



Slowly but surely? Assessing EU actorness in energy sanctions against Russia

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ABSTRACT

The European Union (EU) has responded to the Russian invasion of Ukraine (2022 – ongoing) with several packages of sanctions. Of those packages, only three – rather late and limited in scope – contain measures on energy. By focusing on the negotiation and adoption of energy-related restrictive measures, this article aims to assess the EU actorness in the international arena. It argues that the variety of preferences across the member states impact on the ability of the EU to impose sanctions against Russia and, in turn, on its role as an actor beyond its borders. Tracing the process of the negotiations of the energy-related restrictive measures, the article highlights the impact of member states preferences on sanctions and argues that those preferences can be explained by a variety of factors, notably: i) energy sources targeted, ii) levels of energy dependence from Russia, iii) geographical features and iv) commercial interests of the member states.

1. Introduction¹

The Russian invasion of Ukraine in February 2022 has triggered strong reactions in the European Union (EU). As a response to this aggression, the EU has adopted several packages of sanctions against Russia with various targets (from individuals to banks) and covering several sectors (from transport to technology). In particular, sanctions on energy have seen intense negotiations amongst the member states, bringing back to the surface the variety of their preferences in terms of security of supply. In the aftermath of the aggression, several states heavily dependent on Russian oil and gas have been opposing sanctions on energy while, on the other hand, member states less dependent, have been calling for an immediate and quick wean off from Russian sources. Indeed, it is telling that sanctions touched upon energy only in their fifth package adopted in April 2022 with an embargo on Russian coal, while a partial embargo on oil was only introduced with the sixth package in June 2022 (with important exemptions for some member states) and a price cap on oil was only achieved in the eighth package adopted in October 2022. In addition, at the time of writing, gas and nuclear have not been covered by sanctions.

Sanctions are a useful case study to explore EU actorness, which is

here defined as ‘the extent to which the Union has become an actor in global politics’ (Bretherton and Vogler, 2006, 13). Indeed, differently from policy areas where the EU has developed external activities relatively early on – such as trade and competition – energy is a domain where external action has gradually developed and is still developing (Damro et al., 2018). Hence, the analysis of energy-related sanction and of their negotiation process could contribute to the broader academic debate about EU actorness in the international arena. Indeed, most of the academic literature on sanctions has been focusing on their effectiveness and while some scholars have analysed sanctions to make claims about EU actorness (Giumelli et al., 2021) and leadership (Portela et al., 2021), more research is warranted about the impact of EU internal dynamics on the adoption of restrictive measures and how this translates in terms of actorness.

The theoretical framework of actorness applied in this article (Bretherton and Vogler, 2006; Damro et al., 2018) allows exploring the factors enabling and constraining EU external engagement. In particular, this article aims to assess the extent to which the preferences of the member states have impacted on the ability of the EU to being an actor in adopting energy sanctions against Russia. Indeed, for sanctions to be adopted, all the member states need to agree, and this has an impact on

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¹ On 24th June 2024, hence after this article has been accepted for publication, the Council has adopted a fourteenth package of sanctions against Russia including new energy-related measures targeting Liquified Natural Gas (LNG). On the one hand, this fact supports the argument proposed in the article that energy-related sanctions are late and limited in scope. On the other hand, however, the analysis in the article is limited to packages fifth, sixth, and eighth adopted between February 2022 and February 2023. All the claims made in this article regarding energy-related sanctions are limited to time period covered in the analysis

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the pace of negotiations as well as on the final content of the sanctions. The article explores the negotiations around the energy sanctions adopted by the EU as a response to continuing Russian aggression against Ukraine since February 2022. For each package, the article explores the initial proposal of the Commission, the position of the member states as well as their efforts to shape the final package and the final restrictive measures as adopted by the Council. The article applies a process-tracing method (George and Bennett, 2005; Collier, 2011) to explore the extent to which different preferences across the member states have impacted the final packages, shifting away – to different extents – from the Commission's proposals. The article applies the theoretical framework of actorness to assess the extent to which the EU can be considered an 'actor in global politics' (Bretherton and Vogler, 2006, 13; Damro et al., 2018).

In doing so, the article aims to offer significant empirical as well as theoretical contributions. Empirically, the article offers a thorough overview of the negotiation of restrictive measures on energy, unpacking the position of the Commission as well as of the member states on each package of sanctions. In addition, the process-tracing analysis offers an extensive overview of how those positions have evolved during the negotiations and how they resulted in the final packages. Theoretically, the article contributes to explain how the interinstitutional dynamics between the Commission and the member states, as well as those amongst the member states themselves, impact on the ability of the EU to be an actor externally.

The article is structured as follows. First, it offers an overview of existing literature about the conceptualisation of the EU as an actor, bridging this with the literature on sanctions where considerations about EU actorness have been emerging only recently. Second, the article proposes a theoretical framework built on the literature on actorness and illustrates process-tracing as the method underpinning the analysis. Third, the analysis traces the process of the negotiations of three energy-related packages of sanctions starting with the Commission's proposal until the final package adopted by the Council. A fourth section unpacks the main results suggesting that the variety of preferences existing across the member states have constrained EU actorness as reflected in the adoption of late and limited in scope energy sanctions. Finally, the article proposes some conclusions based on the empirical and theoretical contribution of the research together with some policy implications about the EU decision-making process, the coherence between foreign policy and the external policies (especially those with an important external dimension), as well as the importance of a fully integrated energy market.

