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**Unpacking The European Green Deal:  
Redefining Approaches, Shifting Methodologies**

Edited by Luca Tenreira and Loïc Azoulai



European University Institute  
**Department of Law**

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Editors: Luca Tenreira and Loïc Azoulay

Authors: Anna Beckers, Pierre Jacques, Sabine Pitteloud, Luca  
Tenreira and Joséphine van Zeben

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Badia Fiesolana, via dei Roccettini 9

I – 50014 San Domenico di Fiesole (FI)

Italy

[www.eui.eu](http://www.eui.eu)

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## **Abstract**

The present contributions follow a workshop held in Florence on 3 and 4 of June 2024 which aimed to reflect on whether the analysis of the European Green Deal (EGD) and its policies require an ontological and methodological shift. We asked prominent experts from different disciplinary backgrounds such as history, social sciences, law, and economics, to present and reflect on their approaches and methodologies with respect to the Green Deal. We sought to explore historical continuities and discontinuities, issues of scale and disconnections with reality on the ground, as well as regulation in times of complexity considering the diverse array of data, instruments, and forms of expertise shaping the Green Deal and its effects. This collaborative workshop, jointly organized by the Environmental Cluster of the EUI and the GIS-Europe France, served as a platform for interdisciplinary dialogue and reflection. We aspired to foster a deeper understanding of the European Green Deal's dynamics and its transformative potential on social and environmental transitions through collective inquiry and critical analysis. Moreover, methodologically, if European regulatory methods had transcended traditional categories, then research into these regulations should develop in step. The project was intended to take advantage of the diversity in disciplines (law, sociology, political science, history and economics), as well as specializations (for example, in European, Transnational studies, or in Science, Technology and Society). This Working Paper aims to build a transdisciplinary dialogue to look past the regulatory ambitions of the Green Deal to consider the challenges and opportunities created by its novel regulatory approaches. Together with five other texts, it summarizes the preliminary responses to interdisciplinary questions arising from the richness of our debates.

## **Keywords**

European Green Deal; Interdisciplinarity; Regulation; Methods; Socio-Environmental Transitions; Critique

## **Loïc Azoulai**

Loïc Azoulai holds the Chair in Law and Social Europe at the European University Institute (EUI) since January 2024 and serves as Director of Graduate Studies in the Law Department. His work focuses on the interactions between European law and European societies, addressing issues such as migration, democracy, ecological challenges, and the digital transformation. He previously held professorships at Sciences Po Law School, Paris-Panthéon-Assas University, and the University of Rouen. From 2003 to 2006, he served as a Legal Secretary at the European Court of Justice.

## **Luca Tenreira**

Luca Tenreira is a PhD researcher in the Department of Law at the European University Institute (EUI). His dissertation, "The Troubled Dreams of Due Diligence in Entangled Global Value Chains," critically examines how regulators and corporations use specific knowledge regimes to assess environmental and social impacts when applying the new set of socio-

environmental obligations emerging from the Green Deal. His research intersects socio-legal studies with Science and Technology Studies (STS) using ethnographic methods. He has been fellow of the Ecole Normale Supérieure (ENS) in France, the Nova School of Law in Portugal and is now visiting researcher at the University of Makerere in Uganda. Luca is also Junior Editor for *Transnational Environmental Law* (Cambridge University Press).

### **Anna Beckers**

Anna Beckers is Professor of Private Law and Social Theory at the Faculty of Law of Maastricht University. She completed her PhD at Maastricht University and has held positions there as Assistant and Associate Professor. Her research combines comparative legal dogmatics of private law with a normative approach grounded in social theory, focusing on corporate responsibility, global value chains, and the intersection of law and technology. She leads the ERC-funded project CHAINLAW, investigating the legal governance of global value chains

### **Pierre Jacques**

Pierre Jacques is a researcher in ecological economics. He obtained his PhD from the UCLouvain, where his research focused on integrating macroeconomic and energy system models to analyze energy transitions. His work emphasizes the biophysical constraints of economic systems and explores the intertwine between energy, economy and financial dynamics. His research interests include ecological economics, environmental economics and post-growth economics.

### **Sabine Pitteloud**

Sabine Pitteloud is an Assistant Professor of Contemporary History at UniDistance Suisse. She earned her PhD in social and economic history from the University of Geneva. Her research focuses on the political history of capitalism, particularly the role of multinational corporations in shaping regulation in Switzerland and internationally. She has held visiting positions at Humboldt University in Berlin and the New School for Social Research in New York. In 2021–2022, she was a Harvard-Newcomen Fellow at Harvard Business School. Her current research examines the influence of European business associations on environmental governance post-1945.

### **Josephine van Zeben**

Josephine van Zeben is Provost of Education and Academic Staff Development at the European University Institute (EUI) and Professor of Transnational Law at the Florence School of Transnational Governance (STG) of the EUI). Before joining the EUI, she was Professor and Chair of the Law Group at Wageningen University and Research in the Netherlands. Her research focuses on the regulation of transnational issues by public and private actors across jurisdictions, with particular attention to polycentric governance theory and environmental law. She is editor-in-chief of *Transnational Environmental Law* (Cambridge University Press).

## Lost in Transition?

### The European Green Deal and the Disorienting Compass of Competitiveness

By Luca Tenreira and Josephine van Zeben

#### Abstract

This introduction assesses the paradigm shift promised by the European Green Deal (EGD) against its practical outcomes, noting the recent rollback of environmental commitments in favor of economic competitiveness. It outlines the workshop's goals of examining the Green Deal through interdisciplinary and methodological lenses, analyzing how legal, economic, and historical contexts shape and challenge the regulatory framework of the EGD.

#### 1. Introduction

The European Green Deal (EGD), launched in December 2019,<sup>1</sup> was the European Union (EU)'s flagship initiative aimed at building a sustainable, low-carbon economy by 2050,<sup>2</sup> and a central step in the EU's implementation of international climate commitments, including those under the Paris Agreement of 2015.<sup>3</sup> The Green Deal's policy program comprises a package of environmental legislative measures combined with economic stimulus plans and cultural ambitions.<sup>4</sup> Its measures are aimed at governments, businesses and citizens, all of which have been invited to participate in the ecological transition and sustainable development. The holistic approach of the Green Deal has led Laurence Tubiana to describe it as "[...] *the new social contract. The Green Deal has the potential to be a political revolution. At continental, national, and local levels, its narrative can change Europe's identity*".<sup>5</sup>

Notwithstanding the self-claimed paradigm shift that it was meant to represent, the Green Deal's ambitions have thus far largely failed to materialize.<sup>6</sup> Recent developments have signaled a weakening of the EU Green Deal's transformative ambition: contested decisions—ranging from delays in the EU Deforestation Regulation (EUDR),<sup>7</sup> the rollback of pesticide

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<sup>1</sup> EC (2019), 'Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions. The European Green Deal', COM(2019) 640 final.

<sup>2</sup> Ibid.

<sup>3</sup> Wendler, F. (2022). Climate change policy in the EU: From the paris agreement to the European Green Deal. *Framing Climate Change in the EU and US After the Paris Agreement*, 65-117.

<sup>4</sup> Arabadjieva, K., & Bogoević, S. (2024). The European Green Deal: climate action, social impacts and just transition safeguards. *Yearbook of European Law*, yeae004.

<sup>5</sup> Tubiana, L. (2023). The Green Deal is the new social contract. *GREEN*, 3(1), 25-34.

<sup>6</sup> This policy brief discusses the European Green Deal's progress, challenges, and outlook in the face of growing "green bashing." For a full analysis, see Keraron, A., & Goulard, S. (2024). *Green Deal in a time of "green bashing": Assessing the implementation of the Commission's European Green Deal – Achievements, setbacks, and future prospects*. IEP@BU Policy Brief, September 2024.

<sup>7</sup> Bounds, A., Hancock, A., & Beattie, A. (2024). EU delays deforestation rules after complaints. Net zero push. *The Financial Times*, 4-4.

reduction targets,<sup>8</sup> to the recent proposal for a Omnibus Law to reduce the administrative and financial burden of certain adopted texts—reflect a shift from sustainability toward prioritizing short-term economic competitiveness.<sup>9</sup> Critics, including scientific community members, argue this shift jeopardizes progress on climate action, biodiversity preservation, and human health protection.<sup>10</sup> In an open letter of December 2024, scientists underline the urgent need to restore the Green Deal's ambition, align EU policies with planetary boundaries, and resist deregulatory pressures that undermine environmental commitments.<sup>11</sup> As the EU reconciles competing priorities, some question such a U-turn and call for a recommitment to transformative sustainability goals and the long-term resilience of Europe's ecosystems and societies.<sup>12</sup> On 26 February 2025, however, the Commission's deregulatory agenda firmed up, as the Omnibus Law was adopted in COREPER and Ursula Von der Leyen declared:

*"We know that too many obstacles still stand in the way of our European companies from high energy prices to excessive regulatory burden. The Clean Industrial Deal is to cut the ties that still hold our companies back and make a clear business case for Europe".*<sup>13</sup>

Against the backdrop of this increasingly polarizing regulatory landscape, the workshop aimed to reflect on whether the analysis of the EGD and its policies did represent a paradigm shift and if the answer to this question required a corresponding ontological and methodological shift in both policy and research.<sup>14</sup> During a two-day meeting held in Florence on 3 and 4 June 2024, we asked prominent experts from different disciplinary backgrounds,<sup>15</sup> including history, social sciences, law, and economics, to present and reflect on their approaches and

<sup>8</sup>Pereira, A. (2025, January 19). *Rushed rollback of EU green farming rule draws dismay*. Politico. <https://www.politico.eu/article/rushed-rollback-eu-green-farming-rule-draw-dismay/>

<sup>9</sup> Draghi, M. (2024). *The future of European competitiveness: A competitiveness strategy for Europe (Part A)*. European Commission. [https://commission.europa.eu/document/download/97e481fd-2dc3-412d-be4c-f152a8232961\\_en?filename=The+future+of+European+competitiveness+\\_+A+competitiveness+strategy+for+Europe.pdf](https://commission.europa.eu/document/download/97e481fd-2dc3-412d-be4c-f152a8232961_en?filename=The+future+of+European+competitiveness+_+A+competitiveness+strategy+for+Europe.pdf)

Draghi, M. (2024). *The future of European competitiveness: In-depth analysis and recommendations (Part B)*. European Commission. [https://commission.europa.eu/document/download/7a1c4e9a-2f4e-4f8b-9b1c-0e3c2e5f7b1d\\_en?filename=The+future+of+European+competitiveness+\\_+In-depth+analysis+and+recommendations.pdf](https://commission.europa.eu/document/download/7a1c4e9a-2f4e-4f8b-9b1c-0e3c2e5f7b1d_en?filename=The+future+of+European+competitiveness+_+In-depth+analysis+and+recommendations.pdf)

<sup>10</sup> Corporate Europe Observatory. (2024, May). *Open letter to Mario Draghi and Ursula von der Leyen on Mario Draghi's competitiveness report*. <https://corporateeurope.org/en/2024/05/open-letter-mario-draghi-and-ursula-von-der-leyen-mario-draghis-competitiveness-report>

<sup>11</sup> Bosco, L. & al. (2024). *Open Letter: scientists urge EU policymakers to reinstate the Green Deal*. Accessible here: <https://docs.google.com/document/d/1JB9HvKeQvoU1OIYgHAj20xl6Z2yFAR6FpxNIDXCLD0E/edit?tab=t.0> with 2083 signatories as of 15.12.2024

<sup>12</sup> Bertram, A. (2025, March 20). Simplification promised, uncertainty delivered: How the EU Omnibus Packages roll back the Green Deal. Verfassungsblog. <https://verfassungsblog.de/eu-omnibus-csrd/>

<sup>13</sup> European Commission, 'A Clean Industrial Deal for Competitiveness and Decarbonisation in the EU' (Press Release, 26 February 2025) [https://commission.europa.eu/document/download/9db1c5c8-9e82-467b-ab6a-905feeb4b6b0\\_en](https://commission.europa.eu/document/download/9db1c5c8-9e82-467b-ab6a-905feeb4b6b0_en) accessed 2 March 2025

<sup>14</sup> Tenreira, L., Azoulai, L., Réveillère, V., Vauchez, A., Murlon-Druol, E., & Alayrac, P. (2024, June). Unpacking the European Green Deal: redefining approaches, shifting methodologies. *Joint Workshop EUI - GIS Europe*. <https://www.eui.eu/events?id=568050>

<sup>15</sup> Organizing team: Loïc Azoulai (EUI - Law Department) ; Pierre Alayrac (Max Weber Fellow, EUI - History) ; Emmanuel Murlon-Druol (EUI - Department of History) ; Antoine Vauchez (Université Paris 1 / Hertie School – SPS) ; Vincent Réveillère (EUI - Law Department) ; Luca Tenreira (EUI – Law Department)

Contributors: Josephine van Zeben (EUI – School of Transnational Governance), Brice Laurent (Mines Paris Tech – STS), Anna Beckers (Maastricht University – LAW), Sabine Pitteloud (UniDistance Suisse – History), Pierre Jacques (UC Leuven – Economics), Luca Tenreira (EUI – Law Department)



methodologies with respect to the Green Deal. We sought to explore historical continuities and discontinuities, issues of scale and disconnections with reality on the ground, as well as regulation in times of complexity, considering the diverse array of data, instruments, and forms of expertise shaping the Green Deal and its effects. This collaborative workshop, jointly organized by the Environmental Cluster of the EUI and the GIS-Europe France, served as a platform for interdisciplinary dialogue and reflection in order to foster a deeper understanding of the European Green Deal's dynamics and its transformative potential on social and environmental transitions through collective inquiry and critical analysis. Moreover, methodologically, if European regulatory methods had transcended traditional categories, then research into these regulations should develop in step. The project was intended to take advantage of the diversity in disciplines (law, sociology, political science, history and economics), as well as specializations (for example, in European, Transnational studies, or in Science, Technology and Society). This Working Paper shows some of the ways in which an interdisciplinary dialogue can look past the regulatory ambitions of the Green Deal to consider the challenges and opportunities created by its novel regulatory approaches. Together with four other texts, it outlines preliminary answers to the interdisciplinary questions arising from the workshop's debates.

## **2. Paradigm Shift or Policy Drift? The European Green Deal's Unfulfilled Promises**

The EGD integrates ecological, economic, and social goals, reflecting a new regulatory paradigm for sustainable development. This introduction briefly examines the EGD's origins, scope, governance innovations, challenges, and opportunities,<sup>16</sup> before suggesting a new interdisciplinary research agenda in light of the recent regulatory rollbacks.

### **2.1 The Normative Foundations of the European Green Deal**

The origins of the EGD can be traced back to decades of incremental policy developments within the EU. Earlier frameworks, such as the 2020 Climate and Energy Package<sup>17</sup> and the 2030 Climate and Energy Framework,<sup>18</sup> laid the essential groundwork by focusing on sustainability, energy security, and competitiveness.<sup>19</sup> These measures evolved into the EGD's comprehensive vision, designed to respond to pressing global environmental crises, including climate change and biodiversity loss. Geopolitical disruptions like the COVID-19 pandemic and the Russian invasion of Ukraine further underscored vulnerabilities in traditional energy

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<sup>16</sup> This introduction to the Working Paper simply present the main characteristics of the EGD without any intend to be systematic.

<sup>17</sup> EC (2009), 'Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC

<sup>18</sup> EC (2014), 'The 2030 climate and energy framework', Conclusions of the European Council, EUCO 169/14, 23–24 October 2014

<sup>19</sup> Commission of the European Communities (2006), 'Green Paper, A European Strategy for Sustainable, Competitive and Secure Energy.'

systems, accelerating the need for systemic change.<sup>20</sup> The Green Deal's ambition is reflected in its integration of eight interconnected policy areas, each addressing critical aspects of sustainability.<sup>21</sup>

Central to the initiative is climate action, with the legally binding European Climate Law enshrining the goal of climate neutrality by 2050.<sup>22</sup> Operationalizing this ambition, the Fit for 55 Package<sup>23</sup> revises policies on emissions trading and energy taxation. Clean energy transition is another cornerstone, supported by measures such as the REPowerEU Plan,<sup>24</sup> which focuses on energy efficiency, renewable energy, and energy security. The Biodiversity Strategy for 2030<sup>25</sup> emphasizes ecosystem restoration and aligns with global sustainability objectives, while the Farm to Fork Strategy<sup>26</sup> and Common Agricultural Policy reforms,<sup>27</sup> aim to reduce the environmental footprint of agriculture and promote sustainable food systems. The Circular Economy Action Plan<sup>28</sup> and Green Deal Industrial Plan<sup>29</sup> seek to decouple economic growth from resource use, fostering innovation and sustainability. Energy efficiency in buildings is targeted through the Renovation Wave Strategy<sup>30</sup>, which aims to double renovation rates by 2030. Similarly, the Sustainable and Smart Mobility Strategy<sup>31</sup> promotes low-emission transportation and digital transformation. Finally, the Zero Pollution Action<sup>32</sup> Plan strives to eliminate pollution across air, water, and soil by 2050. The Green Deal institutional

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<sup>20</sup> Jevnaker, T., Rossetto, N., Nicolai, S., Münchmeyer, M., Agostini, F., Beckstedde, E., ... & Stampatori, D. (2024). *The EU Green Deal: 2024 edition*. European University Institute.

<sup>21</sup> The European Green Deal is structured around eight main policy areas: climate (*European Climate Law, Fit for 55 Package*), energy (*REPowerEU Plan, Energy Efficiency Directive*), industry (*Green Deal Industrial Plan, Circular Economy Action Plan*), environment and oceans (*EU Biodiversity Strategy for 2030, Zero Pollution Action Plan*), agriculture (*Farm to Fork Strategy, Common Agricultural Policy reforms*), transport (*Sustainable and Smart Mobility Strategy*), finance and regional development (*EU Taxonomy for Sustainable Activities, Just Transition Mechanism*), and research and innovation (*Horizon Europe, Mission on Climate-Neutral and Smart Cities*).

<sup>22</sup> EC (2020c), 'Proposal for a Regulation of the European Parliament and of the Council establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law)', COM(2020) 80 final.

EC (2020d), 'Amended proposal for a Regulation of the European Parliament and of the Council on establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law)', COM(2020) 563 final.

<sup>23</sup> EC (2021) Fit for 55: Delivering the EU's 2030 Climate Target on the way to climate neutrality, COM(2021) 550 final..

<sup>24</sup> EC (2022a) 'REPowerEU: Joint European Action for more affordable, secure and sustainable energy', COM(2022) 108 final.

<sup>25</sup> EC (2020) Biodiversity strategy for 2030: Bringing nature back into our lives, COM(2020) 380 final.

<sup>26</sup> EC (2020) Farm to Fork Strategy: For a fair, healthy and environmentally-friendly food system, COM(2020) 381 final.

<sup>27</sup> EC (2021) The Common Agricultural Policy reform: A modern policy for a fair, green and competitive agricultural sector, COM(2021) 571 final.

<sup>28</sup> EC (2020) Circular Economy Action Plan: For a cleaner and more competitive Europe, COM(2020) 98 final.

<sup>29</sup> EC (2023) Green Deal Industrial Plan for the Net-Zero Age, COM(2023) 62 final.

<sup>30</sup> EC (2020) A Renovation Wave for Europe: Greening our buildings, creating jobs, improving lives, COM(2020) 662 final.

<sup>31</sup> EC (2020) Sustainable and Smart Mobility Strategy: Putting European transport on track for the future, COM(2020) 789 final.

