discuss seminal work in the pertinent literature that has addressed and analysed processes of Europeanization under membership uncertainty. Next, we introduce the article's policy-type approach in the context of *acquis* Europeanization and discuss its complementarity to extant externalist perspectives (emphasizing domestic political conflict). The article then proceeds with a theoretically informed analysis of EU rule adoption in the fields of energy and environmental policy in Turkey. The final section concludes with a discussion of the main findings and central policy implications, which follow from the analysis.

## **Externalist Approaches to Europeanization under Membership Uncertainty: Diffusion Mechanisms**

This article follows the widely used conceptualisation of Europeanization as a process whereby EU rules affect the polity, policy and politics of a target state to the extent that they bring about some form of change – the focus herein obviously lying on the *policy* aspect of Europeanization.<sup>20</sup> EU candidate countries, as known, are obliged to fulfil two requirements before accession: meet the EU's political prerequisites (the Copenhagen Criteria) and adopt its entire body of laws, legislations and directives (*acquis communautaire*) prior to accession.<sup>21</sup> Full compliance with these requirements is a lengthy and arduous process.

Schimmelfennig and Sedelmeier have generated the most crucial work on policy adoption mechanisms in EU candidate countries.<sup>22</sup> Writing for the Central Eastern Euro-

19 For an elaborate analytical philosophical explication on this score see David Little, *Varieties of Social Explanation: An Introduction to the Philosophy of Social Science*, Oxford, Westview Press, 1991.

20 Tanja Börzel and Thomas Risse, "Conceptualizing the Domestic Impact of Europe", Kevin Featherstone and Claudio Radaelli (eds.), *The Politics of Europeanization*, Oxford, Oxford University Press, 2003, p.63.

21 Legislation concerning energy and environmental policy likewise has its legal basis in the EU's *acquis*. See also Heather Grabbe, "European Union Conditionality and the *Acquis Communautaire*", *International Political Science Review*, Vol.23, No.3, 2002, p.249-268.

22 Frank Schimmelfennig and Ulrich Sedelmeier, "Governance by Conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe", *Journal of European Public Policy*, Vol.11, No.4, 2004, p.669-687.

pean context, the authors have found that EU conditionality is most effective where liberal governments are in power and the EU's commitment to grant membership is credible.<sup>23</sup> Their external incentives model expects elites to be willing to implement costly reforms at home if there is no reason to doubt whether the EU will deliver on its membership 'carrot' down the road (membership credibility) and if a liberal party is in power in the target state. For the external incentives model, it follows that this model will be of less utility in settings where membership is perceived of as uncertain – as the Turkish case analyzed herein.<sup>24</sup> In view of these limitations, recent scholarship on Turkey-EU relations has moved towards getting to the bottom of the alternative policy diffusion mechanism that may be at work instead. These mechanisms can be said to reflect two major theoretical fault lines in the political science literature: rational and sociological institutionalism.

Authors employing a rationalist approach and understanding agency as being guided by the "logic of consequences"<sup>25</sup> have argued that Turkish elites align with EU rules only insofar as it fits their political agenda and/or helps consolidate their power.<sup>26</sup> This approach, which Avci has labelled "pragmatist," is strong in explaining events which carry the utmost political saliency, such as democratization reforms affecting the polity of a state or similarly delicate issues implying changes in the status of minorities and so forth.<sup>27</sup> Another rationalist mechanism of rule adoption, building upon the concept of instrumental rationality, is referred to as the lesson-drawing model. It postulates that EU rules will be transposed if policymakers expect them to be useful in solving domestic problems or improving the status quo.<sup>28</sup> From this perspective, rule adoption is conceived of as being possible, even in the absence of a compensating EU reward, granted that elites in target states expect some utility-gain in adopting a given EU policy.<sup>29</sup>

In the constructivist corner, students of Europeanization have pointed at the causal importance of the socialization of policymakers through which policy diffusion is said to occur in target states. This argument, emphasizing the role of norms, rules, and identities in impacting behaviour, conceives of the guiding principle of agency as the "logic of appropriateness."<sup>30</sup> In this view, rule adoption is expected where elites become sufficiently socialized in European norms or some sort of international norms.<sup>31</sup> Kemal Kirişçi's analysis of asylum politics in Turkey is an illustrative case in point.<sup>32</sup> Yet, as Checkel has

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23 Ibid., p.669.

24 Avci, "The Justice and Development Party and the EU". See also Saatçioğlu, "Revisiting the Role".

25 James G. March and Johan P. Olsen, *Rediscovering Institutions: The Organizational Basis of Politics*, New York, Free Press, 1989.

26 Saatçioğlu, "Revisiting the Role".

27 Avci, "The Justice and Development Party and the EU".

28 Rose, "What is lesson-drawing?", p.10-12.

29 Schimmelfennig and Sedelmeier, "Governance by Conditionality", p.676.

30 March and Olsen, *Rediscovering Institutions*.

31 Ulusoy, "Turkey's Reform Effort Reconsidered". See also Jeffrey Checkel, "Why Comply? Social Learning and European Identity Change", *International Organization*, Vol.55, No.3, 2001, p.553-588.

32 Kemal Kirişçi, "The Limits of Conditionality and Europeanization: Turkey's dilemmas in adopting the EU acquis on asylum", *Conference Paper*, the EUSA Tenth Biennial International

stressed elsewhere, the often quite long causal time horizon involved in socialization processes renders such research enterprises generally rather difficult and costly.<sup>33</sup>

The current state of the Europeanization literature on candidate countries is, as the preceding discussion has mapped out, dominated by studies adopting an externalist approach to rule adoption in that domestic and/or international political factors are pointed out as causal determinants. The conventional literature, however, leaves in the dark other potentially interesting questions. Little or no efforts have been made, for instance, to address the role of historical contingencies such as path dependency, which is a terrain where historical institutionalism traditionally possesses stronger analytical leverage.<sup>34</sup> Nor have scholars examined the impact of policy design on subsequent political processes and patterns of power struggles, coalition formation among domestic actors and veto player constellations.<sup>35</sup> It is our goal in this article to follow up the latter strand of inquiry. Taking up a “policy-type” approach,<sup>36</sup> the present study is centered around the following questions: does policy design invoke different patterns of politics and therewith affect the prospects of rule adoption? What policy relevant prescriptions may be deduced from findings so attained? In our attempt to give our policy-type approach a workable conceptual basis, the next section shall introduce a policy scheme drawing upon Theodor Lowi’s work and adapt it to the study of Europeanization processes under membership uncertainty.

## Towards an *Internalist* Approach to Europeanization under Membership Uncertainty: Policy Type

Theodor Lowi in his seminal article entitled *American Business, Public Policy, Case-Studies and Political Theory* has developed a typology which classifies policies in terms of their domestic impact.<sup>37</sup> Lowi’s scheme thereby distinguishes three types: *distributive*, *regulatory* and *redistributive* policies (see Figure 1).<sup>38</sup> Let us consider each in turn.

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Conference, Montreal, 17-19 May 2007, p.19.

