DeCrises

Background report on the map of multi-level governance for a just and inclusive climate and digital transitions in the EU

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List of abbreviations

ACER	Agency for the Cooperation of Energy Regulators
ADM	automated decision-making
AI	artificial intelligence
AI Act	Artificial Intelligence Act (Regulation (EU) 2024/1689)
AVI	Regional State Administrative Agencies (Finland)
BaFin	Bundesanstalt für Finanzdienstleistungsaufsicht (German Federal Financial Supervisory Authority)
CDSMD	Copyright in the Digital Single Market Directive (Directive (EU) 2019/790)
CEC	Citizen Energy Community
CERT	Computer Emergency Response Team
CHP	combined heat and power
CIPIL	Centre for Intellectual Property and Information Law (University of Cambridge)
CJEU	Court of Justice of the European Union
CKPAP	Centre for Public Administration Research
CSIRT	Computer Security Incident Response Team
DESI	Digital Economy and Society Index
DigDir	Norwegian Digitalisation Agency (Digitaliseringsdirektoratet)
DMA	Digital Markets Act (Regulation (EU) 2022/1925)
DORA	Digital Operational Resilience Act
DSA	Digital Services Act
DSC	Digital Services Coordinator
DVI	Data State Inspectorate (Latvia)

EAIB	European AI Board
EBDS	European Board for Digital Services
ECJ	European Court of Justice
ECSO	European Cyber Security Organisation
ED	environmental decisions
EDRi	European Digital Rights
EEA	European Economic Area
EECC	European Electronic Communications Code
EED	Energy Efficiency Directive
EFTA	European Free Trade Association
ENISA	European Union Agency for Cybersecurity
EPBD	Energy Performance of Buildings Directive
ESA	EFTA Surveillance Authority
EU	European Union
GDPR	General Data Protection Regulation
GW	gigawatt
ICT	information and communication technology
IEA	International Energy Agency
JTF	Just Transition Fund
JYU	University of Jyväskylä
KEM	Ministry of Climate and Energy (Latvia)
KIloven	proposed Norwegian Act on Artificial Intelligence (lov om kunstig intelligens)
KRRiT	National Broadcasting Council (Poland)

KSC	Act on the National Cybersecurity System (Poland)
LIBER	Ligue des Bibliothèques Européennes de Recherche (Association of European Research Libraries)
LLPA	Latvian Association of Large Cities
LPS	Latvian Association of Local and Regional Governments
LSDP	local spatial development plan
LULUCF	land use, land-use change and forestry
LVM	Ministry of Transport and Communications (Latvia)
MLG	multilevel governance
MW	megawatt
NA	National Alliance (Latvia)
NECP	National Energy and Climate Plan
NGO	non-governmental organisation
NIFS	Network for Information Security (Norway)
NIS1	Network and Information Security Directive (Directive (EU) 2016/1148)
NIS2	Network and Information Security Directive 2 (Directive (EU) 2022/2555)
NKom	Norwegian Communications Authority
NSM	Norwegian National Security Authority
NVE	Norwegian Water Resources and Energy Directorate
OIK	Mandatory Procurement Component (Latvia)
PARP	Polish Agency for Enterprise Development
PEP2040	Polish Energy Policy until 2040
PiS	Law and Justice (Prawo i Sprawiedliwość, Poland)
PTAC	Consumer Rights Protection Centre (Latvia)

REC	Renewable Energy Community
REDII	Renewable Energy Directive II (Directive (EU) 2018/2001)
REDIII	Renewable Energy Directive III (Directive (EU) 2023/2413)
RIS3	Regional Innovation Strategies for Smart Specialisation
SKG	Storkommunegruppa (Large Municipalities Group, Norway)
TAP	Legal Acts Portal of Latvia (Tiesību aktu projekti)
TEM	Ministry of Economic Affairs and Employment (Finland)
TFEU	Treaty on the Functioning of the European Union
UKE	Office of Electronic Communications (Poland)
UODO	Personal Data Protection Office (Poland)
UOKiK	Office of Competition and Consumer Protection (Poland)
VARAM	Ministry of Smart Administration and Regional Development (Latvia)
WIB	Virtual Research Institute (Latvia)
YM	Ministry of the Environment (Finland)

General Introduction

This report provides background information on Deliverable 1.1, explains the reasoning behind the statements, and cites the academic sources supporting our assessment. The deliverable 1.1 maps the multilevel governance (MLG) gaps that emerge in the EU's climate and digital transitions, with the aim of identifying where greater public deliberation and social innovation could meaningfully improve governance outcomes. It does so by analysing how strategic agenda-setting, decision-making and legal authority, policy instruments and incentives, implementation capacity, as well as coordination and participation unfold across governance levels-- from the supranational (European Union (EU), European Economic Area (EEA)/European Free Trade Association (EFTA)) to national, regional, municipal, and community/civil society levels-- in four country cases, analysed in DeCrises: Finland, Latvia, Norway and Poland.

For each country, both the climate and digital transitions are examined. The analytical focus is on tracing structural and recurring governance gaps that constrain the effective implementation of the EU's twin transition. In the deliverable 1.1, these mapped gaps form the empirical basis for identifying spaces where enhanced public deliberation, bottom-up engagement, and social innovation could strengthen MLG in future transition processes.

This work is structured around the objective to examine top-down and bottom-up processes shaping the climate and digital transitions. From a top-down perspective, the analysis maps how EU-level climate and digital policies are translated into national legal frameworks and administrative practices, and how these, in turn, are (or are not) reflected in implementation at regional, sub-regional, and local levels. This includes identifying where responsibilities are concentrated, fragmented, or left ambiguous across levels, and where coordination mechanisms fail to connect with different stakeholders. From a bottom-up perspective, the deliverable maps how regions, municipalities, local communities, and civil-society actors engage with these transitions. Attention is paid to both micro-level dynamics, such as incremental changes in local governance or service provision, and macro-level dynamics, such as attempts by subnational actors to influence national strategies, legal transposition, or EU-driven reforms.

The mapping exercise identifies whether and how bottom-up involvement enters governance processes, and where it is structurally delayed, marginalised, or reduced to conflict management rather than co-creation. Methodologically, we use EU infringement proceedings as a central analytical category to identify MLG gaps. Infringement procedures are treated not simply as indicators of legal noncompliance, but as signals of systemic governance stress within multilevel systems. Infringements arise when EU law is not transposed, implemented, or enforced effectively; as such, they highlight failures in coordination across levels, insufficient administrative capacity, political blockages, or the failure to adequately integrate local implementation realities into policy design. Member states'

The background report depicts the both transition processes in the four countries. In all eight chapters, section 2 is organised by level of governance (EU, national, sub-national/regiona and municipal), and at each level it applies the same analytical grid as the accompanying multilevel-governance matrix (D1.1): strategic authority and policy orientation; decision-making power and

legal authority; policy instruments, resources and incentives; implementation capacity; and coordination, participation and inclusion. Section 3 then treats the matrix's final dimension – infringement procedures as indicators of multilevel-governance challenges – in its own right, followed by an analysis of specific cases and typical obstacles in the transformation processes in the respective countries and a conclusion.

1. Climate Governance in Finland: Multilevel Structures and EU Infringement Proceedings

1.1 Introduction

Finland presents a striking contrast within the EU's climate governance landscape. It is a country with ambitious, legally binding climate targets—carbon neutrality by 2035, the earliest legally binding carbon-neutrality target among industrialised countries" – an advanced nuclear and renewable energy mix, a world-first carbon tax introduced as long ago as 1990, and a firmly institutionalised climate policy architecture. Yet simultaneously, Finland has faced recent infringement proceedings for incomplete transposition of key EU climate directives, a political coalition that includes a party openly hostile to climate policy, and deep structural tensions between its forest-industry priorities and EU sustainability rules.

Finland is a parliamentary republic with a unicameral parliament (Eduskunta) and a directly elected President with primarily representative functions in the field of climate and environmental policy. The twin climate and digital transition is led across several ministries: primarily the Ministry of Economic Affairs and Employment (TEM), the Ministry of the Environment (YM), and supported by the Ministry of Finance, the Ministry of Transport and Communications, and others, all represented in a Ministerial Working Group on Climate and Energy Policy. Finland has 308 municipalities[1] with directly elected councils, 21 wellbeing services counties created in 2023, and 19 NUTS3 planning regions. The autonomous Åland Islands hold their own parliament and government, creating a specific multilevel governance complexity discussed further below.

This background report analyses Finland's multilevel governance architecture for climate policy and the EU infringement proceedings that reflect its structural tensions. It draws on official EU and Finnish government publications, academic literature, and consultation records. Section 2 provides an overview of the multilevel governance framework. Section 3 examines EU infringement proceedings across the key climate directives. Section 4 discusses Finland's renewable energy profile and governance challenges. Section 5 reflects on political dynamics. Section 6 concludes.

1.2 Multilevel Governance Architecture for Climate Policy

1.2.1 The EU Level: Binding Obligations and Pressure for Alignment

The EU provides the overarching strategic frame for Finland's climate governance through binding directives and regulations—particularly the Renewable Energy Directive (REDII, 2018/2001, revised by REDIII, 2023/2413), the Energy Efficiency Directive (EED, 2018/2002 and its 2023 revision 2023/1791), the Energy Performance of Buildings Directive (EPBD, 2018/844), the Electricity Market Design Directive (2019/944 and its 2024 amendment 2024/1711), and the

[1] Statistics Finland. (2025). Municipalities 2025. https://stat.fi/en/luokitukset/kunta/kunta_1_20250101

extensions of the EU Emissions Trading System (EU-ETS2, Directive 2023/959; aviation ETS, Directive 2023/958).

The EU has also created indirect but powerful incentives for climate alignment through ETS carbon pricing, sustainability criteria embedded in the Renewable Energy Directives, and formal recommendations on Finland's National Energy and Climate Plan (NECP). Tensions have been sharpest between Finland's forest-sector priorities and EU sustainability rules: Finland's and the EU's visions on forestry and bioenergy "strongly diverged" from around 2019 onwards, with Finnish forest policy identifying EU policy partly as "a threat to national priorities, which remained predominantly production-oriented."[2] An institutional policy analysis of Finland's response to the New EU Forest Strategy 2030 identifies a deliberate "politics of delay", in which formal commitment to EU climate and biodiversity objectives is combined with an "all talk, little action" implementation strategy, legitimised by appeals to national sovereignty, private property rights, and the claim that Nordic forestry expertise is sidelined in Brussels. This suggests that Finland's transposition deficits in the forest-related climate acquis are not merely a matter of administrative capacity but reflect a strategic, interest-driven pattern of delayed compliance at the national level of the multilevel system.[3]

1.2.2 The National Level: Strong Administrative Capacity, Political Fragmentation

At the national level, Finland holds final authority over EU-related strategic orientation, the decisive actors are Parliament, the Government and the key ministries (above all TEM and YM); the President plays no operative role in climate or EU policy. The national government defines binding climate goals through the Reformed Climate Change Act of 2022,[4] which sets carbon neutrality by 2035 and emission reduction targets of −60% by 2030, −80% by 2040, and at least −90%, striving for −95%, by 2050 (relative to 1990 levels). These figures are among the most ambitious in the industrialised world.

The revised 2022 Climate Change Act provides a comprehensive governance framework requiring four distinct policy plans — covering long-term strategy, medium-term action, adaptation, and land use — alongside obligatory annual parliamentary reporting and input from independent scientific experts, the Sámi Parliament, and sectoral low-carbon roadmaps developed in collaboration with industry.[5] Finland's revised Climate Change Act of 2022 primarily targets state authorities, but a supplementary amendment coming into force in March 2023 extends its scope to

[2]Siiskonen, H., Tikkanen, J., & Pykäläinen, J. (2025). Policy integration and coherence of EU and Finnish forest policy. Forest Policy and Economics, Volume 178,103586, https://doi.org/10.1016/j.forpol.2025.103586, p. 7.

[3] Pietarinen, N., Pecurul-Botines, M., & Brockhaus, M. (2025). Politics of delay hinder the implementation of EU Forest Strategy in Finland. Ambio, 54(12), 2154–2169. https://doi.org/10.1007/s13280-025-02207-8

[4]Republic of Finland. (2022). Climate Change Act (423/2022). Ministry of the Environment. https://ym.fi/en/climate-change-legislation.

[5] European Parliamentary Research Service. (2024). Finland's climate action strategy (Briefing PE 767.180). European Parliament. https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2024)767180.

municipalities, obliging all local councils to draw up climate plans including greenhouse gas reduction targets at least once per council term.[6] The procedural quality of this framework has itself become an object of research: an analysis of the public consultation on the Climate Change Act amendment shows that citizens placed strong emphasis on the procedural values of the drafting process – transparency, inclusiveness and the use of scientific knowledge – and that perceptions of the Act's legitimacy ranged from demands for additional climate measures to outright climate scepticism, foreshadowing the politicisation that later materialised in the governing coalition.[7]

A further, increasingly important layer of vertical accountability in Finland's multilevel climate governance is judicial: the 2022 Climate Change Act's appeal provisions have enabled the first Finnish climate litigation. In Finland's first climate case, the Supreme Administrative Court dismissed an appeal by environmental NGOs on procedural grounds in June 2023, but signalled that governmental inaction could become justiciable if it would lead to an outcome violating the Climate Change Act (KHO:2023:62). In the second climate case, decided in January 2025, the Court – explicitly drawing on the European Court of Human Rights' KlimaSeniorinnen judgment – found the appeal admissible, thereby broadening access to justice, although it ultimately deferred to the Government's assurances of future action.[8] These cases connect the national climate framework directly to EU and Council of Europe law and demonstrate that compliance pressure on Finland no longer flows exclusively from the Commission's infringement machinery, but also from domestic courts mobilised by civil society.[9]

Despite this strong institutional architecture, national-level coherence is complicated, especially since coalition government formed after the April 2023 parliamentary elections includes the Finns Party. The Finns Party expressed climate change skepticism several times and thus made the governmental climate protection policy less coherent.[10]

1.2.3 The Regional and Åland Level: New Structures and Constitutionalised Autonomy

Finland reformed its regional environmental governance structures through legislation approved in June 2025, which establishes a new nationwide Finnish Supervisory Agency by merging the Regional State Administrative Agencies (AVI) and the environmental units of the Centres for Economic Development, Transport and the Environment (ELY Centres) into a single authority

[6] Honkonen T., (2023), Does the new Finnish Climate Change Act promote urban climate resilience?, FMI's Clim. Bull. Res. Lett., 5(1), 18–19, https://doi.org/10.35614/ISSN-2341-6408-IK-2023-01-RL
[7] Albrecht, E., Pietilä, I., & Saarela, S.-R. (2022). Public perceptions on the procedural values and proposed outcomes of the Finnish Climate Change Act amendment. Frontiers in Climate, 3, 657241. https://doi.org/10.3389/fclim.2021.657241
[8] Supreme Administrative Court of Finland. (2023). Decision KHO:2023:62 of 7 June 2023 (Finnish Association for Nature Conservation and Greenpeace Nordic v. the Government); Supreme Administrative Court of Finland. (2025). Decision of 8 January 2025 (Finnish Association for Nature Conservation and others v. the Government).
[9] GreenDeal-NET. (2025). Through the court's door, but not much further: Finnish Climate Case II explained. https://www.greendealnet.eu/Finnish-Climate-Case-II-Explained
[10] Yle News (2025). Climate Act drives wedge between Finland's coalition partners. https://yle.fi/a/74-20157011

effective January 2026. This "one-stop shop" model centralises environmental permitting into a unified digital process, thereby streamlining climate-relevant decision-making at the regional level.[11]

The autonomous Åland Islands constitute Finland's most distinctive multilevel governance challenge. Åland holds legislative powers in several environmental areas, including land and water use, yet its climate strategy is tightly bounded by national oversight and binding EU rules. Critically, Åland cannot defend itself before the ECJ and relies on Finland to represent it—creating a structural risk. By 2019, Åland accounted for roughly half of all of Finland's EU environmental infringement cases, linked to its limited administrative capacity and complex oversight arrangements.[12]

1.2.4 The Municipal Level: De Facto Influence Without Formal Climate Mandates

Finnish municipalities possess considerable autonomy in land use policy and act in a dual role as both planning authority and land developer, granting them substantial influence over spatial development and, by extension, over climate-relevant objectives such as urban densification, climate-adaptive housing, planning of wind and solar power parks, and land use efficiency. Although sustainability goals are broadly acknowledged in municipal strategy documents, locally embedded motives — particularly the management of public land development activities and the stabilisation of municipal finances — dominate in practice over global or supranational climate agendas. In general, climate-related objectives in municipal land use policies often tend to remain abstract and poorly operationalised, as binding targets from higher governance levels are absent and vertical coherence between overarching climate goals and concrete land policy measures is rarely established.[13]

1.3 EU Infringement Proceedings

The following are the key active or recently resolved EU infringement proceedings against Finland in the field of climate and energy.

The key infringement proceedings are:

1. Partial transposition of Renewable Energy Directive II (Directive 2018/2001), Art. 26(2): INFR(2021)0293. Resolved January 2024.
2. Partial transposition of REDIII permitting provisions (Directive 2023/2413): INFR(2025)0232. Active.

[11] Snellman, Hannes (2025). One-Stop Shop Model for Environmental Matters to Be Introduced at the Beginning of 2026 – This Is How the Permitting Process Will Change. https://www.hannessnellman.com/news-and-views/blog/one-stop-shop-model-for-environmental-matters-to-be-introduced-at-the-beginning-of-2026-this-is-how-the-permitting-process-will-change/.
[12] cf. Alfredsson, G., & Lindholm, G. (2024). *The Autonomy of the Åland Islands: Constitutional and International Law Challenges* (Vol. 18). Brill.
[13] cf. Krigsholm, P. (2024). Characterising the ultimate ends of municipal land policy: An analysis of land policy aim setting in Finnish municipalities. *Planning Theory & Practice*, *25*(5), 660-676.

