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Our common arctic? A more sustainable EU-arctic nexus in light of the European green deal

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ABSTRACT

The European Union (EU) is a unique stakeholder in Arctic affairs. The EU is linked to the Arctic, affecting and affected by regional changes and developments, resulting in a multidimensional nexus of influences, impacts and overlapping agendas and stakeholders. As a global multi-level force and a major promoter of the concept of sustainable development the EU can also be a leader in setting standards for a more sustainable interaction between a major economy and the Arctic region. On the premise that the path towards a more comprehensive and integrated EU Arctic policy should focus on implementing more robust environmental policies in Europe, this paper argues that developing a distinct EU Arctic policy should only be regarded as secondary to building a – predominantly internal – regulatory framework that considers the ongoing changes in the Arctic. This article analyses the EU's capacity to be a global regulator and to set internal environmental standards with external influence on the Arctic. Specifically, this paper is concerned with the extent to which EU environmental policies and legislations can be regarded as contributing to the promotion of sustainable development in the Arctic with an analyses of the EU's energy-climate policy complex.

KEYWORDS

European union; arctic; sustainable development; European green deal; environmental law

Introduction

Global environmental challenges, such as long-range pollution, rapid climate change fuelled by greenhouse gas (GHG) emissions, and the loss of sea ice and glaciers, have prompted efforts to tackle such challenges. More than any other region in the world, the Arctic is at the receiving end of such environmental changes, also interplaying with local social and environmental pressures and changes. Complex Arctic changes also have ripple effects on the European Union (EU), be it through rising sea levels, coastal flooding, or changing weather patterns. The EU, in turn, has profound impact on what happens in the Arctic, in particular in its capacity as a regulatory power. The complex presence of the EU in the Arctic and the mutual influences, impacts, and the overlapping

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agendas and stakeholders is outlined through the ‘EU-Arctic nexus’, the interdependence, presence and interaction that go beyond mere linkages. Although the EU does not directly legislate for the vast majority of the circumpolar Arctic and EU environmental legislation¹ only fully internally applies to Arctic Finland and Sweden and partly to Iceland and Norway (via the European Economic Area, EEA),² the EU’s extensive environmental regulatory and policy action toolkit has the potential for a strong external dimension that can affect Arctic change.³ It can influence the development of global environmental standards applicable in and for the Arctic. As both a multilateral player and a bilateral actor, the EU can also be instrumental in Arctic governance by acting as a unique leader in Arctic environmental governance using non-Arctic-specific legally binding instruments. The EU can play a role in developing and encouraging the development of international law relevant to the Arctic.⁴ As Bradford argued, the EU’s external influence could be construed as ‘an incidental by-product of its internal motivations ... a conscious external agenda has [now] emerged to complement the EU’s internal regulatory agenda’.⁵

The sustainable development approach to overall environmental and economic policymaking has become paramount over the past three decades, at least on a declaratory level. Also most Arctic-focused discourses revolve around sustainable development.⁶ The region has a vulnerable environment, and some resource developments – especially hydrocarbons – may be questioned from a global and local environmental impact perspective and, in particular, in light of the so-called ‘Arctic climate and energy paradox’.⁷ Simultaneously, governments, regions, and inhabitants of the Arctic oppose framing the region as a global national park and want to continuously develop their northern economies and societies – activities that have been present in the Arctic for centuries.⁸

Over the past decade, sustainable development has also become the EU’s idealised goal for its multidimensional relationship with the Arctic: to protect Arctic biodiversity and culture, but also to contribute to economic and social development, and facilitate the EU itself to benefit from the changes taking place in the region. This article therefore outlines the incorporation of sustainable development in EU-Arctic policymaking. This approach spans across the different dimensions of the EU-Arctic nexus: the EU-internal Arctic in Fennoscandia, the broader European Arctic, constituting a close neighbourhood, and the international circumpolar Arctic. At the same time, we also show that the Arctic is at the margins of EU policymaking and that the main influence the European Union has on the Arctic is not via its Arctic policy but

¹Farmer, *Manual of European Environmental Policy*.

²Beyond the borders of its 27 Member States, most EU environmental policies are also applicable in Iceland and Norway (excluding the Svalbard Archipelago) through the 1993 European Economic Area Agreement.

³Hadjiyianni, *The EU as a Global Regulator for Environmental Protection: A Legitimacy Perspective*, 1; Koivurova et al., ‘EU Competencies Affecting the Arctic’; Koivurova et al., ‘The Present and Future Competence of the European Union in the Arctic.’

⁴Shapovalova, ‘The Effectiveness of the Regulatory Regime for Black Carbon Mitigation in the Arctic.’

⁵*The Brussels Effect: How the European Union Rules the World*, 18.

⁶Heininen, *Arctic Strategies and Policies: Inventory and Comparative Study*; Heininen et al., ‘Arctic Policies and Strategies – Analysis, Synthesis, and Trends.’

⁷Schunz, Botselier, and Piqueres, ‘The European Union’s Arctic Policy Discourse: Green by Omission.’

⁸Greunz and Ward, ‘Summary Report of the Arctic Stakeholder Forum Consultation to Identify Key Investment Priorities in the Arctic and Ways to Better Streamline Future EU Funding Programmes for the Region.’