<sup>32</sup> EC (2021) Zero Pollution Action Plan for air, water, and soil, COM(2021) 400 final

design signifies a paradigm shift in regulatory governance<sup>33</sup>, moving away from traditional, prescriptive approaches to embrace more integrated and adaptive strategies.<sup>34</sup> But what about how such a framework is delivered beyond legislative proposals? The question is now whether the Green Deal's long-term vision has been maintained or diluted in the face of its concrete implementation.

The Workshop discussed whether the EGD might represent a shift in the EU's sustainability discourse by moving away from growth-centric policies toward a framework where environmental sustainability appears to take a more central role. Unlike the Lisbon Strategy, which seemed to treat sustainability as a secondary concern to economic growth, or the Europe 2020 strategy, which appeared to frame it as an instrumental tool for enhancing resource efficiency and competitiveness, the EGD originally positioned climate action as "this generation's defining task".<sup>35</sup> From a meta-discursive perspective, the European Green Deal is built upon the "*do no significantly harm*" principle<sup>36</sup>, which requires that any new legislation must align with and support the EU's climate ambitions.<sup>37</sup> This principle aims for a systematic revision of all policies related to the environment, energy efficiency, and sustainability in accordance with the objectives set by the EGD. As a result, existing legislation across various sectors has been re-examined and, in many cases, rewritten to reflect the priorities of ecological transition. Additionally, the EGD gave rise to an exceptional number of new directives and regulations in an already crowded environmental acquis.

There also seems to be a transformation of the EU's regulatory harmonization strategy, traditionally known as the "New Approach"<sup>38</sup>. This strategy, established by a Council resolution, placed technical standardization—developed through a bottom-up process involving industry stakeholders—at the heart of European regulation.<sup>39</sup> This approach was originally seen as potentially reframing sustainability as a structural priority rather than merely a contingent policy goal, but it remains uncertain whether it fundamentally subordinates economic activities to social and environmental imperatives. The call to "reconcile the economy with the planet"<sup>40</sup> seemed to reflect a departure from the assumption that market-based mechanisms alone can

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<sup>33</sup> Chiti, E. (2022). Managing the ecological transition of the EU: The European Green Deal as a regulatory process. *Common Market Law Review*, 59(1).

<sup>34</sup> Ibid.

<sup>35</sup> European Commission, *The European Green Deal*, COM(2019) 640 final, Brussels, 11 December 2019, p. 2. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52019DC0640>

<sup>36</sup> European Commission, Joint Research Centre, Beltrán Miralles, M., Gourdon, T., Seigneur, I. et al., *The implementation of the 'Do No Significant Harm' principle in selected EU instruments – A comparative analysis*, Publications Office of the European Union, 2023, <https://data.europa.eu/doi/10.2760/18850>

<sup>37</sup> Ibid.

<sup>38</sup> On the regulatory moment, see: Eckert, S. (2021). The European green deal and the EU's regulatory power in times of crisis. *J. Common Mkt. Stud.*, 59, 81.

On the New Approach: Schapel, H. (2013). The new approach to the new approach: The juridification of harmonized standards in EU law. *Maastricht Journal of European and Comparative Law*, 20(4), 521-533.

<sup>39</sup> van Zeben, J. (2020). The European Green Deal: The future of a polycentric Europe?. *European Law Journal*, 26(5-6), 300-318.

<sup>40</sup> Von der Leyen called the new climate plan as "Europe's 'Man on the moon'-moment" stating, "Our goal is to reconcile the economy with our planet, to reconcile the way we produce and the way we consume with our planet and to make it work for our people". See: Press remarks by President von der Leyen on the occasion of adopting the European Green Deal Communication 11.12.2019, Brussels. URL: [https://ec.europa.eu/commission/presscorner/detail/de/speech\\_19\\_6749](https://ec.europa.eu/commission/presscorner/detail/de/speech_19_6749), 09.06.2021.

mitigate environmental damage, instead hinting at a more systemic approach that may seek to align legal and financial frameworks with sustainability objectives. Policies such as the EU Taxonomy for Sustainable Activities, corporate due diligence and reporting obligations, and circular economy regulations could exemplify this transformation by attempting to embed ecological limits into the legal and economic structures of the EU, as well as the transnational ones. But is this initial normative orientation fulfilled six years after its adoption? What is the current state of play?

## 2.2 From Simplification to Deregulation: Mind the Gap

It remains debatable whether the EGD truly treats sustainability as the foundation upon which economic priorities must be built or if it still accommodates economic interests in fundamental ways. This lack of clarity regarding the EGD telos has since been framed as a paradigm drift towards sustainability conditioned mainly by stakes of competitiveness and security of supplies.<sup>41</sup> This shift started with the Antwerp Declaration,<sup>42</sup> and has been intensified since July 2024, when Ursula von der Leyen presented *the Political Guidelines for the Next European Commission 2024-2029* for her campaign.<sup>43</sup> The Guidelines reaffirmed the EGD as a central component of the European Union's economic and environmental strategy. These guidelines emphasize the necessity of maintaining the EGD's objectives while shifting the Commission's focus towards implementation rather than the introduction of new regulatory frameworks. This approach underscores the commitment to achieving climate neutrality while ensuring economic competitiveness, reducing energy costs, and reinforcing Europe's strategic autonomy in critical supply chains. Von der Leyen explicitly states "My whole program is built on decarbonation and competitiveness".<sup>44</sup>

A core element of the "EGD 2.0" is the introduction of a Clean Industrial Deal,<sup>45</sup> and a Circular Economy Act,<sup>46</sup> designed to facilitate the decarbonization of European industries while preserving their competitiveness. The Guidelines seeks to create a conducive regulatory environment that enables industries to transition towards climate neutrality through investment incentives, regulatory simplifications, and access to sustainable energy sources – focusing on competitiveness *and* decarbonization.

In September 2024, the publication of the Draghi Report marked a significant pivot in the paradigm drift taken by the Commission towards the EGD, potentially the one that inspired – or served as a justification for – the drift from the balancing approach mentioned in July to the rollback experienced since then.<sup>47</sup> Commissioned by von der Leyen, the report, led by former

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<sup>41</sup> Bertram, A. (2025, March 20)., opt.cit (n14)

<sup>42</sup> Ursula von der Leyen, "Opening address by President von der Leyen on the Clean Industrial Deal at the European Industry Summit," Antwerp, 26 February 2025. Available at: [https://europa.eu/newsroom/ecpc-failover/pdf/speech-25-628\\_en.pdf](https://europa.eu/newsroom/ecpc-failover/pdf/speech-25-628_en.pdf)

<sup>43</sup> European Commission, *Political Guidelines for the Next European Commission 2024-2029*, 18 July 2024. Available at: [https://commission.europa.eu/document/download/e6cd4328-673c-4e7a-8683-f63ffb2cf648\\_en](https://commission.europa.eu/document/download/e6cd4328-673c-4e7a-8683-f63ffb2cf648_en)

<sup>44</sup> Ursula von der Leyen, *Opening address by President von der Leyen on the Clean Industrial Deal at the European Industry Summit*, Antwerp, 26 February 2025. Available at: [https://europa.eu/newsroom/ecpc-failover/pdf/speech-25-628\\_en.pdf](https://europa.eu/newsroom/ecpc-failover/pdf/speech-25-628_en.pdf)

<sup>45</sup> European Commission, *Clean Industrial Deal*, Brussels, 26 February 2025. Available at: [https://commission.europa.eu/topics/eu-competitiveness/clean-industrial-deal\\_en](https://commission.europa.eu/topics/eu-competitiveness/clean-industrial-deal_en)

<sup>46</sup> European Commission, *Circular Economy Act*, expected publication in 2026

<sup>47</sup> Draghi, M. (2024). , opt.cit (n11)

Italian Prime Minister and European Central Bank President Mario Draghi, offered a sobering analysis of Europe's declining competitiveness. The report underscored that while sustainability remained a priority, Europe's economic foundations were eroding due to regulatory complexity, slow technological adoption, and an aging workforce.<sup>48</sup> Shortly after its publication, October 2024, Ursula von der Leyen announced the plan to simplify EU sustainability regulations through an "Omnibus Law." The proposal aimed to streamline key regulations such as the Taxonomy Regulation, the Corporate Sustainability Reporting Directive (CSRD), and the Corporate Sustainability Due Diligence Directive (CSDDD), with the goal of reducing bureaucratic burdens,<sup>49</sup> - focusing therefore also on competitiveness and growth, and not on environmental integrity or climate needs. The report lays the groundwork for a shift from stringent environmental mandates to a more flexible, industry-friendly approach.

By November 2024, the Omnibus proposal gained support from major business associations who argued that it would reduce compliance costs and enhance competitiveness.<sup>50</sup> However, environmental groups and some policymakers voiced concerns about the potential weakening of environmental and social protections, fearing that it might lead to regulatory backsliding. In December 2024, several major companies, including Unilever, Mars, Nestlé, and DP World, along with seven other organizations, publicly opposed the Omnibus Law.<sup>51</sup> These companies expressed their concerns in an open letter to the EU Commission, stating that altering sustainability reporting frameworks could create uncertainty and hinder corporate sustainability efforts. A draft of the proposal released on January 29, 2025, revealed that the European Commission was planning broader simplification packages.<sup>52</sup> The final proposal for the Omnibus Law was confirmed to be published on February 26, 2025, after a roundtable on simplification occurred on February 6, 2025, and it was highly criticized for bypassing usual democratic processes because civil society representatives were just a few compared to the multinational corporations' representatives.<sup>53</sup>

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<sup>48</sup> Mario Draghi, *The Future of European Competitiveness: A Competitiveness Strategy for Europe*, European Commission, 9 September 2024. Available at: [https://commission.europa.eu/topics/eu-competitiveness/draghi-report\\_en](https://commission.europa.eu/topics/eu-competitiveness/draghi-report_en)

<sup>49</sup> Council of the European Union, *The Budapest Declaration*, 8 November 2024. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2024/11/08/the-budapest-declaration/>

<sup>50</sup> In a joint letter dated January 17, 2025, major business and industry associations expressed support for the European Commission's Omnibus proposal, emphasizing the need for legal predictability and streamlined reporting. They warned against reopening existing sustainability legislation, citing ongoing investments in compliance and the importance of regulatory certainty for competitiveness ([Business & Human Rights Resource Centre, 2025](#)).

<sup>51</sup> Business & Human Rights Resource Centre, *Business Letter Opposing the EU "Omnibus Proposal"*, 14 December 2024. Available at: <https://www.business-humanrights.org/en/latest-news/business-letter-omnibus>

<sup>52</sup> European Commission, *A simpler and faster Europe: Communication on Simplifying EU Rules*, COM(2025) 30 final, Brussels, 29 January 2025. Available at: [https://commission.europa.eu/document/download/8556fc33-48a3-4a96-94e8-8ecacef1ea18\\_en](https://commission.europa.eu/document/download/8556fc33-48a3-4a96-94e8-8ecacef1ea18_en)

<sup>53</sup> See e.g., European Environmental Bureau (EEB), *Omnibus: A Trojan Horse for Aggressive Deregulation*, Say NGOs, 26 February 2025. Available at: <https://eeb.org/omnibus-a-trojan-horse-for-aggressive-deregulation-say-ngos>; ActionAid, *Legal Letter: Concerns About Inadequate Consultation Process for Omnibus*, February 2025. Available at: <https://actionaid.org/publications/2025/legal-letter-concerns-about-inadequate-consultation-process-omnibus>; edie, "We Are Deeply Concerned": 150 Civil Society Organisations Oppose EU Omnibus Proposals, 19 February 2025. Available at: <https://www.edie.net/we-are-deeply-concerned-150-civil-society-organisations-oppose-eu-omnibus-proposals>

Content-wise, the Omnibus Package symbolized a full-scale recalibration of the EGD's initial ambitions, and even of the ambitions first developed in July 2024's "Europe's Choice" political guidelines.<sup>54</sup> Rather than serving as an uncompromising regulatory framework, the revised approach positioned sustainability as a long-term goal, more contingent on a specific economic agenda than on economic feasibility. One of the most contentious aspects of the proposal is its apparent alignment with the demands of powerful industry lobbies. The analysis shows that many of the changes mirror the positions advocated by groups such as the French Banking Federation, Medef, BDI, Confindustria, Business Europe, and the American Chamber of Commerce. These groups had called for weaker liability rules, narrower definitions of stakeholders, looser due diligence expectations, and fewer reporting requirements. The result is a significant rollback of civil liability provisions, the exclusion of indirect suppliers from due diligence, and a shift in climate transition plans from actionable strategies to non-binding statements.<sup>55</sup>

A central element of the proposal is the "stop-the-clock" mechanism, which would delay business reporting obligations by two years. However, this move has been highly contested. In the European Parliament, political groups are deeply divided. The centre-right EPP supports the proposal and wants it fast-tracked, though they signal that additional simplifications may still be necessary. The centre-left S&D group, and the Greens on the other hand, criticizes the Omnibus for promoting deregulation rather than true simplification. MEP Lara Wolters notably stated, "This is not a simplification of EU rules. This is the simplification of a debate"<sup>56</sup> warning that the proposed changes risk turning compliance into "pointless box-ticking." Meanwhile, right-wing and far-right groups argue the proposal does not go far enough, calling for a much more radical rollback of EU sustainability directives. Centrist group Renew Europe has urged the EPP to work with moderate parties instead of aligning with the extreme right.<sup>57</sup> Despite these tensions, the European Council appears more united, having endorsed the stop-the-clock mechanism and called for its adoption by June 2025.<sup>58</sup> A crucial vote on the Omnibus was scheduled in the European Parliament on Tuesday 1 April 2025, and resulted in the approval of a 'fast-track' vote on the stop-the-clock proposal.<sup>59</sup> Despite the contentious atmosphere, the adoption of the stop-the-clock mechanism has set the stage for a two-year

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<sup>54</sup> von der Leyen, U. (2024). *Europe's Choice: Political Guidelines for the Next European Commission 2024–2029*. European Commission

<sup>55</sup> Reclaim Finance, *Analysis of Omnibus Final Proposal: Content and Link to Lobbying*, March 2025. Available at: [https://reclaimfinance.org/site/wp-content/uploads/2025/03/Analysis-of-Omnibus-final-proposal\\_Content-and-link-to-lobbying.pdf](https://reclaimfinance.org/site/wp-content/uploads/2025/03/Analysis-of-Omnibus-final-proposal_Content-and-link-to-lobbying.pdf)

<sup>56</sup> Lara Wolters, *LinkedIn Post*. (2025, March 11) Available at: [https://www.linkedin.com/posts/lara-wolters-a0572359\\_what-not-to-like-about-simplification-activity-7305291516086747137-Om9L](https://www.linkedin.com/posts/lara-wolters-a0572359_what-not-to-like-about-simplification-activity-7305291516086747137-Om9L)

<sup>57</sup> Gitton, M. (2025, March 11). *New tightening in the European Parliament: The "Omnibus" faces an intense political battle*. LinkedIn. <https://www.linkedin.com/pulse/new-tightening-european-parliament-omnibus-faces-intense-gitton-fgfn>

<sup>58</sup> Council of the European Union, *Simplification: Council agrees position on the 'Stop-the-clock' mechanism to enhance EU competitiveness and provide legal certainty to businesses*, Press Release 239/25, 26 March 2025. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2025/03/26/simplification-council-agrees-position-on-the-stop-the-clock-mechanism-to-enhance-eu-competitiveness/pdf/>

<sup>59</sup> European Parliament, *Sustainability and due diligence: MEPs fast-track vote on postponed application*, Press Release, 1 April 2025. Available at: <https://www.europarl.europa.eu/news/en/press-room/20250331IPR27545/sustainability-and-due-diligence-meps-fast-track-vote-on-postponed-application>



delay in corporate sustainability reporting obligations, marking a significant—though controversial—pause in the EU’s regulatory timeline.<sup>60</sup>

By late May 2025, the reorientation of the European Green Deal under the Omnibus proposal had reached a defining moment, one that exposed not only divergent institutional logics but also the fragility of the EU’s commitment to systemic sustainability. The Council’s second compromise text, circulated on 13 May 2025, proposed a narrower application of the Corporate Sustainability Reporting Directive (CSRD)—retaining a threshold of 1,000 employees while removing reporting obligations for listed SMEs—and preserved the Commission’s suggestion to limit the applicability of the EU Taxonomy.<sup>61</sup>

Simultaneously, the Parliament’s Committee on Economic and Monetary Affairs (ECON), under the leadership of Rapporteur Janusz Lewandowski, tabled amendments that were even more deregulatory: raising the threshold for both CSRD and the Corporate Sustainability Due Diligence Directive (CSDDD) to 3,000 employees and €450 million in turnover, capping ESRS data points, and explicitly deleting the requirement for companies to adopt climate transition plans.<sup>62</sup>

Meanwhile, the European Commission mirrored these positions in practice if not in rhetoric.<sup>63</sup> On 14 May 2025, it released a draft delegated act that postponed key ESRS obligations for so-called “Wave 1” companies with fewer than 750 employees, including disclosure on Scope 3 emissions, biodiversity, and value chain workforce data, effectively pushing meaningful implementation to 2027.<sup>64</sup> The same week, it proposed to delay the due diligence provisions of the Battery Regulation by two years, arguing that the legal and institutional infrastructure was not yet in place—a rationale that closely echoed the business arguments made during the CSDDD negotiations.<sup>65</sup> The Council Presidency’s “Guidance for Further Work,” presented to COREPER II on 22 May, attempted to broker compromise by reinstating the risk-based approach from the OECD Guidelines and the UN Guiding Principles, while maintaining the Commission’s lighter language on transition plans and offering flexibility on civil liability regimes.<sup>66</sup>

However, this institutional choreography unfolded under mounting political pressure.<sup>67</sup> In a widely reported exchange with business leaders during the “Choose France” summit on 13 May, President Emmanuel Macron openly called for the withdrawal of the CSDDD, stating that “CSDDD and some other regulations have not just to be postponed for one year, but [to be]

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<sup>60</sup> European Parliament, *Sustainability and due diligence: MEPs agree to delay application of new rules*, Press Release, 3 April 2025. Available at: <https://www.europarl.europa.eu/news/en/press-room/20250331IPR27557/sustainability-and-due-diligence-meps-agree-to-delay-application-of-new-rules>

<sup>61</sup> Council of the European Union. (2025b, May 13). *Second compromise text on the Omnibus proposal*.

<sup>62</sup> European Parliament. (2025, May). *Draft amendments to the Omnibus proposal by the ECON Committee*.

<sup>63</sup> European Commission. (2025b). *Draft delegated act amending European Sustainability Reporting Standards (ESRS)*.

<sup>64</sup> Ibid.

<sup>65</sup> European Commission. (2025a). *Proposal to delay due diligence obligations in the Battery Regulation*

<sup>66</sup> Council of the European Union. (2025d). *Presidency guidance for further work on the Omnibus proposal*

<sup>67</sup> Gardiner, R. (2025a). *LinkedIn post on political manoeuvres by France and Germany against CSDDD*

out of the table”.<sup>68</sup> At the same time, Chancellor Friedrich Merz of Germany was reportedly lobbying other EU member states to block the directive altogether. These moves marked a dramatic pivot from normative commitments to international frameworks like the OECD Guidelines and the UNGPs, which had underpinned the CSDDD’s legal rationale.<sup>69</sup> While the Council Presidency’s draft suggested preserving these references, its approach also aligned with Member States favoring a return to national discretion and minimal harmonization—particularly on enforcement and liability.<sup>70</sup>

Thus, by the end of May, it had become evident that institutional actors were not merely debating implementation timelines or administrative feasibility.<sup>71</sup> They are actually articulating a fundamentally different vision than the “paradigm shift” initially announced. Even between institutions, visions seem to differ: the Parliament’s centre-right bloc, led by the EPP, viewed sustainability as a matter of reporting efficiency and global competitiveness. The Council, under pressure from dominant Member States like France and Germany, leaned towards deregulation masked as simplification. The Commission, while maintaining symbolic references to climate goals, appeared increasingly responsive to industrial lobbying and political pragmatism. What emerged was not a coherent “EGD 2.0” but rather a fragmented recalibration.