3. Partial transposition of Energy Performance of Buildings Directive (Directive 2018/844): INFR(2020)0181. Reasoned opinion July 2022.

4. Partial transposition of Energy Efficiency Directive (Directive 2018/2002): INFR(2020)0395. Reasoned opinion April 2022.

5. Partial transposition of Electricity Market Design Directive (Directive 2019/944): INFR(2021)0046. Reasoned opinion April 2023.

6. Infringement – Electricity Market Design Directive amendment (Directive 2024/1711): INFR(2025). Letter of formal notice March 2025. Active.

7. Lack of full transposition of EU-ETS2 (Directive 2023/959): INFR(2024)0057; letter of formal notice January 2024; reasoned opinion May 2025. Active.[14]

8. Lack of full transposition of EU-ETS aviation (Directive 2023/958): INFR(2024)0056; letter of formal notice January 2024; reasoned opinion May 2025. Active.[15]

9. Breach of the Methane Regulation (EU) 2024/1787 – failure to designate and notify a competent authority for monitoring and enforcement: INFR(2025)2113. Reasoned opinion December 2025. Active. This case is notable because it concerns the application of a directly applicable regulation rather than the transposition of a directive, indicating that Finland's compliance problems in the climate and energy acquis extend beyond delayed transposition to delays in building the administrative structures EU law requires.[16]

A distinctive feature of Finland's infringement record is that a disproportionate share of cases has historically been linked to Åland, due to its limited administrative capacity and constitutionally complex oversight relationship with the national level.

In general, the infringement cases against Finland reveal a pattern of reactive transposition, where EU climate directives are consistently completed, and pending cases resolved, only under formal Commission pressure". Whilst subnational actors (municipalities, regional authorities, and bodies such as the Association of Finnish Local and Regional Authorities) are formally consulted during legislative processes, their input appears largely advisory, with limited evidence that their concerns — particularly around administrative burden, financial impacts, and definitional clarity — are systematically incorporated into final legislation. At the same time, the ongoing centralisation of renewable energy permitting from regional ELY centres to the new national Supervisory Authority points to a deliberate rebalancing of the multilevel governance architecture, one that trades local responsiveness for streamlined compliance with EU requirements.

[14] European Commission. (2025a). May infringement package – key decisions on energy. Directorate-General for Energy. https://energy.ec.europa.eu/news/may-infringement-package-key-decisions-energy-2025-05-07_en

[15] European Commission. (2025a). May infringement package – key decisions on energy. Directorate-General for Energy. https://energy.ec.europa.eu/news/may-infringement-package-key-decisions-energy-2025-05-07_en

[16] European Commission. (2025b). December infringements package: Key decisions on energy. Directorate-General for Energy. https://energy.ec.europa.eu/news/december-infringements-package-key-decisions-energy-2025-12-11_en.

Beyond the transposition cases listed above, the most likely future locus of EU enforcement against Finland lies in substantive non-compliance with the LULUCF Regulation. The Government's own Annual Climate Report 2025 concedes that the land-use sector was again a net source of emissions in 2024 and that, without additional measures, Finland will probably not meet its binding obligations under the EU LULUCF Regulation, with any uncovered deficit transferring to the effort-sharing sector and thereby compounding Finland's compliance burden there.[17] The European Parliamentary Research Service likewise notes that, owing to the collapse of the forest carbon sink, Finland's net emissions in 2023 were only 11% below 2005 levels, compared with an EU average reduction of 30.5% – a striking divergence for a country with one of the most ambitious climate laws in the Union, and one that underlines how Finland's infringement record and its substantive compliance gap are rooted in the same forest-sector political economy.[18]

1.4 Renewable Energy: Wind Power Expansion and Chances for Municipalities

Finland has firmly established itself as a European leader in renewable energy, with electricity prices among the lowest in Europe, whilst rapidly expanding its clean energy capacity. Wind power now accounts for nearly 28 per cent of the country's electricity generation, making it Finland's second-largest source of power, surpassing hydropower and trailing only nuclear energy. In 2025, wind delivered approximately 28 per cent of domestic electricity production while hydropower slipped to 16 per cent, renewables as a whole overtook nuclear as Finland's largest power source, and 95 per cent of domestically generated electricity was fossil-free, with coal use in energy production ending in spring 2025 – four years ahead of the statutory 2029 phase-out deadline.[19] The growth has been particularly remarkable given that over 70 per cent of Finland's wind power capacity has been developed entirely on market terms, without government subsidies, since 2019. With electricity demand set to rise further due to industrial investment and electrification, Finland's broad renewable portfolio — increasingly complemented by growing solar capacity — positions the country at the forefront of the clean energy transition in Europe.[20]

As outlined above, Finland is characterised by the central role of municipalities. This has produced a distinctive dynamic: financially incentivised municipalities—particularly remote ones with low tax revenues—tend to welcome wind projects for property tax income, while appeals by citizens—often successful in delaying but rarely in blocking projects—have created multi-year delays. A

[17] Ministry of the Environment. (2025). Annual Climate Report 2025. Finnish Government. https://ym.fi/en/annual-climate-report-2025

[18] European Parliamentary Research Service. (2024). Finland's climate action strategy (Briefing PE 767.180). European Parliament. https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2024)767180

[19] Yle News. (2026). Renewables surpass nuclear as Finland's biggest power source. https://yle.fi/a/74-20205942; Statistics Finland data as reported in Xinhua. (2025). Finland's renewable energy share rises to 43 pct in 2024.

[20] Renewables Finland. (2026). Wind power becomes Finland's second-largest source of electricity. https://suomenuusiutuvat.fi/en/wind-power-becomes-finlands-second-largest-source-of-electricity/

2022 survey of 200 municipalities without existing wind power found that 71% of municipal leaders favoured installation.[21] Wind power has emerged as a vital source of income for many Finnish municipalities, with real estate tax revenues from wind turbines projected to account for more than half of the total tax revenue in several smaller communities within just a few years. For struggling municipalities, these revenues represent a financial lifeline, offering the prospect of reducing municipal tax rates significantly whilst safeguarding their independence from forced mergers with neighbouring authorities.[22]

Finland has adopted legislation introducing a single definition of 'Local Energy Communities', which more closely mirrors the EU's Citizen Energy Community (CEC) concept than the Renewable Energy Community (REC) framework established under RED II, leaving a notable gap in the enabling framework for fully-fledged renewable energy communities. Lukkarinen et al. (2023) reveal that mobilising collective citizen energy action — particularly through housing companies — faces significant governance challenges, as decision-making is fragmented across central government, local authorities, and a diverse range of stakeholders with differing priorities and capacities. Whilst electricity sharing via virtual net metering has been introduced, the broader regulatory and support framework required to empower renewable energy communities remains underdeveloped, constraining Finland's ability to fully harness citizen-led contributions to its energy transition.[23]

1.5 Political Dynamics and Structural Tensions

Finland's climate governance faces a fundamental structural tension: the country has enacted one of the most ambitious climate law frameworks in the world, yet the governing coalition (formed after the April 2023 elections) includes the Finns Party—an anti-wind power, climate-sceptic party that has announced in April 2025 its intention to repeal the Climate Change Act.[24] This creates a duality between the legally binding climate architecture—anchored in the 2022 Climate Act and underpinned by EU obligations—and the political reluctance of coalition partners to advance further climate measures or defend existing ones.

The IEA's Finland 2023 Energy Policy Review provides a comprehensive assessment of Finland's energy system and its ambitious target of achieving carbon neutrality by 2035, supported by binding legislative obligations to reduce greenhouse gas emissions. Bioenergy and forestry

[21]Pantsu, P. (2022). Few municipalities oppose the arrival of wind turbines due to hefty tax revenues and environmental reasons. Yle. https://yle.fi/a/3-12285657.

[22]Pantsu, P. (2021). Wind power has quietly become a source of money for languishing municipalities – power plants generate so much money that "tax havens" will soon be created in Finland. Yle. https://yle.fi/a/3-11964659.

[23] Lukkarinen, J. P., Salo, M., Faehnle, M., Saarikoski, H., Hyysalo, S., Auvinen, K., ... & Marttila, T. (2023). Citizen energy lost in sustainability transitions: Knowledge co-production in a complex governance context. *Energy Research & Social Science*, *96*, 102932.

[24] Yle News (2025). Climate Act drives wedge between Finland's coalition partners. https://yle.fi/a/74-20157011.

biomass are central pillars of the Finnish energy system, accounting for 33.6% of total energy supply in 2021 — by far the largest single source — whilst forestry products also rank among Finland's most important exports, reflecting the deep structural significance of the sector to the national economy. Peat, though declining, remains politically and regionally sensitive: in 2021 it still accounted for 2.7% of total energy supply, and the government's response to the energy crisis triggered by Russia's invasion of Ukraine included actively securing peat reserves and increasing the availability of forest chips, illustrating that security-of-supply concerns can readily override climate ambitions. A critical vulnerability identified by the IEA is Finland's heavy reliance on the LULUCF sector to deliver carbon removals of 21 Mt CO_2 per year, yet in 2021 the land-use sector became a net source of emissions for the first time, largely due to record roundwood removals of 76.3 million cubic metres — a trend driven in part by an industry that carries considerable political weight across parties with strong rural and forestry constituencies, notably the agrarian Centre Party and the parties of the current centre-right coalition. The IEA therefore warns that should the LULUCF sector continue to underperform, Finland's 2035 net-zero ambition will require substantially more demanding measures in the energy sector, making the country's climate goals genuinely difficult to reconcile with the economic and political realities of its forestry and peat industries.[25]

1.6 Conclusions

Finland's multilevel climate governance is characterised by strong national-level architecture, constitutionally anchored and internationally ambitious in its targets, combined with structural tensions that account for its EU infringement record. Unlike Latvia’s situation—where infringements primarily reflect ministerial fragmentation, coalition instability, and the absence of a functioning national climate law—Finland's infringements arise from a different set of dynamics: sectoral economic interests (forestry, peat), political resistance within the governing coalition, the constitutional complexity introduced by Åland, limited administrative capacity at the regional level, and the genuine difficulty of reconciling Finland's biomass-heavy energy mix with tightening EU sustainability criteria.

The municipal level plays a structurally significant role in Finland's climate governance, particularly through land-use planning for wind energy. This makes Finland's renewable energy transition more susceptible to sub-national variation and legal contestation than a purely centralised system would be. The January 2026 centralisation of permitting in the Finnish Supervisory Agency represents a deliberate policy choice to reduce this fragmentation, at the cost of reduced local discretion.

Key structural reforms underway—the one-stop-shop permitting authority, the first offshore wind tenders, the expanded ETS2 coverage, and the new building code—address real implementation bottlenecks. However, the repeal of mandatory municipal climate plans, the political coalition's resistance to the Climate Act, and the unresolved tensions between Finland's forest policy and EU

[25]International Energy Agency (IEA). (2023). Finland 2023 – Energy Policy Review. IEA/OECD. https://www.iea.org/reports/finland-2023.

sustainability obligations mean that Finland's capacity to fully resolve its open infringement proceedings and sustain its 2035 carbon neutrality trajectory remains structurally contingent on political developments that current governance arrangements cannot guarantee.

2. Digitalisation Governance in Finland: Multilevel Structures and EU Infringement Proceedings

2.1 Introduction

Finland occupies an instructive position in the EU's digital governance landscape: a country with strong administrative capacity, a well-developed digital public sector, and consistent top rankings in the EU's Digital Economy and Society Index (DESI), yet simultaneously subject to infringement proceedings across multiple digital directives. Finland's infringement record in the digital domain reflects not a general administrative failure but rather a set of specific structural tensions: the constitutional complexity introduced by the autonomous Åland Islands, whose limited capacity has generated a disproportionate share of national infringement cases; politically charged transposition processes in which stakeholder lobbying reshaped legislative drafts at late stages; and recurring mismatches between the EU digital legislative framework and established Finnish legal traditions. Finland is, in this sense, a paradoxical frontrunner: a highly capable, digitally advanced state that nevertheless experiences repeated infringement proceedings – not because it lacks capacity, but because constitutional limits, the autonomy of the Åland Islands, and uneven consultation mechanisms repeatedly complicate the transposition of EU digital law. This paradox is what makes the Finnish case analytically valuable for the wider debate on multilevel digital governance: it shows that administrative excellence at the national level does not, on its own, guarantee smooth multilevel compliance.

In Finland, digital economy and innovation policy is led by the Ministry of Economic Affairs and Employment (TEM, digital economy and innovation policy), while cybersecurity responsibilities are shared with the Finnish Transport and Communications Agency (Traficom). The digitalisation of public administration is led by the Ministry of Finance, while digital infrastructure and communications policy – including cybersecurity – falls under the Ministry of Transport and Communications (LVM), under which Traficom operates. The country has 308 municipalities with directly elected councils, 21 wellbeing services counties created in 2023, and five NUTS2 regions, one of which is the special autonomous region of Åland.

This report analyses Finland's multilevel governance architecture for digitalisation policy and the EU infringement proceedings that illuminate its structural tensions. It draws on official EU and Finnish government publications, consultation records, and peer-reviewed academic literature. Section 2 provides an overview of the multilevel governance framework. Section 3 examines EU infringement proceedings across the key digital directives. Section 4 examines the CDSMD transposition in depth and then draws together the report’s implications for public participation and social innovation. Section 5 concludes.

2.2 Multilevel Governance Architecture for Digitalisation Policy

2.2.1 The EU Level: Binding Standards and Compliance Pressure

The EU provides the overarching strategic and regulatory direction for Finland's digitalisation policy through a dense framework of binding instruments. The key directives relevant to Finland's recent infringement record include the Copyright in the Digital Single Market Directive (CDSMD, 2019/790), the revised Audiovisual Media Services Directive (2018/1808), the Online Broadcasting ("SatCab II") Directive (2019/789), a copyright instrument adopted alongside the CDSMD, the Open Data and PSI Directive (2019/1024), the Digital Content and Digital Services Directive (2019/770), the NIS2 Cybersecurity Directive (2022/2555), the Company Law Digitalisation Directive (2019/1151), and the GDPR (as regards effective judicial remedy).

A distinctive feature of Finland's relationship with EU digital law is the constitutional status of the Åland Islands. Åland holds legislative competence in several digital-adjacent fields—including media, culture, and language rights—and provides its own positions on digital directives, particularly where Swedish-language access and cultural rights are implicated. However, Åland cannot appear before the European Court of Justice (ECJ), meaning all EU enforcement runs through Helsinki. This creates a structural risk: infringement proceedings initiated against Finland can concern issues specific to Åland that the central government has limited capacity or incentive to address swiftly.

2.2.2 The National Level: Strong Capacity, Shifting Priorities, and Consultation Deficits

At the national level, TEM leads digital economy and innovation policy, while Traficom is responsible for cybersecurity. EU digital directives are coordinated across multiple ministries through inter-ministerial working groups, with the Ministry of Education and Culture holding primary responsibility for copyright law. Finland has generally strong administrative capacity, ranking first in the final DESI edition of 2022 and continuing to be assessed as a digital frontrunner in the State of the Digital Decade reports since 2023. The Commission's Finland 2025 Digital Decade Country Report confirms this overall picture while nuancing it: Finland is characterised as a technological leader with digitally agile enterprises, skilled citizens and emerging AI leadership, yet fixed gigabit connectivity remains below the EU average, prompting a country-specific recommendation to intensify gigabit roll-out; Finland's national Digital Decade roadmap comprises 14 measures with a budget of EUR 559 million. This annual, recommendation-based monitoring cycle constitutes a second, softer EU compliance mechanism that operates alongside the infringement procedure in steering national digital policy.[26] However, as Melart (2022) and Mylly (2023) document in detail, implementation of legally and technically complex directives

[26] European Commission. (2025). Finland 2025 Digital Decade Country Report. https://digital-strategy.ec.europa.eu/en/factpages/finland-2025-digital-decade-country-report

has exposed capacity limits, inconsistencies, and constitutional conflicts at the national level.[27][28] Strategic direction has sometimes shifted mid-process under stakeholder pressure, as demonstrated paradigmatically by the CDSMD transposition.

A recurring governance weakness identified across multiple digital transposition processes is the quality and timing of stakeholder consultation. The Finnish Government's consultation portal (lausuntopalvelu.fi) formally opens all legislative proposals for comment from municipalities, regional bodies, civil society, and business organisations. In practice, however, consultations have in several cases been poorly timed: subnational actors were asked to comment on draft legislation before the European Commission had even finalised the scope of key implementing measures (notably in the Open Data Directive context, where major cities and Kuntaliitto explicitly criticised this in their consultation responses),[29][30] and the CDSMD transposition underwent fundamental changes between its first and second drafts without a second public consultation round being held—a procedural deficit criticised both by civil society and, notably, by Åland's own legal experts.[31][32]

Recent legal analyses show that the constitutional dynamics visible in the CDSMD case are part of a broader national pattern in Finland's digital governance: the regulation of automated decision-making (ADM) in public administration. Because Section 118 of the Constitution and the Finnish doctrine of official accountability presuppose a human decision-maker, the Chancellor of Justice, the Parliamentary Ombudsman and the Constitutional Law Committee repeatedly constrained the use of ADM by public authorities until dedicated general legislation – amendments to the Administrative Procedure Act and the Information Management Act – entered into force in 2023.[33] Pöysti argues that this Finnish "legal certainty" framework, with its right to a human face in automated administration, complements EU data protection law and anticipates the governance

[27]Melart, S. (2022). The Finnish transposition of Article 17 of Directive 2019/790: progress or regress? Journal of Intellectual Property Law & Practice, 17(5), 437–442. https://doi.org/10.1093/jiplp/jpac030, p. 437.

[28]Mylly, T. (2023). Annex: Finland. In C. Angelopoulos (Ed.), Articles 15 & 17 of the Directive on Copyright in the Digital Single Market: Comparative national implementation report. CIPIL, University of Cambridge. https://informationlabs.org/copyright, p. 22.