2. Conceptualising the EU as an actor in external energy policy

Sanctions are a key feature of EU's foreign policy and have been used since the entry into force of the Treaty of Maastricht in 1993. Most of the academic debate on EU sanctions has focused on their effectiveness, looking at their multilateralism, impact, clarity of the demands and aims (Giumelli et al., 2021). In this journal, for instance, Tuzova and Qayum (2016) analyse the dynamic relationship between oil price shocks, economic sanctions, and leading macroeconomic indicators in Russia showing a significant impact of oil prices on the Russian economy while Shapovalova et al. (2021) look at impact of EU and US sanctions on the national governance of natural resources in the Russian Arctic. Similarly, Romanova (2016) examines how EU sanctions against Russia are qualitatively transforming economic relations between these two actors, conditioning their long-term cooperation. Other scholars have looked at sanctions to make claims about EU's leadership both in terms of providing leadership in imposing sanctions that other non-EU states have followed (Cardwell and Moret, 2023) as well as leadership in EU foreign policy more broadly, showing how the EU was able to preserve the cohesion around sanctions against Russia from 2014 to 2020 (Portela et al., 2021). Others, such as Szép (2020), have focused on internal dynamics of the decision-making process looking at the role of the

European Council as well as of the Council during negotiations. It has also been claimed that the debate on EU international actorness can draw on the analysis of how it has adopted restrictive measures with clear implications for the dimensions of autonomy, actor capability and coherence/cohesion (Koops 2011, p. 162 in Giumelli et al., 2021).

Indeed, the debate around sanctions is inevitably intertwined to broader debates around the conceptualisation of the EU as a global or international actor. Lately, this discussion has been particularly dynamic in the field of energy policy. So far, the EU has mainly been conceptualized as a liberal actor using regulatory power (Goldthau and Sitter, 2015) but also as a catalytic power combining market-oriented policy instruments with more direct forms of intervention (see, for instance, Prontera, 2017; Prontera and Plenta, 2020). It has also been noticed that since the late 2000s the EU has been taking a broader role in external energy relations also using non-traditional instruments of external energy governance leading to a 'hybrid mode of EU external energy policy characterized by new instruments of energy diplomacy, but largely interpreted and enacted through the lens of energy governance.' (Herranz-Surrallés, 2016). Similarly, Siddi and Kustova (2021, 1077) argue that 'the EU has largely abandoned a liberal approach in external energy policy and is best conceptualized as a strategic actor' defining the latter as 'one using various forms of power that are available in its toolkit for the pursuit of (geo)political goals' (Ibid., 1078). Looking at the case studies of the Energy Charter Treaty negotiations and the Nord Stream 2 project, the authors conclude that 'the EU has in fact moved to a strategic approach' (Ibid., 1089) meaning that while in the former case the EU pursued a 'consensus-based promotion of liberal principles in energy governance' (building on multilateral frameworks), in the latter it has used energy legislation to 'pursue strategic goals, such as hindering new projects promoted by Gazprom' (Ibid., 1089). Looking at the case study of Nord Stream 2, the EU has been conceptualized as an 'engaged' actor willing to play a role in external energy governance but 'constrained' by several factors such as the distribution of competence between the EU and its member states, the unwillingness of the latter to delegate competence to the former, and the existence of conflicting preferences across member states (Batzella, 2022). This paves the way for a deeper reflection about the extent to which the preferences of member states on energy policy – and on energy security more specifically – impact on how the EU acts externally as well as about the factors explaining those preferences. More recently, some scholars have also put forward the conceptualisation of the EU as a geoeconomic power arguing that the extent of this power depends on a combination of domestic factors as well as external geopolitical environment (Jerzyniak and Herranz-Surrallés, 2024).

Finally, the above literature conceptualising EU actorness and governance, needs to be considered together with the literature on EU energy security and EU-Russia energy relations where, in recent decades, EU actorness has been emerging and evolving. Energy security is one the most explored aspects of the energy policy of the EU. First, only in this journal, several authors have looked at various dimensions of the EU gas market. This ranges from the impact of diversification (Hauser, 2021) to several assessments of the policy emphasizing EU's interdependence with Russia (Pardo Sauvageot, 2020) or including elements of securitization theory such as vulnerability, and threat (Landry, 2020) to analyses of specific gas pipeline projects (Raszewski, 2022). Energy relations have often been conceptualized in security terms considering factors such as supply vulnerability of the EU, the absence of Russian demand dependence, the dominance of energy over other capabilities, and the willingness to link energy to foreign policy objectives (Casier, 2011). Similarly, it has been argued that both Russia and Europe have used energy as a weapon with the former restricting gas flows to Europe and the latter reducing Russia's market access (LaBelle, 2023). A second important theme in this literature is the role played by the variety of energy security preferences and interest existing across the member states and between eastern and western member states in particular (LaBelle, 2009; Bouzarovski, 2010). It has often been highlighted how

internal divisions across member states reflect on the external dimension of the EU energy policy of the EU often defined as unclear, uncoherent, fragmented etc. (Strunz et al., 2015). Lately, this has been argued with regard to a variety of case studies such as energy intergovernmental agreements (Thaler and Pakalkaite, 2021; Batzella, 2021), securing natural gas from Russia (Schmidt-Felzmann, 2021), as well as specific pipelines such as Nord Stream 2 (de Jong et al., 2022), and, more recently, the reluctance from many member states to voluntarily decrease natural gas consumption during the 2022/2023 winter (Mišík, 2023). Other streams of the literature have instead focused on the governance of energy security, looking at the Energy Union (Szulecki et al., 2016; Bocquillon et al., 2020) and – although in a more limited way – at the more recent European Green Deal (Dupont and Torney, 2021; Christou, 2021).