The rollback proposed in the Omnibus acts as a stark reminder that sustainability policies are never neutral, but deeply political and normative. As with green industrial strategies more broadly, decisions about the ambition and instruments of sustainability regulation reflect contested priorities and power struggles rather than purely technical or market-driven logic. Without proven models for decoupling economic growth from environmental degradation, these choices reveal underlying assumptions about what kind of economy and society should emerge from the EGD. This reinforces concerns that, despite transformative rhetoric, the EU’s green agenda may ultimately serve to reproduce the existing political economy.

### 3. Finding the European Green Deal 2.0 Through Critical Interdisciplinary Dialogues

The EGD, in its initial formulation and adoption, represented a discursive paradigm shift, positioning sustainability as central to the EU’s political and economic trajectory. It sought to redefine ‘green’ growth, align environmental goals with economic structures, and set a precedent for global climate governance leading to a net zero economy. However, its evolution has exposed tensions that are not merely obstacles to implementation but intrinsic to the very logic of the project itself.

The EGD reveals inherent contradictions and systemic tensions. The very governance structures that enable its ambitions—marked by the complexity of multi-level coordination across divergent national priorities—also hinder its coherence and execution. The financial

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<sup>68</sup> Barigazzi, J., & Deutsch, J. (2025, May 14). *Macron and Merz lead charge against EU ethical supply chain law*. Politico. <https://www.politico.eu/article/emmanuel-macron-friedrich-merz-eu-ethical-supply-chain-law/>

<sup>69</sup> Council of the European Union. (2025d). *Presidency guidance for further work on the Omnibus proposal*.

<sup>70</sup> Ibid.

<sup>71</sup> European Parliament. (2025). *Draft amendments to the Omnibus proposal by the ECON Committee*. ; Council of the European Union. (2025b). *Second compromise text on the Omnibus proposal* ; Council of the European Union. (2025b). *Second compromise text on the Omnibus proposal*



and technological demands required to actualize its vision while emphasizing progress expose dependencies and vulnerabilities within existing economic models. Resistance from traditional industries and the socioeconomic disruptions anticipated in certain sectors further illustrate the disjunction between the EGD's transformative aspirations and its practical implementation. Beyond these structural challenges, deeper contradictions emerge: beyond discourse, does the EGD still have the potential to genuinely transcend existing economic paradigms, or does it merely reconfigure them within the same growth-driven logic? To fully realize its potential, actors of the EGD (be they regulators, corporations, or civil society) must confront and resolve these latent tensions, not simply as obstacles to implementation but as indicators of the need for a more profound transformation of the EU's socio-economic foundations. A central contradiction has emerged between the Green Deal's transformative aspirations and the persistent prioritization of EU competitiveness within existing global market dynamics. Rather than resolving this tension, the EU has maintained a precarious balance, where environmental ambition is continuously negotiated against economic concerns, often reinforcing rather than subverting established paradigms.

This requires critical inquiry that does not take the Green Deal's transformative character as given but rather interrogates how it might emerge from within its contradictions.

The EGD has the potential to reshape the European economic model fundamentally—but only if it confronts the unresolved tensions between sustainability, competitiveness, and market-driven imperatives. Investigating this imbalance is not a matter of fine-tuning policies but of discerning what must be changed to move beyond the current equilibrium. Which elements of the existing order must be transcended, and which must be reconstituted to create a genuinely new socio-environmental framework? The challenge is not simply to implement the Green Deal more effectively but to clarify the nature of the transformation it must undergo. Thus, the real critical task is not to assess whether the Green Deal has succeeded or failed within its current trajectory but to determine what balance must be struck—or abandoned altogether—to make its promise of transformation substantive rather than rhetorical. Only by embracing and working through these tensions can the EGD generate a new socio-economic order rather than merely adjusting the old one.

This goes hand-in-hand with the fact that EU studies are undergoing a profound transformation, as scholars increasingly recognize the need to redefine traditional approaches to better understand the complex changes taking place in Europe today.<sup>72</sup> This shift is particularly relevant when examining the European Green Deal, as traditional methods of legal analysis, which often focus on doctrinal consistency or strategic interpretations of power dynamics, are proving insufficient to capture the multifaceted and dynamic nature of this initiative. Instead, there is a growing recognition that our methodologies must adapt to the realities of the objects<sup>73</sup> we study—in this case, the Green Deal—and to the practices of the actors involved.<sup>74</sup> Understanding the Green Deal requires us to move beyond viewing law as a static system of rules or a mere instrument of policy. Law, as seen through the lens of this

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<sup>72</sup> Azoulai, Loïc. *European Society and Its Problems*. Presentation EUI Law Department Faculty Seminar, April 2025 (forthcoming in *European Law Open*)

<sup>73</sup> Ibid.

<sup>74</sup> de Witte, Floris. "Is this Europe ?" *European Law Open* (forthcoming 2025).

regulatory transformation, is deeply intertwined with social, political, and economic realities.<sup>75</sup> It is not just a framework for integration or economic harmonization but a living process that interacts with the diverse needs and contexts of European societies.<sup>76</sup> To grasp this complexity, we need to examine how legal norms function in practice and how they shape, and are shaped by, the actions of various stakeholders, from EU institutions to national governments, civil society, and businesses. The overall diagnosis of the disconnection between EU law and social, environmental, and material realities is particularly pronounced in the EGD despite its aspirations to systemic transformation.

Scholars like Azoulai<sup>77</sup> and Vauchez<sup>78</sup> have identified a widening gap between the EU's ambitious rhetoric and the complex, often uneven realities on the ground.

These concerns encompass fundamental conflicts inherent in Europe's interdependent societies, spanning issues of material production, socio-economic conditions, infrastructural maintenance, and societal self-perception. European societies find themselves increasingly entangled in intricate webs of interdependence, fostering a perception of expanded opportunities juxtaposed with heightened dependency on complex socio-technological systems and uncontrollable natural forces.<sup>79</sup>

This tension also comes to the fore in the narrative and implementation agenda of the EGD's policies, where structural misalignments and exclusions frequently undermine its transformative potential. Some examples, among others,<sup>80</sup> including the work of the contributors of this Working Paper, underscore the need for a more reflexive approach to the EGD. This endeavor involves a conscious effort to suspend pre-existing theoretical frameworks to develop new interdisciplinary ones, or focus on the concrete practices and strategies of those involved in implementing and responding to the Green Deal. By doing so, we open ourselves to a more nuanced understanding of how this ambitious but incomplete initiative operates across multiple levels of governance and within diverse legal and cultural contexts.

## PART 1 - Continuities and discontinuities

Examining the European Green Deal from a historical perspective, the first paper written by Sabine Pitteloud offers valuable insights for a better understanding of continuities and discontinuities in regulatory trends. Indeed, the European Green Deal evokes the New Deal of the 1930s, a pivotal policy response to the U.S. economic crisis, suggesting historical continuity in addressing systemic challenges. While history may not predict future outcomes,

<sup>75</sup> Azoulai, L. (2024). Reconnecting European law to European societies. *EUI Working Paper LAW Serie*

<sup>76</sup> Ibid.

<sup>77</sup> Azoulai, L. (2020). Infrastructural Europe: EU law and human life in times of the Covid-19 pandemic. *Revista de Derecho Comunitario Europeo*, 66(May–August), 343–359.

<sup>78</sup> Vauchez, A. (2020). The map and the territory: Re-assessing EU law's embeddedness in European societies. *Maastricht Journal of European and Comparative Law*, 27(2), 133-136.

<sup>79</sup> Ibid.

<sup>80</sup> Among other; Kampourakis, I. (2024, January 18). Unpacking the Critical Raw Materials Act: Market instrumentalism and extractivism in the pursuit of domestic green growth. *Verfassungsblog*. <https://verfassungsblog.de/unpacking-the-critical-raw-materials-act/> ; Bogojević, S. (2024). Carbon removals, ecosystems and the European Green Deal. *European Law Open*, 3(1), 1–17. <https://doi.org/10.1017/elo.2024.11> ; Bogojević, S. (2024). The European Green Deal, the rush for critical raw materials, and colonialism. *Transnational Legal Theory*, 15(2), 123–145. <https://doi.org/10.1080/20414005.2024.2399408>

it helps assess how past policies, like the New Deal's focus on state intervention, differ from the market-based mechanisms driving the European Green Deal. This historical analysis reveals the role of businesses in obstructing environmental regulations, which seems to be a continual issue, as other contributors suggest. Studying the dynamics of power, lobbying, and missed opportunities in past regulatory strategies helps contextualize the Green Deal's evolution and challenges today. Historical research can thus inform opportunities and pitfalls in new regulation paradigm approaches and unpack complexities in policymaking, offering critical perspectives on Europe's green transition.

Pierre Jacques goes on to analyze the economics of the Green Deal. Models play a crucial role in economics, serving as indispensable tools for policy analysis and providing insights into "what if" scenarios, as large-scale experiments are generally infeasible. However, macroeconomic models differ from climate models, which are built on universal physical laws and offer stronger predictive power. European institutions, particularly for the Green Deal, extensively rely on two main classes of macroeconomic models: Dynamic Stochastic General Equilibrium (DSGE) and Computable General Equilibrium (CGE). While widely used, these models have limitations, often assuming economic equilibrium despite the persistent disequilibria observed in recent crises. Critics suggest incorporating more diverse and adaptive models, such as those from ecological economics, to better address the economic challenges of the green transition.

## **PART 2 – Scales, Frames and Disconnections**

Anna Beckers and Luca Tenreira look at some of the hypotheses of the CHAINLAW project,<sup>81</sup> supported by an ERC starting grant. They look back at the change of approach required by the emergence of new objects and new methods of regulation of Global Value Chains in the European context. Taking as examples several of the texts that make up the Green Deal and putting them back into context by using interdisciplinary approaches (Sciences and Technology Studies, Infrastructural Thinking), the authors seek to bring out new legal categories and reasoning from texts that stand out by going beyond traditional doctrinal frameworks of analysis.

## **PART 3 – Deconstruction, Reconstruction or Transformation?**

Presented by Luca Tenreira, the last paper critically examines the European Green Deal (EGD) as it reshapes everyday lives, accounting for the tensions between ambitious transnational policies and local realities beyond traditional representations of those. Through theoretical perspectives anchored in the emerging *European Law and Society* approach, they explore how the EGD's regulatory frameworks generate conflicts—from Dutch farmer protests to Chilean lithium mining—while restructuring practices, values, and identities. Positioned as a preliminary step – an attempt – toward an *Ontological Turn* in EU law, their work calls for greater reflexivity and sensitivity to lived experiences and legal modes of existence, urging legal studies and policy-oriented research to bridge these gaps.

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<sup>81</sup> European Research Council, Starting Grant, [CHAINLAW: Responsive Law for Global Value Chains](#), Grant agreement No.101076292

The Workshop's interdisciplinary character consists of the integration of diverse academic fields, each contributing its methodologies and theoretical frameworks to analyze the EGD's complexities, such as its legal architecture, economic implications, historical antecedents, and social impacts. Two lessons can be drawn from the rich debates in our workshop. First, law has become a potentially heuristic entry point to another search for meaning at more general levels: that which concerns the construction of knowledge, including knowledge in the social sciences; that which concerns the construction of power or the structuring processes of societies and their regulatory regimes. Second, by situating the Green Deal within a broader socio-political and environmental context, the results from this workshop encourage innovative, holistic solutions that reflect the interconnectedness of policy, lived experience, and societal transformation. This synthesis of perspectives enables a more nuanced understanding of the EGD's potential and limitations, highlighting the need for collaborative, reflexive research in addressing systemic global challenges.

**PART I:**  
**CONTINUITIES AND DISCONTINUITIES**

## Echoes of the New Deal: Historical Narratives and the European Green Deal

By Sabine Pitteloud

### Abstract

This contribution explores the relevance of historical analysis to the European Green Deal, challenging common metaphors such as the New Deal. It critiques how history is mobilized in environmental discourse, advocating for a nuanced historical approach that unpacks myths and legitimizes alternative imaginaries.

Why should the European Green Deal be assessed from a historical perspective and what would history bring to the table to complement and contrast with the approaches and methods of other disciplines? There is no obvious answer to this question, as the Green Deal seems to be more about the future than the past. Although some serious catastrophic episodes related to climate change have already manifested, such as flooding, extreme droughts and wildfires, the apogee of climate crisis awaits us, as scientists repeatedly warn. They also relentlessly urge policymakers to act and act fast. The Green Deal, which was launched by the European Commission under the leadership of Ursula von der Leyen in 2019, has been presented as a response to this “existential threat to Europe and the world.”<sup>1</sup> Concretely, the Green Deal is a complex package made of policy targets and instruments that is still in the making and, as such, could play out in several directions and therefore might be a somewhat odd object of study for historians.

While history won't serve as a strong basis for futurology and predicting the trajectory of climate policymaking at the EU level, it can bring various relevant insights to the current discussions. To begin with, the name that has been chosen, i.e. the Green Deal, has an obvious historical connotation. It refers to another policy package, the New Deal, that was launched about ninety years ago by US President Franklin Delano Roosevelt. In the US, the current discussions around a “Green New Deal” makes the historical references even more explicit. With the New Deal, the Roosevelt administration sought to address both of the acute social and economic crises that the United States had been precipitated into by the 1929 Wall Street Crash. Despite ongoing academic controversies regarding the New Deal's short-term and long-term economic and social achievements, it is certainly remembered as defining and iconic turning point in US history since it was implemented at a moment when unfettered capitalism had shown its limits, and it symbolized the transition to the postwar growth model and welfarism.<sup>2</sup> When Ursula von der Leyden introduced the European Green Deal in her December 11<sup>th</sup> 2019 speech, she drew many parallels with what had happened in the 1930s. Indeed, she explained that the Green Deal was an ambitious programme aimed at establishing a new growth-model that would have environmental, justice and social dimensions at its core. It is also interesting to note that von der Leyden resorted to a second historical image to emphasize that her announcement would

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<sup>1</sup> European Commission, The European Green Deal. Striving to be the first climate-neutral continent. Online, 31.07.2024, [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en)

<sup>2</sup> Cowie, Jefferson R. *The Great Exception: The New Deal & the Limits of American Politics*. Politics and Society in Twentieth-Century America. Princeton: Princeton University Press, 2016.

make history, stating that it was “Europe’s ‘man on the moon’ moment”.<sup>3</sup> Historians have analyzed how organizations use the past to serve their own agenda and gain legitimacy.<sup>4</sup> It would therefore be worth investigating which parts of the collective memory related to the New Deal have been mobilized by the proponents of the European Green Deal and the US Green New Deal and for what purpose. It would also be insightful to assess the shortcomings of such a historical metaphor, drawing on the scholarship that has analyzed the central features of the New Deal. Indeed, when moving beyond historical common references and digging into the content and specifics of the European Green Deal, it appears that competitiveness is identified as one of the major goals (along with making the EU climate neutral by 2050), while market-mechanisms such as the EU Emissions Trading System and reporting are key enforcement principles.<sup>5</sup> It therefore seems that the EU and its member states have, in this twenty-first century version, the roles of incentivizes and facilitators. In contrast, the US government was in many respects acting as an entrepreneurial state in the 1930s, which raises the question whether references to the new Deal make sense beyond branding.

Moreover, when so-called “lessons of history” are brought into the public debate (often by self-designated experts who do not engage with existing historical research) as a way to extrapolate policy-recommendations from the past and dismiss other alternatives, historians have an important role to play in critically assessing such oversimplified stances.<sup>6</sup> Unquestionably, reducing complex historical dynamics to a simple common-sense interpretation of the past, and with limited historical evidence often hides a political agenda that serves specific interests. Since, for better or worse, historical narratives are powerful, history should rather question myths and challenge theories that are taken for granted. History, de facto, introduces the necessary cultural distance to do so: since past contexts were different from present circumstances, knowing the past helps us to put our prejudice aside when evaluating the current situation. With respect to European integration, ideas that free trade, competition and price stability are sine qua non conditions for economic betterment have been pervasive for the last forty years and are still powerful thriving today. Such general “one size fits all” rules can be challenged historically. For instance, economic historians Paul Bairoch and, more recently, Ha-Joon Chang, have contested the idea that free trade policies automatically have a positive impact on economic development.<sup>7</sup> Against the dominant discourse of international organizations such as the World Bank and the International Monetary Fund, these authors have shown how free trade was often related to the economic interest of the world hegemon (the United Kingdom and then the United States) and that selective forms of protectionism, including in Germany, Switzerland or South Korea, have had some merit in

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<sup>3</sup> Press remarks by President von der Leyen on the occasion of the adoption of the European Green Deal Communication, December 11, 2019. [https://ec.europa.eu/commission/presscorner/detail/fr/speech\\_19\\_6749](https://ec.europa.eu/commission/presscorner/detail/fr/speech_19_6749)

<sup>4</sup> Foster, William M., Diego M. Coraiola, Roy Suddaby, Jochem Kroezen, and David Chandler. “The Strategic Use of Historical Narratives: A Theoretical Framework.” *Business History* 59, no. 8 (November 17, 2017): 1176–1200.

<sup>5</sup> European Commission, The European Green Deal, A Growth Strategy that Protects the Climate, accessed on August 8, 2024. [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/green-deal-industrial-plan\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/green-deal-industrial-plan_en)

<sup>6</sup> O’Sullivan, Mary A. “History as Heresy: Unlearning the Lessons of Economic Orthodoxy.” *The Economic History Review* 75, no. 2 (2022): 297–335. <https://doi.org/10.1111/ehr.13117>.

<sup>7</sup> Bairoch, Paul. *Mythes et paradoxes de l’histoire économique*. Textes à l’appui. Série Economie. Paris: Ed. La Découverte, 1995; Chang, Ha-Joon. *Kicking Away the Ladder: Development Strategy in Historical Perspective*. First Edition. London: Anthem Press, 2002.

fostering the economic take-off of value-added sectors. In a similar vein Harm Schröter and others, by looking at cartels and economic concentration, have noted that the idea that cartels had poor effects on economic performance was very much related to US postwar hegemony, and that new historical studies were showing much more nuance in this respect.<sup>8</sup> Eric Monnet has also documented how some Central Banks, depending on the period and the country, interpreted their mandate in much looser ways than economic orthodoxy would allow them to. For instance, after 1945, the Banque de France played a central role in economic planning by purposely directing investments to certain strategic sectors.<sup>9</sup> Monnet also uses such past examples to reimagine the roles of Central Banks as pillars of the welfare state and in fostering ecological transitions.<sup>10</sup> Similarly, in their book researching solutions for a meaningful ecological turn, economist Cédric Durand and sociologist Razmig Keucheyan bring historical scholarship to their analysis to show the many forms that economic planning could take, for instance during the two world wars and more recently in China, and explain how these experiences could be a source for further imaginative solutions.<sup>11</sup> Regarding the Green Deal, and following these many inspiring examples, history certainly has a role to play in reassessing the mythical aspects of certain dominant orthodox policies that have been incorporated in the package and to provide a fertile ground for imagining alternatives.