[29]City of Tampere. (2020). Consultation response on Open Data Directive transposition. Finnish Government Consultation Portal (lausuntopalvelu.fi). https://www.lausuntopalvelu.fi/FI/Proposal/Participation?proposalId=209d1bca-2280-4e87-ab0f-ef045ff40cd4

[30]Association of Finnish Local and Regional Authorities (Kuntaliitto). (2020). Consultation response on Open Data Directive transposition. Finnish Government Consultation Portal (lausuntopalvelu.fi). https://www.lausuntopalvelu.fi/FI/Proposal/Participation?proposalId=209d1bca-2280-4e87-ab0f-ef045ff40cd4

[31]Melart, S. (2022). The Finnish transposition of Article 17 of Directive 2019/790: progress or regress? Journal of Intellectual Property Law & Practice, 17(5), 437–442. https://doi.org/10.1093/jiplp/jpac030, p. 438.

[32]Andersson, M. (2022, May 19). Åland Provincial Government commentary on the second draft of the Finnish CDSM Directive transposition bill [Consultation response, translated from Swedish]. Åland Provincial Government.

[33] Suksi, M. (Ed.). (2023). The rule of law and automated decision-making: Exploring fundamentals of algorithmic governance. Springer. https://doi.org/10.1007/978-3-031-30142-1

questions raised by the EU AI Act. For the multilevel perspective of this report, the ADM reform demonstrates – in parallel to the Constitutional Law Committee's CDSMD intervention discussed in Section 4.2 – that Finnish constitutional organs systematically act as a national filter through which EU-driven digitalisation must pass, a structural feature that can both delay transposition and improve its fundamental-rights quality.[34]

2.2.3 The Åland Islands: Disproportionate Infringement Risk and the Limits of Formal Autonomy

Åland's contribution to Finland's infringement record is structurally disproportionate: by 2019, Åland accounted for roughly half of all of Finland's EU environmental and digital infringement cases, a pattern that has continued into the digital transition era. The root cause is a combination of limited administrative capacity—Åland is structurally overstretched in keeping pace with the volume of EU directives requiring transposition—and the constitutional complexity of its autonomous status, which creates jurisdictional ambiguity about how EU digital rules apply to Åland's legislative competences in areas such as media, culture, and language rights. Next to that, Åland's legal experts complain that their submitted responses identified errors in the national draft, but found their input ignored by the central government.[35]

2.2.4 The Municipal and Wellbeing County Level: Implementation Burdens Without Structural Voice

Municipalities are significant actors in Finland's digital transition as owners of large datasets, providers of digital public services, and NIS2-obligated entities. They are formally consulted through the lausuntopalvelu.fi portal and coordinated through the Association of Finnish Cities and Municipalities (Kuntaliitto)**.** In practice, however, their influence on final legislative outcomes is inconsistent. Research on Finnish e-government corroborates this structural diagnosis from the implementation side: a longitudinal case study of eight Finnish municipalities jointly tailoring a government-initiated e-service platform found that, because each municipality autonomously decides how to organise its service provision, even centrally provided platforms are adapted divergently to local needs, generating coordination problems, duplicated effort and difficulties in scaling local solutions to the national level. Finland's digital multilevel governance is thus marked by a persistent tension between strong municipal self-government and the standardisation pressures emanating from national platform strategies and EU digital law alike.[36] The Open Data Directive transposition generated extensive detailed feedback from major cities—including Helsinki, Espoo, Tampere, Vantaa, Pori, and Turku—raising substantive concerns about revenue

[34] Pöysti, T. (2023). Legislating for legal certainty, with a right to a human face, in an automated public administration. In M. Suksi (Ed.), The rule of law and automated decision-making: Exploring fundamentals of algorithmic governance (pp. 33–63). Springer. https://doi.org/10.1007/978-3-031-30142-1_3

[35]Andersson, M. (2022, May 19). Åland Provincial Government commentary on the second draft of the Finnish CDSM Directive transposition bill [Consultation response, translated from Swedish]. Åland Provincial Government.

[36] Pekkola, S., Ylinen, M., & Mavengere, N. (2022). Consortium of municipalities co-tailoring a governmental e-service platform: What could go wrong? Digital Government: Research and Practice, 3(1), Article 6. https://doi.org/10.1145/3511889

loss, cybersecurity risks, and implementation costs.[37] The NIS2 transposition similarly produced detailed responses from municipalities and wellbeing services counties, particularly on the impracticability of the 24-hour incident reporting window, the risk of over-inclusion of municipal organisations, and the high financial costs of compliance for smaller bodies.[38]

The wellbeing services counties, created in 2023, have become significant digital actors as implementers of health, social, and rescue service digitalisation. Their situation under NIS2 is particularly complex: multiple supervisory authorities – e.g. Fimea for health functions and Traficom as general supervisory authority – may oversee the same county, creating overlapping and potentially contradictory supervision. Several counties argued in their NIS2 consultation responses that the draft law failed to clarify whether obligations applied to the entire legal entity or only to specific functional units, and urged the creation of a single incident reporting channel.[39]

2.3 EU Infringement Proceedings

The following are the key active or recently resolved EU infringement proceedings against Finland in the field of digitalisation:

1. Copyright in the Digital Single Market Directive (CDSMD, 2019/790): INFR(2021)0232. Referred to ECJ February 2023. Closed June 2023.

2. Online Broadcasting Directive (2019/789) ("SatCab II") The referral of February 2023 concerned five Member States for this directive (Bulgaria, Finland, Latvia, Poland, Portugal)]: Referred to ECJ February 2023. Closed June 2023.

3. Digital Content and Digital Services Directive (2019/770): INFR(2021)0418. Letter of formal notice September 2021. Closed July 2022.

4. Open Data and PSI Directive (2019/1024): INFR(2021)0420. Letter of formal notice September 2021. Closed May 2022.

5. Failure to provide effective judicial remedy for GDPR obligations (INFR(2022)4010). Opened April 2022. Closed May 2024.

6. Company Law Digitalisation Directive (2019/1151): INFR(2023)0215. Letter of formal notice September 2023. Closed February 2025.

7. NIS2 Cybersecurity Directive (2022/2555): INFR(2024)0272. Letter of formal notice November 2024. On 7 May 2025 the Commission escalated the case by sending a reasoned

[37]Ministry of Finance, Finland. (2020, April 24). Working groups for implementation of the Open Data Directive established. Consultation portal. https://www.lausuntopalvelu.fi/FI/Proposal/Participation?proposalId=209d1bca-2280-4e87-ab0f-ef045ff40cd4

[38]Ministry of Transport and Communications, Finland. (2023). NIS2 Directive implementation – working group established (Project LVM027:00/2023). https://valtioneuvosto.fi/hanke?tunnus=LVM027:00/2023

[39]Association of Finnish Local and Regional Authorities (Kuntaliitto). (2023). Consultation response on NIS2 transposition. Finnish Government Consultation Portal (lausuntopalvelu.fi). https://www.lausuntopalvelu.fi/FI/Proposal/Participation?proposalId=4433cf2a-00ca-412e-8f47-20c55031b8dd

opinion to 19 Member States, including Finland, for failing to notify full transposition of NIS2.[40] Finland's implementing legislation, the Cybersecurity Act (124/2025), had entered into force shortly before, on 8 April 2025, consolidating previously sector-specific cybersecurity obligations into a single horizontal framework with Traficom as general supervisory authority – a deliberately minimalist transposition adopted roughly six months after the EU deadline of 17 October 2024.[41]]

Several cross-cutting patterns are visible across these proceedings. First, the Åland dimension contributes to Finland's infringement risk across multiple digital directives, as Åland's limited capacity to transpose large numbers of EU directives—many of which touch on its autonomous competences in media and culture—creates persistent compliance gaps. Second, transposition delays rooted in domestic political and constitutional conflicts—most dramatically illustrated by the CDSMD—have on two occasions led to ECJ referrals rather than mere reasoned opinions. Third, a mismatch between EU digital law concepts and established Finnish legal categories (most clearly visible in the GDPR judicial remedy case, where Finland's ombudsman tradition conflicted with the Commission's court-based expectation) generates a particular form of compliance risk distinct from capacity or political will.

2.4 The CDSMD Transposition: A Paradigm Case of Multilevel Governance Failure

2.4.1 Background and the Two-Draft Process

The transposition of the Copyright in the Digital Single Market Directive (CDSMD, 2019/790) into Finnish law constitutes the most extensively documented case of multilevel digital governance dysfunction in Finland. The national transposition deadline was June 2021. As Melart (2022) observes, the Finnish process "has proven challenging in Finland" owing to "policy fluctuations in the Finnish Ministry of Education and Culture" that "have resulted in highly bipolar legislative drafting, which has produced two highly divergent approaches" to transposition.[42]

The Ministry of Education and Culture conducted different stakeholder consultations between 2019 and 2020 in preparation. A first draft was not published until September 2021—three months after the transposition deadline—and received 223 consultation responses.[43] It was widely rejected

[40] European Commission. (2025, May 7). Commission calls on 19 Member States to fully transpose the NIS2 Directive [Press release]. https://digital-strategy.ec.europa.eu/en/news/commission-calls-19-member-states-fully-transpose-nis2-directive

[41] Cybersecurity Act (Kyberturvallisuuslaki) 124/2025 (Finland); see also Roschier. (2025, April 28). NIS2 and Finnish Cybersecurity Act. https://www.roschier.com/newsroom/nis2-and-finnish-cybersecurity-act

[42]Melart, S. (2022). The Finnish transposition of Article 17 of Directive 2019/790: progress or regress? Journal of Intellectual Property Law & Practice, 17(5), 437–442. https://doi.org/10.1093/jiplp/jpac030, p. 437.

[43] Bird&Bird (2022): Implementation of the DSM Directive is progressing in Finland — what changes will the directive bring to the Finnish copyright legislation? Implementation of the DSM Directive is

by rightholder groups (authors, filmmakers, collective management organisations) as failing to adequately implement the directive's core purpose of strengthening the position of creators. Culture Minister Antti Kurvinen acknowledged the "crushingly critical" response and announced the draft would not proceed to parliament.[44]

Melart documents the governance consequences of this transition: "the subsequent months of the drafting process were marked by staff changes in the Ministry working on the CDSMD, total rewrite of the sections implementing Article 17 and criticism from civil rights organizations for lack of transparency, for not arranging a second public consultation round for commenting on the draft bill and for one-sided involvement of stakeholders."[45] The second draft, published in March 2022, abandoned the ambitious first draft's approach of substantively rewriting Article 17's provisions and switched instead to a predominantly literal transposition following the Swedish and Danish models—without resolving the conceptual gaps and fundamental rights tensions that the first draft had attempted to address.[46]

2.4.2 The Constitutional Law Committee Intervention

In October 2022, the Parliament's Constitutional Law Committee concluded that the Finnish government's draft transposition of the EU Copyright in the Digital Single Market (CDSM) Directive was incompatible with the Finnish Constitution, particularly because it conflicted with the right to education and science enshrined in Section 16. The Committee intervened substantively by explicitly rejecting the draft provisions on text and data mining (Articles 3 and 4) as an undue restriction on the freedom of science, and similarly finding fault with the digital teaching exception (Article 5) for failing to adequately account for cultural and educational fundamental rights — in both cases directing the Education Committee to revise the legislation accordingly. The author argues that this represents, to his knowledge, the first instance of a European parliament rejecting a draft transposition on the grounds of the fundamental rights to freedom of science, the arts, and education, setting a potentially significant precedent for future intellectual property legislation at both national and European level.[47]

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progressing in Finland — what changes will the directive bring to the Finnish copyright legislation? - Bird & Bird

[44]Ijäs, J. (2021). Kurvinen on the draft law that received crushing criticism: Let's not introduce it to Parliament this year. Demokraatti. https://demokraatti.fi/kurvinen-murskakritiikkia-saaneesta-lakiluonnoksesta-ei-esitella-eduskunnalle-tana-vuonna-pidan-todennakoisena-etta-hallituksen-esitys-muuttuu-viela-aika-paljon

[45]Melart, S. (2022). The Finnish transposition of Article 17 of Directive 2019/790: progress or regress? Journal of Intellectual Property Law & Practice, 17(5), 437–442. https://doi.org/10.1093/jiplp/jpac030, p. 438.

[46]Melart, S. (2022). The Finnish transposition of Article 17 of Directive 2019/790: progress or regress? Journal of Intellectual Property Law & Practice, 17(5), 437–442. https://doi.org/10.1093/jiplp/jpac030

[47]White, B. (2023). The fundamental right to education and science: Constitutional law vs copyright law. Blog of the Ligue des Bibliothèques Européennes de Recherche (LIBER) Copyright & Legal Matters Working Group. https://libereurope.eu/article/the-fundamental-right-to-education-and-science-constitutional-law-v-copyright-law/

2.4.3 Transposition Deficits: Articles 15 and 17

Finland's CDSMD transposition has been assessed by the University of Cambridge's Centre for Intellectual Property and Information Law (CIPIL) across 25 member states along seven comparative axes.[48] Finland fails in six of the seven categories—jointly with France and Croatia the worst result of the 25 states assessed—covering additions, omissions, incompatible gold-plating, excessively minimalist transposition, variations in terminology, and homing tendencies.

Regarding Article 15 (press publishers' rights), Mylly (2023) identifies a minimalist approach that generates significant legal incoherence. Section 50 of the Finnish Copyright Act, which implements Article 15, does not explicitly limit its scope to online uses by information society service providers as required by the CDSMD.[49]. The Government's Bill also creates confusion by citing social media posts as examples of permitted uses under both the "private or non-commercial" exception and a separate "without the purpose of gain" limitation, treating as synonymous concepts that the directive distinguishes.[50]

Regarding Article 17 (online content-sharing service providers), Finland's transposition departs from the directive in a structurally significant manner: Section 55b(1) triggers liability from the moment a work is "stored" to a platform, rather than from the moment it is made accessible to the public, as Article 17 requires.[51] The Government's Bill further limits "users" to private individuals, excluding representatives of associations, enterprises, and public authorities acting non-commercially—a departure from the directive's broader user definition that Mylly identifies as a violation of EU law and freedom of expression guarantees.

2.4.4 Participation and Social Innovation: From Diagnosis to Reform

The preceding analysis is largely diagnostic, documenting where Finland's multilevel system has failed to integrate sub-national and civil-society voice. The accompanying multilevel-governance matrix (D1.1), however, also points forward, identifying "increasing public participation and space for social innovation" as a cross-level reform objective. Read against the Finnish evidence assembled above, three concrete and realistic openings for strengthening participation and social innovation stand out, each addressing a weakness this report has identified.

First, national digital consultation forums could be reformed so that voice is not merely formal but consequential. The recurring problem documented in Sections 2.2–2.4 is not the absence of

[48]Angelopoulos, C. (Ed.). (2023). Articles 15 & 17 of the Directive on Copyright in the Digital Single Market: Comparative national implementation report. Centre for Intellectual Property and Information Law (CIPIL), University of Cambridge. https://informationlabs.org/copyright

[49]Mylly, T. (2023). Annex: Finland. In C. Angelopoulos (Ed.), Articles 15 & 17 of the Directive on Copyright in the Digital Single Market: Comparative national implementation report. CIPIL, University of Cambridge. https://informationlabs.org/copyright, p. 2.

[50]Mylly, T. (2023). Annex: Finland. In C. Angelopoulos (Ed.), Articles 15 & 17 of the Directive on Copyright in the Digital Single Market: Comparative national implementation report. CIPIL, University of Cambridge. https://informationlabs.org/copyright, p. 6.

[51]Mylly, T. (2023). Annex: Finland. In C. Angelopoulos (Ed.), Articles 15 & 17 of the Directive on Copyright in the Digital Single Market: Comparative national implementation report. CIPIL, University of Cambridge. https://informationlabs.org/copyright, pp. 13–15.

consultation – the lausuntopalvelu.fi portal is genuinely open – but its timing and feedback: sub-national actors were repeatedly asked to comment before key implementing choices were settled, and Åland's and the cities' substantive objections in the CDSMD and Open Data files went unanswered. Introducing a structured "second-round" consultation whenever a draft changes fundamentally (as the CDSMD did between its two drafts), together with a duty to publish a reasoned response to major sub-national submissions, would convert participation from a procedural formality into a genuine feedback loop.

Second, local digital innovation labs – building on the strong municipal self-government and experimentation documented in the e-government literature – offer space for social innovation that the centralised platform strategy currently underuses. The same municipal autonomy that generates coordination problems (Section 2.4) is also a standing capacity for local experimentation; municipally-hosted innovation labs, networked through Kuntaliitto and resourced through Digital Europe and Horizon Europe project funding, could pilot citizen-facing services and feed proven solutions back up into national platforms, turning divergent local adaptation from a fragmentation risk into a source of tested innovation.

Third, the Finnish "MyData" tradition of citizen-led data management – in which Finland has been a European pioneer – provides a distinctive participatory resource that links the national and community levels. Embedding MyData-style principles of individual data agency into the implementation of the Open Data and data-governance frameworks would give citizens and civil-society organisations (such as the digitally active Electronic Frontier Finland and Wikimedia Finland noted in the matrix) a constructive role beyond reactive critique, and would align Finland's domestic participatory strengths with the EU's data strategy. Taken together, these three openings would help close the gap, emphasised throughout this report and in the matrix, between Finland's formally extensive consultation architecture and its inconsistent integration of sub-national and civil-society voice into final outcomes.[52]

2.5 Conclusions

Finland's digital governance record presents a paradox structurally distinct from that of Latvia. Where Latvia's digital infringement proceedings primarily reflect ministerial fragmentation, political blockage, and limited administrative capacity, Finland's infringements arise from a different constellation: a constitutional complexity created by Åland's autonomy, which has generated a disproportionate share of national infringement cases across multiple digital directives; politically driven mid-process reversals in transposition that—as the CDSMD demonstrates—can produce legislation that even its own enacting parliament deems unworkable; a recurring tension between Finnish legal traditions and EU normative frameworks (as in the GDPR judicial remedy

[52] cf. Poikola, A., Kuikkaniemi, K., & Honko, H. (2020). MyData: A Nordic model for human-centred personal data management and processing. https://julkaisut.valtioneuvosto.fi/server/api/core/bitstreams/e21d52e8-44c0-47c7-b512-21d90abc4661/content

case); and a consultation architecture that formally involves subnational actors extensively but has not reliably integrated their input into final legislative outcomes.