Overall, the studies reviewed so far are a useful starting point in the endeavour of conceptualising the EU as an actor in energy policy. While it has been claimed that sanctions are an important tool in EU's foreign policy, this tool has not been fully explored from a governance perspective nor from an energy security one. In addition, while some authors have highlighted the implication of divisions across member states on energy policy, their different preferences have rarely been operationalised and analysed on specific case studies. Hence, the next section provides the theoretical and methodological foundations of this study to assess EU's actorness in the case of energy-related restrictive measures against Russia.

3. Theoretical and methodological framework

This article builds on the theoretical concept of actorness to assess the EU action in the adoption of energy sanctions against Russia between February 2022 and February 2023. According to Bretherton and Vogler (2006, 13) actorness can be defined as 'the extent to which the Union has become an actor in global politics' and is constituted by three components: *opportunity*, *presence* and *capability*. *Opportunity* can be identified with the 'structural context of action' of the EU, including 'factors in the external environment of ideas and events' (Ibid., 24). On the other hand, *presence* has to do with the 'influence' exerted by the EU beyond its borders 'by virtue of its existence' (Ibid., 29). Lastly, *capability* is about 'the internal context of EU external action', i.e., 'those aspects of the EU policy process that, by constraining or enabling action, govern the Union's ability to capitalise on presence or respond to opportunity' (Ibid., 29). Operationalising the values of these different component as 'strong', 'moderate', or 'weak', this theoretical framework assesses their cumulative effect, defining levels of actorness as low, medium, or high (Damro et al., 2018).

In the case of restrictive measures against Russia, the three components of actorness can be operationalised as follows. First, the protracted Russian aggression against Ukraine can be considered as an *opportunity* for EU action. Indeed, sanctions are considered important foreign policy instruments used by the EU to impact on specific actors (see Giumelli et al., 2021; Portela et al., 2021). The developments of Russia's continuing war of aggression against Ukraine have provided the EU with the opportunity to adopt ten packages between February 2022 and February 2023. Second, as far as *presence* is concerned, the EU is an important market for Russian fossil fuels. In 2020, the EU received from Russia 46.1% of its natural gas imports and 25.7% of its crude oil imports (Eurostat, 2023). EU-Russian energy relations have historically been characterised by a mix of interdependence, cooperation and tension (Siddi and Kustova, 2021; Goldthau and Sitter, 2015; Prontera, 2017). The EU internal energy market, for the very fact that it exists, exercises an influence on Russia. Finally, the component of *capability* is operationalised as the distribution of preferences across the member states. Sanctions require explicit and binding Common Foreign and Security Policy (CFSP) decisions to be adopted. This intergovernmental process means that all the member states need to be on board before sanctions can be adopted (for a thorough review of the process see

Giumelli et al., 2021). Preferences are operationalised here as 'specific policy choice[s]' that actors believe will maximise their interests (Milner, 1997, 15). This article focuses on the component of *capability* exploring the extent to which the EU has been able to capitalise on *presence* and *opportunity*. It does so by testing two hypotheses. First, weak or moderate *capability* (significant variety of preferences across the member states) will likely translate in medium or low actorness, i.e., slow and limited energy sanctions (targeting coal and not gas, with several exemptions for member states). On the contrary, strong *capability* (homogeneous preferences across member states) will likely translate into high degree of actorness, i.e., prompt and significant energy sanctions (targeting key energy sources with immediate effect). The aim of this article is achieved in two steps. First, the article explores the extent to which individual member states preferences have shaped sanctions packages. Second, it sheds light on the very nature of those preferences which – as unpacked in the discussion – can be explained by different factors such as i) features of the energy source targeted, ii) levels of energy dependency from Russia, iii) geographical features, iv) commercial interests.

The article adopts a process tracing method (George and Bennett, 2005) aiming to identify the 'intervening causal process' between the preferences of the member states (the 'independent variables') and EU actorness as emerging from the agreed sanction packages ('the outcome of the dependent variable'). This method has been used not only in previous studies applying the theoretical framework of actorness (Gerards et al., 2022; Batzella, 2022) but also in EU studies more broadly (see, for instance, de Jong et al., 2022; Solorio and Jörgens, 2020; Siddi, 2018; beyond EU studies and in this journal Zhang, 2023). Process tracing allows focusing 'on the unfolding of events or situations over time [...] taking good snapshots at a series of specific moment' (Collier, 2011, 824). In this study, this means looking at the different stages of the negotiation of the sanctions, from the Commission proposal to the agreed package. The analysis expects to find evidence that the preferences of the member states have shaped the final packages through compromises and watering down some ambitious proposals issued by the Commission. To do so, the article builds on a wide range of data including a) EU official documents and press releases, b) news items published between February 1, 2022 and February 28, 2023. While the former are helpful to detect the preferences of the Commission and the content of the final package as agreed by the member states, news items are used to trace the process of the negotiations happening amongst the member states and between the member states on the one hand and the Commission to the other. Media coverage has been already used in energy policy studies because 'it enables to provide a continuous and detailed overview of multiple unfolding and interacting public controversies around specific issues' (Kanger and Sovacool, 2022, p. 5, see also Walker et al., 2022; Sillak and Kanger, 2020). News items have been collected in two rounds. In a first round, the author has manually collected 99 news items explicitly covering negotiations on energy sanctions packages from specialised media outlets on EU politics such as *Euractiv*, *Político*, *Euronews*, and *The Financial Times*. To provide for a most robust data collection, in the second round a search has been conducted on the database *Gale* searching for the keywords 'sanctions and 'energy'. This search retrieved 422 news items which were then narrowed down to 58 based on two criteria. First, only publications focusing on EU politics were selected, namely: *The Financial Times*, *European Union News* and *Energy Voice*. This is so because preliminary research on the sample has revealed that items from other publications did not offer cover on the negotiations around energy-related sanction packages. Second, items were then manually scanned for content on energy-related sanction packages.