While history never repeats itself exactly, historical research contributes to an understanding of the trajectory that led us to today's world.<sup>12</sup> After all, the Green Deal is a response to a climate crisis that was predicted decades ago and that had not so far been addressed sufficiently for various reasons. Historical accounts have the power to reveal how some choices resulted in unintended consequences or led to missed opportunities. Such an approach has already demonstrated its value in assessing the trajectory of European politics. For example, Aurélie Andry, in her 2022 book tellingly entitled "Social Europe, the Road not Taken" analyses the projects of the left to make Europe more social and identifies how the windows of opportunity that had opened in the 1970s to implement such an alternative subsequently closed with the defeat of labor militancy, new social movements and the 'New Left'. In explaining this failure, her analysis points to internal divisions in the left camp, especially with respect to capital freedom and to the degree to which European rules should supersede national social models as well as its inability to build a broader coalition and a transnational grassroots movement supporting its agenda.<sup>13</sup> Laurent Warloutzet also emphasized that the evolution of the European Economic Community (EEC) and the European Union (EU) revolved around three guiding principles i.e. market freedom, solidarity and

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<sup>8</sup> Schröter, Harm G. "Cartels Revisited." *Revue économique* Vol. 64, no. 6 (November 13, 2013): 989–1010.

<sup>9</sup> Monnet, Eric. *Controlling Credit: Central Banking and the Planned Economy in Postwar France, 1948–1973*. Cambridge University Press, 2018.

<sup>10</sup> Monnet, Eric. *La Banque Providence: Démocratiser les banques centrales et la monnaie*. Paris: SEUIL, 2021.

<sup>11</sup> Durand, Cédric, and Razmig Keucheyan. *Comment bifurquer: Les principes de la planification écologique*. Paris: Zones, 2024.

<sup>12</sup> For historical narratives aimed at explaining the current climate and ecological crisis, see: Campagne, Armel, and Christophe Bonneuil. *Capitalocène (Le): Aux racines historiques du dérèglement climatique*. Paris: DIVERGENCES, 2017 ; Andreas Malm, *L'anthropocène contre l'histoire. Le réchauffement climatique à l'ère du capital*. Paris: La Fabrique, 2017.

<sup>13</sup> Aurélie Dianara Andry. *Social Europe, the Road Not Taken: The Left and European Integration in the Long 1970s*. Oxford Studies in Modern European History. Oxford, New York: Oxford University Press, 2022.



power.<sup>14</sup> His reading therefore goes against teleological views of European integration, showing that there was nothing ineluctable about the hegemony of neoliberal principles in guiding it and that policies resulting from alternative core principles or compromises still coexists.

The ability of historians to discuss complex subjects such as European integration, which involves a great variety of actors and policy-instruments, is very much connected to their disciplinary habitus. Historians use various private and public archives when collecting the wide range of empirical material needed in approaching their topic and, since archival collections are often fragmentary, must be somewhat creative in this respect. With respect to processes related to European integration, the sheer amount of public records is enormous, including the official Historical Archives of the European Union and the various member states' archives.<sup>15</sup> In addition, oral interviews are also a useful resource for writing contemporary history, especially to build a temporal bridge between the contents of public archives, which are under embargo for thirty years, and the current discussions and concerns.<sup>16</sup> Historians are trained to evaluate their sources in a critical fashion and are very aware of the different natures of the documents and of their limitations to say something about the past. While contextualization is certainly at the core of their analytical approach, this is not only about describing the geopolitical, economic and social backgrounds of an event but it is also a matter of understanding the relational context of archival documents e.g. by whom, for whom and with what purpose they were written. With the data they collect, historians, just like other social scientists, produce causal interpretations of past events, often in the form of historical narratives.<sup>17</sup> By crossing and questioning various sources, historians provide nuanced explanations which are sorely needed these days regarding increased polarization and the trend towards oversimplification in public debate. A multidimensional subject like the Green Deal requires unpacking, and history can help by identifying various contextual elements as well as the configuration of power relations among the various actors who could influence its impact.

Regarding the influence of these various actors, particularly businesspeople and their interest associations, archives are truly a gift, because they allow us to understand what happened behind closed doors during routine institutional work or private meetings. To repeat the words of US historian Kim Philips-Fein, archival research can indeed uncover the “invisible hands” of businesspeople and their confidential strategies.<sup>18</sup> In the last ten years, business historians have increasingly considered businesspeople as political actors, while historians of European integration gradually included societal actors in their analysis.<sup>19</sup> Indeed, while it should have

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<sup>14</sup> Warlouzet, Laurent. *Europe contre Europe - Entre liberté, solidarité et puissance*. Paris: CNRS éditions, 2022.

<sup>15</sup> Historical Archives of the European Union, accessed 05 August, 2024 <https://www.eui.eu/en/academic-units/historical-archives-of-the-european-union>

<sup>16</sup> Oral History of European Integration, Luxembourg Centre for Contemporary and Digital History, accessed August 5, 2024 <https://www.cvce.eu/en/oral-history>

<sup>17</sup> About storytelling in social sciences, including economics, see McCloskey, Deirdre N. *If You're So Smart: The Narrative of Economic Expertise*. Chicago: University of Chicago Press, 1992.

<sup>18</sup> Phillips-Fein, Kim. *Invisible Hands: The Making of the Conservative Movement from the New Deal to Reagan*. 1. ed. New York, NY [u.a.]: Norton, 2009.

<sup>19</sup> Kaiser, Wolfram, and Jan-Henrik Meyer, eds. *Societal Actors in European Integration: Polity-Building and Policy-Making 1958-1992*. Palgrave Studies in European Union Politics. Basingstoke: Palgrave Macmillan, 2013; Lefebvre,

been very intuitive to assess “European integration in the light of capitalism” since, after all, economic integration was at its core, the process has been much more studied through the lens of classical inter-governmental negotiations.<sup>20</sup> Historical research has made important contributions over the last twenty years and has highlighted the disparate views of the business world and its wide-ranging stances regarding integration, with some businesses being characterized as “reluctant Europeans”.<sup>21</sup> While large multinationals were promoters of the neoliberal version of European integration, business often had an obstructionist attitude when fiscal, social and environmental harmonization were on the European agenda.<sup>22</sup> Moreover, it has been demonstrated that big business has had many privileged connections to the European Commission since the mid-1980s thanks to their economic and political weight but also because some commissioners saw them as helpful allies in legitimizing their political agendas towards further economic integration.<sup>23</sup>

Regarding the environment historically, it is quite clear that businesses strongly reacted to regulations and policies when those were perceived as threatening to their interests. Since at least the Industrial Revolution in the 19th century, pollution has been evident and litigated against at the local level.<sup>24</sup> Thenceforward, pollution resulting from business activities has been continuously justified in terms of economic progress, and the trade-off between sanitary and environmental issues and economic wellbeing is still very pervasive when framing environmental policies. After the Second World War, with high growth and mass consumption, there was a great acceleration in the accumulation of waste, the depletion of natural resources and pollution.<sup>25</sup> Some governments did take action in the late 1950s to address sectoral pollution with the first water protection laws being introduced in Germany and Switzerland in 1957. In response, the main European business associations such as the Conseil National du

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Philippe. “Penser l’entreprise comme acteur politique.” *Entreprises et histoire* 104, no. 3 (2021): 5–18; Eichenberger, Pierre, Neil Rollings, and Janick Marina Schaufelbuehl. “The Brokers of Globalization: Towards a History of Business Associations in the International Arena.” *Business History* 65, no. 2 (February 17, 2023): 217–34; Ballor, Grace, and Sabine Pitteloud. “Introduction: Capitalism and Global Governance in Business History.” *Business History Review* 97, no. 3 (September 2023): 459–79.

<sup>20</sup> Andry, Aurélie, Emmanuel Murlon-Druol, Haakon A. Ikonomou, and Quentin Jouan. “Rethinking European Integration History in Light of Capitalism: The Case of the Long 1970s.” *European Review of History: Revue Européenne d’histoire* 26, no. 4 (July 4, 2019): 553–72. <https://doi.org/10.1080/13507486.2019.1610361>.

<sup>21</sup> McKinlay, Alan, Helen Mercer, and Neil Rollings. “Reluctant Europeans? The Federation of British Industries and European Integration, 1945–63.” *Business History* 42, no. 4 (October 1, 2000): 91–116; Drach, Alexis. “Reluctant Europeans? British and French Commercial Banks and the Common Market in Banking (1977–1992).” *Enterprise & Society* 21, no. 3 (September 2020): 768–98.

<sup>22</sup> See Grace Ballor, *Enterprise and Integration: Big Business and the Making of the Single European Market*, Cambridge University Press, 2025 forthcoming; Pitteloud, Sabine, and Pierre-Yves Donzé. “Swiss Multinationals versus the French Welfare State? The Social Security Deficit, European Integration, and the Battle for ‘Fair’ Drug Prices (1970–1990).” *Contemporary European History*, January 24, 2024, 1–20.

<sup>23</sup> Cowles, Maria Green. “Setting the Agenda for a New Europe: The ERT and EC 1992.” *JCMS: Journal of Common Market Studies* 33, no. 4 (1995): 501–26; Warloutzet, Laurent. *Governing Europe in a Globalizing World: Neoliberalism and Its Alternatives Following the 1973 Oil Crisis*. Routledge Studies on Government and the European Union. London: Routledge, Taylor & Francis Group, 2018.

<sup>24</sup> Jarrige, François, and François Jarrige. *La contamination du monde: une histoire des pollutions de l’âge industriel*. Paris: Éditions du Seuil, 2017.

<sup>25</sup> Pfister, Christian. “Das 1950er Syndrom Die Epochenschwelle Der Mensch-Umwelt-Beziehung Zwischen Industriegesellschaft Und Konsumgesellschaft.” *GAIA - Ecological Perspectives for Science and Society* 3, no. 2 (March 1, 1994): 71–90.

Patronat Français (CNPF, today the Medef), the Confederation of British Industry (CBI) and the German Bundersverband der deutschen Industrie (BDI) established various working parties on water, air, soil and waste. Then, in the 1970s, there was a new phase of the politicization of the environmental question with mass protests, the proclamation of the European Conservation year, and the 1972 conference of the United Nations Environment Programme in Stockholm. At the time, planetary thinking and the idea of limits to growth were making ground.<sup>26</sup> Moreover, environmental ministries had been established during those years in various European countries. As a result, many national businesses associations created dedicated task forces such as the German BDI-Ausschuss für Umweltfragen, the British CBI Environmental and Technical Legislation Committee, and the French CNPF Commission de l'environnement.<sup>27</sup> Their purpose was to unite the views of the business community, build relationships with the newly appointed civil servants at the environment ministries and sensitize their members to corporate environmentalism and the importance of positive communications on the subject. The International Chamber of Commerce also established the International Centre for Industry and the Environment (ICIE) to collaborate with the United Nations Programme on the Environment and to challenge the limits to growth paradigm by disseminating the idea that sustainable business could be the solution.<sup>28</sup> Overall, national business associations, even those from the greenest countries, opposed national norms to regulate pollution because of the market distortion and fragmentation this would introduce, while international consensus was extremely difficult to reach.<sup>29</sup> Often, the result of international negotiations was limited to the lowest common denominator, and norms that had been envisioned initially were delayed and diluted during the political process or during the implementation phase. With respect to climate change, some individual companies in the petroleum industry lobbied against regulation, and Exxon, as historians of science Naomi Oreskes and Eric Conway have documented, infamously promulgated doubt about climate science with the aim of mothballing climate action.<sup>30</sup> Such obstruction to environmental regulation happened simultaneously to many companies' declared public commitment to corporate environmentalism in the 1980s-1990s.<sup>31</sup> It is not the role of historians to judge historical actors but rather to uncover their internal strategies, contextualize their decision-making processes and analyze the constraints and latitudes they had when making choices. Of course, in doing so, historians nevertheless feed current public, political (and sometimes legal) debates about responsibilities in the chosen trajectories.

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<sup>26</sup> Huf, Ben, Glenda Sluga, and Sabine Selchow. "Business and the Planetary History of International Environmental Governance in the 1970s." *Contemporary European History* 31, no. 4 (November 2022): 553–69.

<sup>27</sup> Cf. Sabine Pitteloud current research project entitled "Organised Business and Environmental Governance in Western Europe [1945-1995]".

<sup>28</sup> Bergquist, Ann-Kristin, and Thomas David. "Beyond Planetary Limits! The International Chamber of Commerce, the United Nations, and the Invention of Sustainable Development." *Business History Review* 97, no. 3 (September 2023): 481–511.

<sup>29</sup> For an example of such dynamics at play, see: Näsman, Mattias, and Sabine Pitteloud. "The Power and Limits of Expertise: Swiss–Swedish Linking of Vehicle Emission Standards in the 1970s and 1980s." *Business and Politics* 24, no. 3 (September 2022): 241–60.

<sup>30</sup> Oreskes, Naomi, and Erik M. Conway. *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Climate Change*. Reprint edition. New York, NY: Bloomsbury Publishing, 2011.

<sup>31</sup> Rome, Adam. "Beyond Compliance: The Origins of Corporate Interest in Sustainability." *Enterprise & Society* 22, no. 2 (June 2021): 409–37.

With respect to the Green New Deal, there is some evidence that a similar business counteroffensive is at play and what appears in public debate is probably just the tip of the iceberg. Indeed, industry's attitude regarding the latest political developments at the EU level with respect to climate is at best ambivalent. For instance, BusinessEurope and the German Chamber for Industry and Commerce (DIHK) have called the Green Deal "a tsunami of new regulations".<sup>32</sup> Some lobby-watching NGOs have warned that the Green Deal has already been one of the most lobbied policies and are questioning the asymmetry of access between private actors and other sections of civil society.<sup>33</sup> Despite or because of such dominant ambivalence and reluctance within business circles, their representatives are explicitly invited by policy-makers to the so-called "clean transition dialogue" which, as the European Commission states, is aimed at "ensuring that the EU delivers the European Green Deal in close partnership with stakeholders, working together to overcome obstacles and share positive experiences and advice."<sup>34</sup> The expression "stakeholder" is fashionable today and gives the impression that everyone is invited to the table. However, history shows that polluting sectors have taken a much more active role in regulatory discussions and power asymmetries need to be seriously considered in order not to undermine the democratic legitimacy of political decisions.<sup>35</sup> So far, the EU Commission has launched dialogues with the hydrogen sector, energy intensive industries, clean tech industries, and the mobility sector. Moreover, as Pepper Culpepper has theorized and empirically demonstrated, businesses tend to have more influence when negotiations regarding new policies occur without much public and parliamentary scrutiny.<sup>36</sup> Consequently, when subjects are highly technical and political saliency is low, politicians will not allocate a lot of time and resources to developing widespread knowledge of the topic and the expertise of business is less likely to be challenged. Such quiet politics is important in the context of the Green Deal, because its concrete application has not been publicly discussed in depth.

Finally, it must be emphasized that regulatory subjects at the EU level are very complex and therefore calls for the scaling up of historical research thanks to large research projects and collaboration between various universities. Funding schemes such as ERC or ANR-DFG enable developing a multi-scale analysis, a variety of case studies for different countries, and the inclusion of the perspective of various actors including non-state actors such as academics, business associations and NGOs.<sup>37</sup> It is also helpful to bring together diverse historical

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<sup>32</sup> Euractiv, Lobby groups call for business-friendly turn of the EU Green Deal, March 20, 2024, <https://www.euractiv.com/section/economy-jobs/news/lobby-groups-call-for-business-friendly-turn-of-the-eu-green-deal/>.

<sup>33</sup> Transparency international EU, Green Deal imbalance unveiled: who's accessing the EU institutions? <https://transparency.eu/green-deal-imbalance-unveiled/>, accessed August 6 2024.

<sup>34</sup> European Commission, Commission takes stock of the Clean Transition Dialogues with EU industry and social partners, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_1884](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_1884), accessed on August 7, 2024.

<sup>35</sup> Cf. Sabine Pitteloud current research project entitled "Organised Business and Environmental Governance in Western Europe [1945-1995]".

<sup>36</sup> Culpepper, Pepper D. *Quiet Politics and Business Power: Corporate Control in Europe and Japan*. Cambridge Studies in Comparative Politics. Cambridge: Cambridge University Press, 2011.

<sup>37</sup> See for instance Emmanuel Murlon-Druol's ERC project "EURECON Project: The Making of a Lopsided Union: Economic Integration in the European Economic Community, 1957-1992" and Laurent Warloutzet and Kiran Patel's ANR-DFG ELEMENT project "A European Leap? The History of EC/EU Environmental Policy, 1980-2000".

traditions, such as environmental history, business history, history of international relations and history of economic thought and to engage in fruitful interdisciplinary dialogue.

Overall, history has the potential to help identify patterns and roadblocks which need to be addressed if European societies want to depart from the past detrimental track. As environmental historians have argued, historical findings, in the context of the current ecological breakdown, can be turned into actionable knowledge (*savoirs agissants*) and used to inform collective action.<sup>38</sup> The importance for historians to talk to the public and to engage with today's most pressing issues has been increasingly stressed within the discipline itself.<sup>39</sup> As the writer Max Frisch has emphasized, "a person who does not concern himself with politics has already made the political choice he was so anxious to avoid: he is serving the ruling party".<sup>40</sup> Consequently, should historians ignore contemporary subjects such as the Green Deal and do not engage in debates about past responsibilities regarding pollution, climate change, power asymmetries and regulatory shortcomings, they will contribute to the perpetuation of the status quo.

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<sup>38</sup> Grand-Clément, Adeline, Steve Hagimont, Jean-Michel Hupé, and Laure Teulière. "Introduction au dossier : « Ce que les ravages écologiques font aux disciplines scientifiques. Pour une histoire impliquée »." *Les Cahiers de Framespa. e-STORIA*, no. 40 (June 30, 2022). <https://doi.org/10.4000/framespa.13269>.

<sup>39</sup> Motadel, David. "The Political Role of the Historian." *Contemporary European History* 32, no. 1 (February 2023): 38–45.

<sup>40</sup> Max Frisch, quoted in Motadel, David. "The Political Role of the Historian." *Contemporary European History* 32, no. 1 (February 2023): 39.

## **Grasping the evolution of regulatory trends through the use of macroeconomic models**

By Pierre Jacques

### **Abstract**

This article analyzes how macroeconomic models shape policy within the Green Deal, emphasizing their normative influence on regulatory design. It critiques current model limitations and advocates for pluralistic modeling approaches, drawing inspiration from climate science to enhance regulatory reflexivity and accuracy.

This contribution draws on a working paper by Souffron and Jacques (2024). This work has benefited from discussions and comments by Nicolas Desquinabo, whom we thank for his support.

### **1. Introduction**

Models are central to economics. Some economists even consider that it is the use of models that distinguishes economics from other social sciences and makes it a discipline in its own right (Rodrik, 2015). Models enable economists to propose explanations for observed economic phenomena, to reason as they would in an ordinary discussion, but within the constraints of a mathematical formalism. Such formalism ensures transparency and coherence in the reasoning. In macroeconomics, the use of mathematical models also makes it possible to describe complex systems and to envisage the resultant of multiple contradictory effects, which would sometimes be impossible through a thought experiment alone.

In practice, macroeconomic models are an essential tool for policy design and analysis. While policy makers would ideally dispose of experimental settings to test their policies in lab conditions before enforcing them in the real world, performing such large-scale experiments is generally unfeasible (or unethical). Macroeconomic models are thus used as a second-best choice: they represent in a simplified way, within a computer system, the society or economy under consideration. Disposing of such a tool allows policy makers to perform “what if” analyses: alternative policies are imposed on the model and the economic evolutions which result from them can be observed and analyzed (Pollitt, 2018).