The CDSMD transposition stands as the paradigm case. A process involving different preparatory consultations, two fundamentally different draft bills, staff changes at senior ministerial level, ECJ referral, and final enactment of legislation acknowledged by both parliamentary committees to be unworkable illustrates the limits of national administrative capacity when faced with directives that are both technically complex and internally ambiguous. Melart's (2022) conclusion that "the Finnish implementation process demonstrates the susceptibility of the legislative drafting to external pressures from concerted practices of interest groups" points to a structural vulnerability that the formal consultation architecture, however extensive, has not resolved.[53]

The NIS2 infringement raises the same sub-national governance challenges as the Open Data Directive: municipalities and wellbeing counties bear substantial compliance burdens, lack the financial resources and technical capacity to meet them, and were asked to comment on a directive whose key implementing details had not yet been defined by Brussels. With the entry into force of the Cybersecurity Act (124/2025) in April 2025, Finland has formally closed the legislative gap, although the Commission's reasoned opinion of May 2025 shows that completing notification of full transposition remained an open compliance issue even after the national law was in place. Looking forward, two developments will shape Finland's digital compliance position in the multilevel system: first, the annual Digital Decade monitoring cycle, whose country-specific recommendations function as a softer, continuous steering mechanism alongside the binary logic of the infringement procedure; and second, the constitutionalised pattern – documented for both the CDSMD and the regulation of automated decision-making – whereby Finnish constitutional organs operate as a national fundamental-rights filter for EU-driven digitalisation, slowing transposition but anchoring it in domestic rule-of-law guarantees.[54]

Finland's wider contribution to the comparative study therefore lies in its character as a paradoxical frontrunner. It demonstrates that a state can sit at the very top of the EU's digital rankings and still accumulate infringement proceedings, because multilevel compliance depends not only on administrative capacity but also on constitutional checks, the accommodation of territorial autonomy such as Åland's, and the genuine integration of sub-national and civil-society voice. The reform openings sketched in Section 4.4 – consequential consultation, local digital innovation labs, and citizen-centred data agency – indicate how a high-capacity frontrunner could convert its diagnostic weaknesses into a participatory and socially innovative model of digital governance, offering lessons that extend well beyond the Finnish case.

[53]Melart, S. (2022). The Finnish transposition of Article 17 of Directive 2019/790: progress or regress? Journal of Intellectual Property Law & Practice, 17(5), 437–442. https://doi.org/10.1093/jiplp/jpac030, p. 442.

[54] European Commission. (2025). Finland 2025 Digital Decade Country Report. https://digital-strategy.ec.europa.eu/en/factpages/finland-2025-digital-decade-country-report.

3. Climate Governance in Latvia: Multilevel Structures and EU Infringement Proceedings

3.1 Introduction

Latvia's climate and energy governance presents a paradox characteristic of several Central and Eastern European member states: a country formally committed to the objectives of the European Green Deal and the EU's Fit for 55 package, yet beset by persistent infringement proceedings, blocked legislation, institutional fragmentation, and a renewable energy sector that lags substantially behind its Baltic neighbours. Latvia is a parliamentary republic with a highly centralised administrative structure: since 2009, the country has had only two tiers of government, national and municipal, after the abolition of the intermediate district level.[55] The twin climate and digital transition is co-led by the Ministry of Climate and Energy (KEM, established January 2023) and the Ministry of Smart Administration and Regional Development (VARAM), with 42 local governments—35 municipalities and seven state cities—serving primarily as implementers rather than co-designers of climate policy.

This background report analyses Latvia's multilevel governance architecture for climate policy, the EU infringement proceedings that reflect its structural weaknesses, and the political and institutional dynamics that have produced repeated implementation failures. It draws on official EU and Latvian government publications, and academic literature. Section 2 provides an overview of the multilevel governance framework. Section 3 examines EU infringement proceedings across the key climate directives. Section 4 analyses Latvia's renewable energy policy failures and reforms. Section 5 addresses the failed Climate Law and political blockages. Section 6 concludes.

3.2. Multilevel Governance Architecture for Climate Policy

3. 2.1 The EU Level: External Pressure as the Primary Driver

The EU provides the dominant strategic orientation for Latvia's climate governance through a dense and rapidly expanding legislative framework. The key instruments of the Clean Energy for All Europeans package include the Renewable Energy Directive (REDII, 2018/2001, as revised by REDIII, 2023/2413), the Energy Efficiency Directive (EED, 2018/2002 and its 2023 revision), the Energy Performance of Buildings Directive (EPBD, 2018/844), the Electricity Market Design Directive (2019/944), and EU-ETS2 (2023/959), which extends emissions trading to the road transport and buildings sectors. Enforcement occurs through infringement procedures under Articles 258–260 TFEU. The European Commission also issues formal recommendations on

[55]Reinholde, I., & Stučka, M. (2022). Latvia – Electoral drama in local governments. In A. Gendzwill, U. Kjaer, & K. Steyvers (Eds.), The Routledge handbook of local elections and voting in Europe (pp. 303–315). Routledge.

member states' National Energy and Climate Plans (NECPs), functioning as a further soft-governance pressure mechanism.[56]

Zepa and Hoffmann, in their 2023 study on Latvia's sustainable energy transition, characterise the EU level as providing a necessary but insufficient "push from abroad": EU strategies set expectations and timelines and provide financial support, but these positive effects are consistently counteracted by incoherent domestic policy-making and vested interests.[57] Notably, DG Energy officials interviewed for that study expressed frustration: "One can create structures for fundamental change, or pick low hanging fruit – Latvia does the latter."[58]

3. 2.2 The National Level: Fragmented Ministries and Weak Coordination

Until January 2023, the Ministry of Environmental Protection and Regional Development (now the Ministry of Smart Administration and Regional Development, VARAM) was responsible for coordinating Latvia's climate policy, while energy policy was the responsibility of the Ministry of Economics. Stakeholders consistently described this arrangement as dysfunctional, as the EU's climate policy strongly interacts with the energy policy. The January 2023 creation of the Ministry of Climate and Energy (KEM) was designed to address this fragmentation, absorbing many of the Ministry of Economics' energy functions, as well as VARAM's functions of climate and environmental policy. However, the January 2025 report by the State Audit Office found that "responsibilities between the Ministry of Climate and Energy and the Ministry of Economics remain unclear, leading to inadequate task execution."[59] In addition, certain components of climate policy are implemented by the Ministries of Economics, Transport, and Agriculture, as well as by VARAM, which creates further fragmentation.

Climate issues at the European Council are represented by the Prime Minister, while the President of Latvia raises these issues in global forums, such as the annual UN climate conferences. In the Saeima, climate issues are discussed primarily in the Committee on Economic, Agricultural, Environmental and Regional Policy, as well as in its Subcommittee on Environment, Climate and Energy; where relevant to their remit, climate-related matters are also addressed in the Committees on Foreign Affairs and European Affairs, the Budget and Finance (Taxation) Committee, and the Social and Labour Affairs Committee.

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[56]European Commission. (2023–2025). Clean Energy for All Europeans Package – infringement proceedings. Directorate-General for Energy. https://energy.ec.europa.eu/topics/energy-strategy/clean-energy-all-europeans-package_en

[57]Zepa, I., & Hoffmann, V. H. (2023). Policy mixes across vertical levels of governance in the EU: The case of the sustainable energy transition in Latvia. Environmental Innovation and Societal Transitions, 47, 100699. https://doi.org/10.1016/j.eist.2023.100699

[58] Zepa, I., & Hoffmann, V. H. (2023). Policy mixes across vertical levels of governance in the EU: The case of the sustainable energy transition in Latvia. Environmental Innovation and Societal Transitions, 47, 100699. https://doi.org/10.1016/j.eist.2023.100699, p. 8.

[59]European Interest. (2025). Latvian State Audit warns of EU sanction risks because of energy policy's management. https://www.europeaninterest.eu/latvian-state-audit-warns-of-eu-sanction-risks-because-of-energy-policys-management/

The National Energy and Climate Council, chaired by the Prime Minister and intended as the primary cross-ministerial coordination body, held its first meeting in January 2020 and ceased operation in 2021—never having established itself as a functioning governance forum. The State Audit Office regards this dormancy as a source of infringement risk. National strategy coherence is further weakened by coalition instability: Latvia's proportional electoral system produces fragile multi-party governments, and the frequent reshuffling of ministerial portfolios reduces policy continuity and institutional memory in technically complex climate files.

Alongside this dormant council, the Ministry of Climate and Energy has established two standing consultative bodies to discuss the challenges of climate policy: the Climate, Environment and Energy Advisory Council and the Climate and Energy Science and Education Council. These councils bring together representatives of social and cooperation partners (the Employers' Confederation of Latvia, the Free Trade Union Confederation of Latvia, the Latvian Association of Local and Regional Governments, the Latvian Chamber of Commerce and Industry, and the Latvian Academy of Sciences), professional associations (the Latvian Renewable Energy Federation, the Latvian Forest Owners' Association, the Council for Cooperation of Agricultural Organisations, the Latvian Construction Council, and the Latvian Waste Management Association), non-governmental organisations (the Latvian Association of Environmental Management, the Teiču Nature Foundation, and WWF Latvia), higher education institutions (the University of Latvia, Riga Technical University, the Latvia University of Life Sciences and Technologies, and Rīga Stradiņš University), individual companies (AS Augstsprieguma tīkls, AS Conexus Baltic Grid, AS Sadales tīkls, and AS Gaso), and the ministries responsible for climate policy matters. In practice, however, these bodies function more as channels of information than as genuinely consultative or advisory forums.[60]

The dominance of the central government over the municipalities in EU policy implementation is structural. As Reinholde, Stučka, and Auliciema observe, "horizontal intergovernmental coordination in Latvia is strongly dominated by the central level and legalistic approach" and EU co-funded programmes are managed with the Ministry of Finance setting priorities in a "highly centralised" fashion, while municipalities "are beneficiaries of funding with limited room for expressing their views."[61]

3. 2.3 The Local Level: Municipalities as Implementers Without Voice

Latvia's 2021 municipal reform reduced the number of local governments from 119 to 43, consolidating smaller units into larger administrative entities. While the reform was intended to improve local administrative capacity (which in fact took place) and the competencies in climate

[60] Ministry of Climate and Energy of the Republic of Latvia. (n.d.). Konsultatīvās padomes [Consultative councils]. https://www.kem.gov.lv/lv/konsultativas-padomes

[61] Reinholde, I., Stučka, M., & Auliciema, I. (2025). Bridging levels of governance: The dynamics of vertical and horizontal intergovernmental relations in Latvia. In N. Behnke & B. Petersohn (Eds.), Horizontal intergovernmental coordination at local and regional levels (pp. 179–200). Palgrave Macmillan, 191-192.

policy, it created significant short-term disruption in renewable energy governance as well, e.g. due to very different interests in the new established municipalities.[62]

Municipalities retain formal spatial planning powers but lose effective decision-making rights over energy projects classified as "of national significance"—defined as installations above 50 MW. Courts and national legislative amendments have progressively curtailed municipal discretion over wind projects in particular. The 2021 Tukums case, in which the Administrative District Court struck down a municipal ban on a wind farm already approved by the State Environmental Bureau, established a key precedent.[63] The Latvian Constitutional Court had previously ruled as early as 2010 that wind turbine height regulations should not fall within municipal remit but be set uniformly by national legislation.[64]

The Latvian Association of Local and Regional Governments (LPS) and the Latvian Association of Large Cities (LLPA) participate in Cabinet-level budget discussions and comment on draft laws, but lack voting rights in EU-related national coordination bodies. Municipalities are consulted on transposition draft laws but are not structurally integrated into national climate strategy-setting processes.

3.3 EU Infringement Proceedings

Reinholde et al. (2025) point out that energy and environment are two areas where the most infringement procedures against Latvia take place.[65] Concerning climate transition, the most relevant procedures are:

REDII:

1. Partial transposition of EU Directive 2018/2001 (INFR(2021)0293) Active.

2. Partial transposition of the permitting provisions of EU Directive 2023/2413 (INFR (2024)0237, Active.

Energy Efficiency Directive:

[62]Lagzdina, E., Brizga, J., Kudrenickis, I., Ikstena, R., & Ernšteins, R. (2025). Advancing energy citizenship: Hindering and supporting factors in Latvia's energy transition. In F. Fahy & E. Vadovics (Eds.), Energy citizenship across Europe: Contexts and conditions for an emerging energy transition (pp. 99–118). Palgrave Macmillan.

[63]Latvian Wind Energy Association. (2021, July 29). The court ruling in the 'Tukums wind farm case' is a precedent that will speed up wind energy development in Latvia. https://wea.lv/en/latvian-wind-energy-association-the-court-ruling-in-the-tukums-wind-farm-case-is-a-precedent-that-will-speed-up-the-wind-energy-development-in-latvia/

[64]Latvian Constitutional Court. (2010). Case No. 2010-48-03 [Ruling on municipal wind turbine height regulations]. https://www.satv.tiesa.gov.lv/wp-content/uploads/2016/02/2010-48-03_Spriedums.pdf

[65] Reinholde, I., Stučka, M., & Auliciema, I. (2025). Bridging levels of governance: The dynamics of vertical and horizontal intergovernmental relations in Latvia. In N. Behnke & B. Petersohn (Eds.), Horizontal intergovernmental coordination at local and regional levels (pp. 179–200). Palgrave Macmillan, 192.

3. Partial transposition of EU Directive 2018/2002 amending the Energy Efficiency Directive (INFR(2020)0543)

Energy Performance of Buildings (EPB):

4. Partial transposition of EU Directive 2018/844 on EPB (INFR(2020)0221)

Electricity Market Design:

5. Partial transposition of EU Directive 2019/944 (INFR(2021)0072). Active.

6. EU Directive 2024/1711 (INFR(2025)0156). Active.

EU-ETS2:

7. Lack of transposition of EU Directive 2023/959 (INFR(2024)0096; first transposition deadline, and INFR(2024)0195, second transposition deadline). In the first case the Commission escalated to a reasoned opinion on 7 May 2025, addressed to Latvia together with eleven other member states, for failing to fully transpose the strengthened ETS rules including the new emissions trading system for buildings and road transport. Active.[66]

8. Lack of transposition of EU Directive 2023/958 on the ETS in the aviation sector (INFR(2024)0095)

Reinholde et al. (2025) argue that "[t]he key reason for infringement and late transposition is related to the fact that even though there is a well-elaborated coordination procedure in place, the actors could not react to compromise, whether in intergovernmental or intragovernmental coordination."[67] In the following, we elaborate different reasons for this inability to find compromises.

3.4 Renewable Energy Policy: Structural Weaknesses and Incremental Reforms

Latvia has a comparatively high renewable energy share: 43.2% of gross final energy consumption in 2023, the fourth-highest share in the EU.[68] This figure, however, is substantially attributable to solid biomass combustion for district heating—an energy form that Latvia both produces for export as wood pellets and imports as wood chips—and to the three Daugava hydropower plants operated by the state-owned company Latvenergo. Actual deployment of wind and solar power lags

[66] European Commission. (2025, May 7). May infringement package – key decisions on energy. Directorate-General for Energy. https://energy.ec.europa.eu/news/may-infringement-package-key-decisions-energy-2025-05-07_en

[67] Reinholde, I., Stučka, M., & Auliciema, I. (2025). Bridging levels of governance: The dynamics of vertical and horizontal intergovernmental relations in Latvia. In N. Behnke & B. Petersohn (Eds.), Horizontal intergovernmental coordination at local and regional levels (pp. 179–200). Palgrave Macmillan, 192.

[68] Official Statistics Portal of Latvia. (2024). Consumption of renewable energy [Press release]. https://stat.gov.lv/en/statistics-themes/business-sectors/energy/press-releases/23598-consumption-renewable-energy

dramatically behind Latvia's Baltic neighbours and substantially below the EU average.[69] At the same time, Latvia's updated National Energy and Climate Plan sets a renewables target of 62% by 2030—a highly ambitious goal given current deployment rates. Paradoxically, the already high renewable share appears to demotivate policy-makers from seeking additional solutions, and we assume that it also makes it more difficult to find compromises which include a substantial expansion of wind and solar energy. A closer look at the energy mix and its contestation underlines this paradox. Renewable supply is dominated by biomass and hydropower, while natural gas retains a significant role in CHP-based district heating; wind and solar still contribute only a small fraction of electricity generation. Public engagement with the transition remains weak and largely reactive: research on energy citizenship in Latvia identifies low public awareness, the absence of participatory traditions in the energy sector, fragmented institutional support, and the legacy of distrust created by the OIK scandal (see below) as the main factors hindering active civil-society involvement—with the consequence that public voice tends to materialise as local opposition to specific wind projects rather than as structured participation in strategy-setting.[70]

A structural impediment to Latvia's energy transition is the severely damaged public trust in renewable energy policy, stemming from the so-called "Green Oligarch scandal" surrounding the Mandatory Procurement Component (OIK). Introduced in 2008–2009 as a feed-in tariff mechanism, OIK guaranteed above-market fixed prices for renewable energy and combined heat and power (CHP) producers, with the premium cost passed to electricity consumers. The mechanism was structurally skewed towards CHPs: two thirds of all OIK payments went to CHPs, although they represented a smaller share of installed capacity. Many supported CHPs were gas-powered, including large plants in Riga. OIK was introduced without notifying the European Commission, in breach of EU state aid rules (Art. 108(3) TFEU). [71]

In October 2017, an investigation by the television programme "Nothing Personal", running on commercial TV3, revealed that approximately 30 so-called "ghost plants" had been receiving OIK payments for energy allegedly produced at facilities that either did not exist or had only briefly connected diesel generators to the grid to pass state inspections. Overall, due to simpler permitting procedures and other design aspects of OIK, CHPs were the more attractive choice, rather than intermittent renewable energy. Overall, two thirds of payments under OIK went to CHPs, although they represented a smaller share of installed capacity. Between 2011 and 2019, the system cost the

[69] WindEurope. (2025). Wind energy in Europe: 2024 statistics and the outlook for 2025–2030. https://windeurope.org/intelligence-platform/product/wind-energy-in-europe-2024-statistics-and-the-outlook-for-2025-2030/

[70] Lagzdina, E., Brizga, J., Kudrenickis, I., Ikstena, R., & Ernšteins, R. (2025). Advancing energy citizenship: Hindering and supporting factors in Latvia's energy transition. In F. Fahy & E. Vadovics (Eds.), Energy citizenship across Europe: Contexts and conditions for an emerging energy transition (pp. 99–118). Palgrave Macmillan.