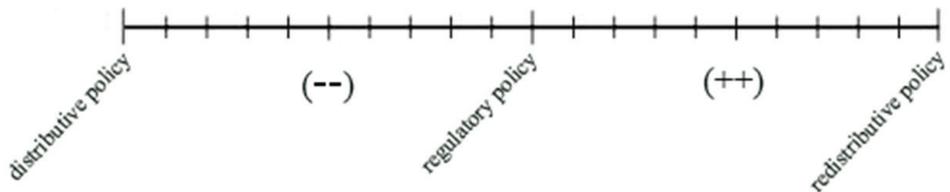
- 33 Checkel, “Why Comply?”. Please note that the discussion of rule adoption mechanisms here is far from being exhaustive. Scholars have defined subvarieties thereof a more comprehensive treatment can be found.
- 34 Isa Camyar and Halit Mustafa Tagma, “Why Does Turkey Seek European Union Membership? A Historical Institutional Approach”, *Turkish Studies*, Vol.11, No.3, 2010, p.371–386.
- 35 Brian J. Cook, “Arenas of Power and New Policy Theory: Toward a Synthesis”, *Paper Presentation*, 2010 Annual Meeting of the American Political Science Association, September 2-5, 2010, p.11.
- 36 Radaelli, “The Europeanization of Public Policy”, p.48-50.
- 37 Theoretically speaking, we adopt a rationalist stance here insofar as we conceptualize “impact” from the incumbent’s point of view – that is, in terms of whether a certain policy would implicate a loss in popularity (re-election chance) for the governing party. Further note that the notions economic, political and societal impact are used interchangeably all throughout the paper.
- 38 Lowi later added a fourth type: constituent policies. One could conceive of EU-induced changes in a state’s polity as constituent policies. The latter policy type falls, however, beyond the scope of our analysis as we are mainly concerned with the EU’s *acquis communautaire* and not the Copenhagen Criteria.

*Distributive* policies involve the allocation of “new goods,” because the “indulged and the deprived, the loser and the recipient”<sup>39</sup> need normally not come into direct confrontation in the distributive arena, Lowi states, so distributive policies are conceived of as the least impactful. EU legislation on renewable energy subsidies, for instance, is an illustrative case in point. The allocation of subsidies to renewable energy manufacturers does not come at the expense of others’ deprivation - at least, and this is what counts, this is not perceived as such an attempt by the rest of society.

*Redistributive* policies, in contrast, are located on the opposite pole in terms of their domestic impact. They typically entail some sort of transfer from one group to another.<sup>40</sup> Examples thereof are legislation related to issues such as social security, unemployment benefits or progressive taxation. To be sure, policies on matters such as taxation, social welfare, pensions and so forth fall under member state competency and are thus not legislations which are passed by the EU.<sup>41</sup> The most important point to drive home therefore is that the bulk of EU legislation coming from Brussels is of a *regulatory* nature.<sup>42</sup>

This brings us to the next and last policy type: *regulatory* policies. Regulatory policies in the EU entail issues as diverse as the regulation of food product labels, the prevention of pollution or the granting of equal opportunities at the working place. As Lelieveldt and Princen put it, EU/EC legislation started off in the 1970s as an attempt to further integration in the common market.<sup>43</sup> With the Maastricht Treaty (1992), non-economic issues were added to the EU’s areas of competency as well - most notably justice and home affairs and foreign and security policy - therewith effectually extending the scope of EU legislative competency to fields that are not inherently economic.<sup>44</sup>

**Figure 1** Policy-Type and Theorized Impact<sup>45</sup>



39 Lowi, “American Business, Public Policy, Case-Studies, and Political Theory”, p.694.  
 40 Herman Lelieveldt and Sebastiaan Princen, *The Politics of the European Union*, Cambridge University Press, 2011, p.182.  
 41 Andrew Moravscik and Frank Schimmelfennig, “Liberal Intergovernmentalism”, Antje Wiener and Thomas Diez (eds.), *European Integration Theory*, Oxford, Oxford University Press, 2009, p.83.  
 42 Markus Haverland, “The Impact of the European Union on Environmental Policies”, Kevin Featherstone and Claudio Radaelli (eds.), *The Politics of Europeanization*, Oxford, Oxford University Press, 2003, p.204.  
 43 Lelieveldt and Princen, *The Politics of the European Union*, p.182.  
 44 *Ibid.*, p.192.  
 45 The impact on the spectrum is thought to increase from left (--) to right (++)

Regulatory policy, according to Lowi, is located between the distributive and redistributive poles on a continuum as depicted in Figure 1.<sup>46</sup> For reasons of simplicity, we assume that regulatory policies carry either distributive (--) or redistributive qualities (++)<sup>47</sup>. This renders our policy-type variable a dichotomous variable and thus straightforward to work with. Because regulatory policies assume a central role in EU policymaking, the key to assessing their impact on the political process lies in determining whether they carry properties more akin to the distributive or the redistributive type of policy.

Having laid out the conceptual basis of our policy-type approach, we are now in a position to formulate explicit propositions for the purpose of empirical testing. We begin, first, with the stylized fact that distributive policies implicate a lower level of domestic societal impact. This yields the following, first, hypothesis: *under conditions of membership uncertainty, Turkish policy makers will adopt distributive EU policies in the fields of energy and environmental policy (Proposition 1)*. The empirical implications of the latter hypothesis are as follows: if the conjecture that distributive policies bear the least potential for political tension and are thus most likely to be adopted is accurate, we should be able to see the Turkish government easily adopting EU policies of this type, without facing noteworthy political and/or societal opposition. This expectation proceeds from the assumption that elites in candidate countries are generally inclined to carry on EU rule transposition, yet in the absence of a credible membership perspective, these elites will do so only as far as the political adoption costs are reasonable.

Our second hypothesis is based on the insight that regulatory policy which is impactful -that is to say, tilts towards the redistributive pole in terms of its objectively assessable implications- bears higher impact potential and is thus less likely to be adopted. This consideration yields a second hypothesis: *under conditions of membership uncertainty, Turkish policy makers will not adopt impactful regulatory EU policies in the fields of energy and environmental policy (Proposition 2)*. What are the empirical implications of the latter hypothesis? With impactful regulatory policies we should be able to observe directly, to speak in Lowi's terms, those who are indulged and those who are deprived. In the ideal case, this observation should manifest itself in the political mobilization or in veto initiatives by affected groups.<sup>48</sup> Further, we should be able to find concrete evidence for the impact potential of the policy type in form of objectively observable properties by looking at the legislation texts and the domestic context.

To avoid misunderstanding, these two propositions are held to be applicable under the proviso that elites have not given up their country's EU membership goal. Turkey currently constitutes such a case; actual membership appears to be remote, yet governing elites have not altogether renounced their country's EU vision either. Only recently, for instance, Prime Min-

46 It is important to note at this point that the scheme should primarily be thought of as an *analytical heuristic*. It cannot, and ought not to perfectly reflect empirical realities. Hybrid policy designs may occasionally appear and therewith render classification attempts difficult in some instances. These limitations, however, are not unique to the scheme presented here but represent a basic trade-off involved in typological theorizing. See Kevin B. Smith, "Typologies, Taxonomies, and the Benefits of Policy Classification", *Policy Studies Journal*, Vol.30, No.3, 2002, p.379.