Climate scientists too use models. Like economists, their models are simplifications of the real world. Yet, climate models differ from economic models in several ways. First, climate models build on the universal laws of physics (e.g. conservation of mass and energy) and their consistency with respect to these laws can be verified. On the contrary, it is hard to define any “universal economic law” which would be applicable to any situation, since human behavior relies heavily on culture, local context and history. Third, climate models can be validated component after component by devising appropriate experiments, while it is much less the case for economic models, or at least macroeconomic models which describe an entire society. For these reasons, climate models prove to be more robust and to provide much higher predictive capabilities than macroeconomic models.

Macroeconomic models are extensively used by European institutions, in a systematic way even since the Better Regulation Guidelines require impact assessments of new policies. Besides, a particularity of the EU is that the use of some specific models is prescribed by law, which then occasionally become the center of political battles to modify some technical assumptions (Heimberger *et al.*, 2020)<sup>1</sup>.

In the following sections, we first illustrate, through the lens of the 'green investment gap', the magnitude of the macroeconomic transformations required to reach the Green Deal's objectives. A brief description of the macroeconomic models currently used by the EU Commission in that context is then given<sup>2</sup> and the necessary evolutions in the classes of models used is highlighted. The role of models as normative tools which directly influence the decision-making process through a specific worldview is reminded, before suggesting a possible healthy evolution of modelling practices by drawing from best examples from the climate sciences.

## **2. Required investments for reaching the Green Deal's objectives**

The Green Deal draws its name from the New Deal of Franklin's Delano Roosevelt. This policy package, designed in 1933 with the aim of lifting the US economy out of the Great Depression, is famous for its Keynesian economic policies and deficit spending of the federal government. Even though public spending has not been put at the core of the European Green Deal's policies, reaching the decarbonization targets set out in the European Climate Law would require massive investments, both from the public and private sectors. Three independent works have namely aimed at assessing those investment needs:

- The report *"Road to Net Zero: bridging the investment gap"* was published in January 2024 by the French think tank Institut Rousseau. It aimed at computing those investment needs, explicitly differentiating between private and public investments, both at the level of the entire EU and of individual member states (Kerlero de Rosbo *et al.*, 2024);
- The European Commission put forward in February 2024 a 2040 climate goal of 90% reduction in greenhouse gases emissions. Together with the details of this 2040 objective, the Commission produced an assessment of the necessary investments required for reaching carbon neutrality at the EU level (European Commission, 2024);
- The Institute for Climate Economics (I4CE), a French think tank, published in February 2024 the *"European Climate Investment Deficit report: An investment pathway for Europe's future"* with a similar aim (Calipel *et al.*, 2024).

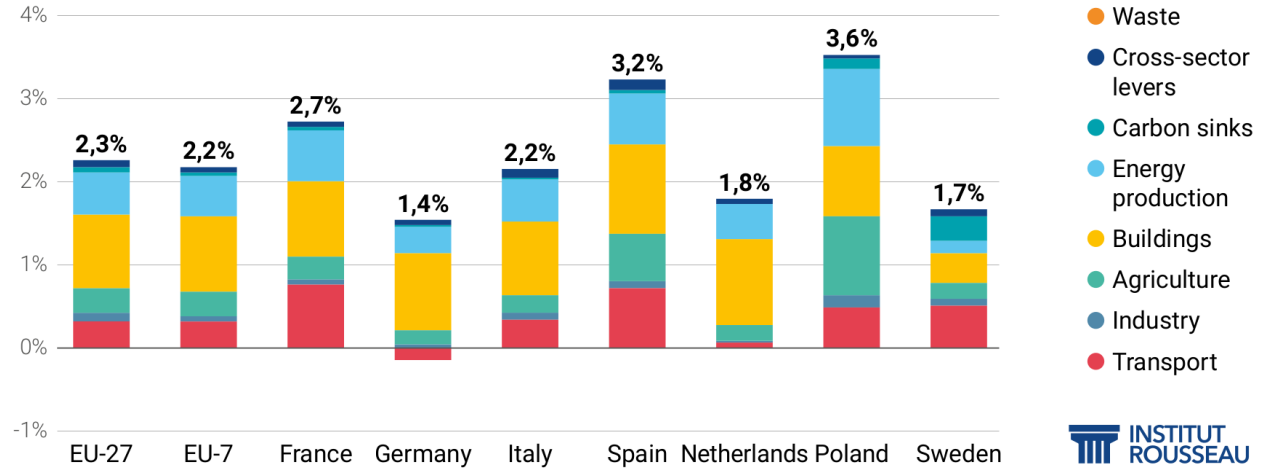
These three studies estimated the total necessary investments for reaching the Green Deal's objectives and compared them to current investment trends. The difference between these two quantities is the 'extra investment required' or 'green investment gap'.

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<sup>1</sup> See for example Spain's pressure to change the Kalman filter used to calculate its NAWRU (non-accelerating wage inflation rate of unemployment) and therefore its "structural unemployment rate" by the European Commission (Dalton, 2013).

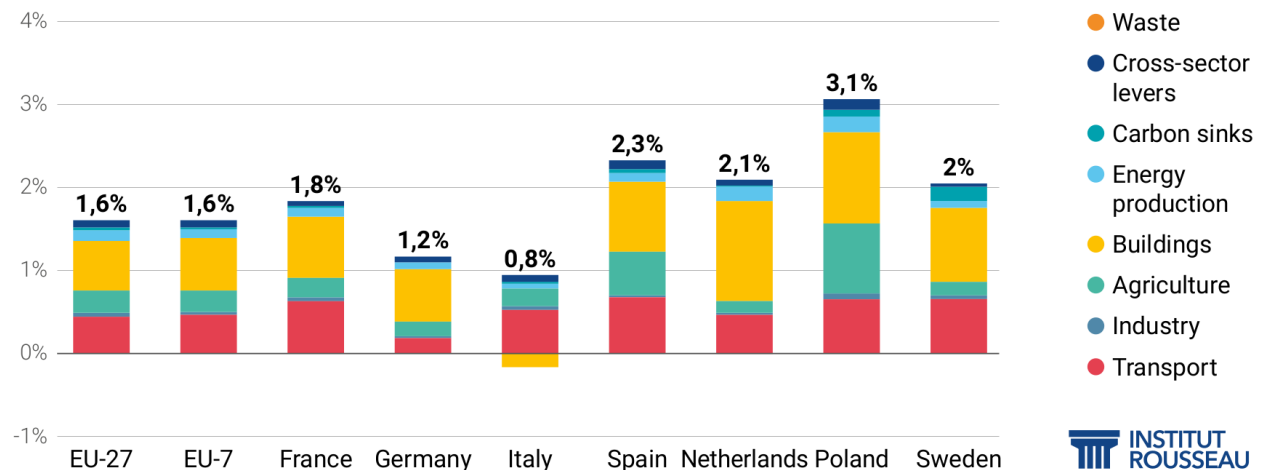
<sup>2</sup> We do not discuss here the models used by the European Central Bank, which have already been extensively commented – see for example the Targeted Review of Internal Models (TRIM) internal project report of 2021.

Even though the three studies differ from each other in terms of scope and methodology (see comparison in Appendix), the amount of investment which they compute are of the same order of magnitude. Figure 1, extracted from the Institut Rousseau's report, provides the required yearly extra investments, both for the entire EU and for seven member states taken individually. The amounts are expressed as a percentage of 2022 GDP.



**Figure 1.** Yearly extra investments required for reaching carbon neutrality at the level of the EU and individual member states, according to the Institut Rousseau's study. All values are expressed as a percentage of 2022 GDP. Figure extracted from the Insitut Rousseau report, p. 29 [1].

A distinction is also made between the shares of decarbonization investment which ought to be supported by the private and public sectors, respectively. Figure 2 presents the corresponding investments which would fall within the scope of the public sector<sup>3</sup>.



**Figure 2.** Yearly extra public investments required for reaching carbon neutrality at the level of the EU and individual member states, according to the Institut Rousseau's study. All values

<sup>3</sup> Some decarbonisation investments naturally fall within the scope of the public sector, such as the construction of bicycle lanes or the thermal renovation of public buildings. Other investments partially need to come from the public sector in order to de-risk or incentivise investments which otherwise could not be undertaken by the private sector alone. This is for example the case for investments in the heavy industry's decarbonisation.



are expressed as a percentage of 2022 GDP. Figure extracted from the Insitut Rousseau report, p. 32 [1].

These results indicate that a path consistent with the Green Deal's 2050 objective would be one where the public sector would increase its investments in decarbonization yearly by around 1.6% of the EU's GDP. Behind this average value lie significant differences between countries, from 0.8% of GDP for Italy to 3.1% for Poland.

### **3. Models as mirrors of economic conditions as well as economic thought**

Looking at the green investment gap – which comes on top of a much larger investment shift from brown to green assets – is one of the many ways to realize the profound economic transformations implied by the Green Deal. Such transformations require planning and forward-looking analysis, which the arsenal of models of the EU Commission are naturally mobilized for. The existing models, their uses and their affiliation to one or more DGs are referenced in MIDAS (Modelling Inventory and Knowledge Management System of the European Commission)<sup>4</sup>. At the macroeconomic level, we can observe that two main classes of models are used by the EU Commission: Dynamic Stochastic General Equilibrium (DSGE) models and Computable General Equilibrium (CGE) models. These two classes of models have emerged from the academic literature of recent decades and are widely used by international institutions (e.g. IMF, World Bank, ECB, US Federal Reserve and national public institutions). Namely, QUEST3, a New Keynesian DSGE, is used by DG ECFIN, together with its E-QUEST variant containing an environmental module, to assess economic costs and benefits of climate mitigation policies. The “General Equilibrium Model - Economy, Energy, Environment” (GEM-E3), a dynamic recursive CGE model, is used in turn by DGs CLIMA, ENER, ENV and TAXUD to study the macroeconomic impacts of energy, climate and air quality policies, particularly taxation and its distributive effects, on the various economic sectors.

Yet, DSGE and CGE models present a series of weaknesses, notably due to their structure in the form of optimization. This rigid structure locks in the dynamics of the model and makes it difficult to represent fluctuations endogenous to the economic system. As a result, business cycles and imbalances in the economy become represented in the form of external ‘shocks’, which push the model away from its ‘natural’ equilibrium. The existence of such shocks is often assumed ex post as an explanation for fluctuations, but they are not formally identified (Romer, 2016). The numerous limitations of DSGEs and CGEs in light of the EU Green Deal are detailed in Souffron and Jacques (2024), as well as the ways which the EU Commission's models tentatively deal with such issues. As argued by Souffron and Jacques (2024), extensions and additions to CGE and DSGE models do not fundamentally remedy these issues and face their own limits regarding complexity and tractability.

The currently dominant macroeconomic models in policy making are based on the theory of general equilibrium, while the EU has in fact experienced enduring macroeconomic disequilibria in recent years. The period of the post-COVID recovery and the beginning of the war in Ukraine have been marked by permanent imbalances between supply and demand, supply chain bottlenecks and inflationary pressures. Besides, the dynamics of ambitious

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<sup>4</sup> MIDAS is accessible at the following link: <https://web.jrc.ec.europa.eu/policy-model-inventory/explore/>

decarbonization might, instead of cooling down these economic tensions, reinforce the imbalances. Jacques *et al.* (2024) find that massive investments for the transition, like the ones presented above, would render the road to carbon neutrality a path of persistent disequilibria. Macroeconomic models with a different core structure would therefore be welcome, to be tailored to the green transition's economic regime. One family of models to investigate, among others, would be the one of Ecological Economics. Such models have been specifically developed for decades in the perspective of the ecological transition.

If the evolution in the structure of the models used can reflect the change in macroeconomic conditions, it can also be driven by economic ideas. By highlighting certain mechanisms in their description of the economy and downplaying others, macroeconomic models carry a particular worldview. The choice of macroeconomic model to inform decision-making is therefore non-neutral. This theoretical choice will from the very start determine part of the recommendations emanating from the model used. As illustrated by Heimberger *et al.* (2020), *“economic models can serve as a transmission device between economic paradigms and policy programs, which allow actors drawing on the model to exercise power in decision-making”*. A literature review by Ji *et al.* thus highlights how CGE models have promoted the recent shift in reflections on environmental policy instruments, from command-based to market-based. Furthermore, some model structures will, by construction, systematically advocate against European expansionary policy packages and the type of large-scale investments described in the previous section (Truger, 2015). Hence, macroeconomic models do not merely act as descriptive or experimental instruments: they provide a normative vision of economic mechanisms and even of possible economic policies.

#### 4. Towards a plurality of macroeconomic models?

If one acknowledges the non-neutrality of macroeconomic models, a way to limit the biases and influences induced by schools of economic thought is to use a variety of models, which reflect a plurality of views and methodologies. Such approach further allows to increase the overall quality of the insights drawn from the models. As Scott Page (2007) puts it in a very simple way: *Crowd of Models' Accuracy = Average Model Accuracy + Model Diversity*.

An example of best practice in the use of various models while comparing their results in a rigorous way can be found in the climate sciences<sup>5</sup>. The Coupled Model Intercomparison Project (CMIP), organized under the aegis of the World Climate Research Programme (WCRP) of the World Meteorological Organization (WMO), has been centralizing and standardizing the process of models' comparison since 1997. The first element is the standardization of databases, so that differences in results are only due to differences between models. The second element is the systematic and transparent comparison of models, functional forms, results and robustness, to enable continuous incrementation of collective modelling in a dialogue between research teams.

Likewise, the EU Commission recently funded a framework<sup>6</sup> for comparing climate and energy models' results and assessing their strengths and weaknesses on an empirical basis. Such initiative could be replicated for macroeconomic modelling, to allow the harmonious joint use

<sup>5</sup> Note however that models from the climate sciences are subject to much less biases than economic models, since they are grounded in the universal laws of physics.

<sup>6</sup> See the European Climate and Energy Modelling Forum: <https://www.ecemf.eu/>

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of a plurality of models while ensuring their continuous renewal and improvement in the rapidly changing landscape of the green transition.

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## Appendix

The Institut Rousseau drew a comparison of the three works assessing the required investments for reaching the Green Deal's objectives. This comparison is reproduced hereunder in Tables 1 and 2. The main differences include the following:

- The Institut Rousseau's study assesses the average investment needs over the period 2024-2050, the EU Commission the average over the period 2030-2050, while I4CE computes the average over the period 2024-2030, focusing on the 55% reduction objective of 2030 instead of carbon neutrality.
- The studies of the Institut Rousseau and the EU Commission cover both green and grey investments. That is, the required green investments for the transition are compared with current investments, both green and grey, to compute the extra cost of the transition (e.g. the cost of investing in electric vehicles is compared with the current investment cost, consisting mostly in fossil-fuel cars and partially of electric cars). In the I4CE report, the baseline against which required green investments are compared is only made of current green investments.
- The number of sectors covered varies greatly among the three studies.

For more information on the differences between the Institut Rousseau's and the EU Commission's methodologies, see Kerlero de Rosbo and Desquinabo (2024).

	<b>Institut Rousseau</b>	<b>European Commission</b>	<b>I4CE</b>
Temporal scope	EU 2050's targets (net zero).	EU 2050's targets (net zero).	EU 2030's targets (from Fit for 55, REpowerEU, ...)
Investment scope	Green + grey investments	Green + grey investments	Green only
Reference investment trends	A counterfactual "business-as-usual" scenario mixing trends over the period 2019-2022 and projections	Average investments over the period 2010-2020	Investments over the year 2022
Sectoral scope	8 sectors : Energy, buildings, transport, agriculture, industry, carbon sinks, waste management,	4 sectors : Energy, buildings, transport, industry	3 sectors : Energy, buildings, transport

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	cross-sectoral levers		
Geographical breakdown	EU-27 level and national level for 7 countries : FR, DE, IT, ES, NL, PL, SE	EU-27 level	EU-27 level
Public vs. private breakdown	Yes (70 quoted public policy proposals)	No	No

**Table 1.** Main differences in scope and methodology between the three studies assessing the required investments for reaching the Green Deal's objectives.

		Institut Rousseau	EU Commission	I4CE
<b>Temporal scope</b>		2024-2050 vs. 2019- 2022+	2031-2050 vs. 2010- 2020	2024-2030 vs. 2022
<b>Investment scope</b>		Green + Grey	Green + Grey	Green only
<b>Transport</b>	<i>TOTAL</i>	<b>690</b>	<b>790-870<sup>b</sup></b>	<b>250<sup>b</sup></b>
	<i>EXTRA</i>	<b>+ 52</b>	<b>+ 240<sup>a</sup></b>	<b>+ 150</b>
<b>Buildings</b>	<i>TOTAL</i>	<b>434</b>	<b>330</b>	<b>335</b>
	<i>EXTRA</i>	<b>+ 140</b>	<b>+ 150<sup>a</sup></b>	<b>+ 135</b>
<b>Energy production</b>	<i>TOTAL</i>	<b>177</b>	<b>270-300</b>	<b>225</b>
	<i>EXTRA</i>	<b>+ 80</b>	<b>+ 200<sup>a</sup></b>	<b>+ 122</b>
<b>Agriculture</b>	<i>Total</i>	<b>155</b>	<i>Not included</i>	<i>Not included</i>
	<i>Extra</i>	<b>+ 47</b>		
<b>Industry</b>	<i>Total</i>	<b>25</b>	<b>28-33</b>	<i>Not included</i>
	<i>Extra</i>	<b>+ 16</b>	<b>+ 20<sup>a</sup></b>	
<b>Other</b> (R&D, Sinks, Waste)	<i>Total</i>	<b>44</b>	<i>Not included</i>	<i>Not included</i>
	<i>Extra</i>	<b>+ 25</b>		
<b>Total</b>	<i>TOTAL</i>	<b>1520</b>	<b>1400-1530<sup>c</sup></b>	<b>813</b>
	<i>EXTRA</i>	<b>360</b>	<b>600<sup>a</sup></b>	<b>406</b>

<b>Total for the public sector</b>	<i>PUBLIC TOTAL</i>	<b>510</b>	<i>Not included</i>	<i>Not included</i>
	<i>PUBLIC EXTRA</i>	<b>250</b>		

**Table 2.** Comparison of the estimates of the required investments in the three studies (total investments and extra investments compared to a reference trend). All figures are expressed in billion euros per year (average over the entire transition period). The estimates are compared sector-wise and in total.

<sup>a</sup>Euros 2023 for the Eu Commission vs. euros 2022 (or percentages of the 2022 European GDP of 16 billion euros) for the Institut Rousseau and I4CE

<sup>b</sup>Contrary to the Institut Rousseau's study, the EU Commission does not include investment in modal shift infrastructure (particularly rail and cycling, see footnote on p.77). The I4CE study only includes the investments for new 'trans-European' railway lines, excluding the investments in other new lines and the depreciation of existing infrastructure.

<sup>c</sup>Average scenario 'S2' over the period 2031-2050. The lower amount indicated corresponds to the 'sufficiency' variant



**PART II:**

**SCALES AND FRAMES**

# Global Value Chains after the Green Deal: Methodological Implications between Law, Sciences and Technology

By Anna Beckers and Luca Tenreira

## Abstract

The article investigates how the European Green Deal reshapes Global Value Chains (GVCs) regulation, particularly through the Corporate Sustainability Due Diligence Directive. It explores tensions in governance, the proceduralizing of sustainability, and the challenges of integrating legal, managerial, and technical approaches into a cohesive regulatory framework.