[71] European Commission. (2017, February). State aid case SA.43140 – Latvia: Mandatory Procurement Component (OIK). https://ec.europa.eu/competition/state_aid/cases/260648/260648_1989384_233_2.pdf

Latvian population and the economy one billion euros, generating limited renewable energy and substantial public mistrust.[72]

Zepa and Hoffmann (2023) identify the fossil fuel lobby — particularly Latvijas Gāze, a natural gas company partially owned by Gazprom — as a significant force distorting strategic energy policy planning at both state and local levels in Latvia. Vested interests in the gas sector perpetuated support for combined heat and power plants running on natural gas, undermining the policy instruments nominally designed to advance renewable energy, such as the mandatory procurement mechanism. This lobbying influence, compounded by frequently changing coalition governments, eroded the political commitment needed to drive a coherent and credible transition towards renewable technologies in line with the European Green Deal.[73]

Latvia's legislative amendments in 2024 mandate an annual discomfort compensation payment of €2,500 per megawatt (MW) of installed capacity for wind farms with a capacity of 1 MW or more. This payment is distributed equally between the hosting municipality and the local residents living near the turbines.[74] These reforms partially address the "acceptance gap" that had contributed to public opposition and legal challenges against wind projects, but it is not yet possible to make a reliable assessment of the long-term effects on public opinion regarding wind power in Latvia.

Concerning the development of energy communities, Latvia represents one of the least developed cases in a study of Krug et al. (2023). Energy communities are an entirely new concept there with no tradition of energy cooperatives and a historically centralised electricity sector. Although a general legal framework transposing the RED II provisions for RECs was adopted in July 2022 and took effect on 1 January 2023, full transposition of the provisions remains pending, with government regulations further specifying key terms such as "proximity", "autonomy", and "effective control" still outstanding. The enabling framework the government has to create is fragmentary and weak, with several elements missing and others only under consideration or planned, including technical regulations to ensure the cooperation of distribution system operators with RECs to facilitate energy sharing. The relatively slow and incomplete transposition in Latvia may be partly attributed to a lack of expertise and experience in the responsible ministry, limited dialogue between ministerial officials and market actors, and an absence of transformative vision for the development of RECs.[75]

[72] State Audit Office of the Republic of Latvia, "Is restoring the reputation of "green" electricity generation possible in Latvia?" January 7, 2021. https://lrvk.gov.lv/en/news/is-restoring-the-reputation-of-green-electricity-generation-possible-in-latvia

[73] Zepa, I., & Hoffmann, V. H. (2023). Policy mixes across vertical levels of governance in the EU: The case of the sustainable energy transition in Latvia. Environmental Innovation and Societal Transitions, 47, 100699.

[74] LSM English service. (2024). Latvia plans compensations for those living near wind turbines. https://eng.lsm.lv/

[75] Krug, M., Di Nucci, M. R., Schwarz, L., Alonso, I., Azevedo, I., Bastiani, M., Dyląg, A., Laes, E., Hinsch, A., Klāvs, G., Kudreņickis, I., Maleki, P., Massa, G., Meynaerts, E., Pappa, S., & Standal, K. (2023). Implementing European Union Provisions and Enabling Frameworks for Renewable Energy Communities in Nine Countries: Progress, Delays, and Gaps. *Sustainability*, *15*(11), 8861. https://doi.org/10.3390/su15118861.

A dedicated look at wind energy itself—the technology around which most of the conflicts described in this report revolve—shows both the scale of the deficit and the scale of the opportunity. Latvia's installed onshore wind capacity remains among the lowest in the EU (well under 200 MW, compared with several times that figure in Estonia and more than a gigawatt in Lithuania), and the country has no operating offshore capacity.[76] The project pipeline, by contrast, has grown rapidly since the permitting simplifications and compensation rules of 2022–2024: onshore projects under development as of early 2025 would, if realised, increase installed capacity roughly tenfold. The flagship of Latvia's offshore ambitions is ELWIND, a joint Latvian–Estonian cross-border offshore wind project of 700–1,000 MW planned off the Kurzeme coast between Liepāja and Ventspils, with development rights to be auctioned in 2026 and commissioning targeted for around 2030; as a state-prepared, pre-permitted site, ELWIND is also an institutional experiment in de-risking renewable investment in a small market. Whether this pipeline materialises will depend less on EU targets than on the domestic factors analysed in this report: municipal acceptance, grid investment, and the stability of the national policy framework.[77]

3.5 The Failed Climate Law and Parliamentary Blockage

Since 2021, large-scale efforts, including several public consultations, were held in order to compose a new climate law for Latvia. This new climate law was intended as key Latvian effort in national implementation of the Fit for 55 package (itself part of the European Green Deal) that the EU passed in Spring 2023.

On October 1, 2024, the Latvian government approved the draft climate law to be submitted to parliament, to the Saeima. The climate law intended to enshrine a 17% emissions reduction compared to 2005 by 2030 across all of Latvian society and sectors (transport, agriculture, energy, industry etc.) as well as climate net neutrality by 2050.[78] The Saeima was scheduled to vote on the Climate Law in January 2025. This did not happen as a walk out by opposition parties "Latvia First" (Latvija Pirmajā Vietā, LPV) and "National Alliance" (NA) meant that only 48 deputies voted in favour with 1 abstention – i.e. 49 deputies participating, below the required quorum of at least half of the Saeima's 100 members.[79]

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[76] WindEurope. (2025). Wind energy in Europe: 2024 statistics and the outlook for 2025–2030. https://windeurope.org/intelligence-platform/product/wind-energy-in-europe-2024-statistics-and-the-outlook-for-2025-2030/; Enerdata. (2023, December 14). Estonia and Latvia pick locations for the Elwind joint offshore wind project (installed onshore capacity figures).

[77] Enerdata. (2023, December 14). Estonia and Latvia pick locations for the Elwind joint offshore wind project. https://www.enerdata.net/publications/daily-energy-news/estonia-and-latvia-pick-locations-elwind-joint-offshore-wind-project.html; Offshore Wind. (2023, November 22). Latvia boosts capacity for ELWIND offshore wind project. https://www.offshorewind.biz/2023/11/22/latvia-boosts-capacity-for-elwind-offshore-wind-project/

[78] Lita Millere, "Government approves general climate draft law for Latvia", LETA/LSM, Oct 1, 2024 https://eng.lsm.lv/article/politics/politics/01.10.2024-government-approves-general-climate-draft-law-for-latvia.a570856/

[79] Edgars Zicans, "Opposition stalls Saeima vote on new Climate Law", LSM, January 9, 2025 https://eng.lsm.lv/article/politics/saeima/09.01.2025-opposition-stalls-saeima-vote-on-new-climate-law.a583015/ and https://m.saeima.lv/lv/aktualitates/14-saeimas-frakciju-viedokli/34257-frakciju-viedokli-2025-gada-16-janvari

The Ministry of Climate and Energy revised the draft law, framing it around the concepts of economic competitiveness and climate resilience. The revised Climate Resilience and Economic Sustainability Law was adopted in its final reading on 27 November 2025. The law establishes a regulatory framework that links the responsibilities of state and municipal institutions to the achievement of climate objectives, while also ensuring access to approximately EUR 462.7 million from the EU Social Climate Fund. The funding is intended for improving the energy efficiency of housing, developing transport and public transport, and providing support to vulnerable groups.[80] The European Parliamentary Research Service's 2024 analysis of Latvia's climate action strategy puts the scale of the remaining task into perspective: at sectoral level, only the energy industries and the manufacturing and construction sectors show clear emission-reduction trends (−52% and −45% respectively between 2005 and 2023), so the new framework law must organise reductions precisely in the sectors—transport, agriculture, buildings—where progress has so far been weakest.[81]

However, challenges remain: the opposition and sectoral stakeholders - particularly in agriculture, forestry and business - have expressed concerns about increased bureaucracy, production restrictions, and rising costs. Further debates are expected in the next stages, especially during the development of Cabinet of Ministers regulations, where sector-specific requirements and criteria for the allocation of funding will be specified.

3.6 Conclusions

Multilevel governance in Latvia's climate transition is mainly a two-level-system: EU and national level. We see reactions to infringement procedures on national level, but in several cases, ministries are not able to react in a proper way due to coalition disputes (politics), quorum regulations (polity) or just different perceptions (policy).

Latvia's climate governance failures are not the product of any single institutional weakness but of a mutually reinforcing combination of structural deficits: ministerial fragmentation and a history of poor inter-institutional coordination; the near-complete exclusion of sub-national governments and civil society from national climate strategy-setting; a renewable energy sector stunted by the legacy of the OIK scandal, a strong gas lobby, and until recently underdeveloped support schemes; and a parliamentary configuration that has allowed obstruction of key transposition legislation through quorum denial.

[80] Saeima of the Republic of Latvia. (2025, November 27). Saeima atbalsta klimata jomas regulējumu ilgtspējīgai attīstībai un inovāciju piesaistei [Saeima supports climate regulation for sustainable development] [Press release]. https://www.saeima.lv/lv/aktualitates/saeimas-zinas/35306; Ministry of Climate and Energy. (2025, November 27). Saeima atbalsta likumu ilgtspējīgai ekonomikai un klimata pārmaiņu risināšanai. https://www.kem.gov.lv/lv/jaunums/saeima-atbalsta-likumu-ilgtspejigai-ekonomikai-un-klimata-parmainu-risinasanai

[81] European Parliamentary Research Service. (2024). Latvia's climate action strategy (Briefing PE 767.177). European Parliament. https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/767177/EPRS_BRI(2024)767177_EN.pdf

The EU infringement proceedings Latvia faces across REDII/REDIII, the Energy Efficiency Directive, the Energy Performance of Buildings Directive, the Electricity Market Design Directive, and EU-ETS2 are not merely implementation failures in the narrow technical sense. As the governance matrix analysed in this report makes clear, they are diagnostic of deeper multilevel dysfunction: the national level holds formal transposition authority but lacks the inter-ministerial coordination and strong political commitment to exercise it reliably; the sub-national level bears implementation burdens without commensurate voice; and civil society participation occurs reactively—through legal contestation of specific projects—rather than proactively through structured policy co-design.

Significant reform steps have been taken: the creation of KEM in 2023, the Electricity Market Law amendments of 2022 and 2024, the wind farm compensation legislation, the solar energy boom facilitated by simplified permitting, and the growing number of municipalities with local climate plans. Wind energy projects in the pipeline as of early 2025 would, if built, increase installed wind capacity tenfold. However, translating these individual measures into a coherent, legally consolidated climate framework that resolves outstanding EU infringement proceedings requires consensus that Latvia's current political configuration has so far been unable to produce.

4. Digitalisation Governance in Latvia: Multilevel Structures and EU Infringement Proceedings

4.1 Introduction

Latvia presents a compelling case study in the tensions inherent to European multilevel digital governance. Latvia has positioned itself in recent years as a notable frontrunner in public service digitisation: according to the 2024 Digital Decade Progress Report, Latvia exceeds the EU average in both citizen and business e-government uptake, with 88.2% of public services accessible online and 78.4% of citizens registered as e-government users.[82] Yet this performance record coexists, paradoxically, with a sustained pattern of infringement proceedings initiated by the European Commission across no fewer than six digital legislative instruments. The Commission has opened or escalated proceedings against Latvia concerning the Network and Information Security Directive (NIS2, Directive 2022/2555)[83], the Open Data Directive (Directive 2019/1024)[84], the

[82] Ministry of Smart Administration and Regional Development (VARAM). (2024). Latvia continues to lead in public service digitization and e-Identity usage within the EU. https://www.varam.gov.lv/en/article/latvia-continues-lead-public-service-digitization-and-e-identity-usage-within-eu

[83] European Commission. (2024). The Commission calls on 23 Member States to fully transpose the NIS2 Directive. https://digital-strategy.ec.europa.eu/en/news/commission-calls-23-member-states-fully-transpose-nis2-directive

[84] FEBIS. (2023). Open Data: European Commission opens last level infringement proceeding for non-transposition of the Open Data Directive by four Member States. https://www.febis.org/2023/02/16/open-data-european-commission-opens-last-level-infringement-proceeding-for-non-transposition-of-the-open-data-directive-by-four-member-states/

Data Governance Act (Regulation 2022/868)[85], the European Electronic Communications Code (EECC, Directive 2018/1972)[86], the Digital Operational Resilience Act (DORA, Regulation 2022/2554)[87], and both Copyright Directives of 2019 (Directives 2019/789 and 2019/790)[88].

This background report analyses the multilevel governance framework underpinning Latvia's digitalisation policy, with particular attention to the structural and institutional factors that have produced this pattern of EU infringement. It draws on a governance mapping matrix prepared as part of the Latvia digitalisation case study, complementary case documentation, official EU and Latvian government publications, and relevant academic and policy literature. Section 2 provides an overview of the multilevel governance architecture. Section 3 examines each set of infringement proceedings. Section 4 identifies cross-cutting governance challenges. Section 5 concludes.

4.2 The Multilevel Governance Architecture for Digitalisation in Latvia

4.2.1 The EU Level: External Impetus and Binding Obligations

The European Union provides the dominant policy orientation for Latvia's digital governance through a dense and rapidly expanding framework of binding regulations, minimum-harmonisation directives, and soft governance instruments. Key legislative acts include NIS2 (2022/2555), which establishes minimum cybersecurity standards for essential and important entities across critical sectors[89]; the Data Governance Act (2022/868), which regulates data intermediaries and the re-use of protected public-sector data[90]; the Open Data Directive (2019/1024), which requires public bodies at all levels of government to make datasets available for re-use[91]; DORA (2022/2554), which governs digital operational resilience in the financial

[85] European Commission. (2024). Commission calls on 18 Member States to comply with the EU Data Governance Act. https://digital-strategy.ec.europa.eu/en/news/commission-calls-18-member-states-comply-eu-data-governance-act

[86] Sarāne-Reneslāce, L., Knodze, K., Kuusk, O., & Drazdauskas, S. (2022). Latvian parliament finally adopts the law implementing the European Electronics Communications Code (EECC). https://www.sorainen.com/publications/latvian-parliament-finally-adopts-the-law-implementing-the-european-electronics-communications-code-eecc/

[87] Lalone, N., McBrien, C., & Katten Muchin Rosenman LLP. (2025). DORA compliance: Navigating the latest developments. JD Supra. https://www.jdsupra.com/legalnews/dora-compliance-navigating-the-latest-8466485/

[88] Initiative Urheberrecht. (2022). EU-Kommission fordert dringend zur Umsetzung auf. https://urheber.info/diskurs/eu-kommission-fordert-dringend-zur-umsetzung-auf

[89] European Commission. (2026). *NIS2 Directive: Securing network and information systems*. Shaping Europe's Digital Future. https://digital-strategy.ec.europa.eu/en/policies/nis2-directive

[90] European Parliament & Council of the European Union. (2022). Regulation (EU) 2022/868 of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724 (Data Governance Act). Official Journal of the European Union, L 152, 1–44. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0868

[91] European Parliament & Council of the European Union. (2019). Directive (EU) 2019/1024 on open data and the re-use of public sector information. Official Journal of the European Union, L 172. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2019.172.01.0056.01.ENG

sector[92]; the EECC (2018/1972), which modernises the regulatory framework for electronic communications[93]; and the two 2019 copyright directives, which update intellectual property law for the digital environment[94]. Supplementary financing and benchmarking frameworks—including the Digital Europe Programme and the Digital Decade Policy Programme 2030—further shape Latvia's digital agenda.

At the EU level, enforcement is exercised principally through the infringement procedure under Articles 258–260 TFEU, by which the Commission may refer a member state to the Court of Justice of the European Union (CJEU) and seek lump-sum payments or periodic penalty payments. Coordination mechanisms include the NIS2 Cooperation Group, the European Union Agency for Cybersecurity (ENISA), the EU-CyCLONe network for crisis management, and the annual Open Data Maturity Report.