through the Union's general regulatory and policy processes; developments where Arctic concerns are usually non-existent or are merely one of myriad aspects that EU policymakers in the European Commission, the European Parliament and the Member States (via the Council) need to take into account. Globally, the EU's market power and its technical competence are drivers for the EU's external influence. In the EU's close neighbourhoods, including the European Arctic, the EU's various development, research and cross-border programmes attract Arctic actors to policy and institutional frameworks where the EU is the one setting rules and priorities. Therefore, the EU-Arctic nexus is primarily shaped through setting environmental and other standards internally. This is why Chuffart and Raspotnik argued that the path towards a more comprehensive and probably truly integrated EU Arctic policy should focus on implementing more robust environmental regulations within the EU.⁹ Thus, this article considers the notion of the EU's Arctic environmental and economic footprint, its involvement in shaping Arctic-relevant international norms, but also explores the notion of a partly external Arctic-specific 'Brussels effect',¹⁰ where the EU affects behaviour of other actors via its market power combined with high regulatory standards. This understanding of the EU-Arctic nexus is the basis for the discussion on how the recent climate and energy policy developments revolving around the European Green Deal (EGD)¹¹ can reshape this nexus and how it could affect the actual role of the EU in Arctic governance and affairs. The energy-climate policy complex is the focus of this article as it constitutes the core to the EU's effort towards fostering sustainable development. It is one of the key policy domains within the EGD, with planned changes to transform the ambitious climate agenda into efficient legal and economic instruments¹² and ultimately profoundly change the way the EU economy operates. As sustainable development is the core of the EU's Arctic objectives, we conclude that effective implementation of the EGD can indeed bring the EU closer to its sustainable development goals and as a side effect improve its standing as an Arctic actor, although not without problematic issues and challenges.

This article begins by outlining the conceptual frames used for understanding the EU's influence in the Arctic. Further, the article discusses the EU's engagement with sustainable development from both a legal and policy perspective since the post-Maastricht era, particularly focusing on how this has influenced the EU's energy-climate policy complex. The third section explores how sustainable development has become one of the EU's priorities in external relations with the example of the EU Arctic policy toolkit, taking up the EGD ambitions regarding climate and energy and considering their consequences for its multifaceted interactions with the Arctic. We conclude that because the Arctic relevance of the EU's internal policies constitute the core of the EU-Arctic nexus, the EGD has a potential to transform it and bring the EU closer to its declared ideal of making sustainable development the genuine kernel for all EU-Arctic interactions.

⁹Chuffart and Raspotnik, 'The EU and Its Arctic Spirit: Solving Arctic Climate Change from Home?'

¹⁰Bradford, 'The Brussels Effect'; Bradford, *The Brussels Effect: How the European Union Rules the World*.

¹¹Leonard et al., 'The Geopolitics of the European Green Deal.'

¹²Sikora, 'European Green Deal – Legal and Financial Challenges of the Climate Change.'

Conceptual framework for understanding the EU-arctic nexus

While the main focus in discussions on the EU's role in the Arctic is often on its participation in Arctic cooperation regimes, its relations with Arctic states and with Indigenous Peoples, or its policy statements, this article argues that it is in fact the EU's internal policies and legislation that comprise the core of the EU-Arctic nexus. Components of this linkages originate from the EU's regulatory influence: first, the EU economy's Arctic environmental footprint and the EU's policies and legislation that affect these impacts; second, direct regulatory power in the EU's northernmost regions, extending via the EEA to Iceland and Norway and third, a broadly understood 'Brussels effect' combined with the EU's influence on international norms, as discussed below. Any major EU policy and legislative project – such as the EGD – carries therefore the potential to reshape the EU-Arctic nexus, perhaps more than any new rendition of EU Arctic policy statements.

The EU is predominantly pictured as a regulatory power in global context, as it is via its policies and legislation rather than military force or financial resources (EU budget is a mere 1% of the EU's GDP) that the EU can exert influence beyond its borders.¹³ This can be placed within broader conceptual discussions on policy diffusion.¹⁴ For instance, in the Arctic context, Underdal explored the interactions between diffusion of unilateral policies and regulations to other states and cooperation between states, and specified that diffusion can be driven by both ideational mechanisms and material considerations, where rules proliferate due to states' market power and the flows of investments and goods.¹⁵ Contributing especially to the discussion on the latter mechanism and with regard to the EU specifically, Bradford coined the term 'Brussels effect': the capacity of the EU's internal regulations to set global standards and to influence the development of international law and domestic legislation of non-EU countries.¹⁶ This is in fact a side effect of the EU's market power as well as its capacity and willingness to set high standards and implement them internally. The Brussels effect is a particularly useful idea for the EU-Arctic nexus as Arctic states and actors are reluctant to accept the EU as a standard setter and policymaking leader and award the Union a secondary place in debates on the region, with the exception of the European Arctic.¹⁷ However, the broadly understood 'Brussels effect' shows that the EU influence is often non-coercive and partly unintended, arising from the attraction of the Union's market. This leads to changes in processes taking place beyond EU borders but regulated due to exporting to the EU and/or interacting with EU-based actors (e.g. in terms of investments). Furthermore, this article broadens the original, market-focused concept of the 'Brussels effect' towards other non-coercive processes occurring due to the attractiveness of EU-sponsored networks, financing and programmes for various Arctic actors. Bradford classifies two variants of the Brussels effect. While the 'de facto' effect explains 'how global corporations respond to EU regulations by adjusting their global conduct to EU rules', the 'de

¹³Majone, 'From the Positive to the Regulatory State: Causes and Consequences of Changes in the Mode of Governance.'

¹⁴Drezner, 'Globalization, Harmonization, and Competition: The Different Pathways to Policy Convergence.'

¹⁵Underdal, 'Meeting Common Environmental Challenges: The Co-Evolution of Policies and Practices.'

¹⁶Bradford, 'The Brussels Effect'; Bradford, *The Brussels Effect: How the European Union Rules the World*.

¹⁷Raspotnik, *The European Union and the Geopolitics of the Arctic*; Stępień, 'Internal Contradictions and External Anxieties: One "Coherent" Arctic Policy for the European Union?'

jure' effect refers to the 'adoption of EU-style regulations by foreign governments', partly because they are encouraged by the companies who anyway need to follow such standards.¹⁸

This article does not focus exclusively on the main aspect of the 'Brussels effect', that is the changes in non-EU behaviour of global and Arctic states-based companies. Rather, it highlights that the EU's influence is primarily non-coercive and regulatory. The prime example of the extra-territorial reach of EU internal law in the Arctic are the significantly adverse socio-economic consequences on Inuit communities and non-Indigenous commercial sealing communities in Canada of the Regulation (EC) No 1007/2009 banning a trade of seal products in the EU market.¹⁹ The legislation concerned the animal products that can be sold in the EU and was justified by the need to harmonise rules within the EU's single market in light of some Member States adopting national bans. The effects of the new rules were felt primarily in Arctic communities as the EU constituted the biggest market for their seal products. The adoption of exemption for Indigenous communities necessitated the introduction of labelling schemes and safeguards for animal welfare standards outside of the EU – in Canada and Greenland.