47 Note that this leaves open the possibility to further distinguish between policies of mildly strong (+) or mildly weak impact (-).

48 Lowi, "American Business, Public Policy, Case-Studies, and Political Theory", p.694.

ister Erdogan insisted that “Turkey has not given up on its primary goal of membership.”<sup>49</sup> President Abdullah Gül, in a similar fashion, called upon Turkish Parliament to continue “work on EU-oriented reforms in line with the country’s membership negotiations.”<sup>50</sup> In the Turkish case, the commitment condition can thus be said to be satisfied.

The ensuing part of this article will test our policy design argument derived above. To recall, our *dependent variable* is rule adoption, measured by the formal transposition of EU legislation into Turkish law. Our case selection procedure is guided by the categories of our independent variable, *policy type*. Three seminal pieces of EU legislation from the fields of energy and environmental policy are thereby selected as study cases: renewable energy (Directive 2009/28/EC), coal state subsidies (Council Decision 782/2010), and industrial air pollution control (Directive 96/61/EC). The decision to study the fields of energy and environmental policy and the respective pieces of legislation is grounded in two methodological and empirical considerations. First, our case selection strategy does justice to the fact that the areas of environmental and energy politics have come to play an important role in EU policymaking since the enactment of the Single European Act in 1986 and more so with the coming into force of the Lisbon Treaty, where the EU’s competencies were significantly expanded. Since these two areas are for obvious reasons also intrinsically related, we deem it meaningful to study them in concert. Second, with energy and environmental policy, we have two cases that differ in terms of their level of alignment in Turkey (see Figure 2 below). There has been some progress in rule adoption in energy policy, whereas in environmental policy no improvement whatsoever has been achieved since 2005. As such – given the different levels of compliance – these two areas suggest themselves as potentially insightful study cases.

Within the fields of energy and environmental policy, our study cases cover the range of potential variance on the explanatory variable, which is conceptualized dichotomously (distributive and redistributive policy). These are the Renewable Energy Directive (2009/28/EC), the Coal State Subsidies Council Decision (782/2010), and the Industrial Air Pollution Control Directive (96/61/EC). Table 1 classifies our study cases according to policy type, theorized impact, and time of enactment in the EU, time of adoption in Turkey, and the EU’s credibility at the respective point in time. While the former two pieces of legislation are selected to vary on the independent variable, the industrial pollution directive is drawn upon as a case to approximate the ideal of a ‘before-after’ comparison. This is so for the following reasons: the EU’s industrial air pollution control directive is a regulatory policy which, according to our scheme, implicates a high impact. As such, we conjecture that the directive will not be adopted by Turkish policymakers unless some sort of compensating reward is offered. The industrial air pollution directive was passed by the EU as early as 2003 and transposed by the Turkish government into national law in 2004 – that is, *prior* to the beginning of accession negotiations (December 2005), which constitutes a time period where EU membership was still perceived as credible from the

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49 “PM Erdogan says Turkey not giving up on EU membership goal”, *Todays Zaman*, 30 October 2012.

50 “Turkish President calls for adopting EU reforms asks for new constitution”, *Todays Zaman*, 1 October 2012.

Turkish perspective. The transposition of the otherwise impactful EU air pollution directive into Turkish law in 2004, so we argue, occurred because it coincided with a positive membership perspective at that time.<sup>51</sup>

In terms of methodology, we employ process-tracing analysis defined as the examination of the political “process by which various initial conditions are translated into outcomes,”<sup>52</sup> complemented by a congruence testing technique, which revolves around the deductive exercise of generating theoretical propositions, formulating related empirical predictions, and seeking congruence thereof with the data.<sup>53</sup> By combining these two methods, we aim at strengthening our inferential leverage.

**Table 1** Classificatory Scheme of Selected EU Legislation Study Cases from the fields of Environmental and Energy Policy

Study Cases	Policy Type	Theorized Impact <sup>54</sup>	Enactment in EU	Adoption in Turkey	EU Credibility At Time
<i>Renewable Energy (Directive 2009/28/EC)</i>	Distributive	(--)	2009	29/12/2010	Weak
<i>Coal State Subsidies (Council Decision 782/2010)</i>	Regulatory	(++)	2010	Delayed	Weak
<i>Industrial Air Pollution Control Directive (Council Directive 96/61/EC)</i>	Regulatory	(++)	2003	07/10/2004	Strong

51 More specifically, it was the Turkish government’s the desire to make sure that the EU opens accession negotiations in 2005. The only way to ensure this was to continue rule adoption. At this juncture another issue needs to be mentioned: the focus in our study is only on the formal transposition of EU legislation into Turkish law. That is to say, we are interested solely in the legal enactment part of the story. There are certainly limitations to such an approach. Legal compliance does not necessarily equal practical compliance. We leave it to future research to follow up this strand of research and, if necessary, revise our findings.

52 Alexander L. George and Timothy McKeown, “Case Studies and Theories of Organizational Decision Making”, Robert Coulam and Richard Smith (eds.), *Advances in Information Processing in Organizations*, Greenwich, JAI Press, 1985. See also, David Collier, “Understanding Process Tracing”, *PS: Political Science and Politics*, Vol.44, No.4, 2011, p.823. Process-tracing bears the chief advantage that it helps multiply within-case observations. This works towards strengthening the validity of one’s conclusions and inferences. Notwithstanding that, given that our general objective is more modest in the sense that we aim at exploring the viability of the formulated policy-type approach, we prefer this study to be understood in terms of a plausibility probe rather than a rigorous empirical test. Future work may further assess the veracity of the approach by drawing upon additional study cases to cover a different set of policy fields across time and space.

53 George and Bennett, *Case Studies and Theory Development*, p.179.

54 Another note on why certain regulatory legislations are classified as having high impact (++) and others as low impact (--). The classifications in the Table above are based on ex ante assessments we made having looked at the respective EU directives and their content. We felt in fact that it is useful to comprehend policy type on a continuum; that is, where some regulatory legislations, by virtue of their substantive implications, are closer to the redistributive end (and *vice versa*) on the policy type continuum.

## Europeanization under Membership Uncertainty in Turkey: Examining the Cases of Energy and Environmental Policy

Since 2005 – identified as the point in time after which Turkey’s membership prospect has come into doubt – Turkey’s alignment process with the EU’s *acquis* has, overall, slowed down considerably. Figure 2 below depicts the country’s degree of compliance with the EU’s law and legislation by the respective accession negotiation chapter over the time period 1998 to 2012. The two most important substantive points to drive home from the empirics are that, first, in only 10 out of 33 chapters an improvement in compliance has been achieved since 2006, and second, Turkey has attained a level of full alignment with EU law in merely two issue areas since then: Enterprise and Industrial Policy and Science and Research. The circumstance that there has been no significant progress in rule adoption on the part of Turkish policy makers since 2005 can be attributed to a decrease in the EU’s leverage (i.e. credibility) *vis-à-vis* Turkey.