## 1. Introduction

The adoption of the Corporate Sustainability Due Diligence Directive (CS3D)<sup>1</sup> by the Council of the EU on May 24, 2024, marked a transformative moment in the regulation of global value chains (GVCs). By mandating that corporations identify, prevent, and mitigate adverse impacts on human rights and the environment, the Directive seeks to address the longstanding ineffectiveness of self-regulation. Building on existing soft law frameworks, such as the UN Guiding Principles on Business and Human Rights and OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, the CS3D represents a shift toward binding regulatory approaches. This regulatory innovation is part of a broader framework under the European Green Deal (EGD), which includes a series of legislative texts reshaping the governance of GVCs. Among these are the Critical Raw Materials Act<sup>2</sup>, the Deforestation Regulation<sup>3</sup>, the Batteries Regulation<sup>4</sup>, the Eco-design for Sustainable Products Regulation<sup>5</sup>,

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<sup>1</sup> Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859, OJ 5 July 2024, L, 2024/1760.

<sup>2</sup> Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020, OJ 3 May 2024, L, 2024/1252.

<sup>3</sup> Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010, OJ L 150/206, 9 June 2023.

<sup>4</sup> Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC, OJ L 191/1, 28 July 2023.

<sup>5</sup> Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC, OJ L, 2024/1781, 28 June 2024.

and the Corporate Sustainability Reporting Directive<sup>6</sup>. However, their effective implementation raises significant challenges, given the vague definitions of newly adopted standards and processes and the discretionary flexibility afforded to transnational corporations. This paper explores the regulatory innovations introduced by the CS3D and related texts in the context of the EGD, focusing on how these changes redefine the methods and objects of GVC regulation. By analyzing the Directive's core characteristics, the paper identifies key elements of transformation in regulatory methods, including the reliance on indicators, metrics, and managerial processes. These methods arise to better grasp new complex objects of regulation, such as transnational corporations and their chain of activities, or the framing of "negative impacts" on human rights and the environment. These changes are contextualized as part of the European legal imaginary in the Green Deal, which seeks to govern GVCs. The analysis then turns to the controversies that arise from these innovations, particularly regarding the metrics and processes used by companies to identify and delineate globalized supply chains and to calculate socio-environmental impacts, as mentioned (or not) in each text. The reliance on technical expertise and quantitative assessments introduces new challenges, including the risk of narrowing accountability to measurable outcomes and perpetuating the crisis of expertise. These controversies highlight the tension between the need for standardized methodologies and the inherent complexity of GVCs, which require more nuanced and systemic approaches to regulation. Overall, this contribution builds on the EUI Workshop's discussions by focusing on the methodological implications of the EGD for GVCs. In particular, it reflects on the regulatory approaches, shifting methodologies, and the consequences for legal and interdisciplinary research. The paper begins by examining the centrality of GVCs in the EGD, followed by an analysis of regulatory approaches and the transformation of legal concepts. It then explores the emerging methodologies needed to study these transformations before concluding with reflections on the broader implications for legal research and interdisciplinary inquiry.

## **2. Dark Spaces of the European 'Due Diligence Turn' for Global Value Chains**

A key objective of the EGD is to integrate sustainability into the entirety of the GVC, from the extraction of raw materials to the final stages of product use and recycling. Addressing these issues requires a move from soft law to hard law embedded by the Green Deal, between corporate sustainability, product regulation and market access conditionality.<sup>7</sup> The push for greater corporate accountability has been driven by a recognition that businesses are key actors in the fight against climate change and environmental degradation. How can we navigate the extensive legislative framework of the Green Deal and make sense of the numerous standards that have been introduced or modified since 2019? The purpose of this mapping exercise is to establish a core set of key legal texts and analyze them, recognizing that understanding the very complex interplays of legal acts and standards is a prerequisite for its effective implementation. This structured approach helps illustrate the significance of the many interrelated legal instruments and offers an initial, accessible framework before delving

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<sup>6</sup> Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting, OJ L 322, 16 December 2022.

<sup>7</sup> Kampourakis, I. (2024). *Unpacking the Critical Raw Materials Act: Market instrumentalism and extractivism in the pursuit of domestic green growth*. Verfassungsblog.

into more complex analyses. A clear example of the need for such systematization is the challenge legal scholars face in fully comprehending the European Union's policies on global value chains (GVCs).

## 2.1 Mapping the Due Diligence Turn in the EU Law of Global Value Chains

The Corporate Sustainability Due Diligence Directive (CS3D) is a pivotal regulatory mechanism for Global Value Chains. Under this Directive, companies are required to identify, prevent, and mitigate adverse impacts on human rights and the environment in their supply chains<sup>8</sup>. This extends to third-party suppliers, which may be located in regions where regulatory standards are different, potentially also weaker, than in the EU. Companies are required to conduct risk assessments, establish grievance mechanisms, and take remedial actions where violations occur<sup>9</sup>. This regulatory framework represents a significant shift in corporate governance, positioning sustainability as a core consideration in business operations. The key hypothesis of this paper is the emergence of a broader regulatory principle—referred to as a “Due Diligence Turn”<sup>10</sup>—that serves as a unifying conceptual foundation for the binding legal obligations applicable to GVCs after the EGD. These obligations encompass five essential commitments: (1) establishing governance structures and information systems, (2) identifying value chains for goods and services, (3) assessing actual or potential risks related to environmental and human rights concerns, (4) implementing preventive and corrective measures, and (5) setting up mechanisms for complaints and dispute resolution.

Indeed, in examining various regulations, a comprehensive analysis reveals a recurring focus on risks, supply chains, and transparency, with particular attention to sustainable practices and the institutionalization of value chains. Collectively, these regulatory measures define value chains and apprehend Human Right and Environmental Due Diligence (HREDD) through different lenses—whether by setting conditions for market access, embedding sustainability at the product level, or simply reinforcing managerial processes across industries. Some regulations, like the *Deforestation Regulation* and the *Batteries Regulation*, focus on market access and trade by setting conditions for products entering the EU. Others, such as the *Critical Raw Materials Act* (CRM) and the *Eco-design Regulation*, take a more product-specific approach by shaping sustainability requirements within specific industries, regularly relying on standardization practices. The *Deforestation Regulation* targets agricultural and forestry industries, requiring economic operators to trace their supply chains to ensure that sourced commodities do not originate from illegally deforested areas. This regulation enforces strict traceability measures, compelling companies to verify legal sourcing and mitigate environmental risks. Similarly, the *Batteries Regulation* (EU 2023/1542), while not defining the value chain explicitly, underscores its importance in the European battery industry. Covering the entire lifecycle from production to end-of-life management, the regulation mandates high

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<sup>8</sup> Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859, OJ 5 July 2024, L, 2024/1760, Art. 5.

<sup>9</sup> Ibid., Art. 7-16.

<sup>10</sup> A Duval, “Ruggie’s Double Movement: Assembling the Private and the Public Through Human Rights Due Diligence”, 41 (2023), *Nordic Journal of Human Rights*, 279-303.

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environmental standards, sets recycling targets, and establishes self-certification mechanisms to ensure sustainability. Moving from trade-focused to product-specific regulations, the *Critical Raw Materials Act (Regulation EU 2024/1252)* explicitly defines the value chain as the sequence of activities from raw material exploration to recycling (Article 2). This regulation highlights geopolitical risks and supply dependencies in the critical raw materials sector, requiring companies to ensure a secure and sustainable supply through certification mechanisms, including mandatory audits (Articles 30 and following). Similarly, the *Eco-design Regulation (EU 2024/1781)* indirectly addresses the value chain by embedding sustainability into product development. Companies must integrate eco-design principles to enhance product durability and circular economy practices, comply with environmental performance benchmarks, and apply sustainability criteria to manufacturing and end-of-life management.

As mentioned above, there is a clear convergence across regulatory instruments, as they all refer in some way to common foundational elements. These include the application of due diligence or risk-based approaches, ensuring transparency regarding upstream impacts, and the establishment of specific obligations as preconditions for market access. Additionally, most instruments incorporate mechanisms for monitoring, conformity assessment, or audit to ensure compliance and accountability throughout the supply chain. Nevertheless, when looking closely at the articles and the recitals of each specific text, there seem to be a divergence in the proper ‘rationale’ of the obligations imposed. CS3D applies due diligence horizontally and procedurally, requiring internal corporate governance reform. Sector-specific rules tend to apply due diligence or related controls vertically and substantively, targeting specific harms (e.g., illegal logging, supply risks, excessive carbon footprint). CS3D’s obligations often serve as a structural foundation for complying with the more specialized demands of these regulations. The divergence is also seen in enforcement mechanisms: CS3D envisions civil liability and national enforcement authorities, whereas sector-specific regulations often use administrative checks, market surveillance and customs control. Furthermore, CS3D governs the risk posed to people and the planet from corporate activities, whereas sectoral laws often focus on risks to legal compliance or resource security.

<b>Dimension</b>		<b>CS3D Directive (Horizontal Meta-norm)</b>	<b>Sectoral or Thematic Regulations (Vertical Norms)</b>
<b>Regulatory Object</b>		The company and its global value chains	The product, material, or specific value chain
<b>Nature of Obligation</b>	of	Procedural and systemic, embedded in corporate governance	Substantive and outcome-oriented (e.g., deforestation-free, carbon limits, traceability requirements)

<i>Enforcement Mechanism</i>	National authorities and civil liability provisions	Administrative controls, market surveillance, or access restrictions through customs
<i>Material Scope</i>	Broad scope including human rights, environmental, and social impacts	Narrow focus on specific risks (e.g., deforestation, carbon footprint, strategic material dependency)
<i>Risk Treatment</i>	Risk to human rights and the environment across the entire value chain	Risk of legal non-compliance or supply chain disruption

**Figure 1. Divergence in the ‘logics’ of the obligation under the Due Diligence Turn**

Despite these differences, the frameworks intersect and reinforce one another. A company applying the CS3D due diligence framework would likely collect data, implement controls, and establish processes that align with the expectations of thematic regulations. In turn, the compliance requirements of those specific laws push companies to operationalize due diligence in tangible, product-related terms. This is why CS3D functions as an integrative meta-norm, establishing the procedural framework upon which theme-specific regulations anchor their substantive expectations. CS3D reflects a shift toward the "proceduralization" of sustainability: companies are evaluated not only by outcomes, such as offering deforestation-free products, but also by their continuous governance efforts, including policy development, risk assessments, grievance mechanisms, and monitoring practices. For instance, the Due Diligence Policy under CS3D (Article 5) can incorporate procedures required to comply with the Deforestation Regulation's geolocation data collection. Similarly, the monitoring framework outlined in Article 8 of CS3D can facilitate compliance with the Batteries Regulation's requirements for CO<sub>2</sub> footprint disclosure and supply chain audits. Moreover, the complaint mechanisms set forth in Article 9 can serve as cross-regulatory channels for affected stakeholders, including forest communities and cobalt miners. From a legal and strategic perspective, vertical regulations such as the Batteries Regulation or the Deforestation Regulation impose product-specific requirements that condition market access on demonstrable compliance. These often rely on third-party certification to verify that goods meet environmental or human rights standards. In contrast, the CS3D primarily targets corporate governance processes: while third-party verification can contribute to demonstrating compliance, companies remain responsible for implementing and monitoring effective due diligence systems internally. Thus, importing a certified product may not be sufficient if the company fails to engage in risk-based assessments or remedy obligations across its value chain. Therefore, implementing a compliance program aligned with CS3D can help ensure

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coherence and preparedness across thematic regulations, enabling the development of traceability systems that are functional under multiple regulatory regimes.

<b>Element</b>	<b>CS3D (Meta-Norm)</b>	<b>Deforestation Regulation</b>	<b>Batteries Regulation</b>	<b>CRMA</b>	<b>Eco-Design Regulation</b>
<b>Type</b>	General horizontal norm	Theme-specific (forests)	Sector-specific (batteries)	Sector/resource specific	Sector-specific (products)
<b>Scope</b>	All sectors & value chains	Commodities with forest risk	Battery value chains	Strategic/critical raw materials	Energy-using products
<b>Due Diligence</b>	Article 4–8: Obligatory across the chain	Article 8: Operators must ensure “deforestation-free”	Art. 47: Focused on raw materials sourcing	Art. 18–20: Limited to large firms in key tech	Not explicit, focuses on product-level design
<b>Risk Transparency</b>	Art. 6: Identifying impacts throughout the chain	Art. 9: Risk assessment with geolocation	Art. 48: Supply chain risk plans	Art. 19: Monitoring & preparedness	Art. 7: Upstream supply chain visibility
<b>Reporting</b>	Art. 11: Public annual disclosure	Minimal; tied to enforcement checks	Art. 72: Environmental/social impact info	Not emphasized; tied to certification	Art. 11: Environmental performance data
<b>Certification/Audit</b>	Art. 8: Internal monitoring, not third-party audit-centric	Art. 18: National authorities enforce	Art. 19: Conformity assessments	Art. 20: Certification for responsible sourcing	Art. 13: Mandatory product conformity

**Figure 2. Comparison Across the Normative Ecosystems**

CS3D represents a cross-cutting yet complementary architecture. It serves as a meta-normative foundation that institutionalizes corporate accountability through procedural obligations, while sector-specific regulations contribute the substantive legal force (standard setting). Rather than operating within a strict hierarchy, these frameworks interact polycentrically, forming a dense web of obligations that collectively encourage – and pressure – companies to transform the entirety of their operational and supply chain ecosystems. Thus, CS3D serves both as a legal backbone and an integrative architecture that forces companies to build resilient governance systems across thematic techno-managerial landscapes.

As these regulatory objects are new to the EU legal order – and are developing quite specifically within it as being entangled with other issues such as objectives, value, and competencies – there is a need to understand where this EU way of institutionalizing GVCs regulation comes from. Recent literature exploring the genealogy of Due Diligence reveals two distinct approaches. The traditional one was primarily influenced by private law and market dynamics with a compliance overlay<sup>11</sup>. The new one, is rooted in public law and driven by aligning states or EU policy goals with market behavior expectations<sup>12</sup>. Private due diligence frameworks, often developed by third-party providers and occasionally endorsed by international organizations within the UN or OECD system, exemplify the traditional approach. Conversely, public forms of due diligence, notably exemplified by French and German supply chain due diligence laws and the EU Corporate Sustainability Due Diligence Directive (CS3D), represent the next approach. Both systems rely on data-driven analytics, enabling compliance through managerial programs that include technology<sup>13</sup>. Consequently, companies develop their own managerial and technical systems to monitor their supply chains or procure them from the plethora of new service providers.<sup>14</sup> Many doctrinal analysis have seen the CS3D as essentially involving the hardening (i.e transformation into hard law) of the traditional approach to due diligence originating from soft law. But when looking more closely three years after the release of its first version by the Commission, what sets CS3D apart from private systems like the UNGP is its detailed, both self-referencing and extra-referencing nature, often described as a characteristic of contemporary legality in Europe<sup>15</sup>. When looking at its preparatory report,

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<sup>11</sup> Backer. L. (2024) [Online lecture] “You can’t stop the signal”: From the past to the future of digitally mediated sustainability due diligence? Asser Institute: Center for International and European Law & University of Amsterdam Law School [Spring Academy] Technologies of sustainability due diligence: Digital tools and global value chain regulations, 8.04.2024

<sup>12</sup> Ibid.

<sup>13</sup> See explicitly Directive (EU) 2024/1760, recital (68) : ‘Digital tools and technologies, such as those used for tracking, surveillance or tracing raw materials, goods and products throughout value chains, for instance satellites, drones, radars, or platform-based solutions, could support and reduce the cost of data gathering for value chain management, including the identification and assessment of adverse impacts, prevention and mitigation, and monitoring of the effectiveness of due diligence measures. In order to help companies fulfil their due diligence obligations along their value chain, the use of such tools and technologies should be encouraged and promoted.’

<sup>14</sup> For an overview of different types of technology currently on the market and an argument of a ‘digital turn’ for sustainability due diligence legislation, Duval, A. & Eller, K.H. (2024), A ‘digital turn’ for sustainability due diligence, Digital tools and the CSDDD, Business and Human Rights Resource Centre, 1 October 2024, <https://www.business-humanrights.org/en/blog/a-digital-turn-for-sustainability-due-diligence-digital-tools-and-the-csddd/>

<sup>15</sup> Backer. L. (2024) [Online lecture] “You can’t stop the signal”: From the past to the future of digitally mediated sustainability due diligence?, op.cit



CS3D aimed to establish a comprehensive, meticulously defined system, leaving little room for autonomy<sup>16</sup>.

This attempt to develop a system of supervision or co-regulation has only recently started to be studied through more critical lengths as its promises have largely failed to materialize so far, and the initial enthusiasm and hope for effective regulatory governance diminutive, not its very deconstructive terms but either in constructive or transformative ones. Among the growing literature, Transnational Law (TL) started to view these regulatory systems as complex spaces shaped by various actors and norms, regardless of their national or international, public or private origin, recognizing that legal norms can emerge from diverse sources beyond states, such as treaties, statutes, social norm<sup>17</sup>, contracts and in this specific case: management systems, metrics, indicators. Global constitutionalism theories are fueled by the emergence of this transnational legal pluralist order<sup>18</sup>. This order is characterized by a diverse range of legal regulations, spanning from direct to indirect, hard to soft, and public to private, operating at both domestic and global levels<sup>19</sup>. As the EU legal order become more functionally operating in tensions between contradictory aims, the traditional boundaries of European regulation seems to be redefined in favor a new paradigm of regulation. Some spoke about a transnationalization of European regulation<sup>20</sup> or an evolving European transnational private law<sup>21</sup>, others again see it as a form of transformative law<sup>22</sup> with greater potential for reflexivity through engagement with Social Theory. In this emerging paradigm of regulation, which supposes a number of changes sometimes depicted as (r)evolutions<sup>23</sup>, our hypothesis is that EU Law seems to be developing more reactively than reflexively. The question here will be to critically analyze the underlying assumptions made clear within doctrinal and socio-legal research. This in order to be able not to deconstruct the regulatory architecture but rather to think the conditions of possibility for an effective, substantive Due Diligence Turn, one which takes these tensions seriously beyond cosmetic compliance or meaningless technisation. To that aim, we need to be able – us a the epistemic community working across these issues – to account for the tensions in an appropriate way, a way which to do not a law tends to do: qualify, categorize, abtractize too many existing practices and the way they develop in the everyday life of legality.

## 2.2 Problematizing the Dark Spaces of the EU Law of Global Value Chains

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<sup>16</sup> Ibid.

<sup>17</sup> Zumbansen, P. (2013). Law and Legal Pluralism: Hybridity in Transnational Governance. In *Regulatory Hybridization in the Transnational Sphere* (pp. 49-70). Brill Nijhoff. ; Maduro, M., Tuori, K., & Sankari, S. (Eds.). (2014). *Transnational law: rethinking European law and legal thinking*. Cambridge University Press.

<sup>18</sup> Teubner, G. (2015). Transnational economic constitutionalism in the varieties of capitalism. *Italian LJ*, 1, 219.

<sup>19</sup> Zumbansen, P. (2013). Law and Legal Pluralism: Hybridity in Transnational Governance., op.cit.

<sup>20</sup> Lhuillier, G. (2022). La proposition de directive europeenne sur le devoir de vigilance des entreprises en matiere de durabilite. *IBLJ*, 5, pp 424-52.

<sup>21</sup> Beckers, A., Micklitz H.-W., Vallejo, R. & Letto-Vanamo, P. (eds) (2024), *The Foundations of European Transnational Private Law*, Hart Publishing, Oxford.