Sustainable development as a guiding principle

Respect for the environment in pursuing economic development has been one of the key overall principles of the European Community (EC) since the adoption of the Single European Act (SEA) in 1987.²⁰ The SEA formally implanted environmental protection into the EU treaties, making it a primary treaty objective and vesting EU institutions with the competence to undertake environmental protection measures.²¹ Since the 1993 Maastricht Treaty, the EU has wanted to maintain sustainable economic activities within its borders, thus balancing economic efficiency and environmental sustainability.²² This was further strengthened by acknowledging the importance of sustainable growth and the precautionary principle. The treaty also recognised the EU's role in multilaterally promoting measures outside the EU.

Today, sustainable development is omnipresent across EU primary law (i.e. the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU), and the Charter of Fundamental Rights (EUCFR)). The EU enjoys shared competences in key areas of sustainable development, such as energy and the environment. It also has the competences to act externally and undertake international commitments (TFEU Art. 191 (4)) and is an international actor in environmental matters.²³ While the then EC started providing a general policy framework for its environmental policy with medium- and long-term goals as early as the 1970s, sustainable development only became introduced in European law with the 1997 Treaty of Amsterdam. It amended the TEU, whose preamble states that the Union shall set itself the objective

¹⁸Bradford, *The Brussels Effect: How the European Union Rules the World*, 2.

¹⁹Sellheim, 'The Goals of the EU Seal Products Trade Regulation: From Effectiveness to Consequence'; Sellheim, 'The Voice of Disapproval: The Expressive Function and Paradox of the EU Seal Regime.'

²⁰McCormick, *Environmental Policy in the European Union*, 75.

²¹Bradford, *The Brussels Effect: How the European Union Rules the World*, 208.

²²McCormick, *Environmental Policy in the European Union*, 4–5.

²³Marín Durán and Morgera, *Environmental Integration in the EU's External Relations: Beyond Multilateral Dimensions*, 6–10.

‘to promote economic and social progress and a high level of employment and to achieve balanced and sustainable development’. Hence, the consolidated version of the TEU mentions sustainable development as one of the EU’s goals (Art. 3(3)):

The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.

Sustainable development is specified as one of the principles for the EU’s relations with the wider world (TEU, art. 3(5)), directly linking it with the external dimension of EU policy.²⁴ This approach coincides with how sustainable development is generally understood as a balancing act in international environmental law (i.e. Principle 4 of the 1992 Rio Declaration), using the three pillars of the sustainable development approach established by the 1987 UN World Commission on Environment and Development: Our Common Future (Brundtland Report): environmental protection, social sustainability, and economic sustainability.²⁵ This focus is also evident in the EUCFR Art. 37, which provides that ‘a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development’. However, these treaty provisions do not determine the substantive and procedural elements of sustainable development. Yet, as de Sadeleer argues, TFEU Arts. 11 and 191(1) already encapsulate some components of sustainable development, such as the duty to integrate environmental protection into other policies.²⁶ That said, EU law does not provide a textual definition of sustainable development and how to implement it within the Union.²⁷

Unlike legislations, policy documents such as the 2006 Renewed EU Sustainable Development Strategy concretely explained what sustainable development means in an EU context by combining many strands of economic, social, and environmental policy under one overarching objective – to continually improve the quality of life and well-being for present and future generations.²⁸ One objective of the document was *inter alia* ‘to break the link between economic growth and environmental degradation’. The document also provided concrete operational objectives and targets in areas such as energy and climate change.²⁹ It is now generally accepted that external action by the EU in the field of sustainable development (e.g. through cooperation with third countries and shaping global norms) is as important as internal action.³⁰

The Union’s perspective is that the promotion of sustainable development helps both the EU and the Member States to address those issues that threaten their internal stability directly or indirectly.³¹ When combined, these potential threats to EU stability mean that it has long been necessary for the EU to promote sustainable

²⁴Morgera, ‘Introduction to European Environmental Law from an International Environmental Law Perspective,’ 10.

²⁵World Commission on Environment and Development, *Our Common Future*.

²⁶de Sadeleer, ‘Sustainable Development in EU Law: Still a Long Way to Go,’ 49.

²⁷Van Hees, ‘Sustainable Development in the EU: Redefining and Operationalizing the Concept,’ 61–62.

²⁸Kovačić, ‘European Union and Sustainable Development Indicators,’ 19.

²⁹Council of the European Union, ‘Renewed EU Sustainable Development Strategy (10,917/06).’

³⁰Humphreys, ‘Sustainable Development in EU External Relations,’ 107.

³¹Humphreys, 108.

development beyond its borders.³² However, there is a clear dichotomy between the EU's ambitions and what it is willing and/or able to impose. Hence, the EU's approach to sustainable development in its external relations appears more a symbolic treaty requirement, encouraging the promotion but not the enforcement of sustainable development objectives.³³ More recently, the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs) have given a new impetus to global efforts to work towards sustainable development. As outlined in 'Towards a Sustainable Europe by 2030' and the recent EGD, the EU has fully committed itself to achieving the SDGs' objectives, the 2030 Agenda, and its implementation.³⁴

The core challenge in the pursuit of sustainable development is mitigating climate change. This is done through the transition away from fossil fuels, both via the transformation of energy production and use. Climate also constitutes a key theme of the EU's Arctic policy, while energy is among the most consequential elements of the EU-Arctic nexus.³⁵ Energy became a recognised EU policy area after the oil crises of the 1970s and early 1980s. Yet, European primary law did not explicitly provide the EC/EU with competence in the field of energy until the Treaty of Lisbon entered into force, stipulating shared competence between the EU and its Member States.³⁶ TFEU Art. 194 defines the EU policy on energy issues regarding the internal market and environmental protection, alongside the Member States' (remaining) right to determine conditions for exploiting its energy resources, its choice between different energy sources, and the general structure of its energy supply.