What does the specific situation look like for the policy areas analysed herein, energy and environmental policy? Let us begin with the former. According to the Commission’s Progress Reports, in 2012, Turkey’s state of alignment with EU rules in the field of energy policy was advanced, yet more efforts were needed (a score of 2 according to our scheme as explained in footnote 59). Although there is some progress in comparison to 1998, when the Commission’s reported only a “low level of alignment” with EU legislation (score of 1), energy policy is yet to be brought in full compliance with EU requirements.<sup>55</sup> Table 2 (Appendix) presents an overview of EU law related to energy policy and its implementation in Turkey since 1998.

Regarding environmental policy, the level of alignment with EU law has been only slightly improved ever since the first publication of the Commission’s progress reports on Turkey in 1998. Back then, the Commission had described Turkey’s environmental policy to be totally incompatible with the EU’s *acquis* (score of 0). In its report from 2012, the situation was slightly better with the conclusion that Turkey’s preparations in the environment chapter have advanced but still remain at an overall early stage (score of 1).<sup>56</sup>

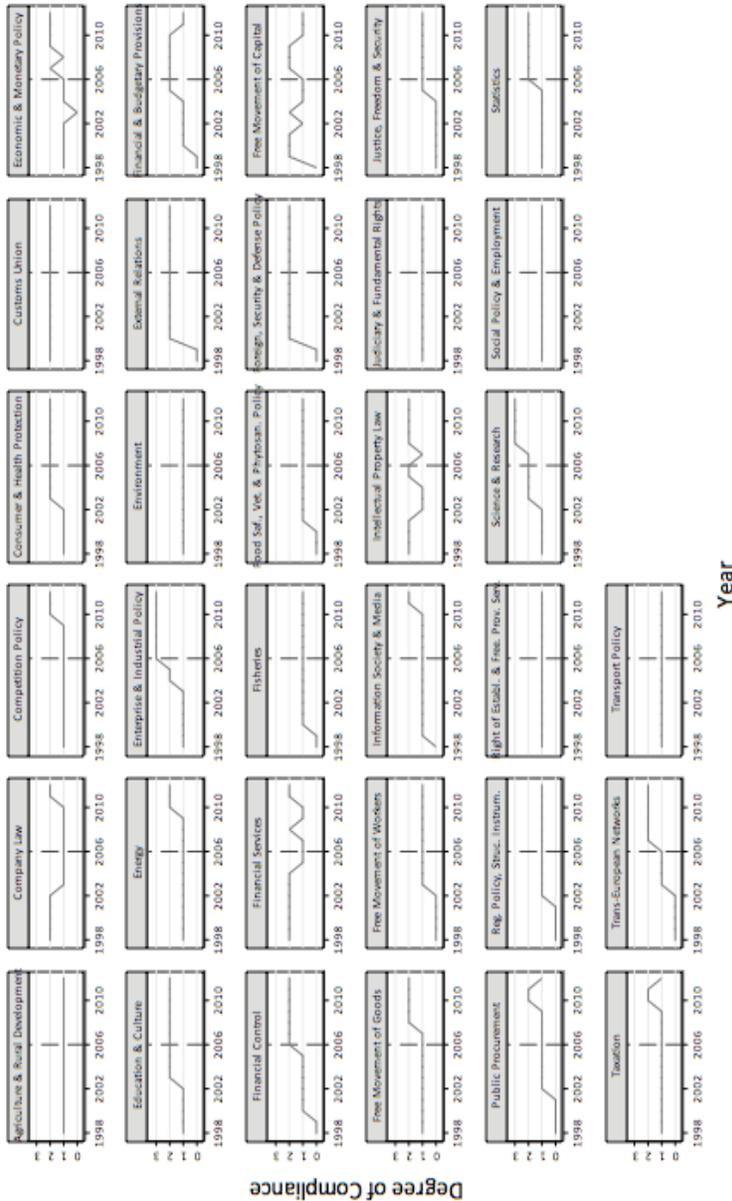
This being the general picture of Turkish alignment with the EU’s *acquis* and the areas of energy and environmental policy, we shall now proceed with the examination of the transposition processes of the legislative pieces selected for analysis: the Renewable Energy, the Coal State Subsidies, and the Industrial Air Pollution Control Directives.

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55 European Commission, *Recommendation of the European Commission on Turkey’s Progress towards Accession*, 2012, p.62.

56 *Ibid.*, p. 83. Here the inherent link between energy and environmental issues is important to note. Much of Turkey’s improvement in issues related to energy policy came at the expense of implementing the EU’s comprehensive body of environmental legislation. As one of the few exceptions in this regard stands the endorsement and transposition of the EU’s renewable energy legislation by Turkish elites (more on this below).

Figure 2 Turkey's Compliance with the EU's Acquis, by Accession Chapter (1998-2012)<sup>504</sup>



Data adapted from Boehmeit & Freyburg (2012) and updated

57 The above-graphs are based on information that is extracted from the European Commission's Annual Progress Reports (published since 1998). The dataset used herein has been adapted from Böhmelt and Freyburg, "The Temporal Dimension" – thanks for their courtesy - revisited and updated with more recent data by the authors. Turkey's EU accession negotiations in the realm of the *acquis* are split into 33 chapters. This separation is upheld. We coded the degree of

### ***Distributive Policy: Renewable Energy (Directive 2009/28/EC)***

In 2001, the EU took a first step in the promotion of renewable energy with the passage of Directive 2001/77/EC.<sup>58</sup> This directive, aimed at increasing the share of renewable energy sources in electricity production,<sup>59</sup> as well as at establishing a more general legal framework for the promotion of renewable energy technologies in member states. The policy's most notable weakness, however, was the lack of an enforcement framework to ensure the meeting of its predefined targets. That is inter alia why eight years later Directive 2009/28/EC<sup>60</sup> replaced Directive 2001/77/EC, in an attempt to render set binding targets and stipulate the implementation deadline to be the year 2020.<sup>61</sup> In Lowi's scheme, the EU's renewable energy directive can be readily classified as a distributive policy. It involves the creation of a new business sector based on renewable energy technology, without implicating a form of move that would pit "winners against losers".

In 2005, Turkey adapted EU Directive 2001/77/EC into its national legislation. Law No. 5346 entitled "Law on the Utilization of Renewable Energy Resources for the Purpose of Generating Electrical Energy" was passed to this end and entailed the goal of increasing the use of renewable energy resources. It also contains a feed-in-tariff (FiT) mechanism for all types of RES plants. Renewable energy license applications by private entrepreneurs in Turkey notably increased after the law's enactment.<sup>62</sup> Yet, as indicated above, the lack of concise and binding RES targets constituted a central shortcoming of the law. What is more, the one feed-in tariff for all types of RES plants caused the influx

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compliance for each chapter separately over a period of 14 years (1998 to 2012) in an ordinal manner, with scores ranging from 0 to 3 (this is the same coding scheme used in the verbal accounts of the Progress Reports): 0 if no compliance with the *acquis* in a specific issue area; 1 if in-part compliance, although substantially more efforts are necessary; 2 if almost full compliance, although more efforts are necessary; 3 if full compliance. Where no information available we treated the cell same as 0 (no compliance). To indicate the point where membership credibility has come to be doubted, a vertical reference line has been added. For this purpose we have chosen the year 2006 (and not 2005) as a means to allow for a one-year lag in policy response delay.