4.2.2 The National Level: VARAM and Fragmented Coordination

At the national level, the Ministry of Smart Administration and Regional Development (VARAM, Viedās administrācijas un reģionālās attīstības ministrija) serves as the lead ministry for Latvia's digital governance and EU digital transposition. VARAM has been designated as the competent authority under the Data Governance Act, as the national information point for government data access, and as the primary liaison to the Commission for the national implementation of the EU AI Act. The Ministry of Economics holds a co-lead role on several legislative files. Sector-specific regulatory functions are distributed across CERT.LV (national CSIRT, operating under the Ministry of Defence), the Data State Inspectorate (DVI), and the Consumer Rights Protection Centre (PTAC), among others.[95]

Despite this institutional differentiation, coordination between VARAM and the Ministry of Economics remains a recognised structural bottleneck, particularly for AI governance. The Information Society Council, chaired by the Prime Minister, serves as the primary inter-ministerial body and formally includes open data on its agenda.[96] However, this body does not structurally incorporate subnational authorities or civil society, limiting its effectiveness as a genuinely multilevel coordination forum. A 2022 report by the Latvian State Audit Office identified the unavailability and lack of synchronisation of government data as a significant governance

[92] Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin). (n.d.). DORA – Digital Operational Resilience Act. https://www.bafin.de/DE/unternehmen-maerkte/aufsicht/alle-unternehmen/dora/ueberblick/ueberblick_node.html

[93] European Parliament & Council of the European Union. (2018). Directive (EU) 2018/1972 establishing the European Electronic Communications Code. Official Journal of the European Union, L 321. https://eur-lex.europa.eu/eli/dir/2018/1972/oj

[94] European Commission. (2022). Commission urges Member States to fully transpose EU copyright rules into national law. https://ec.europa.eu/commission/presscorner/api/files/document/print/en/ip_22_2692/IP_22_2692_EN.pdf

[95] Ministry of Environmental Protection and Regional Development (VARAM). (2021). Single point of contact and an online information point on the free flow of non-personal data in the European Union. https://www.varam.gov.lv/en/article/single-point-contact-and-online-information-point-free-flow-non-personal-data-european-union

[96] Cf. https://www.mk.gov.lv/lv/content/informacijas-sabiedribas-padome

problem—a finding consistent with the subsequent infringement proceedings under the Data Governance Act and the Open Data Directive. Recent analysis of Latvian intergovernmental relations provides the structural explanation for this pattern: Reinholde, Stučka and Auliciema show that horizontal intergovernmental coordination in Latvia is strongly dominated by the central level and a legalistic approach, that EU-related coordination runs through ministry-led, Cabinet-centred procedures in which sub-national actors are mere beneficiaries with limited room for expressing their views, and that even where coordination procedures are formally well elaborated, the actors' inability to reach compromise drives late transposition and infringement – a diagnosis they derive primarily from energy and environment, but which maps directly onto the digital cases analysed in this report.[97]

4.2.3 The Sub-national Level: Structural Absence and Compliance Obligations

Latvia's five planning regions (plānošanas reģioni) occupy a formally marginal position in digital governance. They hold no legal authority over cybersecurity or data policy, manage no dedicated digital funding streams, and are structurally excluded from national digital strategy processes and transposition chains. Their role is largely limited to project coordination and the preparation of regional Open Data Policy Papers—a requirement that formally acknowledges their presence in the open data ecosystem without translating into genuine agenda-setting power.[98]

Municipalities, by contrast, are directly implicated as compliance actors under NIS2, which brings public administration bodies into scope as essential entities whose IT systems must meet cybersecurity risk management and incident reporting requirements. The Latvian Association of Local and Regional Governments (LPS, Latvijas Pašvaldību savienība) has engaged in the national transposition process through the TAP portal—Latvia's legal acts consultation platform—and successfully objected to one specific provision: the mandatory placement of municipal information systems in state-certified data centres, citing disproportionate financial and organisational costs for smaller municipalities.[99] Despite this engagement, municipalities lack voting rights in inter-ministerial coordination bodies and have no structural role in the drafting of national digital strategies. Notably, when LPS was invited to submit input on the transposition of the EU AI Act, it chose not to provide any suggestions.[100]

[97] Reinholde, I., Stučka, M., & Auliciema, I. (2025). Bridging levels of governance: The dynamics of vertical and horizontal intergovernmental relations in Latvia. In N. Behnke & B. Petersohn (Eds.), Horizontal intergovernmental coordination at local and regional levels (pp. 179–200). Palgrave Macmillan.
[98] Bertelsmann Stiftung / SGI Network. (2024). SGI 2024 – Latvia country report. https://www.sgi-network.org/docs/2024/country/SGI2024_Latvia.pdf
[99] European Cyber Security Organisation (ECSO). (2025). NIS2 Directive transposition tracker. https://ecs-org.eu/activities/nis2-directive-transposition-tracker/
[100] Legal Acts Portal of Latvia (TAP). (2025). Consultation record for AI Act transposition – LPS response. https://tapportals.mk.gov.lv/legal_acts/2d28c354-9baa-4aa2-ab31-fb4757687050

4.3 EU Infringement Proceedings: A Directive-by-Directive Analysis

The following are the key active or recently resolved EU infringement proceedings against Latvia in the field of digital regulation.

The key infringement proceedings are:

1. European Electronic Communications Code (Directive 2018/1972) — CJEU judgment and financial penalties (Case C-454/22), March 2024. In its judgment of 14 March 2024 (Ninth Chamber, Commission v Latvia, C-454/22), the Court found that Latvia had failed to transpose and notify the EECC and imposed a lump sum under Article 260(3) TFEU; the procedural history – letter of formal notice 3 February 2021, reasoned opinion 23 September 2021, action brought 7 July 2022 – illustrates the roughly three-year course from missed deadline to financial sanction. Latvia was one of five member states sanctioned for EECC non-transposition on the same day.[101][102]
2. Open Data Directive (Directive 2019/1024) — CJEU referral February 2023[103]
3. NIS2 Directive (Directive 2022/2555) — Reasoned opinion May 2025; the secondary-legislation gap has since been closed – Cabinet of Ministers Regulation No. 397 on Minimum Cybersecurity Requirements entered into force on 2 July 2025, complementing the National Cybersecurity Law of 20 June 2024 (in force 1 September 2024).[104]][105]
4. Data Governance Act (Regulation 2022/868) — Infringement for insufficient enforcement capacity, May 2024.[106]
5. Digital Operational Resilience Act (Regulation 2022/2554) — Letter of formal notice March 2025; national law adopted September 2025.[107]

[101] Court of Justice of the European Union. (2024). Judgment of 14 March 2024, European Commission v Republic of Latvia, C-454/22. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62022CJ0454
[102] Sorainen. (2022). Latvian parliament finally adopts the law implementing the European Electronics Communications Code (EECC). https://www.sorainen.com/publications/latvian-parliament-finally-adopts-the-law-implementing-the-european-electronics-communications-code-eecc/
[103] European Commission. (2023). The European Commission decides to refer Belgium, Bulgaria, Latvia and the Netherlands to the Court of Justice of the European Union for failing to enact EU rules on open data and public sector data re-use. https://digital-strategy.ec.europa.eu/en/news/european-commission-decides-refer-belgium-bulgaria-latvia-and-netherlands-court-justice-european
[104] European Cyber Security Organisation (ECSO). (2026). NIS2 Directive transposition tracker. https://ecs-org.eu/activities/nis2-directive-transposition-tracker/; PwC Legal. (2026). NIS-2 in Latvia. https://legal.pwc.de/content/services/NIS-2/nis-2-latvia.pdf
[105] Saeima of the Republic of Latvia. (2024). National Cybersecurity Law (Nacionālās kiberdrošības likums). Latvijas Vēstnesis, 128A. OP No. 2024/128A.1. https://likumi.lv/ta/en/en/id/353390-national-cybersecurity-law
[106] European Commission. (2024). Data Governance Act – implementation tracker. European Commission, Directorate-General for Communications Networks, Content and Technology. https://digital-strategy.ec.europa.eu
[107] Latvijas Banka [Bank of Latvia]. (2025). DORA implementation and subjects. https://www.bank.lv/en/operational-areas/supervision/ict-security-and-cyber-risks/dora-implementation-and-subjects

6. Copyright Directives (Directives 2019/789 and 2019/790) — CJEU referral February 2023; transposition completed April 2023 with further amendments January 2025.[108]

A defining characteristic of Latvia's digital infringement profile is the recurrence of delayed or partial transposition, often linked not to political resistance but to administrative capacity constraints and the sequencing of primary and secondary legislation. Across several directives—most clearly NIS2 and the EECC—Latvia adopted primary laws but failed to finalise the necessary implementing regulations within the required timeframe.[109]

The EECC represents the most severe case: an 18-month delay, a presidential veto over data-retention provisions, and ultimately a CJEU judgment with financial penalties.[110] The Open Data Directive similarly exposed structural weaknesses, with Latvia submitting an incomplete governance report and requiring later institutional reforms to meet EU expectations.

In the field of cybersecurity, Latvia's minimum-implementation approach to NIS2 ensured timely adoption of the National Cybersecurity Law, yet the absence of secondary measures kept the infringement procedure active. The DGA infringement illustrates a different pattern: Latvia had designated all required authorities but lacked the enforcement capacity to operationalise the framework.[111]

The copyright proceedings show a full enforcement arc—from CJEU referral to completed transposition and subsequent strengthening of enforcement powers—demonstrating that infringement pressure can produce compliance.[112]

Overall, Latvia's infringement record reflects a reactive compliance model, where alignment with EU digital legislation is frequently achieved only under formal Commission pressure. Sub-national actors play a limited role in these processes, and the administrative burden of complex EU digital frameworks continues to challenge Latvia's regulatory capacity.[113]

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[108] Andersone, I., & Utināne, P. (2025). [LV] Amendments to the Copyright Law: restricting access to websites with illegally published copyrighted content. IRIS 2025-2:1/19. European Audiovisual Observatory. https://merlin.obs.coe.int/article/10235

[109] Sorainen. (2022). Latvian parliament finally adopts the law implementing the European Electronics Communications Code (EECC). https://www.sorainen.com/publications/latvian-parliament-finally-adopts-the-law-implementing-the-european-electronics-communications-code-eecc/
European Commission. (2025). Commission calls on 19 Member States to fully transpose the NIS2 Directive. https://digital-strategy.ec.europa.eu/en/news/commission-calls-19-member-states-fully-transpose-nis2-directive

[110] Squire Patton Boggs. (2024). Court of Justice of the EU sanctions five EU Member States for late transposition of the EU Electronic Communications Code (EECC). https://www.squirepattonboggs.com/insights/publications/court-of-justice-of-the-eu-sanctions-five-eu-member-states-for-late-transposition-of-the-eu-electronic-communications-code-eecc/

[111] European Commission. (2024). Commission calls on 18 Member States to comply with the EU Data Governance Act. https://digital-strategy.ec.europa.eu/en/news/commission-calls-18-member-states-comply-eu-data-governance-act

[112] Andersone, I., & Utināne, P. (2025). [LV] Amendments to the Copyright Law: restricting access to websites with illegally published copyrighted content. IRIS 2025 2:1/19. European Audiovisual Observatory. https://merlin.obs.coe.int/article/10235

[113] European Commission. (2025). Digital Decade 2025 country reports (SWD(2025) 290 final–SWD(2025) 295 final). Accompanying the communication State of the Digital Decade 2025: Keep building

4.4 Cross-Cutting Governance Challenges

4.4.1 Legislative Pace and Institutional Constraints

Latvia shows a consistent gap between its formal commitment to EU digital rules and their timely implementation. EECC transposition was heavily delayed and politically complicated, DORA arrived about nine months late, and NIS2 secondary legislation also lagged. According to the SGI 2024 report, weak executive coordination and slow legislative processing contribute to these delays. Together, the Saeima's pace, fragmented ministerial responsibilities, and limited capacity for complex EU files form systemic risks in Latvia's digital governance.

4.4.2 Sub-national Exclusion and Compliance Risk

Latvian municipalities carry significant NIS2 compliance obligations but lack the resources, IT capacity, and structural influence needed to shape the rules that bind them. NIS2 requires public bodies operating essential services to implement risk-management and incident-reporting measures, yet municipalities receive no dedicated national co-financing and face rising costs that the LPS has repeatedly highlighted. Their successful objection to mandatory certified data-centre placement shows that sub-national input can matter when channelled through the TAP portal. However, because municipalities are excluded from inter-ministerial coordination bodies, compliance risks emerging at the local level are rarely anticipated during the drafting of transposition measures. Two further points qualify this picture. First, the capacity problem has a structural-territorial dimension that predates NIS2: the OECD's review of Latvia's digital transformation already noted that Latvian municipalities are comparatively small, that pronounced regional disparities translate into large differences in per-capita resources, and that pooling digital resources and e-services across several municipalities offers the most realistic route to high-quality local digital service provision – an approach that would equally mitigate NIS2 compliance costs.[114] Second, Latvian municipalities do hold one distinctive instrument of vertical accountability that is unique in the Nordic-Baltic region: under the Constitutional Court Law, municipal councils may challenge national legislation before the Constitutional Court, giving sub-national government a judicial channel to contest digital obligations it considers disproportionate – a potential counterweight to its exclusion from inter-ministerial coordination, even if it has so far not been deployed in the digital field.[115]

4.4.3 Civil Society and Participatory Deficits

Latvia's digital governance gives civil society no formal role: NGOs and unions may comment through the TAP portal, but this does not amount to structured early-stage participation. Key transpositions such as DORA occurred without any public consultation, and civil society was

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the EU's sovereignty and digital future (COM(2025) 290 final). https://digital-strategy.ec.europa.eu/en/factpages/latvia-2025-digital-decade-country-report

[114] OECD. (2021). Going digital in Latvia (OECD Reviews of Digital Transformation). OECD Publishing. https://doi.org/10.1787/8eec1828-en

[115] Nordic Council of Ministers. (2024). Public digitalisation in a legal perspective (TemaNord 2024:503), Latvia chapter. https://pub.norden.org/temanord2024-503/latvia.html

largely absent from deliberations on NIS2 and the AI Act. The AI Centre, created in 2025 as a joint state–university–industry foundation, further raises transparency concerns, as its governance includes no civil society representation. Legal scholars and policy experts have questioned whether delegating regulatory-sandbox powers—including temporary exemptions from data-protection rules—to a private foundation is compatible with democratic accountability, with Iveta Kažoka noting she knew of no other country that had transferred such authority to a private actor.[116]

4.4.4 Latvia as Frontrunner and Laggard Simultaneously

Latvia's governance position defies simple categorisation as either digital frontrunner or governance laggard. The OECD's 2025 country note on Latvia's AI implementation progress highlights investments in public sector AI adoption, e-health infrastructure, and semiconductor partnerships.[117] Latvia is among the first EU member states to designate competent authorities for all three of the DGA, Data Act, and EU AI Act. Its national cybersecurity law goes beyond minimum NIS2 requirements in certain respects, for instance by classifying all electronic communications businesses as essential entities regardless of size. At the same time, it has been sanctioned by the CJEU for EECC non-transposition, repeatedly found in infringement for failure to notify complete transposition measures, and continues to exhibit an institutional architecture in which sub-national actors and civil society are systematically underrepresented in digital policymaking. This duality—institutional initiative combined with process fragility and participation deficits—is arguably the defining feature of Latvia's digital governance profile.

4.5 Conclusions

Latvia’s digital infringement record reflects not a lack of political will, but structural governance constraints: limited parliamentary and ministerial capacity for technically complex directives; persistent fragmentation between VARAM and the Ministry of Economics; a sub-national level excluded from national digital policymaking despite direct compliance duties; and participatory mechanisms too shallow to surface implementation risks.

Nationally, Latvia’s capacity challenges require strengthened enforcement functions within VARAM, clearer institutional responsibility for AI governance, and earlier engagement with EU transposition cycles. Sub-nationally, co-financing for NIS2 and future digital obligations, combined with structured early municipal input, would reduce compliance risks and improve policy quality. At EU level, the recurrent pattern of many member states simultaneously in

[116] The Baltic Times. (2025). President proposes 'regulatory sandbox' for Latvian National AI Center. https://www.baltictimes.com/president_proposes__regulatory_sandbox__for_latvian_national_ai_center/
[117] OECD. (2025). Progress in implementing the EU coordinated plan on artificial intelligence (Vol. 1): Latvia country note. OECD Publishing. https://www.oecd.org

infringement across the same directives suggests a need to reassess directive design, transposition periods, and clarity of technical requirements.

Latvia's new AI Centre, expanded in 2025 as the Baltic EU AI antenna, is the most ambitious recent institutional reform. Its long-term legitimacy will depend on whether its governance model incorporates transparent data governance and meaningful civil-society representation. Concentrating regulatory sandbox functions in a semi-private foundation without such accountability risks reproducing the broader exclusion of municipal and civil-society actors that characterises Latvia's digital governance more generally.

5. Climate Governance in Norway: Multilevel Structures and EEA/EFTA Infringement Proceedings

5.1 Introduction

As a member of the European Economic Area (EEA) and the European Free Trade Association (EFTA), Norway is bound to implement most EU single market legislation—including key energy and climate directives—but does so without voting rights in EU legislative processes and without being subject to the jurisdiction of the Court of Justice of the European Union (CJEU). Enforcement of EEA obligations rests instead with the EFTA Surveillance Authority (ESA) and the EFTA Court.118119 In addition to the incorporation of individual EU directives, Norway participates in core elements of European climate governance, including the EU Emissions Trading System (EU ETS) and EEA-linked cooperation on effort sharing and land use, land-use change and forestry (LULUCF). Its climate policy is therefore embedded in a European multilevel governance system despite Norway's non-membership and lack of voting rights in EU law-making.[120]

Norway is a constitutional monarchy with a unicameral parliament (Storting) and a multi-party system producing minority or coalition governments. The twin transition is led primarily by the Ministry of Climate and Environment and the Ministry of Energy, while the Norwegian Water Resources and Energy Directorate (NVE) acts as the central licensing authority for many renewable-energy installations under the Energy Act.