At its core, the EU's energy policy aims to develop a sustainable, low-carbon, and climate-friendly EU economy by fundamentally transforming the EU's energy system. Thus, it always needs to be put in context of related climate policy efforts dating back to the early 1990s. Yet, until 2007, climate, energy, and innovation policies had been developed largely in isolation based on different concerns: climate change, energy security, and economic growth. It was only in 2008 that climate and energy policies were linked by adopting the EU's 2020 frameworks for achieving the 2020 targets: a 20% cut in GHG emissions (from 1990 levels), 20% of EU energy from renewables (via its Renewable Energy Directive (2009/28/EC)), and 20% improvement in energy efficiency.³⁷ For the period 2021–2030, the 2030 framework aims to cut GHG emissions by at least 40%, increase the share of renewable energy to 32% (Directive 2018/2001), and improve energy efficiency by at least 32.5% by 2030 (Directive 2018/2002). These targets are legislatively implemented through the revised directive on the Emissions Trading Scheme (ETS) (Directive 2018/410) and an effort-sharing regulation covering non-ETS sectors (Regulation 2018/842).

³²Humphreys, 110.

³³Humphreys, 142.

³⁴European Union, 'Sustainable Development in the European Union: Overview of Progress towards the SDGs in an EU Context'; European Commission, 'Towards a Sustainable Europe by 2030 (Reflection Paper)'; European Commission, 'The European Green Deal COM(2019) 640 Final, Brussels, 11.12.2019.'

³⁵Koivurova et al., 'Overview of EU Actions in the Arctic and Their Impact (Final Report – June 2021).'

³⁶Koivurova et al., 'EU Competencies Affecting the Arctic,' 29.

³⁷Skjærseth, 'Towards a European Green Deal: The Evolution of EU Climate and Energy Policy Mixes.'

The energy and climate policies have recently – and most prominently – been emphasised in the EGD, which includes the EU’s climate agenda and related legislative proposals and strategies from 2020 onwards.³⁸ Before the EGD, 20% of the EU budget was dedicated to climate action in the 2014–2020 Multiannual Financial Framework (MFF). Climate change has played a central role in policy integration and in internal and external EU policies.³⁹ Since the production and use of energy across the economy account for more than 75% of EU GHG emissions,⁴⁰ the EGD aims to reshape the way energy is produced and consumed in the EU and to foster the transition towards climate neutrality through regulatory changes. Therefore, the EGD is designed to substantially impact both medium-term goals for 2030 and long-term targets for 2050. With the EGD, the EU aims to become the first climate-neutral continent by 2050. The Commission estimates that new actions are needed, as current policies can reduce EU emissions by only 60% in 2050 compared to the 1990 level.⁴¹ In the short term and with the 2030 Climate Target Plan (COM(2020) 562 final) and a provisional agreement on the European Climate Law (COM(2020) 563), the Commission proposes to (again) raise the EU’s ambition to reduce GHG emissions to at least 55% below 1990 levels by 2030. Internally, this builds more coherence across EU policies with the climate neutrality objective and sector-specific roadmaps charting the path to climate neutrality in different areas of the EU’s economy, including revamping the EU’s carbon pricing framework, enhancing the circularity of European heavy industry, or further restructuring the EU transport system towards multimodality, automation, low carbon, and low pollution tracks.

In July 2021, the Commission issued a swipe of legislative proposals implementing the new level of ambition – the ‘Fit of 55’ climate package.⁴² Among others, new reduction targets are proposed under the effort-sharing regulation, matching the 2030 55% ambition. The 2030 target for the share of renewable energy in total EU energy production has been risen to 40%. The Commission further proposed to introduce a new, separate emissions trading system for fuel distribution in road transport and buildings, which may have particularly noticeable impact on transport and heating prices for final consumers. Taxation of energy is to be harmonised, including abandoning existing exemptions for fossil fuels. Initiatives on decarbonising aviation and maritime transport are also to be launched. This includes setting a limit on GHG emissions from energy use in ships calling at European ports. Carbon sinks are to be expanded with the ambition to achieve EU-wide carbon neutrality in land use, forestry and agriculture by 2035. Furthermore, the Commission has proposed to introduce a carbon border adjustment mechanism (CBAM) mirroring to the internal EU ETS system and EU internal climate action, which would account for emissions occurring outside of the EU related to selected imported products and resources. However, CBAM is expected to be problematic in terms of both WTO rules and the practical implementation, including accounting and reporting by importers.⁴³

³⁸European Commission, ‘The European Green Deal COM(2019) 640 Final, Brussels, 11.12.2019.’

³⁹Kulovesi, Morgera, and Muñoz, ‘Environmental Integration and Multi-Faceted International Dimensions of EU Law: Unpacking the EU’s 2009 Climate and Energy Package,’ 830.

⁴⁰International Energy Agency, ‘World Energy Outlook 2020 – Executive Summary.’

⁴¹European Commission, ‘The European Green Deal COM(2019) 640 Final, Brussels, 11.12.2019,’ 4.

⁴²European Commission, ‘Fit for 55 : Delivering the EU’s 2030 Climate Target on the Way to Climate Neutrality (COM (2021) 550 Final), Brussels 14.7.2021.’

⁴³Sapir, ‘The European Union’s Carbon Border Mechanism and the WTO.’

As an internal priority, the EGD also has external consequences.⁴⁴ Its implementation and the subsequent legislative changes have not only forced the EU to rethink its relationship with petroleum-producing neighbours on which the EU relies for its own energy consumption,⁴⁵ but have also put the EU, as a global actor, at the forefront of addressing the challenge of climate change. The Commission believes that ‘setting a credible example, and following up with diplomacy, trade policy, development support, and other external policies, the EU can be an effective advocate’.⁴⁶ For the EU’s interactions with Arctic states, the EU’s environmental and economic footprint and conscious – and with the EGD perhaps more effective – mitigation should be seen as an external aspect of the EU’s primarily internal actions.