This approach has an important limitation: most of the information around the negotiations of the selected sanction packages are retrieved from *Euractiv*. This, somehow, reflects the fact that only few specialised outlets pay attention to negotiations within European Politics. To compensate for this limitation, the research has been extended to other

outlets through the *Gale* database. In addition, official documents and press releases from the relevant EU institutions have been used to collect data on the initial preferences of the Commission on the one hand and the content of the final package on the other. Notwithstanding this limitation, the article still proposes a through process-tracing of the negotiations around energy-related sanctions which, at the time of writing, is lacking in the literature.

4. Analysis

This section explores the extent to which the range of preferences existing across EU member states have impacted on three packages of sanctions with significant measures on energy: the fifth (introducing a coal ban), the sixth (introducing an oil embargo) and the eighth (introducing an oil price cap). In doing so, the analysis focuses on the following: a) the event triggering each package of sanctions, b) the initial proposal of the European Commission, c) the position of the member states and d) the final agreement reached on the sanction. While a) is helpful to identify what the theoretical framework for this article operationalises as *opportunity*; b), c) and d) are helpful to map the variety of preferences existing across the member states (*capability* as per the theoretical framework) as well as to trace the process of how those preferences impact on the negotiations of the packages, amending the initial Commission's proposal and leading to final agreement. The analysis also highlights the main factors explaining the preferences of the member states which are then explained in the results and discussion section: i) energy source targeted, ii) levels of energy dependency from Russia, iii) geographical features, iv) commercial interests. Table 1 illustrates the several phases of the process-tracing analysis and identifies the most relevant factors explaining member states preferences for each package.

4.1. Fifth package (coal ban)

a) Event triggering the package (*opportunity*)

The fifth package introduces the first significant measure on energy in the form of a coal ban. The package was adopted in response to 'Russia's continuing war of aggression against Ukraine and the reports of atrocities committed by the Russian armed forces in a number of Ukrainian towns' (Council of the EU, 2022a). This can be considered, in theoretical terms, as the *opportunity* for EU external action through the means of sanctions. The package introduced a ban on coal consisting in a 'a prohibition to purchase, import or transfer coal and other solid fossil fuels into the EU if they originate in Russia or are exported from Russia, as from August 2022'²(Ibid.).

b) Initial position of the Commission

In the Commission's proposal, the ban introduced an embargo on coal from Russia, with a four-month grace period to allow for the possibility of current contracts to expire (Euractiv, 2022a).

c) Position of the member states and negotiations with the Commission

While some countries, such as France, seemed willing to consider sanctions target at Russian fossil fuel imports, there was a 'persistent blockage' from countries such as Austria, Germany, Italy, Slovakia and other dependent on Russian energy, and this made passing sanctions on oil and coal imports extremely difficult (Ibid.). In particular, while some countries were pushing for an immediate embargo of Russian fossil fuels, Germany resisted this warning that it would have triggered a

recession (The Financial Times, 2022a) and demanded more time to adjust to the package (The Financial Times, 2022b). Poland was one of the countries trying to shorten the transition period although unsuccessfully (Euractiv 2022a)(Euractiv, 2022a).

d) Final agreement

As a result of rather heated negotiations, the embargo would have come into force only at the beginning of August (Euractiv, 2022a), i.e. 120 days after the publication of the package in the official Journal in line with the four months grace period initially proposed by the Commission.

4.2. Sixth package (partial oil embargo)

a) Event triggering the package ('opportunity')

The 'opportunity' for a sixth package of sanctions came from 'Russia's continuing war of aggression against Ukraine and Belarus' support to it, as well as the reported atrocities committed by Russian armed forces in Ukraine' (Council of the EU, 2022b). The package prohibits the purchase, import or transfer of crude oil and certain petroleum products from Russia into the EU.

b) Initial position of the Commission

The initial aim of the Commission was 'some form of an oil embargo' (Euractiv 2022b) possibly including 'a gradual phasing-out of Russian oil - crude oil within six months and refined products by the end of the year - or imposing tariffs on exports beyond a certain price cap'. The proposal also foresaw exemptions for Hungary and Slovakia which, because of their high dependency on Russian oil and limited possibilities of buying crude elsewhere, would have been able to continue to buy Russian crude oil until end of 2023 under existing contracts (Euractiv, 2022c). According to the Council '(2022e) a proposal to ban all shipping companies EU-owned or with European interests from transferring Russian oil into Europe or elsewhere in the world' was 'on the table' aiming to 'reduce the possibility of a deal for cheap oil transferred from Russia to China to counterbalance the EU ban considering that EU shipping companies are transferring it' (Ibid.).