58 Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in internal electricity market, OJL 283; 2001.

59 To this end national support systems such as Feed-in Tariff system (FiT) and Tradable Green Certificate (TGC) were thought to operate. Since it was too early to define an EU-wide primary support scheme, the Commission allowed member states to define the scope and type of mechanisms. With the FiT system governments guarantee energy purchase from producers on the basis of fixed prices (determined by member state) for at least seven years. See, Selahattin M. Sirin and Aylin Ege, "Overcoming Problems in Turkey's Renewable Energy Policy: How can EU contribute?", *Renewable and Sustainable Energy Reviews*, Vol.16, 2012, p.4921. TGC system is alternative system to FiT which is used by Belgium, Italy, Poland, Romania Sweden and UK. In TGC system certificates determined by government in the free market conditions and are sold to consumers and suppliers. See Şekercioğlu, Selma and Mustafa Yılmaz, "Renewable Energy Perspectives in the Frame of Turkey's and the EU's Energy Policies", *Energy Conversion and Management*, Vol.63, 2012, p.236.

60 Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending, and subsequently repealing Directives 2001/77/EC and 2003/30/EC. OJ L140; 2009.

61 Sirin and Ege, "Overcoming Problems in Turkey's", p.4921.

62 Sirin and Ege, "Overcoming problems in Turkey's", p.4923.

of hydraulic energy investments, due to which other types of renewable energy were sidelined. Directive 2009/28/EC was adopted into Turkish law by virtue of Law No. 6094 in 2010 (which at the same time repealed the former Law No. 5346 on the matter). Distinct from the previous law, the feed-in tariff (FiT) system was now determined by tariffs according to source types.<sup>63</sup> A target has also been set which envisions renewable energy sources to reach a 30% share of the total electricity production by 2023 at the latest.<sup>64</sup>

Turkey has long been and still remains a net energy importing country. According to the Turkish Ministry of Energy and Natural Resources (MENR), imported energy was worth 54 billion dollars, which constituted 22% of the country's total imports in 2011. Furthermore, Turkey's demand for electricity is expected to increase from 228 TWh in 2011 to somewhere between 424 TWh and 467 TWh in 2021.<sup>65</sup> As a net energy importer, the country is in search of ways to reduce its dependency on imports. For now, Turkey's primary energy demands are mostly covered by fossil fuels. To illustrate this point, in 2011, gas, oil and coal met 90.1% of the country's energy demand.<sup>66</sup> Hard coal and lignite constitute the major indigenous fossil fuel resources that Turkey has at its disposal. These are, however, usually considered of insufficient quality for the electricity production process.<sup>67</sup>

Against this backdrop, it seems suggestive that Turkish elites sought to diversify the country's energy sources and reduce dependency on fossil fuel imports by adjusting national policies to EU standards. Subsidizing renewables could have only had been a positive step towards diversifying Turkey's energy basket; a goal which Turkish Minister for Energy and Natural Resources Taner Yıldız had made explicit in an interview in 2012: "To reduce our current dependence on imports, we need to increase the utilisation of domestic and renewable [energy] resources. The search for petroleum and natural gas, on land or underwater, continues, but we are also working to unleash our wind and solar resources."<sup>68</sup>

Finding a solution to the energy dependency problem was conceived of as necessary by Turkish elites; promoting renewable energy technology in line with the EU's directives can be said to have come in handy as a means towards achieving both the goal of energy diversification and further progress in terms of the EU accession process.<sup>69</sup> To be sure, the evidence available does not allow us to determine whether the adoption of the

63 The support prices are for hydroelectricity and wind 7.3 (US\$) cent/kWh, for geothermal 10.5 cent/kWh while for biomass and solar 13.3 cent/kWh (Law No 6094).

64 Şekercioğlu and Yılmaz, "Renewable Energy Perspectives", p.237.

65 TEIAS (State Electricity Transmission Co.), *Türkiye Elektrik Enerjisi 10 Yıllık Üretim Kapasitesi Projesiyonu (2012-2021)*.

66 Data adopted from Energy Ministry of Energy and Natural sources (ETKB) [http://www.enerji.gov.tr/EKLENTI\\_VIEW/index.php/raporlar/raporVeriGir/71073/2](http://www.enerji.gov.tr/EKLENTI_VIEW/index.php/raporlar/raporVeriGir/71073/2) Natural gas – 32.2%, oil – 26.6%, coal – 31.3%. The rest is provided from renewable energies notably hydraulic energy.

67 For instance, Şekercioğlu and Yılmaz, "Renewable Energy Perspectives", p.233.

68 "Powering up: OBG talks to Taner Yıldız, Minister of Energy and Natural Sources", *Oxford Business Group*, 23 December 2012.

69 To illustrate, electricity generation from wind energy has increased from 58 million kWh in 2004 to 4.726 billion kWh in 2011 (Energy Information Agency Database, 2012).

EU's first directive in the year 2001 (Directive 2001/77/EC) was exclusively underpinned by the external incentive or lesson-drawing mechanism, or if perhaps both mechanisms coincided to support that matter. Yet it can be asserted in a relatively unequivocal manner that signs of elite socialization, in the sense that renewable energy had been viewed as a favourable energy source from which Turkish elites could have prompted them to promote "green" energy technology, were not in place.

### ***Regulatory Policy: Coal Sector Subsidies Legislation (Council Decision 782/2010)***

On 31 December 2010, the European Council passed a decision which fuelled a controversy between environmental activist groups and the coal mining industry. Council Decision 782/2010 stipulates that state aid to the coal industry is to end by 2018 (currently the coal industry benefits from around 2.9 billion Euros of monetary transfers).<sup>70</sup> As a means to mitigate the expected societal and political impact of this policy, the European Commission allowed member states to grant operating aids to coal mines only if they presented plans to close the latter at the latest by 31 December 2018.

The coal state aid issue constitutes a controversial topic for Turkey's hard coal reserves, mostly located in the Zonguldak basin of the western Black Sea region. High operational and production costs and difficulties, however, do not allow for competitive mining in the region. One reason for this resides with the geological structure of the area,<sup>71</sup> rendering mechanized coal production unfeasible and making conventional labour-intensive production methods quasi indispensable.<sup>72</sup> A large share of the Turkey's hard coal production, including those in the Zonguldak mines, are carried out by the Turkish Hard Coal Enterprise (TTK) which is a state-owned company. In 2011, the TTK has been responsible for most of the country's hard coal production, which amounted to 2.52 million tons of hard coal, as opposed to the country's lignite production capacity which amounted to approximately 72 million tons. A report by the International Energy Agency states quite similarly that "hard coal sectors with relatively small reserves as compared to the lignite sector receives very significant state support."<sup>73</sup>

Decree Law No. 23 effectively enables the Turkish government to transfer capital for investment and operational deficits to state-owned enterprises (SOEs).<sup>74</sup> For instance, hard capital transfers from the government to the TTK increased from 382 million TL in 2005

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70 Decision 2010/787/EU of European Council of 10 December 2010 on State aid to facilitate the closure of uncompetitive coal mines, L 336/24, 2010.