An EU priority in the arctic?

The EU is uniquely positioned in Arctic affairs; it can affect and be affected by the Arctic and is essentially part of and linked to the region.⁴⁷ The EU is no stranger to its ‘northern neighbourhood’ and holds multiple links to the Arctic, on geographical, legal, economic, environmental, research, and regional development-related levels. Clearly, the EU is an Arctic actor. While three of its Member States are considered Arctic (Denmark, Finland, and Sweden),⁴⁸ the EU also holds a strong, multidimensional regional presence. This includes, among many others, being one of the regulators of human activities in the European Arctic, the EU’s contribution to Arctic research, and its participation in regional regimes such as the Arctic Council. The EU’s economy and population also affect the region via an environmental and climate footprint alongside its market influence, essentially contributing to the demand for Arctic resources. Hence, and as early as 2011, the EU Arctic Footprint and Policy Assessment calculated that the then EU-27 was a market for 24% of all Arctic oil and gas outputs.⁴⁹ Moreover, EU policies, such as climate change mitigation efforts, clean air policies, or raw materials strategies, impact these environmental and economic aspects of the EU’s footprint.⁵⁰

Among the major industrialised regions of the Northern Hemisphere, Europe is closest to the Arctic. Consequently, the continent is an important source of pollutants coming from outside the region.⁵¹ For instance, a quarter of mercury reaching the Arctic from southern latitudes is emitted within the EU. Various EU policies that influence European emissions of persistent organic pollutants, mercury, acidifying pollutants (sulphur and nitrogen oxides), or short-lived climate pollutants (black carbon and methane) can translate to contaminants reaching the Arctic environment via wind patterns and ocean currents.⁵² Additionally, around 8% of global CO₂-equivalent emissions originate in the EU, directly corresponding to the EU’s responsibility for global –

⁴⁴Leonard et al., ‘The Geopolitics of the European Green Deal’; Siddi, ‘The European Green Deal: Assessing Its Current State and Future Implementation.’

⁴⁵Leonard et al., ‘The Geopolitics of the European Green Deal,’ 2.

⁴⁶European Commission, ‘The European Green Deal COM(2019) 640 Final, Brussels, 11.12.2019.’

⁴⁷Raspotnik, *The European Union and the Geopolitics of the Arctic*.

⁴⁸Although Greenland and the Faroe Islands are not part of the EU, Denmark as an EU Member State is typically regarded as ‘Arctic’.

⁴⁹Cavallieri et al., ‘EU Arctic Footprint and Policy Assessment: Final Report,’ 41–42.

⁵⁰Raspotnik and Stepień, ‘The European Union and the Arctic: A Decade into Finding Its Arcticness.’

⁵¹Koivuvrova et al., ‘Overview of EU Actions in the Arctic and Their Impact (Final Report – June 2021),’ 5–6.

⁵²Raspotnik and Stepień, ‘The European Union and the Arctic: A Decade into Finding Its Arcticness.’

and thus Arctic – heating.⁵³ Consequently, while unrelated to any actions taken in the Arctic, the EU's climate action has become a key component of the Union's Arctic policy.⁵⁴

Since 2007/2008, the Union has consistently developed its Arctic policy. Climate change mitigation, the sustainable development of the region, and international cooperation are the three key pillars of the EU's Arctic policy, as prominently highlighted in the latest Joint Communication of 2016 (and most likely its successor of October/November 2021).⁵⁵ The EU Arctic policy covers a vast spectrum of domains – both internal and external in nature. This broad scope of the EU's Arctic policy is partly due to the EU-Arctic nexus being comprised of European Arctic and circumpolar Arctic dimensions. The European Arctic policy space is characterised by the direct application of EU laws and policies or the operation of EU cross-border and intra-regional programmes. The geographical definition of the European Arctic is fluid from the EU's perspective, yet the further from Rovaniemi (Finland) and Luleå (Sweden) one travels, the weaker the EU's influence, and the fewer the European Arctic linkages. These 'linkages' range from full coverage of the EU *acquis communautaire* and policies in Finland and Sweden to thin cross-border and Northern Dimension programme cooperation in northwest Russia. Substantially, European Arctic issues comprise, for example, transport in northern Europe, environmental policies and regulations, local climate adaptation, regional development, and the promotion of innovation and entrepreneurship. In contrast, circumpolar matters are chiefly of maritime and international character, and relate to maritime shipping and ocean governance, as well as the EU's environment footprint. The circumpolar Arctic dimension is largely related to the EU's external action, including the EU's involvement in the Arctic Council as a de facto observer and participation in Arctic-relevant international processes, such as the instruments for persistent organic pollutants or for Arctic shipping. While climate change features prominently in the European Arctic dimension of the EU's Arctic policy (e.g. through regional renewable energy developments and the EU adaptation action), in the circumpolar context the EU's overall climate action and its involvement in international climate negotiations take the centre-stage. Accordingly, all Arctic-related policy statements stress the EU's global leadership skills, following a distinct argumentation logic: as the Union is a world leader in fighting climate change, its Arctic policy can only benefit the region and its inhabitants.⁵⁶ Climate change will also have ramifications for the European economy and resource markets. Thus, understanding Arctic environmental change is perceived as crucial.⁵⁷

The environmental impacts of the EU on the Arctic position the Union's general internal regulatory framework at the centre of the EU-Arctic nexus. As a part of its Arctic policy developments, EU institutions have proactively assessed the environmental and economic impacts of the EU on the Arctic.⁵⁸ In 2010, the Commission authorised the

⁵³Boden, Marland, and Andres, 'Global, Regional, and National Fossil-Fuel CO₂ Emissions'; Ritchie and Roser, 'CO₂ and Greenhouse Gas Emissions.'