c) Position of the member states and negotiations with the Commission

While some member states, including Poland and Lithuania, wanted a ban on Russian oil and gas, Germany and Hungary were opposed to an immediate oil embargo' and tried to water down the proposal (Politico, 2022a). The former warned of a recession if the EU was to immediately block Russian gas and oil (Ibid.) while, the latter opposed the proposal on the ground of energy security' (Euractiv 2022d; Financial Times, 2022c) requesting an exemption for oil transported through pipelines. On the other hand, Slovakia and Czech Republic would have backed an embargo but asked for a longer transition period. Slovakia argued that as land-locked country would have been unable to import oil by sea tankers and was reliant on pipelines'. Czech Republic was aiming to increase its oil pipeline capacity. Bulgaria, instead, asked for exceptions arguing that the government would face serious social discontent in Burgas if the Lukoil Neftochim refinery would have stopped operating³ (Ibid.). Eventually Germany declared its position in favour of an oil embargo but requested few months to prepare for an end to Russian crude shipments. Poland and the Baltic states were also calling for an outright ban (Financial Times, 2022d, 2022e). On the other hand, Greece, Malta and

² It is worth noticing here that imports of coal into the EU are currently worth EUR 8 billion per year (Council of the EU, 2022d).

³ Burgas is the largest employer in the region, and Lukoil Bulgaria is the second largest company in the national economy, with an annual turnover of €1.6–3 billion.

Table 1
Process-tracing of the negotiation of energy sanctions and factors explaining member states preferences.

Package	Adoption date	Process-tracing of the negotiation of energy sanctions					Factors explaining member states preferences				
		a) Event triggering the package (opportunity)	b) Initial position of the Commission	c) Position of the member states			d) final agreement	i)Energy source targeted	ii) levels of energy dependency from Russia	iii) geographical features	iv) commercial interests
				In favour of sanctions	Moderate	Against					
Fifth package – coal ban	April 8, 2022	Russia's continuing war of aggression against Ukraine and the reports of atrocities committed by the Russian armed forces in several Ukrainian towns' (massacre in Bucha).	Embargo on coal from Russia, with a four-month grace period to allow for the possibility of current contracts to expire.	France, Italy, Poland, and the Baltics.		Austria, Germany, Italy, Slovakia and other.	ban on coal, prohibition to purchase, import or transfer coal and other solid fossil fuels into the EU if they originate in Russia or are exported from Russia, as from August 2022.	Coal	Austria, Germany, Italy, Slovakia and other very opposed on grounds of energy dependence from Russia.		
Sixth package - oil ban	June 3, 2022	Russia's continuing war of aggression against Ukraine and Belarus' support to it, as well as the reported atrocities committed by Russian armed forces in Ukraine'	Ban all shipping companies EU-owned or with European interests from transferring Russian oil into Europe or elsewhere in the world.	Poland and Lithuania.	In favour but asking for longer transition period or exemption: Slovakia, Czech Republic, Bulgaria asked for exemptions.	Greece and Cyprus. Germany Hungary.	partial embargo including oil and petroleum products but allowing a temporary exemption for crude delivered by pipeline. Exemption for deliveries of Russian crude via the Druzhba pipeline, Exemptions for Hungary, Slovakia, Czech Republic, Bulgaria and Croatia.	Oil	Germany and Hungary heavily dependent on Russian oil.	Landlocked countries such as Slovakia and Czeck Republic (only linked to Russia via pipelines).	Greece, Cyprus, and Hungary mentioned commercial interests.
Eighth package- oil price cap	October 5, 2022	Russia's illegal annexation of Ukrainian territory 'based on sham "referenda", mobilising additional troops, and issuing open nuclear threats.	implementation of an oil price cap as agreed by the G7	Poland, the Baltic states, and Ireland		Greece, Cyprus, and Malta.	oil price cap as agreed by the G7 allow European operators to undertake and support the transport of Russian oil to third countries, provided its price remains under a pre-set "cap". transition period of 45 days as well as a transition period of 90 days after every change in the cap.	Oil		Greece, Cyprus, and Malta (maritime states).	Greece, Cyprus, and Malta mentioned commercial concerns.

Cyprus raised concerns about their shipping companies. In an attempt to accommodate member states' resistance, the Commission proposed a 'tweaked proposal' (Euractiv, 2022e) giving Hungary, Slovakia and the Czech Republic more time to prepare for the shift in their energy supplies and help to upgrade their oil infrastructure. The revised proposal also included a three-month transition before banning EU shipping services from transporting Russian oil, instead of the initial one month – to address the concerns raised by Greece, Malta and Cyprus. Bulgaria, however, was not offered any exemption because, according to some EU officials, they lacked 'a real point' while the other three countries had an objective problem. As a result, Bulgaria also threatened to not to support the new set of sanctions (European Union News, 2022a).

The concessions offered by the Commission were initially unsuccessful to appease the opponents to the package until France put forward a compromise solution excluding the Druzhba pipeline from a future oil embargo and only imposing sanctions on oil shipped to the EU by tanker vessel (Euractiv 2022f). Eventually, Slovakia and the Czech Republic, also supplied by the Druzhba pipeline, accepted exemptions of two and half years.

d) Final agreement

The political compromise to ban seaborne imports of Russian oil by the end of the year which was finally achieved fell short of the full embargo initially sought by the Commission (Euractiv 2022g). Indeed, the compromise – which has been defined as a 'watered-down' measure (Euractiv 2022h) – foresaw a partial embargo including oil and petroleum products but allowing a temporary exemption for crude delivered by pipeline.