71 There are two types of coal mining methods: one, the relatively easy open-cast mine; the other, the harder underground coal mines. So Zonguldak basin with its complex geological structure does not allow any type of open-cast and mechanized underground coal production.

72 International Energy Agency, *Energy Policies of IEA Countries: Turkey 2009 Review*, 2010, p.85.

73 Ibid. p. 89

74 Screening Chapter 15, Energy, *Agenda Item: Conventional Sources of Energy: State Aid to the Coal Industry*, 14 – 15 June 2006 < [http://www.abgs.gov.tr/tarama/tarama\\_files/15/SC15DET\\_state%20aid%20to%20coal.pdf](http://www.abgs.gov.tr/tarama/tarama_files/15/SC15DET_state%20aid%20to%20coal.pdf)> (Accessed on 27 December 2012).

to 517 million TL in 2008.<sup>75</sup> The main purpose of these payments was to cover the TTK's substantial budget deficits. Each individual working under the umbrella of the organization (estimates go up to 10,000 employees) costs the state more than 40,000 dollars per year (IEA, 2010:94). In view of the serious unproductivity of the Turkish coal industry, the import of hard coal would, technically speaking, represent an even more lucrative way of doing business than mining in the Zonguldak basin. In 2011, around 23.6 million tons of hard coal have been imported in comparison to only 2.5 million tons of domestic production.<sup>76</sup> The state aid policy is included in the competition chapter in Turkey's EU accession negotiations. The European Commission's progress report from 2012 criticized the Turkish government particularly with regard to its unproductive hard coal industry. Meeting the EU's requirements on this note, however, would require establishing a formal state aid inventory and an action plan for aligning all aid schemes with the *acquis communautaire*.<sup>77</sup> The Turkish government's latest national program for the alignment with the EU's *acquis* envisioned changing the existing law on state aid by the end of September 2011. This deadline, however, was extended by the Turkish elites for another two years by virtue of Decree 2399 passed in November 2011 (so the new deadline is September 2013).<sup>78</sup> As it stands, the Turkish state aid authority continues indirect capital transfers to its uncompetitive hard coal industry. Adopting the EU legislation on state aid in the coal sector would cease capital transfers and effectively lead to the closing of the state-aid dependent Turkish mines. As a regulatory policy type, the adoption of the Council Decision 782/2010 can be expected to pose a not too difficult task for the Turkish government in the absence of a sizeable compensation in return. The EU's legislation on hard coal in the Turkish case would involve the direct deprivation (in the likely event of the closing the mines) of a larger group of individuals who are currently dependent on the coal industry. In 2005, almost 1.5 million families received some sort of hard coal aid from the Turkish state. The closure of the mines would probably leave unemployed as many as 10,000 workers. Two labor unions, the *Genel Maden İşçileri Sendikası*, and *Maden-İş*, are very determined to protect the miners' rights and, to this effect, serve as strong veto forces in the political arena. Any further attempt to privatization, or worse, closure of hard coal mines by the Turkish state can reasonably be expected to trigger strong opposition by these unions.<sup>79</sup>

75 International Energy Agency, *Energy Policies of IEA Countries: Turkey 2009 Review*, 2010, p. 90.

76 Data derived from Energy Ministry of Energy and Natural sources [http://www.enerji.gov.tr/EKLENTI\\_VIEW/index.php/raporlar/raporVeriGir/71073/2](http://www.enerji.gov.tr/EKLENTI_VIEW/index.php/raporlar/raporVeriGir/71073/2) (Accessed on 25 December 2012).

77 The progress reports of Turkey are available at the official website of the European Commission, Enlargement, <[http://ec.europa.eu/enlargement/press\\_corner/key-documents/](http://ec.europa.eu/enlargement/press_corner/key-documents/)> (Accessed on 5 December 2012).

78 The harmonization of Council Decision 782/2010 is also included in this reform package as continuous expired regulation 1407/2002. Under the secondary legislation harmonization in the 2008 national program, the EU's Ministry of Affairs scheduled the requested changes on state aid to coal industry until 2011. However, the secondary legislations have also been extended to the end of September 2013.

79 For example, with the passing of the Decree No. 4040 in June 2012, which is a privatization law, state-owned lignite sites were been opened for the operation of private enterprises. Although Maden-İş and TMMOB's criticisms of this act have effectually not born fruits, the union's activism has raised substantial public attention to the matter. Any further substantial change to the current state subsidy structure should encounter significant objections by the unions.

The Turkish government's delay of the implementation of Council Decision 782/2010 on coal state subsidies - a regulatory policy type that implicates high impact - turns out to be in line with our theoretical expectations. Due to the existence of powerful unions and interest groups in the Turkish hard coal sector, any policy change in line with the EU's requirements in Turkey seems unlikely under conditions of membership uncertainty. Simply put, the Turkish political elites have perceived too high of a risk in terms of inciting societal groups against one another (the political pragmatism mechanism). In this light, the absence of a credible compensation structure can be seen to have added further to policy makers' reluctance to implement the EU's coal state aid regulations.

### ***Regulatory Policy ("Before-After Comparison"): Industrial Air Pollution Control (Directive 96/61/EC)***

Council Directive 84/360/EEC was the first legislation establishing a framework requiring authorization prior to any operation or substantial modification of industrial installations which may be a potential source of air pollution.<sup>80</sup> A subsequent piece of legislation, Council Directive 96/61/EC, building upon the former, was introduced to achieve integrated prevention and control of the pollution arising from industrial and non-industrial activities.<sup>81</sup> The latter is also known under the name Integrated Pollution and Prevention Control (IPPC).<sup>82</sup> This law introduced certain regulations regarding air and water emissions with the goal of achieving a high level of environmental protection. Regarding the directive's impact potential, it can be categorized as regulatory policy located closer to the redistributive pole (that is, bearing high political impact).

The transposition of this directive in EU countries turned out to be a very difficult process, especially so for newer member states who are on average industrially less developed than existing members (thus, have as their primary goal advancement of their level of industrialization) and exhibit a lesser degree of norm internalisation regarding environmental awareness.

As surprising as it is, Turkey adopted the requisite air pollution control directive in 2004 by implementing a national law based on Council Directive 96/61/EC - notwithstanding its considerably high impact on domestic industries. The law covers the conditions for attaining operating permits as well as the emission limit values as explicit and general binding rules.<sup>83</sup> The transposition of the law in Turkey was surprising against the backdrop of the 1999 Earthquake and the 2001 economic crisis which severely reduced industrial productivity in the succeeding years. More generally speaking, the adoption of

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80 Directive 84/360/EEC of 28 June 1984 on the combating air pollution from industrial plants, L 188, 1984.