Norway’s energy transition is presented as a paradox: it positions itself as a global climate leader with a near-100% renewable electricity system and one of the world's largest electric-vehicle fleets, yet its welfare and prosperity remain heavily dependent on oil and gas extraction and exports: Norway combines ambitious climate targets and an almost entirely renewable electricity system with continued petroleum expansion, contested wind-power development and politically sensitive integration into European energy and climate governance.[121]

[118] Büchel, F., Lewis, X. (2016). The EFTA Surveillance Authority. In: Baudenbacher, C. (eds) The Handbook of EEA Law. Springer, Cham. 113-138. https://doi.org/10.1007/978-3-319-24343-6_6
[119] Baudenbacher, C. (2016). The EFTA Court: Structure and Tasks. In: Baudenbacher, C. (eds) The Handbook of EEA Law. Springer, Cham. 139-178. https://doi.org/10.1007/978-3-319-24343-6_7
[120] EFTA Surveillance Authority. (2025). Climate progress report 2025. https://www.eftasurv.int/cms/sites/default/files/documents/gopro/Final%20Climate%20Progress%20Report%202025.pdf
[121]Korsnes, M., Loewen, B., Freng Dale, R., Steen, M., & Skjolsvold, T. M. (2023). Paradoxes of Norway's energy transition: Controversies and justice. Climate Policy, 23(9), 1132-1150. https://doi.org/10.1080/14693062.2023.2169238.

5.2 Multilevel Governance Architecture for Climate Policy

5.2.1 The EU/EEA Level: Binding Obligations Without Voice

Norway's EEA membership binds it to EU energy and climate directives—including the Renewable Energy Directive (REDII, 2018/2001), the Energy Performance of Buildings Directive (EPBD, 2018/844 and its 2024 recast), and the Energy Efficiency Directive—without any formal vote in EU lawmaking. The EFTA Surveillance Authority (ESA) oversees compliance and can issue reasoned opinions and refer cases to the EFTA Court. Recent research on EU climate-policy coordination in Norway shows that EU climate packages, from the 2009 climate and energy package to the European Green Deal and Fit for 55, have increased pressure for cross-sectoral coordination across ministries. However, the Norwegian sector principle continues to fragment responsibility across climate, energy, transport, agriculture and petroleum governance.[122]

The EU–Norway relationship has been under strain over climate and energy policy. Tensions have been high since 2024 over interconnector renewal and REDII non-transposition, with one EU ambassador posted in Norway stating publicly: "We are not happy with Norway." These tensions lead to the collapse of the Norwegian coalition government in January 2025 after the eurosceptic Centre Party withdrew in protest against three EU renewable energy and efficiency directives. This made the Labour Party the first single-party government in Norway since 2001; under the Norwegian Constitution, which does not permit early elections, Prime Minister Støre continued to govern as a minority until the regular election of September 2025.[123][124]

5.2.2 The National Level: NVE Dominance, Ministerial Fragmentation, and Coalition Instability

Key actors are the Ministry of Climate and Environment (Klima- og miljødepartementet), the aforementioned Ministry of Energy (Energidepartementet), renamed from the Ministry of Petroleum and Energy in 2024, especially its Water Resources and Energy Directorate (NVE, Norges vassdrags- og energidirektorat), which is also in charge of monitoring the energy sector overall. The Norwegian Energy Regulatory Authority (RME, Reguleringsmyndigheten for energi) is the national regulator for the Norwegian electricity and downstream gas markets and is responsible for enforcing many of the provisions of the Energy Act; whilst functionally independent, RME operates organisationally within the NVE framework and is therefore often referred to as NVE-RME. NVE is in charge of licensing for hydropower, wind power and solar power under the Energy Act. The wind power licensing process will be explored in depth further

[122]INCLUDE. (2025). EU climate policy coordination and Norway's governance challenges. University of Oslo / Fridtjof Nansen Institute / Norwegian Institute of International Affairs.

[123] Reuters. (2025, January 30). Norway government collapses after Eurosceptic party quits. https://www.reuters.com/world/europe/; The Local Norway. (2025, January 30). Norway's Centre Party pulls out of government over energy spat. https://www.thelocal.no/20250130/norways-centre-party-set-to-pull-out-of-government-over-energy-spat

[124]Rothwell, J. (2025): Norway eurosceptics collapse coalition government over green energy row. The Telegraph, Norway eurosceptics collapse coalition government over green energy row.

below. In the case of large hydropower, NVE makes a first judgement and submits this to the Ministry of Energy, which then presents the case to the Council of State (the cabinet), which has the final say. The Ministry of Climate and Environment owns Enova, a state enterprise that contributes to reducing greenhouse gas emissions and supports the transition to more sustainable energy use through subsidies and incentives across sectors including industry, transport and households.

5.2.3 The Regional Level: Consultees Without Strategic Authority

County Councils (fylkesting) and County Governors (fylkesmann) play a formal role in EIAs and hold authority over cultural heritage, but they are fundamentally hearing parties in the licensing process rather than strategic authorities. The NVE's 2020 report to the Storting recommended bundling wind concession processing at the regional level and strengthening the role of counties in the EIA process,[125] but these recommendations were not fully implemented. Thematic Conflict Assessments, introduced in 2005 and abolished in 2016, briefly gave the regional level a more structured role in identifying contested sites before licensing.[126] County Governors formally file objections that can trigger ministerial review, but NVE has overruled the majority of such objections. Regional actors have planning, consultation and climate-strategy roles, but they do not possess decisive authority over national renewable-energy licensing under the Energy Act. The regional level is therefore better characterised as an intermediate consultative layer than as an autonomous strategic tier of energy governance.

5.2.4 The Municipal Level: From Hearing Party to Statutory Veto

Municipalities are among the most consequential actors in Norway's renewable energy governance, and their role has undergone a fundamental legal transformation over the period studied. Under the 2008 Planning and Building Act (Plan- og bygningsloven), land-use decision-making for energy installations was transferred from municipalities to the national level, leaving municipalities only as formal hearing parties.[127] This was justified by the government as necessary to ensure national control over a critical sector and as sufficient given the EIA process.

In practice, however, the system showed a marked gap between formal and informal power. Jackson Inderberg et al.'s statistical analysis found that of 195 wind power licence applications submitted until 2019, only a single licence was ultimately granted against the clear wish of the

[125]Jackson Inderberg, T. H., Rognstad, H., Saglie, I.-L., & Gulbrandsen, L. H. (2020). Who influences windpower licensing decisions in Norway? Formal requirements and informal practices. Energy Research & Social Science, 66, 101483. p. 186–187.
[126]Vasstrøm, M., & Lysgård, H. K. (2021). What shapes Norwegian wind power policy? Analysing the constructing forces of policymaking and emerging questions of energy justice. Energy Research & Social Science, 79, 102181. p. 4–5.
[127]Jackson Inderberg, T. H., Rognstad, H., Saglie, I.-L., & Gulbrandsen, L. H. (2020). Who influences windpower licensing decisions in Norway? Formal requirements and informal practices. Energy Research & Social Science, 66, 101483. p. 184–185.

host municipality.[128] What municipalities objected to was not so much the siting decisions, but rather the post-licensing phase: developers would significantly increase turbine heights (from 100 to over 200 metres), expand installed capacity, and modify access roads with minimal municipal involvement. Darpö shows that differences between the Swedish EU-law context and the Norwegian EEA-law context contributed to divergent permitting practices, particularly regarding the legal fixation of turbine height and location.[129]

In July 2023, the Energy Act and Planning and Building Act were amended to restore municipalities as planning authorities and grant them a effective/decisive veto through municipal zoning-plan approval on onshore wind development: any developer wishing to build an onshore wind farm must now first obtain a zoning plan approval from the host municipality before submitting a licence application to NVE.[130] The 2024 resource-rent tax on onshore wind introduced an effective 25 per cent tax on resource rent, while separate production-tax and revenue-allocation mechanisms strengthened host-municipality compensation.

5.2.5 Civil Society: Environmental NGOs as Veto Players

Environmental NGOs have become powerful agenda-setting and litigation actors in Norway's wind energy governance. Allemannsretten—the Nordic right of public access to all land—and a strong place-identity culture make landscape alteration a particularly charged issue in Norway. As Vasstrøm and Lysgård document, the National Framework on Onshore Wind Power (2017–2019) generated 5,000 public submissions and ultimately had to be withdrawn entirely after becoming "a symbol of local disempowerment."[131] In 2018, 65% of Norwegians supported increasing wind power; by 2021, this had fallen to 33%.[132] Figari, Dotterud Leiren, and Krange document a subsequent post-licensing "silencing of dissent": once wind farms are built, community norms suppress continued opposition.[133]

[128]Inderberg, T. H. J., Theisen, O. M., & Flåm, K. H. (2020). What influences windpower decisions? A statistical analysis of licensing in Norway. Journal of Cleaner Production, 273, 122712. https://doi.org/10.1016/j.jclepro.2020.122712

[129]Darpö, J. (2020). Should locals have a say when it's blowing? The influence of municipalities in permit procedures for windpower installations in Sweden and Norway. Nordic Environmental Law Journal, 1, 63–80. p. 71.

[130]Norwegian Government. (2023, March). Amendments to the Energy Act and Planning and Building Act on onshore wind power [Government press release]. https://www.thommessen.no/en/news/proposed-amendments-to-the-licensing-process-for-onshore-wind-power

[131]Vasstrøm, M., & Lysgård, H. K. (2021). What shapes Norwegian wind power policy? Analysing the constructing forces of policymaking and emerging questions of energy justice. Energy Research & Social Science, 79, 102181. p. 5–6.

[132]Krange, O., Figari, H., & Kaltenborn, B. (2025). Wind power and NIMBYism in Norway: Public attitudes and local resistance. Environmental Management, 75(5), 1300–1315. p. 1305.

[133]Figari, H., Dotterud Leiren, M., & Krange, O. (2024). After the battle: Emergent norms and the silencing of dissent in a Norwegian wind power community. Energy Research & Social Science, 118, 103765. https://doi.org/10.1016/j.erss.2024.103765

5.3 EEA/EFTA Infringement Proceedings and Compliance Failures

Because Norway is not an EU Member State, these are not Commission infringement proceedings under Articles 258-260 TFEU. In the EEA two-pillar system, compliance is monitored by the EFTA Surveillance Authority, which may issue letters of formal notice, reasoned opinions and ultimately bring a case before the EFTA Court.[134]

1. Renewable Energy Directive II (Directive (EU) 2018/2001): delayed incorporation and implementation risk. RED II was politically contested and delayed, but later incorporated into the EEA framework through Joint Committee Decision No. 176/2025; the remaining issue is national implementation and possible ESA follow-up.

2. Energy Performance of Buildings Directive: Norway's implementation record should distinguish Directive 2010/31/EU, Directive (EU) 2018/844 and the 2024 recast. The older EPBD obligations generated long-running ESA concerns, while the 2024 recast should be treated as EEA-relevant but not yet fully incorporated into Norwegian law.

3. Scope 3 EIA (Environmental Impact Assessment of offshore oil field approvals): Oslo District Court (January 2024), Norwegian Supreme Court and the Borgarting Court of Appeal (November 2025) ruled that the Ministry of Energy violated Norwegian law by approving three oil fields without Scope 3 EIA, following an EFTA Court advisory opinion. Although this is not an ESA infringement proceeding but domestic climate litigation, it has a clear EEA dimension: the courts relied on the EFTA Court's reading of the EU Environmental Impact Assessment Directive (2011/92/EU) that downstream combustion emissions are an "effect" of an extraction project that must be assessed.[135] Active compliance issue.

5.3.1 Renewable Energy Directive II (REDII)

Norway's failure to fully transpose REDII in 2024 and 2025 is the most politically consequential climate-related compliance failure in Norway's recent history, having directly triggered the collapse of the governing coalition. Skjærseth and Rosendal document how Norway's relationship with REDII has moved from "tailwind to headwind": initially adopted as a corollary to EEA membership, the directive's practical demands on licensing timelines, energy community

[134]Büchel, F., & Lewis, X. (2016). The EFTA Surveillance Authority. In C. Baudenbacher (Ed.), The Handbook of EEA Law (pp. 113-138). Springer.

[135] Borgarting Court of Appeal. (2025, November 14). Judgment on the validity of the development plans (PDO) for the Breidablikk, Tyrving and Yggdrasil petroleum fields; see also EFTA Court, Case E-18/24 (advisory opinion on the EIA Directive 2011/92/EU); Greenpeace Nordic and Natur og Ungdom v. Ministry of Energy. https://climatecasechart.com/non-us-case/the-north-sea-fields-case-greenpeace-nordic-and-nature-youth-v-energy-ministry/

frameworks, and renewable heat obligations have become politically toxic in a context of public opposition to wind expansion and Coalition partners' concerns about sovereignty.[136]

The Centre Party's declared indefinite non-transposition of the remaining five parts of the EU's Clean Energy Package,[137] and the subsequent minority Labour government's announcement of legislative changes to the Energy Act that it acknowledged fell short of REDII requirements,[138] placed Norway in an unusually open political conflict with EEA implementation expectations. Gulbrandsen's recent analysis of the one-stop-shop permitting model identifies an additional structural source of REDII infringement risk: Norway's 2019–2023 halt on all new wind licensing froze the pipeline of applications that were meant to be processed under streamlined REDII-compliant procedures.[139]

The deeper analytical point, developed by Skjærseth and Rosendal, is that Norway's position in the EEA gives it a structurally weaker bargaining hand than EU members: because it cannot vote on the directives it must implement, and because the EEA Agreement's "two-pillar" design routes enforcement through the ESA and the EFTA Court rather than the Commission and the CJEU, domestic opponents can frame compliance as an externally imposed loss of sovereignty rather than as the outcome of a process Norway helped to shape. The REDII conflict shows how this democratic-deficit argument, latent for decades, can become electorally decisive once a directive's distributive effects (here, wind-power siting and electricity prices) are felt locally – a dynamic that the comparative literature on differentiated integration identifies as specific to the associated, non-member states of the EEA.[140]

5.3.2 Energy Performance of Buildings Directive (EPBD)

Norway's EPBD transposition demonstrates a long-running gap: the ESA issued a reasoned opinion as early as July 2011 for Norway's failure to implement the energy performance certificate obligations of Directive 2010/31/EU,[141] yet the directive was only transposed into Norwegian law in 2023. The political resistance to the EPBD is distinctive and substantively grounded. Norway's

[136] Skjærseth, J. B., & Rosendal, K. (2022). Implementing the EU renewable energy directive in Norway: From tailwind to headwind. Environmental Politics, 32(2), 316-337. https://doi.org/10.1080/09644016.2022.2075153

[137] See Reuters / The Local Norway. (2025, January 30). Norway's Centre Party pulls out of government over energy spat. https://www.thelocal.no/20250130/norways-centre-party-set-to-pull-out-of-government-over-energy-spat

[138] Norwegian Government / Sverdrup Willoch & Co. (2025). The government proposes changes to the Energy Act. https://svw.no/en/insights/the-government-proposes-changes-to-the-energy-act

[139] Gulbrandsen, L. H. (2025). The limitations of the one-stop-shop approach: How local experiences shaped opposition to the Norwegian wind power permitting system. Energy Research & Social Science, 123, 104048.

[140] Skjærseth, J. B., & Rosendal, K. (2022). Implementing the EU renewable energy directive in Norway: From tailwind to headwind. Environmental Politics, 32(2), 316-337. https://doi.org/10.1080/09644016.2022.2075153; on the EEA two-pillar enforcement structure see Büchel & Lewis (2016) and Baudenbacher (2016), cited at footnotes 1 and 2.

[141] EFTA Surveillance Authority. (2011, July 13). Reasoned opinion on implementation of the Energy Performance of Buildings Directive (2010/31/EU), Norway. Case 68557.

almost 100% renewable electricity grid means that the directive's energy consumption reduction mandates are widely—and not entirely unreasonably—perceived as inapplicable to the Norwegian context. Berker and Woods document how even research centres working on zero-emission neighbourhoods have encountered Norwegian resistance, noting that the rationale for on-site renewable energy generation "cannot compete with cheap and well-established hydropower."[142]

5.3.3 The Fosen Case and the Limits of EFTA Oversight

The Fosen case is simultaneously a wind energy case, a constitutional case, and an indicator of the distinctive enforcement environment Norway operates in as a non-EU state. In October 2021, Norway's Supreme Court ruled that the wind farms on the Fosen peninsula violated the constitutional rights of Sámi reindeer herders under Article 27 of the UN International Covenant on Civil and Political Rights.[143] The wind farms, operated by Fosen Vind DA (majority-owned by the state company Statkraft), had been completed in 2019–2020.The government's failure to act on the ruling for almost two years produced what became widely described as the longest non-compliance with a court order in Norwegian history. The government's delayed response triggered major protests directed at the Ministry of Petroleum and Energy, later the Ministry of Energy, and at the wider government's handling of the Supreme Court ruling. Gulbrandsen, Jackson Inderberg, and Jevnaker note that the case illustrates the structural role of foreign capital in Norwegian wind governance: approximately 58% of Norwegian wind power was in foreign ownership by 2020. Vasstrøm and Lysgård situate this within Norway's quasi-colonial energy geography, in which Sámi lands and poor rural coastal municipalities have disproportionately hosted wind development. [144] Lundheim and Löfström document the "emotional landscape" this creates for affected communities.[145]

5.3.4 The ACER Dispute and the Constitutional Dimension of EEA Compliance

Norway's 2018 accession to ACER has become the symbolic focal point of a broader constitutional and political debate about the terms of EEA membership. In October 2023, Norway's Supreme Court ruled that the Storting's simple-majority decision to join ACER in 2018 was constitutionally lawful, rejecting the argument of "Nei til EU" that Article 115 of the Constitution (requiring a three-quarters majority for transfers of sovereignty) should have applied.[146] The Court held that

[142]Berker, T., & Woods, R. (2025). Resistance against zero-emission neighbourhood infrastructuring: Key lessons from Norway. Buildings & Cities, 6(1), pp. 345–358. DOI: https://doi.org/10.5334/bc.522

[143]Norwegian Supreme Court. (2021, October 11). Judgment HR-2021-1975-S (Fosen Vind). https://www.domstol.no/en/supremecourt/rulings/2021/supreme-court-civil-cases/hr-2021-1975-s/

[144]Vasstrøm, M., & Lysgård, H. K. (2021). What shapes Norwegian wind power policy? Analysing the constructing forces of policymaking and emerging questions of energy justice. Energy Research & Social Science, 79, 102181. p. 4.