⁵⁴Stępień and Raspotnik, 'The EU's Arctic Policy: Between Vision and Reality,' 1–2.

⁵⁵European Commission and High Representative, 'An Integrated European Union Policy for the Arctic (JOIN(2016) 21 Final), Brussels, 27.4.2016.'

⁵⁶Raspotnik, *The European Union and the Geopolitics of the Arctic*, 134.

⁵⁷Stępień, Koivurova, and Kankaanpää, *The Changing Arctic and the European Union*.

⁵⁸Cavaliere et al., 'EU Arctic Footprint and Policy Assessment: Final Report'; Koivurova et al., 'Overview of EU Actions in the Arctic and Their Impact (Final Report – June 2021).'

above-mentioned Arctic Footprint and Policy Assessment to measure the EU's Arctic footprint and assess the effectiveness of relevant policies⁵⁹; an endeavour that has recently been repeated – with similar results.⁶⁰ These assessments also serve as a justification for the need of EU involvement in Arctic affairs and cooperation and can internally be used by environmentally minded Commission departments, Members of the European Parliament or Member States to argue for stronger internal environmental and climate actions within the EU's policymaking processes.⁶¹ This currently includes supporting various EGD objectives and developments. The key barrier for the Arctic to feature prominently in relevant policymaking processes is the marginal positioning of the region and the EU's Arctic policy within the overall EU's policy system.⁶² The Arctic remains a marginal policy area lacking a convincing narrative for European engagement in the broader circumpolar North.⁶³

Sustainable development and derivatives are dominant catchphrases and central concepts in every Arctic policy document: the EU should seek and promote regional sustainable development – from environmental to social sustainability – by applying the highest standards and latest technology. The EU's vision of being a sustainable regional actor follows a two-fold approach: an active promotion of environmental protection linked with an economic imperative of regional development. Several policy documents state that the EU could serve as a facilitator to effectively balance the possibility of economic development and the sustainable exploitation of resources, finding an Arctic balance between damage and opportunity.⁶⁴ Accordingly, sustainable development is perceived as a win-win scenario with inherent normative environmental objectives and interest-related intents – an approach to overcome the 'classical trade-off between ecology and economy'.⁶⁵

In these various Arctic policy documents, sustainable development can be read both as a genuine final objective or as a way to obscure problems and achieve minimum acceptance among different European and Arctic audiences towards which the policy is directed. As an abstract principle, sustainable development is understood differently by different actors in different contexts, usually in resonance with their particular interests and values. It can be also used to obscure the tensions and trade-offs between the environment and the economy, making the policies inducing economic activities acceptable for both those focused on environmental values and those concerned primarily with economic development.⁶⁶ Not surprisingly sustainable development is thus at the centre of the EU-Arctic discourse, which encompasses multiple policy domains and diverse stakeholders. Interestingly, while the circumpolar Arctic often/only appears under a strong sustainable *environmental* umbrella, references to the European Arctic often refer to sustainable development from a sustainable *economic* development or sustainable

⁵⁹Cavalieri et al., 'EU Arctic Footprint and Policy Assessment: Final Report.'

⁶⁰Koivurova et al., 'Overview of EU Actions in the Arctic and Their Impact (Final Report – June 2021).'

⁶¹Schunz, Botselier, and Piqueres, 'The European Union's Arctic Policy Discourse: Green by Omission.'

⁶²Stępień, 'Internal Contradictions and External Anxieties: One "Coherent" Arctic Policy for the European Union?'

⁶³Stępień and Raspotnik, 'The EU's Arctic Policy: Between Vision and Reality,' 4.

⁶⁴Raspotnik, *The European Union and the Geopolitics of the Arctic*, 93–122.

⁶⁵Vanden Brande, 'Green Civilian Power Europe?,' 172.

⁶⁶For an overview of different ways of understanding, misunderstanding and challenges related to the concept of sustainable development, see Vogt and Weber, 'Current Challenges to the Concept of Sustainability.'

innovation perspective. The EU Arctic documents tend to be rather superficial with regard to energy questions, as these are particularly difficult to tackle within the frames of sustainable development.

The EGD and the EU-arctic nexus

While putting sustainable development at the core of the EU's Arctic policy offers a convenient way of accommodating different stakeholders and values, it may seem dishonest when its understandings differ between European Arctic and circumpolar policy spaces and when key issues (e.g. the energy-climate Arctic junction) are glossed over. The EGD may offer a way to bring different ways of understanding sustainable development closer and allow the EU to take up more problematic issues as it transforms itself, including its Arctic regions.

The primary goals of the EGD have two major implications for the Arctic. First, the EU's overall GHG emissions are to decrease significantly. Climate change is the key challenge for Arctic sustainability, and even if the EU's relative share of global emissions is lower over time, the EU's impact matters, notwithstanding its share. Therefore, the 2030 55% reduction goal and the commitment to 2050 carbon neutrality, alongside making the EU climate objectives legally binding via climate law, will have clear implications for the EU-Arctic nexus. The EU's (ideally) decreasing contribution to the global demand for oil and later natural gas will affect the potential for new Arctic projects to come online. Furthermore, if achieved, decarbonisation of air transport would also mean that a form of transport on which people and business depend in European peripheries could be maintained in the low-carbon economic system, avoiding the risk of adverse impacts on connectivity and accessibility, key for socio-economic development of these areas. A problematic issue for Finland's and Sweden's northernmost areas may be bioenergy production from forests as the EU's sustainability criteria for biomass⁶⁷ may hinder the current form of forest use in the North.

The EGD's effect on the EU's Arctic footprint – even if the Arctic is not mentioned even once in the 2019 Communication – is not limited to climate and energy aspects. A good example is the 'zero pollution ambition for a toxic-free environment'. The goal here has little to do with the long-range transport of air pollutants – also into the Arctic – but rather arises from the concern that many Europeans live in areas where pollution exceeds acceptable limits, especially in Eastern and Southern Member States, despite already adopted measures. The side effect of any progress in that regard, especially limiting the emissions of particulate matter PM2.5, a component of soot targeted by the EU emissions legislation (Directive (EU) 2016/2284),⁶⁸ will decrease the EU's footprint on Arctic climate change. This is because PM2.5 includes black carbon particles, which have a significant warming effect in the Arctic.