4.3. Eighth package (price cap)

a) Event triggering the package ('opportunity')

The main feature of the eighth package is the implementation of an oil price cap as agreed by the G7. The seven richest economies pushed for a price-capped mechanism on Russian oil exports in place by December, i.e., when the EU partial oil embargo was meant to come into force (European Union News, 2022b). Notwithstanding the oil ban on importing Russian seaborne crude oil fully, the price cap was meant to allow European operators to undertake and support the transport of Russian oil to third countries, provided its price remains under a pre-set "cap" (European Commission). The *opportunity* for this package, was Russia's illegal annexation of Ukrainian territory 'based on sham "referenda", mobilising additional troops, and issuing open nuclear threats (European Commission, 2022a).

b) Initial position of the Commission

In the eyes of the Commission this measure was meant to further reduce Russia's revenues, while keeping global energy markets stable through continued supplies. In addition, the package was expected to help address inflation and keep energy costs stable at a time of high energy costs and particularly elevated fuel prices (Ibid.). This measure was closely coordinated with G7 partners. It was supposed to take effect after December 5, 2022 for crude and February 5, 2023 for refined petroleum products, after a further decision by the Council. (Ibid.)

c) Position of the member states and negotiations with the Commission

Member states were divided on whether the EU should have put in place a measure similar to the price cap agreed by the G7 (Euractiv 2022i). Southern European States showed resistance to the US pressure to have a mechanism in place by 5 December (when the ban on seaborne imports of Russian crude oil was expected to come into force). On the other hand, however, Poland, the Baltic states and Ireland had pushed

for stronger measures to be taken in this latest round, among them restricting cooperation with Russia's commercial nuclear sector (Euractiv 2022j). Greece, Cyprus and Malta expressed concerns that the curbs on transporting Russian oil would disproportionately hit their economies and that their business opportunities will be captured by other countries (Euractiv, 2022k; Euronews, 2022b).

To address these concerns, the Commission made some concessions such as a monitoring system assessing circumvention practices such as the reflagging of vessels; committing to propose measures to mitigate the impact of potential evasive practices (Politico, 2022b). Greece and Cyprus eventually removed their opposition, later followed by Malta (Euractiv, 2022k).

While the measures agreed by the EU ambassadors in October provided the legal basis for a price cap, decisions on its implementation – such as criteria and level of the cap – were also debated across the member states. Poland was particularly uncompromising on the price and – together with Lithuania and Estonia – was pushing for a significantly lower cap asking for its implementation to be tied to the promise of the next ninth sanctions package against Russia ((Euractiv 2022l). This phase of the negotiations was particularly tense because the member states were supposed to sign off a deal on the price cap before the embargo on Russian oil would come into force in December for crude oil and in February 2023 for petroleum products (Politico, 2022c; Council of the EU, 2022c).

d) Final agreement

An agreement was only achieved by the Council in December (Council of the EU, 2022c). The decision also introduced a transition period of 45 days as well as a transition period of 90 days after every change in the cap. Indeed, it was agreed that the functioning of the price cap mechanism had to be reviewed every two months. The Decision also foresees an 'emergency clause' in case of events related to 'human health and safety or the environment, or as a response to natural disasters' (Ibid.).

5. Results and discussion

5.1. Assessing EU actorness in energy sanctions

The analysis has shown that the preferences of the member states have constrained EU actorness in its ability to impose energy sanctions against Russia. Indeed, those measures have been adopted rather slowly and have only targeted few energy sources. Hence, energy sanctions against Russia are a useful case study to make broader consideration about EU actorness. The analysis lends itself to some important considerations about the three components of actorness as identified in the academic literature (Bretherton and Vogler, 2006; Damro et al., 2018). First, as far as *opportunity* is concerned, the process-tracing shows how the continuing aggression of Russia against Ukraine offered several occasions to the EU to impose sanctions. Indeed, the first significant measures on energy introduced in the fifth package were labelled as a response to 'atrocities committed by the Russian armed forces in a number of Ukrainian towns' (Council of the EU, 2022a). Similarly, the partial oil embargo in the sixth package was agreed as a response to Russia's continuing war of aggression against Ukraine and Belarus' decision to support to it, as well as the reported atrocities committed by Russian armed forces in Ukraine' (Council of the EU, 2022b). In theoretical terms, these events can be seen as 'opportunities' (Bretherton and Vogler, 2006) creating a space for EU action on which the EU has been able to capitalise proposing restrictive measures. Similarly, international and specifically US pressure can also be seen as an *opportunity* factor for EU action as we have seen in the price cap agreed in the eighth package. This confirms the assumption put forward in the actorness literature that the structural context of action co-determines the degree of EU actorness (Damro et al., 2018, 16).