81 Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control, L 257, 1996. Of interest here is the first law in Turkey passed to adopt the directive in 2004 on the basis of 96/61/EC, subsequent amendments fall outside the scope of our analysis.

82 Of interest here is the first law in Turkey passed to adopt the directive in 2004 on the basis of 96/61/EC, subsequent amendments fall outside the scope of our analysis.

83 Regulation of Controlling Air Pollution Caused by Industry, 2004.

EU environmental law at large constitutes a highly costly endeavour, as authors have argued that the adjustment process acceding/new member states in this area alone can cost up to 80 to 120 billion Euros.<sup>84</sup> According to estimates from 2002, the implementation of the IPPC directive in Turkey alone was calculated to constitute a burden of 500 million Euros to the state.<sup>85</sup>

In sum, although the IPPC directive bore high adoption costs, the changes in 2004 can be said to have materialized largely because of a credible EU reward structure which was in place back then. More specifically, the prospect of beginning accession negotiations constituted a key incentive for Turkish elites to align with this otherwise costly EU law.<sup>86</sup>

## Concluding Remarks

This article has examined Turkey's selective Europeanization patterns from the EU's *acquis communautaire* under membership uncertainty drawing upon the cases of environmental and energy policy. Our effort to search for recurring patterns of rule adoption under membership uncertainty has led us to adopt a policy-type approach (drawing on Theodor Lowi). The latter model, *internalist* in its outlook, is distinctive from available *externalist* models in the literature emphasizing domestic politics as key determinants of under conditions of membership uncertainty.

We have argued, in particular, that policy design (e.g. distributive or redistributive qualities) bears substantial implications for the subsequent political process (veto player constellations, interest group pressure). In other words, policy design predicates whether power struggles will become relevant in the domestic arena and thus worthwhile to be studied. As such, the policy typology developed herein represents a ready complement to conventional domestic politics-centred approaches.

On a more general level, our findings lend support to a central argument in the literature: a credible EU reward structure (the most sizeable of all rewards being membership) is pivotal for EU conditionality to work effectively in candidate countries.<sup>87</sup> This finding applies not only to the Turkish case, where membership has become non-credible in the post-2005 period, but may equally be valid for other countries where the EU's membership credibility as a "carrot" may become doubtful due to the prevalence of enlargement fatigue (e.g. Western Balkan candidate states).<sup>88</sup> A central policy prescription

84 Eda Kaya, *The Implementation of the IPPC Directive to SMEs in Textile Industry in Turkey*, M.S. Thesis, Lund University, 2005, p.25.

85 Since there was not useful information to estimate the costs of IPPC in the private sector it was not included in the calculations

86 Arguably, our assessment on this score is not based on direct empirical evidence (as obtainable for instance via interviews with policy makers), but rather is an inference we make based on the data available to us.

87 Schimmelfennig and Sedelmeier, "Governance by Conditionality".

88 This is not to say that the EU's membership credibility situation vis-a-vis Turkey may not be subject to change. In fact, at the time of writing (Spring 2013), increasing signs of change have

following from the findings is that policy conditionality based on intermediate rewards (meaning, the granting of smaller rewards in return for the adoption of specific EU policies) should be more often resorted to in target countries where membership is perceived of as non-credible.<sup>89</sup> Such intermediate compensations can provide the needed incentives for political elites to carry on political reforms and alignment with EU legislation.

## Appendix

**Table 2** An Overview of EU induced Energy Policy reforms in Turkey (1998 – 2012)

Law No	Ratification Date	Title
4628	20.02.2001	Electricity Market Law
4646	18.04.2001	Natural Gas Market Law
5015	04.12.2003	Petroleum Market Law
5307	02.03.2005	LPG Market Law
5346	10.05.2005	Law on Utilization of Renewable Energy Sources for the Purpose of Generating Electrical Energy
5627	18.04.2007	Energy Efficiency Law
5686	03.06.2007	Law on Gethermal Resources and Mineral Waters
5710	09.11.2007	Law on Construction and Operation of Nuclear Power Plants and the Sale of Energy Generated from Those Plants
6094	29.12.2010	Law on Amendments on the Law on Utilization of Renewable Energy Resources for the Purpose of Generating Electrical Energy

Source: Own Compilation

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become visible among which are most importantly the change in government in France and Cyprus (towards a more positive stance *vis-à-vis* Turkey as well as a willingness on the side of the German government to open up new chapters for negotiation with Turkey. Whether these developments will effectively help strengthening the EU's credibility and pose incentives to Turkish political elites remains an open question, though.

89 Visa-free travel agreements are one possible form of an intermediate reward. See Florian Trauner, "From Membership Conditionality to Policy Conditionality: EU external governance in South Eastern Europe", *Journal of European Public Policy*, Vol.16, No.5, 2009, p.774-790.

## References

- Avci, Gamze. "The Justice and Development Party and the EU: Political Pragmatism in a Changing Environment", *South European Society and Politics*, Vol.16, No.3, 2011, p.409-421.
- Bolukbasi, Tolga, Ebru Ertugal and Saime Ozcurumez. "The Impact of the EU on Turkey: Toward Streamlining Europeanisation as a Research Programme", *European Political Science*, Vol.9, No.4, 2010, p.464-480.
- Böhmelt, Tobias and Tina Freyburg. "The temporal dimension of the credibility of EU conditionality and candidate states' compliance with the *acquis communautaire*, 1998-2009", *European Union Politics*, Vol.13, No.4, 2012, p.1-23.
- Börzel, Tanja and Didem Soyaltin. "Europeanization in Turkey: Stretching a Concept to its Limits?", *KFG Working Paper Series*, No.36, February 2012, Kolleg-Forschergruppe (KFG) "The Transformative Power of Europe" Freie Universität Berlin.
- Börzel, Tanja and Thomas Risse. "Conceptualizing the Domestic Impact of Europe", Kevin Featherstone and Claudio Radaelli (eds.), *The Politics of Europeanization*, Oxford, Oxford University Press, 2003, p.57-82.
- Camyar, Isa and Halit Mustafa Tagma. "Why Does Turkey Seek European Union Membership? A Historical Institutional Approach", *Turkish Studies*, Vol.11, No.3, 2010, p.371-386.
- Checkel, Jeffrey. "Why Comply? Social Learning and European Identity Change", *International Organization*, Vol.55, No.3, 2001, p.553-588.
- Collier, David. "Understanding Process Tracing", *PS: Political Science and Politics*, Vol.44, No.4, 2011, p.823-830.
- Cook, Brian J. "Arenas of Power and New Policy Theory: Toward a Synthesis", *Paper Presentation*, 2010 Annual Meeting of the American Political Science Association, September 2-5, 2010.
- Elster, Jon. "Mechanisms", Peter Hedstrom and Richard Swedberg (eds.), *Social Mechanisms*, New York, Cambridge University Press, 1998, p. 45-73.
- European Council. *Decision 2010/787/EU on State aid to facilitate the closure of uncompetitive coal mines*, Brussels, 10 December 2010.
- European Parliament and Council of the European Union. *Directive 2001/77/EC on the promotion of electricity produced from renewable energy sources in internal electricity market*, Brussels, 27 September 2001.
- European Parliament and Council of the European Union. *Directive 2009/28/EC on the promotion of the use of energy from renewable sources and amending, and subsequently repealing Directives 2001/77/EC and 2003/30/EC*, Brussels, 23 April 2009.
- European Council. *Directive 84/360/EEC on the combating air pollution from industrial plants*, 28 June 1984.
- European Council. *Directive 96/61/EC on concerning integrated pollution prevention and control*, 24 September 1996.
- George, Alexander L. and Andrew Bennett. *Case Studies and Theory Development in the Social Sciences*, Cambridge, The MIT Press, 2005.
- George, Alexander L. and Timothy McKeown. "Case Studies and Theories of Organizational Decision Making", Robert Coulam and Richard Smith (eds.), *Advances in Information Processing in Organizations*, Greenwich, JAI Press, 1985.