Importantly, the internal policy changes aimed at the transformation of the EU's economy have external implications, with CBAM being a key example. In the legislative proposals of July 2021, CBAM would have limited the impact on trade related to products and resources coming from the Arctic (e.g. localised electricity or aluminium imports).

⁶⁷European Commission, 'Delivering the European Green Deal.'

⁶⁸See also Koivurova et al., 'Overview of EU Actions in the Arctic and Their Impact (Final Report – June 2021).'

However, the Commission aims at a future expansion of CBAM's scope to, among others, refinery products.⁶⁹ The mechanism could encourage Arctic exporters to invest in mitigating their emissions. If developed further in tandem with the EU's internal legislation, CBAM could have a number of implications for resource imports from the Arctic. For example, hydrocarbon extraction in Russia and transport to the EU are linked to methane and nitrogen oxides emissions. Extracting Arctic raw materials also results in GHG emissions, as extractive activities globally, before resources are utilised or burned, are responsible for one-third of global GHG emissions, and the future may see price put also on these emissions.⁷⁰

The effect of CBAM on the behaviour of Arctic exporters into the EU would come close to Bradford's concept of the 'Brussels effect',⁷¹ as the accounting for emissions occurring beyond EU borders would be an externalisation of the regulatory standards imposed on products made in the EU, extending the regulated characteristics of the product to the pollution caused by the production and transport of Arctic resources. The external effect of CBAM on non-EU production would depend on the cost and benefit calculation, namely whether it would be cheaper for companies to find new markets, pay CBAM fees or adjust their production (globally or the part aimed at the Union's market) to lower GHG emissions. This reflects preconditions and constraints for the 'Brussels effect', as discussed by Bradford.

While CBAM is a more direct instrument of externalising EU standards, there are more subtle mechanisms for the EU to affect the Arctic footprint of other economies – within and outside the Arctic, exemplifying the 'Brussels effect' in its narrow meaning. Bradford discussed, for instance, how the EU's legislation on chemicals (primarily, REACH Regulation 1907/2006) introduced standards that affected production globally – as it was cheaper for the producers to introduce one (the highest) standard rather than create completely separate production lines for different major markets.⁷² As the Arctic is affected by pollution emitted elsewhere, any effect that EU internal legislation may have on global manufacturing is Arctic-relevant. A potential example is the current regulatory process towards limiting and ultimately banning the use of intentionally used microplastics in products (e.g. cosmetics). Microplastics travel by air and water currents into the Arctic where they accumulate over decades, affecting animals and ecosystems, including rich sub-Arctic fish stocks, and ultimately humans.⁷³ Similar to the earlier chemicals' legislation, such a ban may affect production globally.

It is uncertain how, or if at all, the EGD affects the EU's relations with Arctic states and non-EU Arctic actors. The 2019 EGD Communication listed many regions as spaces for EU engagement regarding the EGD's external dimension and the promotion of global change towards sustainability, while the Arctic was not mentioned.⁷⁴ There are, however, non-coercive mechanisms similar to the 'Brussels effect', which encourage Arctic actors to accept EU rules and priorities through practical activities. While the Arctic states are suspicious of the EU's forceful promotion of its values in the North, they are often

⁶⁹European Commission, 'Proposal for a Regulation of the European Parliament and of the Council Establishing a Carbon Border Adjustment Mechanism (COM(2021) 564 Final), Brussels, 14.7.2021.'

⁷⁰International Resource Panel, 'Global Resources Outlook 2019: Natural Resources for the Future We Want.'

⁷¹Bradford, 'The Brussels Effect'; Bradford, *The Brussels Effect: How the European Union Rules the World*.

⁷²Bradford, 'The Brussels Effect,' 26–29.

⁷³Koivurova et al., 'Overview of EU Actions in the Arctic and Their Impact (Final Report – June 2021).'

⁷⁴European Commission, 'The European Green Deal COM(2019) 640 Final, Brussels, 11.12.2019.'

interested in participating in various EU programmes and services, accepting EU rules and priorities when they decide to access these frameworks. The attractiveness of EU programmes, funding and networks – rather than the size of its market – is in these cases the source of the peculiar Arctic ‘Brussels effect’. This mechanism is clearly visible in the Arctic, and takes on a variety of forms. For example, the programmes within the newly established Neighbourhood, Development, and International Cooperation Instrument, which includes cross-border cooperation programmes with Russia, target spending 30% of their budgets on climate priorities.⁷⁵ The same 30% target has been proposed for other EU territorial cooperation programmes, including the Northern Periphery and Arctic Programme. The EU focus on climate in research and cross-border programmes impacts the type of projects proposed and implemented by non-EU actors. Similarly, the European Investment Bank (EIB) standards and guidelines – for instance broad sustainability requirements or specific guidelines like those regarding the indigenous participation in the environmental impact assessment in the European Arctic – will affect all public and private actors who want to benefit from the EIB’s financing across the circumpolar North.⁷⁶ A more specific example of the influence of EU norms in the Arctic is the reform of the Greenland public financial management system and procurement legislation, so that it is more in line with EU standards. While the EU encouraged the Greenlandic government to introduce reforms, via studies and dialogues, the EU funding – over EUR 200 million between 2014 and 2020 – was not conditional upon these changes, using attraction rather than coercion. Finally, the EU established itself as a central node in global databases highly relevant for the warming Arctic, e.g. on forest fires, droughts, flooding or biodiversity.⁷⁷

The EGD and the resultant more ambitious climate and energy policies, while in principle bringing the EU-Arctic nexus closer to environmental sustainability, are not without problems and challenges of their own. In addition to climate benefits, wind and hydropower installations may have adverse local environmental and social impacts.⁷⁸ Another consequence of the transition to a low-carbon economy is the increasing demand for minerals necessary for renewable energy technologies, for batteries, and the technological transformation towards ‘greener’ operations in general. The demand for many minerals extracted in the Arctic is therefore expected to increase significantly,⁷⁹ and the EU’s economic transition to a low-carbon economy will contribute to fuelling global demand. Additional extraction will have environmental and social consequences in the Arctic.⁸⁰ While the EU is investing in research on cleaner mining activities and improving environmental performance of renewable energy installations, the concept of a zero-impact mine or zero-impact windfarms is still far from reality.