<sup>22</sup> Kjaer, P. F. (2022). What is transformative law?. *European Law Open*, 1(4), 760-780.

<sup>23</sup> Brabant, S. ; Bright, C. ; Tenreira, L. (2024). “Entreprises, droit humains et environnement : L'UE consacre 25 ans de (r)évolution juridique”, *Blog Post NOVA BHRE Center*, Nova School of Law Lisbon.

After the Due Diligence Turn initiated through the Green Deal, lawyers working at the intersection of Business, Human Rights and the Environment will have to navigate a complex landscape of legal obligations, industry standards, and corporate practices. The scale and scope of the European Union's Green Deal represent a unique framework for GVCs, comprising several texts classified as cross-cutting or thematic measures. However, a significant gap between the requirements of existing GVCs laws on which the Green Deal is inspired and their implementation and enforcement<sup>24</sup>. The last 2025 OECD report “Behind ESG metrics: Unpacking Sustainability Metrics”,<sup>25</sup> highlights that compliance with HREDD laws or standards is increasingly reduced to a check-the-box exercise, where metrics, processes, and indicators replace genuine risk mitigation. This reliance on input-based metrics, which represent 68% of HREDD rating criteria, prioritizes self-reported policies and procedures rather than actual outcomes or impact.<sup>26</sup> As a result, the report shows that companies can appear compliant without demonstrating meaningful change. The fragmented and disconnected nature of due diligence exacerbates this issue as less than 5 % of input-based metrics could be associated with explicit risk-based due diligence measures.<sup>27</sup> The fundamental issue is clear: due diligence, as currently implemented, does not measure what truly matters. The over-reliance on vague, qualitative, and input-based indicators, coupled with limited standardization, an emphasis on disclosure over action, and a centrality of focusing on tier 1-suppliers instead of a risk-based approach has led to a system where compliance is largely cosmetic<sup>28</sup>. As the report starkly highlights, if due diligence is to be a real tool for change rather than a corporate smokescreen, it must move beyond process-based compliance to measuring real-world impacts, demanding transparency, and holding companies accountable across their entire value chains.

This failure is partially due to the lack of clear definitions in the aforementioned texts of the EU Law of Global Value Chains. While recent EU instruments such as the Corporate Sustainability Due Diligence Directive (CS3D) aim to embed sustainability obligations across global value chains, their normative framing remains uneven. The CS3D does include a detailed annex referencing international legal instruments—including ILO conventions and UN covenants—to define what constitutes human rights and environmental harms. However, this definition is largely procedural and fragmented, relying on references external to the directive's main body and omitting key aspects, such as the explicit inclusion of Indigenous peoples' rights. Thus, while the directive does not entirely fail to define these terms, it does so in a way that limits their normative force and integration into the core legal architecture. GVC laws often neglect social and ecological interdependencies because they generally focus on protecting specific components like water or air without addressing the broader, interconnected environment. On the other hand, entities subject to GVCs law—states, corporations, etc.—navigate these fragmented frameworks by assessing their human rights or environmental 'adverse impacts' in

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<sup>24</sup> Tenreira, L., & Bright, C. (2024). *The impacts of the French Duty of Vigilance Law on Internal Corporate Practices (policy report)*, British Institute of International and Comparative Law.

<sup>25</sup> Organisation for Economic Co-operation and Development (OECD). (2025). *Behind ESG ratings: Unpacking sustainability metrics*. OECD.

<sup>26</sup> Ibid. See p.8

<sup>27</sup> Ibid. See p.9

<sup>28</sup> Landau, I. (2019). Human rights due diligence and the risk of cosmetic compliance. *Melb. J. Int'l L.*, 20, 221.

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ways that align with their specific interests, often defining the 'environment' in varying, sometimes hardly inconsistent ways. This creates the conditions for the emergence of a hidden and new form of cosmetic compliance, where companies superficially address environmental issues without truly adhering to the spirit or the letter of their obligations. A key of this critique of how HRDD is being institutionalized, particularly by the EU, is found in the most recent socio-legal work in Business, Human Rights. Socio-legal scholars highlighted that GVCs laws fall into the (too) simple hardening of previous soft law measures. *Strategic ambiguity*—a concept coined by John Ruggie when developing the United Nations Guiding Principles on Business and Human Rights (UNGPs)<sup>29</sup>, created an intentionally ambiguous framework to allow for flexibility in interpretation and adaptation by different actors (states, businesses, and NGOs). This ambiguity has been highly criticized when investigated in the landscape, suggesting that it has created opportunities for corporations to exploit HRDD as a tool for cosmetic compliance rather than genuine accountability<sup>30</sup>. This strategic ambiguity has indeed led to inconsistencies in how HRDD is implemented across sites, sectors, and jurisdictions, creating what the literature refers to as “governance gaps”<sup>31</sup>. While the Due Diligence Turn aims to fill governance gaps by setting standards for corporate behavior, it often creates new challenges by allowing corporations to interpret their obligations in ways that align with their managerial interests. As a result, the very idea of human rights becomes transformed within the practice of corporate governance.<sup>32</sup> This dynamic often reduces HRDD to a procedural formality aimed at mitigating reputational risks rather than genuinely improving socio-environmental conditions of production: the so-called ‘tick the box’ approach<sup>33</sup>. The notion of “audit culture” encapsulates the tension between the theoretical promise of HRDD and its practical limitations, again raising concerns about the privatization of human rights and environmental provisions enforcement within Global Value Chains. In discussing as well as problematizing further this audit culture, this contribution seeks to highlight the broader epistemological issues at play in the emerging landscape of GVCs Laws. It is an attempt to conceptualise or characterized the many calls for more reflexivity in the legal approach to GVCs.

The regulatory frameworks developed under the EGD create new legal challenges, particularly in the transformation of traditional legal concepts, which requires parallel shifts in our categorization, qualification, systematization, and interpretation work. EU lawyers are now navigating "dark spaces" occupied by private regulators.<sup>34</sup> In this space, legal authority is unclear, and traditional legal categories are transformed and re-interpreted. This is particularly true in GVCs, where legal concepts such as interpretation, monitoring, and enforcement take

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<sup>29</sup> Landau, I. (2024). *Human Rights Due Diligence and Labour Governance*. Oxford University Press.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> A Beckers, 'From Corporate Personality to Corporate Governance: The Transformation of Human Rights Through Corporate Practice', in: N Bhuta & R Vallejo (eds), *Global Rights? Human Rights in Complex Governance*, Oxford University Press 2024, 85-136.

<sup>33</sup> Mak, C. (2022). Corporate sustainability due diligence: More than ticking the boxes?. *Maastricht Journal of European and Comparative Law*, 29(3), 301-303.

<sup>34</sup> Beckers, A. (2022), EU Law's Dark Private Legal Space : Researching Private Regulators and the Importance of Legal Doctrine, *European Constitutional Law Review* 18 (4), 657-681.

on new meanings<sup>35</sup>. For example, in the context of sustainability due diligence, companies must interpret complex and often ambiguous legal requirements, such as what constitutes "appropriate" or "effective" action to prevent human rights abuses or environmental harm in their supply chains<sup>36</sup>. Monitoring compliance with these requirements is also a significant challenge, particularly in global value chains where suppliers operate in different jurisdictions with varying levels of regulatory oversight. Enforcement of these standards often relies on voluntary mechanisms, such as grievance procedures and third-party audits, rather than formal legal sanctions. The transformation of legal concepts in these dark spaces raises important questions for legal researchers but also for a broad range of stakeholders, from judges to NGOs. How can legal categories, approaches, and methodologies be adapted to address the complexities of GVC regulation today?

Some of the most significant aspects of this diagnosis for GVCs laws, whether as soft law, national laws, or the CS3D, are also true when looking at the EU's regulatory approach to GVCs under the EGD and its implementative and interpretative deference to private regulation. As highlighted above, corporations and industry bodies play an active role in shaping regulatory standards. By centering private actors in the regulatory process, the EU enables corporations to take on a regulatory role, establishing their own sustainability standards and monitoring compliance through certification schemes and reporting mechanisms. This emphasis on private regulators raises different questions. First of all, there are questions related to the transparency of such public law-fostered private standards. This is a well-known problem that has been discussed extensively in a different field that is occupied by private regulatory bodies, i.e., technical standardization.<sup>37</sup> Following its previous line, the European Court of Justice has recently ruled that there are paths toward stronger transparency. In the *Public.Resource.Org*<sup>38</sup>, it stated clearly that standards developed by private standardization bodies should be accessible when they are used as the basis for public regulation. This decision highlights the importance of transparency in regulatory processes, especially when private standards have significant public policy implications. Yet, transparency is not the only concern. Second, the increasing reliance on private regulation raises important methodological questions for legal researchers. How can we ensure that private regulatory standards align with public policy objectives? What mechanisms are in place to hold private actors accountable when they develop, implement, and enforce these standards? Researchers must develop new tools to analyze the dynamics of private regulation, considering the power asymmetries between corporations, regulators, and civil society actors. Private regulation encompasses various activities, from corporate self-regulation to industry-wide standardization efforts. Companies are increasingly expected to take proactive steps to ensure that their operations and supply chains comply with sustainability standards. Thirdly, the rise of private regulation raises questions that are conceptually related to global legal pluralism and, doctrinally, may

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<sup>35</sup> Tenreira, L. (2024). Corporate Best Practice from Soft Law to Hard Law: The Case of Corporate Sustainability and Due Diligence Directive (Cs3d). *Revue de droit des affaires internationales-International business law journal*, 2024(2), 269-285.

<sup>36</sup> Ibid.

<sup>37</sup> Most prominently, van Gestel R. & Micklitz, H.-W. (2013), European Integration Through Standardization : how judicial review is breaking down the clubhouse of private standardization bodies, *Common market Law Review* 50 (1), 145-182.-

<sup>38</sup> C-588/21 *Public.Resource.Org v. CEN*, ECLI:EU:C:2024:201.

need to be dealt with through new types of conflicts of law. When different ordering mechanisms, including private regulation, are facilitated through the law, previously held assumptions about the ordering hierarchy (public law overrides voluntary private regulation) appear questionable. As others have argued, the pluralist orderings in global value chains, as fostered through due diligence legislation, may lead to conflicts between public laws that simultaneously regulate GVCs and between public and private orders.<sup>39</sup>

In this context, the key challenge is how to measure and evaluate – in other words, to objectify without ignoring the relationalities and materialities at stake - corporate compliance with sustainability goals, particularly in industries with highly fragmented value chains. Therefore, we propose a shift to interdisciplinary approaches that integrate insights from political science, sociology, environmental sciences, etc. into doctrinal legal analysis, etc. to develop a more comprehensive understanding of how sustainability is embedded in corporate governance and value chains. As we discuss below, in this context of deference to private actors and the subsequent regulatory capture, it supposes that Science and Technology Studies (STS) could play a significant role.

### **3. Methodological Challenges: Working at the Interface of Global Value Chains through Sciences and Technology Studies (L-STs)**

The regulatory challenge characterized before calls to critically examine the emerging GVC Laws, which redefine the role of corporations by imposing a legal obligation on them to steer the social and ecological transition. However, these laws remain vague about the specific conditions under which this transition should unfold. Examples of how these laws are implemented in such uncertain context broadly goes from blockchain technology used to track the provenance of raw materials<sup>40</sup> to platforms that facilitate sustainability reporting<sup>41</sup>, to the development of metrics and indicators<sup>42</sup> to assess whether a product, service or site causes an “adverse impact on Human Rights and the Environment”. Global Value Chain laws (GVCs) are much more than legislative packages; they represent a structuring framework that can potentially transform regulatory modes deeply.<sup>43</sup> They are not merely a European project but a lever for reshaping transnational law, ways of production and consumption, and the power

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<sup>39</sup> Kono, T. (2024), Global Value Chains, Due Diligence, and Conflict of Public Laws, *Texas International Law Journal* 59 (2), 1-14 ; Fenwick, M., Kono, T. & Yatsunami, R. (2024) *The Global Value Chain, Networks & The new Possibilities of Private Ordering*, University of Edinburgh Research Paper Series, 2024.13-01.

<sup>40</sup> Calvao, F. & Archer, M. (2021), Digital Extraction: Blockchain Traceability in Mineral Supply Chains, *Political Geography* 87, 102381.

<sup>41</sup> Salminen, J., Sobel-Sead, K., Viljanen, M. & Eller, K.H. (2022) ‘Digital Platforms as Second Order Lead Firms: Beyond the Industrial/Digital Divide in Regulating Global Value Chains, *European Review of Private Law* 30 (6), 1059-1088.

<sup>42</sup> See the case study on Sedex and related argument of a ‘chain of translation’ through quantitative logic in supply chains by Sarfaty, G. (2020), *Translating Modern Slavery into Management Practice*, *Law & Social Inquiry*, 45 (4), 1027-1051. Fundamentally on governance by indicators, S.E. Merry (2016), *The Seductions of Quantification*, Chicago University Press.

<sup>43</sup> Some characterize it as ‘GVC Turn; Eller, K. H. (2025). Pricing and distribution in global value chain regulation. *Leiden Journal of International Law*, 1-22. and others as a more narrow one, ‘Due Diligence Turn’; Beckers, A., & Tenreira, L. (forthcoming, 2025). *Global value chains after the Green Deal: Methodological implications*. EUI Law Department Working Paper.

dynamics within them. Understanding GVCs requires both an examination of the knowledge they mobilize and an analysis of the power structures they redefine.<sup>44</sup> GVCs rely on an interwoven set of heterogeneous knowledge systems, blending legal techniques, corporate governance principles, and social and environmental sciences. This law's permeability to technical and scientific knowledge signals an evolution toward a new regulatory conception—where legal norms exist within an open framework, subject to continuous interpretation and re-interpretation in a highly iterative manner.<sup>45</sup> Beyond the law, GVCs mark an epistemological shift.<sup>46</sup> The knowledge base for corporate accountability is being redefined—it no longer merely describes corporate impacts but actively inscribes a particular meaning to a particular phenomenon. This transformation means that knowledge is not just informative but performative, driving political and institutional change or status quo. To delve deeper into such hypothesis, we found that working at the interface of Law and STS was productive.

### 3.1 The Co-Production of Due Diligence in Global Value Chains

STS can expand our understanding of what constitutes law and regulation by moving beyond formal legal frameworks. It invites us to consider knowledge production through material documents, associated practices, and the construction of technology itself as integral to legal infrastructure. Furthermore, employing STS can illuminate the agency of non-human technological actors and objects. It helps lawyers recognize the agency embedded in material objects and emphasizes the social dimension of action and the political economies that underpin it. Unlike traditional 'law and technology' studies, which may overlook these aspects, an STS approach adopts a more critical and contextual perspective, acknowledging the social dynamics of technology – understood very broadly as everything related to technicisation- and engaging in relational discussions about affordances.

The use of co-production as an analytical tool has recently emerged in legal studies. STS has indeed been a pioneer in analyzing the co-production of legal standards through choices of expert bodies and institutions, for example, regarding the judicial interpretation of Scientific Evidence<sup>47</sup>, Legal Techniques<sup>48</sup>, the EU institutions<sup>49</sup>, and Development Studies<sup>50</sup>. While the EU is widely institutionalizing human rights and environmental due diligence as a meta-norm

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<sup>44</sup> Backer, L. C. (2023). Legal semiotics, globalization, and governance. In *Research Handbook on Legal Semiotics* (pp. 61-85). Edward Elgar Publishing.

<sup>45</sup> Weiner, R. R. (2021). Transnational History, Transnational Space, Transnational Law. *The European Legacy*, 26(1), 68-74.

<sup>46</sup> This argument is further developed and exemplified with Law-STS collaborations, see: Beckers, A., & Tenreira, L. (forthcoming, 2025). *Global value chains after the Green Deal: Methodological implications*. EUI Law Department Working Paper.

<sup>47</sup> Jasanoff, S. (1997). *Science at the bar: Law, science, and technology in America* (Vol. 9). Harvard University Press. ; Jasanoff, S. (2006). Just evidence: The limits of science in the legal process. *Journal of Law, Medicine & Ethics*, 34(2), 328-341.

<sup>48</sup> Riles, A. (2005). A new agenda for the cultural study of law: Taking on the technicalities. *Buff. L. Rev.*, 53, 973. ; Canfield, M. C. (2023). The Anthropology of Legal Form: Ethnographic Contributions to the Study of Transnational Law. *Law & Social Inquiry*, 48(1), 31-47.

<sup>49</sup> Laurent, B. (2022). *European objects: The troubled dreams of harmonization*. MIT Press.

<sup>50</sup> Desai, D. (2023). *Expert Ignorance: The Law and Politics of Rule of Law Reform*. Cambridge University Press.

in GVCs, it has received little attention from these studies. In the context of private-centered sustainability regulation, co-production provides an interesting and context-sensitive analytical framework to describe and conceptualize how corporations, when implementing management systems to identify, prevent, and mitigate their impact, do not simply receive scientific, ecological, social, or any knowledge. They actually participate directly in its production: highlighting relevant knowledge, commissioning expert reports, and settling scientific controversies. In other words, companies put laws and science (or, more generally, knowledge regimes) into action<sup>51</sup>, producing a managerial system with normative effects. In matters of shaping socio-environmental transition pathways, companies are not passive. This normative choice results from negotiations at the level of multiple and unequal social realities, which converge towards the constellations of actors in charge of implementing the Law of GVCs. The black box of this co-production<sup>52</sup> then contains a variety of selected institutions that allow these companies to formulate credible discourses, translating a representation of what is - according to them - an adequate response to the environmental crisis. In other words, how do they manage the social and environmental in their value chain.

This observation makes us consider that legal researchers need to take these dynamics seriously, as they have significant implications for how regulation is implemented and enforced. We suggest that the concept of *affordances* from STS<sup>53</sup> could provide a useful framework for understanding how co-production might arise from a mix of legal, scientific and technical devices.<sup>54</sup> Affordances refer to the possibilities for action these devices offer to users. In the context of the EGD, digital technologies afford new ways of monitoring and enforcing sustainability standards, but they also introduce new risks and challenges. Affordances are not just opportunities but also constraints.

These intersections between law, science and technology are not completely new in the context of global value chains regulation but have been further institutionalized by the EGD.

The law seems to respond to GVCs by adopting a kind of parallel move, reacting and adapting to its characteristics by institutionalizing existing voluntary practices without reflexively or normatively steering towards greater accountability. This is because the practices emerge from and are deeply rooted in infrastructural realities. Indeed, this lack of reflexivity arises because, in the process of institutionalization, there is a disregard for the fact that GVCs themselves (or the complex entangled of human and non-human actors that co-constitute them) also perform and shape laws and legalities. In this context, the institutionalization process results in corporate capture, audit culture, and the perpetuation of the *status quo*, rather than driving

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<sup>51</sup> Jasanoff, S., & Leclerc, O. (2013). *Le droit et la science en action, Textes de Sheila Jasanoff traduits de l'anglais (Etats-Unis) et présentés par Olivier Leclerc* (p. 210). Dalloz.

<sup>52</sup> Baya-Laffite, N. (2016). Black-boxing sustainable development: Environmental impact assessment on the river Uruguay. In *Knowing governance: The epistemic construction of political order* (pp. 237-255). London: Palgrave Macmillan UK.

<sup>53</sup> Fundamentally on the concept of affordances, J.J. Gibson (1979), *The Ecological Approach to Visual Perception*, Lawrance Erlbaum Associates, ch 8.