- Gilardi, Fabrizio. "Transnational Diffusion: Norms, Ideas, and Policies", Walter Carlsnaes, Thomas Risse and Beth Simmons (eds.), *Handbook of International Relations*, SAGE Publications, 2012.
- Grabbe, Heather. "European Union Conditionality and the Acquis Communautaire", *International Political Science Review*, Vol.23, No.3, 2002, p.249-268.
- Haverland, Markus. "The impact of the European Union on environmental policies", Kevin Featherstone and Claudio Radaelli (eds.), *The Politics of Europeanization*, Oxford, Oxford University Press, 2003, p.203-225.
- Kaya, Eda. *The Implementation of the IPPC Directive to SMEs in Textile Industry in Turkey*, M.S. Thesis in Environmental Science, Lund, Lund University, 2005.
- Kirisci, Kemal. "The limits of conditionality and Europeanization: Turkey's dilemmas in adopting the EU acquis on asylum", *Conference Paper*, the EUSA Tenth Biennial International Conference, Montreal, 17-19 May 2007.
- Kubicek, Paul, "Political conditionality and European Union's cultivation of democracy in Turkey", *Democratization*, Vol.18, No.4, 2011, p.910-931.
- Lavenex, Sandra and Frank Schimmelfennig. "Relations with the Wider Europe", *Journal of Common Market Studies*, Vol. 44, 2008, p.145-164.
- Little, David. *Varieties of Social Explanation: An Introduction to the Philosophy of Social Science*, Oxford, Westview Press, 1991.
- Lowi, Theodor. "American Business, Public Policy, Case-Studies, and Political Theory", *World Politics*, Vol.16, No.4, 1964, p.677-715.
- Lelieveldt, Herman and Sebastiaan Princen. *The Politics of the European Union*, Cambridge University Press, 2011.
- International Energy Agency (IEA), *Energy Policies of IEA Countries: Turkey 2009 Review*, OECD/IEA, 2010.
- March, James G. and Johan P. Olsen. *Rediscovering Institutions: The Organizational Basis of Politics*, New York, Free Press, 1989.
- Moravcsik, Andrew and Frank Schimmelfennig. "Liberal Intergovernmentalism", Antje Wiener and Thomas Diez (eds.), *European Integration Theory*, Oxford, Oxford University Press, 2009, p.67-91.
- Müftüler-Baç, Meltem. "Turkey's Political Reforms and the Impact of the European Union", *South European Society and Politics*, Vol.10, No.1, 2005, p.16-30.
- Noutcheva, Gergana and Senem Aydin-Düzgit. "Lost in Europeanisation: The Western Balkans and Turkey", *West European Politics*, Vol.35, No.1, 2012, p.59-78.
- "PM Erdogan says Turkey not giving up on EU membership goal", *Today's Zaman*, 30 October 2012.
- "Powering up: OBG talks to Taner Yıldız, Minister of Energy and Natural Sources", *Oxford Business Group*, 17 June 2012.
- Radaelli, Claudio. "The Europeanization of Public Policy", Kevin Featherstone and Claudio Radaelli (eds.), *The Politics of Europeanization*, Oxford, Oxford University Press, 2003.
- Rose, Richard. "What is lesson-drawing?", *Journal of Public Policy*, Vol.11, No.1, 1991, p.3-30.
- Özler, Zeynep. "Breaking the Vicious Circle in EU-Turkey Relations: Visa Negotiations", *Turkish Policy Quarterly*, Vol.10, No.1, 2012.

- Saatçiođlu, Beken. "Unpacking the Compliance Puzzle: The Case of Turkey's AKP under EU Conditionality", *KFG Working Paper Series*, 14, 2010.
- Saatçiođlu, Beken. "Revisiting the Role of Credible EU Membership Conditionality for EU Compliance: The Turkish Case", *Uluslararası İlişkiler*, Vol.8, No.31, 2011, p.23-44.
- Schimmelfennig, Frank and Ulrich Sedelmeier. "Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe", *Journal of European Public Policy*, Vol.11, No.4, 2004, p.669-687.
- Schimmelfennig, Frank. "Entrapped Again: The Way to EU Membership Negotiations with Turkey", *International Politics*, Vol. 46, No. 4, 2009, p. 413-431.
- Şekerciogđlu, Selma and Mustafa Yılmaz. "Renewable energy perspectives in the frame of Turkey's and the EU's energy policies", *Energy Conversion and Management*, Vol.63, 2012, p.233-238.
- Şirin, Selahattin M. and Aylin Ege. "Overcoming problems in Turkey's renewable energy policy: How can EU contribute?", *Renewable and Sustainable Energy Reviews*, Vol.16, 2012, p.4917-4926.
- Smith, Kevin B. "Typologies, Taxonomies, and the Benefits of Policy Classification", *Policy Studies Journal*, Vol.30, No.3, 2002, p.379-395.
- Uğur, Mehmet. "Open-Ended Membership Prospect and Commitment Credibility: Explaining the Deadlock in EU-Turkey Accession Negotiations", *Journal of Common Market Studies*, 2010, Vol.48, No.4, p.967-991.
- Ulusoy, Kivanc. "Turkey's Reform Effort Reconsidered, 1987-2004", *Democratization*, Vol.14, No.3, 2007, p.472-490.
- TBMM (Grand National Assembly of Turkey), *Yenilebilir Enerji Kaynaklarının Elektrik, Enerjisi Üretimi Amaçlı Kullanımına İlişkin Kanun*, Kanun No. 5346, Ankara, 10 May 2005.
- TBMM (Grand National Assembly of Turkey), *Yenilenebilir Enerji Kaynaklarının Elektrik, Enerjisi Üretimi Amaçlı Kullanımına İlişkin Kanunda Deđişiklik Yapılmasına Dair Kanun*, Kanun No. 6094, Ankara, 29 December 2010.
- Trauner, Florian. "From membership conditionality to policy conditionality: EU external governance in South Eastern Europe", *Journal of European Public Policy*, Vol.16, No.5, 2009, p.774-790.
- "Turkish President calls for adopting EU reforms asks for new constitution", *Today's Zaman*, 1 October 2012.