⁷⁵The proposal has not yet formally been adopted into law at the time of the article’s submission.

⁷⁶European Investment Bank, ‘Guidance Note on Indigenous and Local Community: Participation in Environmental Impact Assessment in the European Arctic.’

⁷⁷Koivurova et al., ‘Overview of EU Actions in the Arctic and Their Impact (Final Report – June 2021).’

⁷⁸Skarin et al., ‘Wind Farm Construction Impacts Reindeer Migration and Movement Corridors.’

⁷⁹See for example, Carrara et al., ‘Raw Materials Demand for Wind and Solar PV Technologies in the Transition towards a Decarbonised Energy System (EUR 30095 EN)’; Fraser et al., ‘Study on Future Demand and Supply Security of Nickel for Electric Vehicle Batteries.’

⁸⁰Sámi communities have already described this as ‘green colonialism’, see e.g. Normann, ‘Green Colonialism in the Nordic Context: Exploring Southern Saami Representations of Wind Energy Development.’

Conclusion

Both internally and externally, sustainable development has influenced the development of the EU's environmental action. With the capacity to set internal legislation that extends beyond EU borders and to develop international environmental legal norms and standards, the EU can act as a global environmental actor. From an intra-EU perspective, the implementation of the EGD and the subsequent regulatory changes will, without doubt, impact the Arctic.

Beyond its direct legal influence, the EU can also set global standards by regulating access to the EU market and by setting internal regulations in specific areas. The extension and reach of EU law beyond EU borders through domestic legislation is most visible in the environmental sphere but is also present in other policy areas.⁸¹ Through the 'Brussels effect',⁸² the EU can act as a global regulatory power by enacting unilateral regulations with effects in other jurisdictions as part of its external action toolbox. The EU's broad competences in the domain of climate change and sustainable development mean that decisions made in Brussels on specific environmental fields can and will impact the Arctic at large – not only the European Arctic.

Based on the EU's involvement in sustainable development issues in the European Arctic, one would assume that the EU could be included in the discussions on sustainable development in the circumpolar context as well, and for example in best practice sharing. That is rarely a case, as it may be considered inappropriate for the EU to discuss the development of Arctic communities outside the European Arctic.⁸³ Hence, developing a distinct EU Arctic policy should only be regarded as secondary to building a regulatory framework that considers the ongoing changes in the Arctic. GHG emissions schemes, internal climate policies and goals, and market mechanisms all impact the Arctic's environmental security. Focusing on the EU's internal legislative changes is crucial, including their consequences for the continuous development of the EU Arctic policy. The EGD and the subsequent regulatory changes have only recently been adopted, with their actual implementation and effects within the EU yet to be felt.

As a global regulator for both environmental and economic standards, the EU plays a role in the development and implementation of sustainable development, both as a principle guiding international and domestic law and as a discursive tool in international relations. The EU has fully immersed itself in the sustainable development discourse with the concept gradually becoming a key internal priority. Recently, the EU has proposed and partly already adopted a broad range of environmental, climate, and circularity policy actions, largely encompassed within the EGD package. The EGD's objective is to 'transform the EU into a fair and prosperous society, with a modern, resource-efficient and competitive economy, where there are no net emissions of GHG in 2050 and where economic growth is decoupled from resource use'.⁸⁴ If these new internal regulatory changes achieve their objectives, they will also impact the EU's Arctic

⁸¹ Hadjiyianni, *The EU as a Global Regulator for Environmental Protection: A Legitimacy Perspective*, 2; Bradford, *The Brussels Effect: How the European Union Rules the World*; Woll, 'The Road to External Representation: The European Commission's Activism in International Air Transport'; van Schaik, 'The EU's Growing Pains in Negotiating International Food Standards.'

⁸² Bradford, 'The Brussels Effect'; Bradford, *The Brussels Effect: How the European Union Rules the World*.

⁸³ Raspotnik and Stepień, 'The European Union and the Arctic: A Decade into Finding Its Arcticness,' 142.

⁸⁴ European Commission, 'The European Green Deal COM(2019) 640 Final, Brussels, 11.12.2019,' 2.

footprint.⁸⁵ The idea of sustainable development within the EU means that both the economy and societies can thrive, while the EU's negative impacts on the Arctic are diminished over time. The EU's green transformation may also induce new challenges for the EU-Arctic nexus. The EU should consider the potential local impacts of renewable energy production in the Arctic, shifting to electric and mass transit modes of transport, and other instances where peripheral, sparsely populated areas may bear higher costs of transformations as compared to their urban counterparts.

Overall, the EGD – with intertwined climate and energy policies and actions as its key elements – could lead to making sustainability in the EU a truly honest proposition, resetting its interlinkage with the Arctic. This is because we consider different ways EU internal policies are relevant for the Arctic to constitute the core of this interlinkage. Consequently, making EU policymaking more attuned to its Arctic implications should be one of the key elements of the EU's future Arctic policy. The internal transformation should enable the EU to make sustainable development a true characteristic of the EU's socio-economic system and thus of the EU-Arctic nexus, rather than using the sustainable development vocabulary as an abstract principle or as a way to hide problematic trade-offs.

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⁸⁵Cavaliere et al., 'EU Arctic Footprint and Policy Assessment: Final Report'; Koivurova et al., 'Overview of EU Actions in the Arctic and Their Impact (Final Report – June 2021).'

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