As far as *presence* is concerned, the analysis has provided significant evidence of the extent to which the EU is a significant importer of Russian fossil fuels. This has been particularly apparent in the case of Germany and Hungary. During the negotiations of the sixth package, for instance, the former has often warned about the risk of economic recession in case of an immediate oil embargo. Hungary, on the other hand, pointed out the absolute importance of the Druzhba pipeline, transporting Russian oil and also providing for Slovakia and the Czech Republic. Similarly, Bulgaria has stressed the importance of Russian oil for its refineries. What is interesting to see here is that while the literature on EU actorness argues that the EU market exerts an influence on other actors only by the virtue of its existence (Bretherton and Vogler, 2006, 26), negotiations around the sanction packages have shown the weak side of EU member states in a position of energy dependence. Indeed, although the EU is an important market for Russian fossil fuels, the analysis has shown member states dependence from Russian fossil fuels as a strong limitation in the ability of the EU to impose sanctions. Further research would be needed to explore the impact of sanctions to advance claims about the extent to which the EU market (*presence*) has been able to exert influence on Russia.

While *opportunity* and *presence* are important components of actorness, capability offers the most helpful insight into EU's actorness. Indeed, the analysis has focused on capability as the component able to capitalise on *presence* or respond to *opportunity* (Damro et al., 2018, 29). In section three, capability has been operationalised as the variety of preferences across the member states. The fact that sanctions are adopted through an intergovernmental process under Common Foreign and Security Policy (CFSP) makes the variety of preferences across the member states particularly relevant for the unfolding of the negotiation process as well as on the content of the final measures adopted.

Indeed, the variety of preferences across the member states has a significant impact on the content and timing of the sanctions. In the packages where significant energy measures were at stake, negotiations across the member states and between the member states and the Commission were, most of the time, tense and long with several packages only agreed at the eleventh hour with last minute compromises, often dropping the most ambitious measures. Interestingly, in the sixth and eighth package we have seen a significant difference between the Commission's proposals and the package eventually agreed by the Council. In the case of the sixth package, several EU officials and commentators have described the final package as a 'watered-down' version of the Commission proposal.

The analysis therefore supports the first hypotheses presented in section three, i.e., that weak or moderate capability (operationalised here as a significant variety of preferences across the member states) will likely translate in medium or low actorness, i.e., slow, and limited energy sanctions (targeting coal and not gas, with several exemptions for member states). This means that even in front of moderate or strong *opportunity* and *presence*, *capability* can have a considerable impact on actorness. In other terms, weak *capability* can overcome the effect of moderate/strong *opportunity* and *presence*. And yet, despite the internal constraints, the EU has been able to impose several rounds of sanctions against Russia, being an actor in the international arena.

5.2. Explaining member states preferences

The analysis shows that member states preferences, here defined as 'specific policy choice[s]' that actors believe will maximise their interests (Milner, 1997, 15), can be explained by a variety of factors. While energy security can be defined here as a 'fundamental goal' (Ibid.), this can be served – or hindered – in a variety of ways. For analytical purposes, we can group the explanatory factors underpinning member states preferences under four broad categories: i) energy source targeted, ii) levels of energy dependency from Russia, iii) geographical features, iv) commercial interests.

As far as the energy sources targeted are concerned, the analysis has

shown an important variety of preferences. First, energy sanctions have only been adopted with regard to coal and oil. At the time of writing, gas and nuclear have not been covered by sanctions despite several member states have been calling for measures targeting these sources. Indeed, discussions around those sources were so highly contested across the member states that they did not even make it to a Commission's proposal for restrictive measures. Although these have been mentioned by ambassadors and policy makers alike in several rounds of negotiations, it was apparent that for some countries those were red lines on which they were not able to compromise. Negotiations around a seventh package of sanctions, for instance, suggested that while some member states called for the inclusion of gas and nuclear energy in the new package, nuclear energy, a key sector for countries like France and Bulgaria, was unlikely to be included in the proposal (Euractiv, 2022m). Hungary had been very vocal against sanctions on nuclear and more sanctions on Russia's energy industry more broadly (Euractiv 2022n). On the other hand, states such as the Baltic states, Ireland and Poland were pushing for an end to nuclear cooperation with Russia (Ibid.).

The reluctance to sanctions on gas can be explained by the fact that, differently from coal and oil for which sanctions have indeed been adopted, the market for gas is mainly regional and based on pipelines running from Russia towards the EU. Although Liquefied Natural Gas (LNG) is changing this condition – with the opportunity to liquefy gas, transport it and then gasified it again in regasification units – in the aftermath of the aggression, Russian gas transported via pipelines constituted an important part of energy supply for member states which were not ready to give up in the short term. A second important factor explaining the preferences of the member states is the level of energy dependence from Russia. Negotiations have shown countries particularly dependent on Russian fossil fuels, such as Germany and Hungary, assuming the strongest positions on measures such as an immediate embargo on oil during the negotiations of the sixth package. A third important factor is related to the geographical features of the member states. Negotiations have shown how land-locked countries such as Slovakia have been particularly vocal on asking exemptions on the oil embargo proposed under the sixth package, arguing that – differently from other member states – they would have been unable to import oil by other means such as sea tankers and stressing their reliance on pipelines. A fourth and final factor is related to the commercial interests of the member states. These became particularly apparent in the negotiations of the sixth and the eighth package during which Greece, Malta and Cyprus raised concerns for their shipping companies.