<sup>54</sup> Fundamentally on the interaction between affordances and the legal system, CB Graber, 'How the Law Learns in the Digital Society' (2021) 3 *Law, Technology and Humans* 12

transformative change.<sup>55</sup> Despite the need for transformation, it is still possible to retain these tools, to make them responsive.<sup>56</sup> The challenge lies in critically acknowledging their limitations while leveraging their adaptability to foster more accountable and transformative legal practices

### 3.2 A dialectic way of inquiry into Global Value Chains complexities

Measuring *impact* becomes a contentious space where normative decisions are made about what counts as harm, risk, or responsibility. Examining material practices and relational interventions makes it crucial to assess the normative consequences of such regulations critically. Rather than merely adopting technocratic approaches, governance strategies should be reimagined from the lived experiences of affected communities, ensuring that regulations resonate with the conflicting realities they aim to address. This paradigm shift would demand a profound critical inquiry into how the law interacts with infrastructure – not as a distant, abstract framework but as an integral, responsive element that is deeply attuned to the socio-economic and ecological landscapes it seeks to shape. Re-contextualizing the disconnection in this way would open up new pathways for addressing the inherent contradictions of modern infrastructural governance, moving from mere regulation to genuine transformation. The EU CS3D aims to secure fair labor conditions and environmental protections. Still, in the context of GVCs – as illustrated by the two percepts – its *ethos* often remains aspirational because it does not tackle what really matters: the *matter of concerns* (Latour, 2005).

As regulatory approaches evolve, they increasingly rely on documents, grey literature, digital technologies, and diverse media. At the heart of this transformation is the process of *datafication*<sup>57</sup>. The growing reliance on technology, infrastructure, and data-driven processes in the implementation of the EGD requires legal researchers to adopt new methodological approaches<sup>58</sup>. One of the most significant shifts in this regard is the need to *think infrastructurally* about regulation. This concept, developed by scholars such as Benedict Kingsbury, emphasizes the importance of understanding the material, technical and relational aspects of (legal) infrastructures that underpin regulatory processes<sup>59</sup>. In the context of the EGD, infrastructure refers not only to physical systems like energy grids and transportation networks but also to the digital platforms, databases, and reporting systems that facilitate regulatory compliance. Thinking infrastructurally requires researchers to move beyond the traditional focus on legal texts and doctrines, even beyond the private regulatory

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<sup>55</sup> Landau, I. (2019). Human rights due diligence and the risk of cosmetic compliance. *Melbourne Journal of International Law*, 20(1), 221–247. <https://law.unimelb.edu.au/mjil/issues/current-issue>

<sup>56</sup> Beckers, A. (2023). Global value chains in EU law. *Yearbook of European Law*, 42, 322–346. <https://doi.org/10.1093/yel/yead010>

<sup>57</sup> Backer, L. C. (2020). And an Algorithm to Entangle them All? Social Credit, Data Driven Governance, and Legal Entanglement in Post-Law Legal Orders. *Social Credit, Data Driven Governance, and Legal Entanglement in Post-Law Legal Orders (January 1, 2020)*. *Penn State Law Research Paper*, (05-2020).

<sup>58</sup> Backer, L. C. (2023). Legal semiotics, globalization, and governance. In *Research Handbook on Legal Semiotics* (pp. 61-85). Edward Elgar Publishing.

<sup>59</sup> Kingsbury, B., & Maisley, N. (2021). Infrastructures and laws: publics and publicness. *Annual Review of Law and Social Science*, 17(1), 353-373. Kingsbury, B. (2019). Infrastructure and InfraReg: on rousing the international law 'Wizards of Is'. *Cambridge International Law Journal*, 8(2), 171-186.



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ordering that we had discussed above, and, in addition, engage with the technical, material and relational conditions that make regulation possible. A good example of what such infrastructural thinking can reveal in research on value chains is the work of Bertram Turner. Reyling on the concept of infrastructure and linking concepts of legal pluralism with science and technology studies, he shows – on the example of the Moroccan Argan oil supply chain – how technology and materiality normatively shape GVCs.<sup>60</sup> If GVCs are understood as infrastructures in their own right, then the regulation governing them – such as the Due Diligence Turn in EU Law – can be seen as a mode of infrastructuring. This perspective draws attention to the contested practices and projects through which human groups seek to organize their environment via technical, material, and knowledge-based interventions. Infrastructures, in this sense, serve as analytical tools within ethnographic or files studies. Such an approach enables the integration of heterogeneous elements and facilitates an understanding of how certain material aspects are recognized and acted upon in complex situations—dynamics that conventional legal categories may struggle to capture. Examining what it means to qualify an object as infrastructure, and how infrastructuring is enacted within the framework of GVC regulation, is essential. A key hypothesis posits that the Law of GVCs constructs a web of relationships that interweaves normative templates (such as mandatory due diligence), institutions (corporations, NGOs), bureaucracies (environmental agencies), knowledge regimes (biologists, ecologists, methodologists, lawyers), technologies (plans, indicators, thresholds, carbon footprint assessments), and material elements (human rights, environmental standards). The objective is to comprehend how this infrastructural complexity shapes transitional processes, particularly by mitigating human rights and environmental risks. To achieve this, co-production must be examined within an infrastructural framework.

The Due Diligence Turn operated by the EGD represents a profound transformation in the way global value chains are regulated, with significant implications for legal research. As the EGD reshapes the regulatory landscape, it challenges researchers to rethink their methodologies and develop new tools to engage with the complex interplay of public and private regulation, technology, and infrastructure. The global socio-ecological crisis is transforming the political landscape as companies are increasingly mandated and held responsible by traditional institutions for measuring and mitigating the environmental impact of their products as part of their due diligence obligations across their value chains. In developing their own method, companies make decisions regarding legal rules, scientific approaches, and regulatory frameworks, constructing a 'technico-scientific-normative'<sup>61</sup> space within which environmental impact is evaluated. This methodological approach involves selecting reference documents and criteria for assessing environmental impacts. The question arises as to whether these approaches allow companies to articulate their internal political debates into a coherent normative space<sup>62</sup> aligned with broader legal, scientific, and regulatory standards. In this

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<sup>60</sup> Turner, B (2016), Supply-chain legal pluralism: normativity as constitutive of chain infrastructures in the Moroccan argan oil supply chain, *Journal of Legal Pluralism and Unofficial Law* 48 (3), 378-414; Turner, B. & Wiber, M. (2023), Legal Pluralism and Science and Technology Studies: Exploring Sources of the Legal Pluriverse, *Science Technology and Human Values* 48 (3), 457-474.

<sup>61</sup> Tenreira, L. (2024, November). The construction of a episteme of 'objectification' of corporate practices in the field of transition. In *Annual Meeting of the Society of Social Studies of Science. Honolulu, Hawai'i, Nov 8-11, 2023*.

<sup>62</sup> Lhuillier, G. (2018). MNCs' obligations in their 'sphere of influence'. In *Research Handbook on Human Rights and Investment* (pp. 244-272). Edward Elgar publishing.

context, law, sciences and technology converge towards considering new legal sources to better understand the variety of possibilities of corporate normativity in GVCs. In other terms, the methodological challenges posed by the EGD require researchers to broaden their understanding of what constitutes "law" and how it operates in the context of global value chains. These are critical questions that require a rethinking of traditional legal methodologies and a broadening of the scope of legal research in transformative times.

These reflections offer three key preliminary contributions to navigating the complex and contested normative standards regulating human rights and environmental risks in global value chains. First, it proposes a conceptual framework for analyzing GVC regulation through a Law-STS lens, focusing on how legal but also material and relational interventions shape the meanings of what get to be a negative impact. Second, it provides grounded critical insights into the EU's regulatory approach, particularly the CS3D, highlighting its limitations in addressing the intricate realities of global value chains. Lastly, the project advances the emerging field of Law, Science, and Technology Studies (L-STS), proposing a reflexive, interdisciplinary methodology to tackle the socio-ecological challenges. These findings aim to equip judges, companies, NGOs, and other actors with tools to engage effectively with this evolving regulatory landscape. Because indeed, upcoming and already developing strategic litigation based on these laws are highly specific and technical, complicating the perception of the 'harm' caused (or the status quo perpetuated) by companies when conducting their due diligence policies: (1.) a contentious social dimension linked to the role of consumers, local populations, NGOs and civil society ; (2.) a highly technical scientific dimension linked, for example, to life cycle of a product, immaterial effects on climate, or the issue of junk science, etc.); (3.) a renewed managerial dimension, as management of the ecological transition is emerging, with assessment often at the heart of the dispute (climate plan, determination of carbon footprint, scopes, identification of risks, preventive actions included - or not - in management charts and accounting, extra- financial reporting, etc.). This produces a singular renewal of legal reasoning which needs to be reflected – i.e., the reflexivity of law - in interpreting such provisions to reach the reflexivity initiation phase of the law, often described as the condition for transformative change.

**PART III:**

**FROM DISCONNECTIONS TO RECONSTRUCTIONS**

## The Everyday Life of the European Green Deal

By Luca Tenreira

### Abstract

This concluding chapter explores the European Green Deal as a transformative legal and political formation that reconfigures Europe and the world in many ways. Through the lens of social ontologies, it identifies methodological reorientations across the volume's contributions, emphasizing reflexivity, materiality, and epistemic pluralism. The chapter calls for a renewed legal scholarship grounded in immanent critique and attentive to the contested social realities the EU both governs and produces.

These preliminary reflections are the fruit of ongoing discussions and debates with Loïc Azoulai, Full Professor of Law, Chair in Law and Social Europe at European University Institute. Many thanks for the help and feedback provided along the writing process.

### 1. The Many Everydays of the Green Deal

The European Green Deal (EGD), from its inception, has signaled a promise of transformation: a redefinition of Europe's political economy in response to the urgency of climate change. But as the contributions in this edited volume reveal, the story of the Green Deal is one of unresolved tensions, contradictory impulses, and fragmented implementation. It is not a linear march toward sustainability but a complex, evolving process marked by friction and feedback.

The contributions to this volume, though diverse in scope, share a commitment to grounding the analysis of the European Green Deal in the textured realities of everyday life. In doing so, they move away from legal abstraction and engage with law's entanglement in the production of social ontologies, infrastructures, and institutional imaginaries. This resonates with the emerging *Law and European Society* framework, which reorients EU legal studies away from formal integration logics and toward the contested terrains where legal forms intervene in social life (Azoulai 2025; Von Bogdandy 2024 : De Witte 2025). These terrains are not merely institutional or procedural—they are affective, material, and epistemic. As Fraser argues, crises like the ecological transition reveal fractures not only in policy, but in the hegemonic rationalities that sustain our governing orders (Fraser 2019). The volume shows that law does not simply respond to these fractures; it helps constitute them – whether through the technocratic authority of macroeconomic modeling (Boltanski & Thévenot 2006), the selective memory of policy narratives (Balibar 2020), or the procedural opacity of supply chain governance.

The methodological implications are significant. Rather than critiquing from a distance, they call for an immanent mode of analysis – one that inhabits the internal tensions of legal regimes and makes visible their underlying exclusions (Neuvonen 2022). This requires attentiveness

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to material practices, infrastructures of knowledge, and the politics of scale (Latour 2004; Guggenheim 2011). The contributions collectively advance this effort, not by proposing unified solutions, but by exposing the multiplicity of everyday lives that the Green Deal confronts, reshapes, or displaces. In this sense, the “veil” of European law—its tendency to obscure its social consequences under the guise of neutrality or expertise—becomes a critical object in itself (Goldoni & Wilkinson 2018). Unveiling this opacity is not only a scholarly task; it is a political one, aimed at expanding the space of contestation and reimagining the legal grounds on which European society is built.

The opening piece by Luca Tenreira and Joséphine van Zeben frames the dilemma in sharp relief: the EGD, hailed as a paradigm shift, has been progressively realigned with the imperatives of competitiveness. Their analysis of the rollback of key environmental commitments, culminating in the adoption of the Omnibus Law, speaks to a drift rather than a transition. Their argument resonates with the core hypothesis that inspired this volume: that understanding the Green Deal requires a shift in how legal scholars approach regulation—a move from formal doctrinal analysis to empirical, reflexive, and interdisciplinary inquiry.

This imperative for rethinking method and epistemology echoes throughout the contributions. Sabine Pitteloud’s historical deconstruction of the “Green Deal” metaphor dismantles its rhetorical affinity with Roosevelt’s New Deal. Instead of an assertive interventionist state, the contribution exposes how contemporary European policy continues to privilege market mechanisms and accommodate industry demands. Historical insight here is not merely contextualizing but critical: it reveals how history is mobilized to legitimize policy and warns against uncritical acceptance of teleological narratives. Pitteloud’s close reading of European policy trajectories emphasizes the need to unpack historical metaphors and question their normative weight in shaping today’s regulatory directions.

Pierre Jacques builds on this critique from a macroeconomic modeling perspective. His piece challenges the authority of computable general equilibrium models that frame Green Deal policymaking, revealing their embedded assumptions and failure to grapple with systemic disequilibria. His call for pluralistic, reflexive modeling methods foregrounds the need for economic tools that reflect the uncertainties and socio-ecological entanglements of the transition. Jacques argues that the technocratic closure of economic modeling constrains the range of policy responses and legitimates a narrow view of fiscal and environmental responsibility. His intervention is essential in demonstrating how models are not neutral tools, but sites of normative negotiation.

The problem of disconnection—between regulatory abstraction and situated realities—is central to the contribution by Anna Beckers and Luca Tenreira. Through the lens of global value chains (GVCs) and corporate due diligence, they identify a new legal form emergent within the Green Deal: one that proceduralizes sustainability but remains ambivalent in its normative commitments. Their work highlights the hybridization of legal authority, where law functions less through enforcement and more through alignment with managerial and technological standards. This contribution illuminates how sustainability is rendered governable through forms of proceduralization that obscure deeper structural power asymmetries.

The final piece synthesizes a broader theoretical reflection that emerges from the empirical and analytical work of the volume. It centers on the ontological and methodological reorientation required to study the Green Deal. Rather than framing the EGD as an object of legal implementation, it is considered a transformative regulatory formation whose analysis must begin from its embeddedness in everyday life, its negotiation across social scales, and its performative effects. The text argues that these transformations in law and governance necessitate a relational understanding of legal normativity—one that moves beyond textual coherence or doctrinal consistency to examine how legal forms are enacted, inhabited, and resisted in daily life.

## **2. Future Lines of Inquiry**

Across the contributions gathered in this volume, the European Green Deal is approached through various iterations of the everyday—not as a singular lived reality, but as a multiscalar, multidimensional site of contestation and transformation. Each paper engages with different social ontologies that the Green Deal confronts, displaces, or attempts to reconfigure. Social ontologies refer to the ways people and communities construct their social realities, encompassing their relationships with the environment, economy, and legal systems. They are shaped by historical, cultural, and material conditions and are integral to how communities make sense of their world.

In the opening contribution, Van Zeben and Tenreira examine the Green Deal through its geopolitical logic, showing how ecological ambition is filtered through the imperatives of strategic autonomy, competitiveness, and resilience. Here, the everyday is refracted through macroeconomic dependencies and infrastructural vulnerabilities, revealing how global positioning shapes domestic transformation.

Sabine Pitteloud's intervention adds a historiographic layer, tracing the symbolic appropriation of the New Deal metaphor and its erasure of European traditions of collective action and state-led redistribution. Her work underscores the discursive discontinuities that undergird the Green Deal's public narrative—highlighting the selective memory at play in its legitimizing frames.

Pierre Jacques, in turn, focuses on the epistemic architecture of economic modeling, unpacking how equilibrium logics and techno-scientific rationalities obscure the everyday uncertainties of socio-ecological transitions. He foregrounds the scalar tensions that emerge when complex realities are forced into predictive frames, and calls for pluralizing the tools used to make futures governable.

Meanwhile, Beckers and Tenreira's contribution reorients attention to the infrastructural and managerial layers of the Green Deal, where law is enacted not only through binding rules but through due diligence procedures, compliance mechanisms, and supply chain governance. Their work shows how law now operates through diffused infrastructures of accountability, rendering sustainability simultaneously actionable and ambiguous.

What binds these contributions is a shared recognition that the Green Deal is not experienced uniformly but negotiated across frictions – between ecological claims and extractive demands, between institutional abstraction and grounded life. Each paper also identifies, in its own way, the persistence of a veil: a lingering opacity in how the EU conceives of and relates to social realities. Whether through strategic silence, depoliticized expertise, or procedural

displacement, this veil conceals the Green Deal's material and social effects. Polarization should not be dismissed merely as a sign of dysfunction but understood as a dynamic tension that can spur legal and social innovation. Immanent critique posits that the contradictions between socio-economic aspirations and ecological imperatives, or between collective security and individual autonomy, are not merely conflicts to be resolved but productive tensions to be harnessed. Through critical engagement with these tensions, the present contributions develop conceptual and methodological strategies to unveil the Green Deal's assumptions, thus reconnecting it with the "realities".

What these contributions collectively enact is a set of ontological and methodological reorientations that align with the construction of an emerging theoretical framework: *Law and European Society*. This framework departs from viewing Europe as a pre-given space or a coherent legal order, and instead conceptualizes it as a fragile and contested social formation—one whose meaning is constantly negotiated through material, epistemic, and institutional tensions. Ontologically, this requires a shift in focus: from understanding law as an abstract, self-contained system to approaching it as a mediating force in the constitution of social worlds. Each paper in this volume contributes to this reframing. Whether it is Jacques' unpacking of economic modeling as a tool of world-making, Pitteloud's critique of the historical narratives that legitimize policy, or Beckers and Tenreira's exploration of the procedural turn in sustainability governance, all move beyond law as doctrine to explore law as infrastructure, narrative, and lived relation.

Methodologically, the *Law and European Society* approach emphasizes an immanent mode of critique—one that works within legal forms to expose their blind spots, frictions, and exclusions. Rather than engaging in critique from a distance, it invites scholars to attend to the internal contradictions of legal reasoning, the tacit assumptions that underpin regulatory design, and the everyday consequences of technocratic abstraction. Central to this approach is a heightened sensitivity to materiality, the acknowledgment of epistemic plurality, and a readiness to confront the limits of legal knowledge. The contributions in this volume embody this orientation. They refuse to treat the Green Deal as merely a symbol of ecological ambition or a policy artifact. Instead, they interrogate how it co-produces subjectivities, legitimates selective forms of knowledge, and redistributes normative authority across scales and actors. In doing so, they help shape a European legal scholarship that is not only more reflexive but also more attuned to the constitutive tensions and lived realities of contemporary European integration.

### **3. Conclusions**

This concluding chapter offers only a partial contribution to what must become a much broader and more plural research agenda on the European Green Deal and its legal-political effects. While this volume centers on the everyday transformations, epistemic tensions, and infrastructural reconfigurations within the EU's internal space, many crucial dimensions remain to be addressed. In particular, the neo-colonial legacy and external dependencies embedded in Green Deal instruments – such as critical raw material strategies, carbon border adjustment mechanisms, and energy partnerships – demand sustained attention. Recent interventions have begun to interrogate how the EGD reproduces historical hierarchies of extraction and environmental displacement, extending Europe's green transition beyond its borders through legal and economic asymmetries (Kilpatrick & Scott 2025; Aty-Biyo 2024). Likewise, deeper

engagements are needed with questions of the migration-sustainability nexus, the politics of green financialization, and the neo-colonial character of these texts. These issues point to the need for cross-disciplinary and transregional collaborations capable of tracing the Green Deal's uneven footprints, both within and beyond Europe. What is offered here, then, is not a closure but an opening—a situated contribution to the ongoing task of thinking Europe through its legal, social, and ecological entanglements.



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