There are some additional considerations to be made about the above-mentioned factors. First, the analysis has shown that while energy dependence from Russia played an extremely important role in the fifth package (coal ban) and is also the main factor explaining while sanctions have not been adopted in gas and nuclear, successive packages saw a wider range of factors at play. Indeed, negotiations around the sixth package (oil embargo) showed how the geographical features of land-locked countries meant states such as Slovakia and Czech Republic could not get energy supply by any other means different from pipelines. In addition, measures such as the oil embargo and the price cap would have affected the commercial interests of countries such as Greece, Cyprus and Malta fearing that other countries would have benefitted from the oil trade benefits which they would have lost as a consequence of complying to the sanctions. This means that although while significant energy dependence of some member states from Russian fossil fuels is an important explanatory factor, and this was particularly the case in the first packages, this is not the only one and has more of an indirect effect in subsequent packages coupled with other factors.

6. Conclusion and policy implications

In the aftermath of the Russian aggression against Ukraine in February 2022, energy has been one of the main topics of discussion amongst the member states. The EU has been relatively quick in

condemning the aggression and in calling for a weaning off from Russian fossil fuels. And yet, the negotiations of the several packages of restrictive measures have shown significant divisions across member states on the scope as well as of the timing of sanctions to be adopted in energy. This article has shown that the preferences of the member states on energy security have significantly affected the ability of the EU to be an actor in the case of the adoption of energy sanctions against Russia. Indeed, energy restrictive measures have targeted only few energy sources – namely coal and oil, leaving out important components of EU–Russia energy trade such as gas and nuclear – and have been adopted rather slowly, after long and tense rounds of negotiations amongst the member states. Those negotiations have shown not only important divisions across the member states but also the ability of the former to water down ambitious Commission's proposals. Hence, this results in an image of the EU as an actor which is indeed able to impose sanctions but is yet constrained by its own internal dynamics. In due time, further research may show whether the case study of energy sanction in this article is indeed a snapshot of the EU gradually and reliably strengthening its actorness in the global scenario.

While exploring the extent to which the preferences of the member states have impacted on energy sanctions as well as on the EU's ability to impose those, this project has offered important empirical as well as theoretical contributions. Empirically, the article has provided a thorough overview of the negotiation of restrictive measures on energy, illustrating in detail the position of the Commission as well as that of the member states on each package of sanctions. More specifically, the analysis has shown how the Commission's proposal have often been watered-down during the negotiations, as it was clearly the case in the sixth and eighth package where member states have been asking for exemptions or longer transition periods. Furthermore, the analysis has also shown how member states managed to keep some energy sources – namely gas and nuclear – out of the scope of energy sanctions; up to the point that none of those has been included in any Commission proposal although both have been mentioned several times in the discussion of the different packages. Another important empirical contribution is the analysis of the factors explaining member states preferences on energy security. While these preferences have often been resolved as due to energy dependence from Russia, this case study has shown a more nuanced picture where the former is clearly a fundamental explanatory factor but is often coupled with other elements such as the features of the energy source at stake, the geographical features of the country as well as the commercial interests at stake.

Theoretically, the article offers an important contribution to the conceptualisation of the EU as an actor showing the impact of the internal dynamics on the EU ability to exert actorness externally. This case study confirms the claim put forward in the literature that *capability* impacts on the extent to which the EU can 'capitalise on presence or respond to opportunity' (Bretherton and Vogler, 2006: 29). It does so by showing how member states preferences on energy security have impacted on the ability of the EU to capitalise on the energy trade with Russia and to respond to Russian aggression against Ukraine. The analysis also helps making a step forward in this claim, showing that the three components have different impact on the final degree of actorness. Indeed, the analysis has shown that even in front of a structural context particularly favourable for or even requiring action (such as the Russian invasion of Ukraine), together with the implications of an important energy market for Russian fossil fuels, the EU is still bounded by internal dynamics which affect its ability to build on both abovementioned factors. In other words, a weak capability can undermine the benefit provided by strong opportunity and presence.

The analysis also paves the way for several policy implications. First, policy-making processes, even those under Common Foreign and Security Policy (CFSP) as in the case of sanctions, need to take internal dynamics resulting from the variety of preferences existing across member states more seriously. The adoption of sanctions has been particularly difficult also because of the requirement of unanimity in the Council.

Even though member states might in principle agree with the adoption of restrictive measures, the timings, scope, and content will touch upon specific preferences which will need to be balanced with and reconciled in the policy-making process.

A second and related implication is that EU CFSP needs to be more in line with other internal policies and ever more so with those with an important external dimension such as energy. Indeed, while sanctions are not energy policy tools, the adoption of energy sanctions will inevitably reflect the dynamics occurring in the energy policy of the EU as well as in those of its member states. In the same vein, it has to be noted, for the sake of clarity, that energy sanctions have been adopted in parallel with specific energy policy measures such as *REPowerEU*, aiming to reduce dependency from Russian fossil fuels and fast forward the energy transition, as well as the *EU Energy Platform* aiming to coordinating EU action on global markets. This supports the claim that CPFP does not happen in vacuum but is inextricably linked to other tools and policies.

Finally, the analysis of the factors explaining member states preferences shows that a more integrated internal energy market is paramount for the EU. The article has shown how states brought a variety of reasons to explain their positions on restrictive measures. Reluctancy to agree on sanctions was often due to concerns about security of supply, geographical constraints or commercial interests. A truly integrated energy market is vital to cater for the energy needs of a variety of member states. The former can indeed compensate for different energy mixes, level of energy dependence, connectivity and commercial interests.

CRedit authorship contribution statement

Francesca Batzella: Writing – review & editing, Writing – original draft, Methodology, Investigation, Formal analysis, Data curation, Conceptualization.

Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Data availability

Data used for this article is publicly available and links are provided in the reference list.

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