[145]Lundheim, S. H., & Löfström, E. (2025). Wind energy development in Norway: Exploring the emotional landscape. Frontiers in Psychology, 16. https://doi.org/10.3389/fpsyg.2025

[146]Nordic Institute of European Legal Studies (NIELS). (2023, October 31). Supreme Court of Norway: Parliament's decision to join ACER is lawful. https://niels.institute/2023/10/31/supreme-court-of-norway-parliaments-decision-to-join-the-european-union-agency-for-the-cooperation-of-energy-regulators-acer-is-lawful/

higher electricity prices resulting from Norway's interconnectors—not from ACER membership itself—did not constitute a sufficiently consequential sovereignty transfer to trigger the higher threshold.

The political salience of this dispute cannot be overstated. Milne documents how Norway's deliberate decision not to renew its electricity interconnector contract with Denmark in 2026 was linked directly to domestic sovereignty concerns,[147] while Korsnes et al. situate ACER within the broader paradoxes of Norway's energy transition, in which EU integration simultaneously drives decarbonisation and generates political backlash.[148]

5.4 Wind Power, Energy Communities, and Distributive Justice

Norway's onshore wind power expansion (2016–2021) and subsequent reversal (2019–2023 licensing freeze) offer one of Europe's most instructive cases in the governance of renewable energy justice. From less than 1% in 2009, wind power grew to over 10% of Norwegian electricity production by 2019, with approximately 1,000 turbines added.[149] Licensing and appeal procedures for onshore wind projects were often lengthy and highly contested, with appeals becoming a routine feature of the permitting process.

Korsnes et al. frame these dynamics as "paradoxes of Norway's energy transition"—a country simultaneously committed to green transition, committed to oil and gas production, and caught between EU integration demands and domestic sovereignty politics.[150] The 2024 resource-rent tax introduced an effective 25 per cent tax on onshore wind resource rent. Its distributive relevance lies not only in the tax rate itself, but also in production-tax and revenue-allocation mechanisms that increase compensation to host municipalities.[151] Energy communities under REDII Article 22 remain marginal in Norway: Standal et al. find alignment between stakeholder motivations and

[147]Milne, R. (2024, December 12). Norway campaigns to cut energy links to Europe as power prices soar. Financial Times.

[148]Korsnes, M., Loewen, B., Freng Dale, R., Steen, M., & Skjølsvold, T. M. (2023). Paradoxes of Norway's energy transition: Controversies and justice. Climate Policy, 23(9), 1132–1150. https://doi.org/10.1080/14693062.2023.2169238

[149]Sciencedirect review article. (2025). Onshore wind permitting reforms in Norway. Renewable and Sustainable Energy Reviews. https://www.sciencedirect.com/science/article/pii/S221462962500129X

[150]Korsnes, M., Loewen, B., Freng Dale, R., Steen, M., & Skjølsvold, T. M. (2023). Paradoxes of Norway's energy transition: Controversies and justice. Climate Policy, 23(9), 1132-1150. https://doi.org/10.1080/14693062.2023.2169238

151Norwegian Government. (2023, October 6). The Government will introduce a resource rent tax on onshore wind power from 2024. https://www.regjeringen.no/en/whats-new/the-government-will-introduce-a-resource-rent-tax-on-onshore-wind-power-from-2024/id2997403/; Norwegian Tax Administration. (2026). Resource rent tax on onshore wind power.

EU policy objectives to be limited, with high upfront costs and administrative barriers the primary constraints.[152][153]

5.5 Conclusions

Norway's climate governance sits at the intersection of four structural tensions that distinguish it from all EU member states examined in this comparative study. First, the EEA framework obligates Norway to implement EU climate directives without any voice in their design—a democratic deficit that generates persistent legitimacy problems when directives are perceived as inappropriate to Norwegian conditions (as with the EPBD in a 100% renewable electricity context). Second, the EEA/EFTA architecture produces different procedural-rights dynamics than the EU/CJEU system, as illustrated in comparative wind-permitting research.[154]

Third, Norway's fossil fuel economy—which generates state revenues exceeding €111 billion per year from petroleum—creates powerful vested interests and a public discourse in which domestic renewable energy expansion is frequently framed as serving European energy needs rather than Norwegian climate objectives.[155] Fourth, Norway's proportional multi-party system and the specific political economy of the Centre Party—which draws its base from rural municipalities disproportionately hosting wind installations—has produced the most extreme instance of compliance failure documented in this study: an explicit governmental declaration of indefinite infringement.[156]

The September 2025 elections, with a record turnout of 80%, saw Labour and the Progress Party emerge as the biggest winners, while the Centre Party – whose withdrawal triggered the 2025 government collapse – was among the biggest losers. The re-election of a Labour-led government, rather than a Progress Party-led right-wing bloc, makes an immediate, sharp reversal of Norway's EEA energy-compliance trajectory less likely than the coalition crisis of January 2025 might have

[152]Standal, K., Dotterud Leiren, M., Alonso, I., Azevedo, I., Kudrenickis, I., Maleki-Dizaji, P., Laes, E., Di Nucci, M. R., & Krug, M. (2023). Can renewable energy communities enable a just energy transition? Exploring alignment between stakeholder motivations and needs and EU policy in Latvia, Norway, Portugal and Spain. Energy Research & Social Science, 106, 103281.

[153]Neij, L., Palm, J., Busch, H., Bauwens, T., Becker, S., Bergek, A., & Buzogany, A. (2025). Energy communities—lessons learnt, challenges, and policy recommendations. Oxford Open Energy, 4, oiaf002.

[154]Darpö, J. (2020). Should locals have a say when it's blowing? The influence of municipalities in permit procedures for windpower installations in Sweden and Norway. Nordic Environmental Law Journal, 1, 63-80.

[155] cf. Statistics Norway. (2023). Soaring revenues caused by high gas prices. https://www.ssb.no/en/offentlig-sektor/offentlig-forvaltning/statistikk/offentlig-forvaltnings-inntekter-og-utgifter/articles-for-general-government-revenue-and-expenditure/soaring-revenues-caused-by-high-gas-prices; Sandal, T. (2023). The "green" petrostate? Rosa Luxemburg Foundation.

[156]Reuters. (2025). Norway government collapses after Eurosceptic party quits; The Local Norway. (2025, January 30). Norway's Centre Party pulls out of government over energy spat.

suggested, even though the renewable-energy directives remain politically contested.[157][158] The incoming political configuration will determine whether Norway returns to a path of EEA compliance or whether the EFTA enforcement architecture faces an unprecedented test. What is clear from the scholarly record—from Skjærseth and Rosendal to Gulbrandsen, Vasstrøm, and Korsnes—is that Norway's compliance trajectory on climate directives cannot be separated from the deeper question of whether, and on what terms, a major oil and gas exporter can make a credible and just energy transition.

6. Digitalisation Governance in Norway: Multilevel Structures and EEA/EFTA Infringement Proceedings

6.1 Introduction

As with climate policy, Norway's digital governance presents a distinctive case in the comparative study: the only non-EU country examined, Norway is bound by EU digital legislation through its EEA membership but without any voting rights in EU lawmaking. Enforcement rests not with the European Commission and the Court of Justice of the European Union (CJEU), but with the EFTA Surveillance Authority (ESA) and the EFTA Court. As Baudenbacher notes, this architecture is structurally weaker in scope and speed than EU enforcement—ESA proceedings are slower and the EFTA Court's jurisdiction more limited than the ECJ's.[159]

Norway is a constitutional monarchy with a unicameral parliament (Storting) and a multi-party system. Digital transition is led by the Norwegian Digitalisation Agency (DigDir), subordinate to the Ministry of Digitalisation and Public Governance (established January 2024).[160] Norway has 15 counties (fylker) and 357 municipalities with directly elected councils. Unlike the climate case, civil society plays no significant role in digital infringement proceedings in Norway; the primary governance tensions are between the national level, municipalities, and county authorities over implementation costs, funding gaps, and capacity constraints.[161]

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[157] Kirby, P. (2025). Norway's left clinches vote win as populist right surges into second place. BBC News. https://www.bbc.com/news/articles/cq65255l27qo; International IDEA. (2025). Norway – September 2025. The Global State of Democracy. https://www.idea.int/democracytracker/report/norway/september-2025

[158]Kirby, P. (2025, September 5). Norway's left clinches vote win as populist right surges into second place. BBC. https://www.bbc.com/news/articles/cq65255l27qo

[159] Baudenbacher, C. (Ed.). (2016). The Handbook of EEA Law. Springer International Publishing. https://doi.org/10.1007/978-3-319-24343-6

[160] Ministry of Digitalisation and Public Governance, Norway. (2024). About the ministry. https://www.regjeringen.no/en/dep/dfd/org/etater-og-virksomheter-under-digitaliserings-og-forvaltningsdepartementet/underliggende-etater/digitaliseringsdirektoratet/id2684200/

[161] Statistics Norway. (2019). Digitalisation in the Norwegian municipalities: State analysis for 2018. https://www.ssb.no/en/teknologi-og-innovasjon/artikler-og-publikasjoner/digitalisation-in-the-norwegian-municipalities

6.2 Multilevel Governance Architecture for Digitalisation Policy

6.2.1 The EU/EEA Level: Direct Application, Excluded Enforcement Bodies

EU digital regulations—including the Digital Services Act (DSA, 2022/2065), the Digital Markets Act (DMA, 2022/1925), the AI Act (2024/1689), and the Data Governance Act—apply directly in the EEA via Joint Committee decisions, without requiring separate national transposition legislation. Directives (NIS1/NIS2, the Open Data Directive, the DSM Copyright Directive) do require national enactment.

Critically, Norway is excluded from two of the EU's most important digital enforcement bodies: the European Board for Digital Services (EBDS) and the DMA High-Level Group. These are the key coordination bodies for DSA and DMA enforcement across the EU. Norway's exclusion means it participates in the obligations but not in the enforcement architecture. For AI governance, Norway will be part of the European AI Board (EAIB),[162] and NKom (the Norwegian Communications Authority) was designated as the national AI supervisory body in February 2025.[163] Norway also participates in EU digital governance bodies: EAIB (AI Act), the NIS Cooperation Group (cybersecurity), and the Digital Europe Programme as a funding and capacity-building instrument.[164]

6.2.2 The National Level: DigDir, Ministerial Fragmentation, and Structural Sectorisation

At the national level, DigDir serves as the primary tool of the Norwegian government for digitising its public sector, subordinate to the Ministry of Digitalisation and Public Governance.[165] Key cybersecurity responsibilities are held by the Norwegian National Security Authority (NSM), which oversees implementation of the Digital Security Act. The Norwegian Communications Authority (NKom) holds supervisory authority for DSA platform oversight and since February 2025 for AI Act supervision.[166] The Norwegian Data Protection Authority (Datatilsynet) has been

[162]Norwegian Communications Authority (NKom). (2025, February). Designated as national AI supervisory body. Altinget. https://www.altinget.no/artikkel/vil-gjoere-det-ulovlig-med-manipulerende-maskiner-dette-innebaerer-forslaget-til-ki-lov

[163] Digitaliserings- og forvaltningsdepartementet. (2025). Gjør Norge klar for trygg og innovativ KI-bruk [Pressemelding]. Regjeringen.no. https://www.regjeringen.no/no/aktuelt/gjor-norge-klar-for-trygg-og-innovativ-ki-bruk/id3093081/

[164] Norway and the EU - Mission of Norway to the EU. (n.d.). EU Programmes. Norway.no https://www.norway.no/en/missions/eu/areas-of-cooperation/participation-in-programmes-and-agencies/

[165] Digdir (2025). *About the Norwegian Digitalisation Agency*. https://www.digdir.no/digdir/about-norwegian-digitalisation-agency/887

[166]Norwegian Government. (2025, March). AI Norway established within DigDir. https://www.regjeringen.no/en/aktuelt/gjor-norge-klar-for-trygg-og-innovativ-ki-bruk/id3093081/

operating the regulatory sandbox for AI since 2020, producing some of the most practically relevant governance outputs in Norway's AI governance framework.[167]

Norway's transposition delays stem from a structural issue: lacking a cross-sectoral digital security law before NIS1, each directive must be built from scratch rather than adapted from existing frameworks.[168] More broadly, Norway's model of individual ministerial responsibility produces strongly sectorised policymaking. Until January 2024, responsibility for digitalisation policy was fragmented across the former Ministry of Local Government and Regional Development (which also covered housing stock, regional development, and Svalbard).[169] The 2024 creation of a dedicated Ministry of Digitalisation and Public Governance improved Norway's structure, but the ministry still lacks unified control over digital policy because NKom remains an independent supervisor and NSM's security mandate lies under another ministry.[170]

An interministerial DMA/DSA Working Group, led by the Ministry of Local Government and Regional Development (now the Ministry of Digitalisation and Public Governance), was created to coordinate EEA incorporation of DMA and DSA.[171] Norway also established a Norway-led coordination mechanism within an EFTA ECASIS task force to address the two-pillar challenge of DMA/DSA EEA incorporation—reflecting the specific complexity of incorporating platform regulations into a non-EU legal framework without access to the EBDS or DMA High-Level Group.[172]

6.2.3 The Regional Level: Hearing Parties Without Digital Mandates

Norway has no regional digital regulatory authority. Counties serve only as hearing bodies, not decision-makers, and function mainly as downstream implementers of national DigDir programmes in areas such as health, social care, and rescue services. DigiViken—linking 51 municipalities and three former county-level units—remains the main sub-regional coordination forum, operating as a lobbying and professional network rather than a regulator. Regional Councils

[167]Norwegian Data Protection Authority (Datatilsynet). (2020–2025). AI regulatory sandbox. White & Case AI Watch – Norway. https://www.whitecase.com/insight-our-thinking/ai-watch-global-regulatory-tracker-norway

[168]Bull & Co Advokatfirma. (2025). Digitalsikkerhetsloven og forskriften trer i kraft [The Digital Security Act and regulations enter into force]. https://www.bull.no/artikler/teknologi-it-ai/digitalsikkerhetsloven-og-forskriften-trer-i-kraft

[169] Norwegian Ministry of Digitalisation and Public Governance. (2024). The digital Norway of the future: National Digitalisation Strategy 2024–2030. https://www.regjeringen.no/contentassets/c499c3b6c93740bd989c43d886f65924/en-gb/pdfs/digitaliseringsstrategi_eng.pdf

[170] Norwegian Government. (2025). Gjør Norge klar for trygg og innovativ KI-bruk [Paving the way for safe and innovative use of AI in Norway]. https://www.regjeringen.no/en/whats-new/gjor-norge-klar-for-trygg-og-innovativ-ki-bruk/id3093081/

[171] Digdir. (2019). About the Norwegian Digitalisation Agency. https://www.digdir.no/digdir/about-norwegian-digitalisation-agency/887

[172] Norwegian Government. (2024). The Digital Norway oft he Future. https://www.regjeringen.no/en/documents/the-digital-norway-of-the-future/id3054645/

(maakuntaliitot) contribute to regional development strategies that include digital priorities, but lack formal decision-making powers in digital policy.[173]

6.2.4 The Municipal Level: Implementation Obligees with Significant Capacity Gaps

Municipalities are the main implementation bottleneck in Norway's digital governance. They carry legal responsibility for open-data obligations, NIS1/NIS2 cybersecurity duties, and AI Act compliance for high-risk public-sector AI—without dedicated national funding and with major capacity gaps between Oslo and small rural municipalities. This pattern appears consistently across consultation records for NIS1, the Open Data Directive, and the AI Act draft.[174]

The Norwegian Association of Local and Regional Authorities (KS, Kommunesektorens organisasjon) functions as the primary formal channel through which municipalities and counties participate in national digital legislation processes. KS has submitted detailed responses to the Open Data Directive transposition consultation,[175] the NIS1 implementation,[176] and the draft AI Act,[177] consistently raising the same structural concerns: inadequate national funding to cover new compliance obligations, insufficient guidance on defining responsibilities, and the need to account for the disparity between large cities and small rural municipalities in determining administrative penalties.

The Storkommune-gruppa (SKG), representing Norway's ten largest cities and 40% of the population, has been a particularly strong voice in Open Data Directive consultations, warning that ending commercial geodata sales— which fund most municipal mapping and planning services—without replacement financing would undermine up-to-date digital maps and create dangerous gaps in emergency preparedness.[178]

6.2.5 The Datatilsynet AI Sandbox: Social Innovation as Governance Resource

Since 2020, Datatilsynet has run one of Europe's most productive AI regulatory sandboxes, allowing citizens and companies to test AI-based data uses under legal supervision. A key

[173] Digdir. (2019). *About the Norwegian Digitalisation Agency*. https://www.digdir.no/digdir/about-norwegian-digitalisation-agency/887

[174] Holm Security. (2024). NIS & NIS2 in Norway. https://www.holmsecurity.com/nis2-in-norway

[175] KS (Kommunesektorens organisasjon). (2025). Consultation response to draft Open Data Directive transposition. https://www.regjeringen.no/contentassets/b995e355a68043d19d6b990824ae1d59/ks.pdf?uid=KS

[176] Ministry of Local Government and Regional Development, Norway. (2019). Consultation on draft Digital Security Act regulations. https://www.regjeringen.no/no/dokumenter/horing-forslag-til-forskrift-til-digitalsikkerhetsloven-digitalsikkerhetsforskriften/id3052967/?showSvar=true

[177] KS (Kommunesektorens organisasjon). (2025). Consultation response to draft Norwegian AI Act. https://www.regjeringen.no/no/dokumenter/3112327/id3112327/?expand=horingsnotater

[178] Stavanger Municipality. (2024). Consultation response to draft Open Data Directive transposition. Norwegian Government Consultation Portal. https://www.regjeringen.no/no/dokumenter/horing-gjennomforing-av-direktiv-eu-20191024-om-apne-data-og-viderebruk-av-informasjon-i-offentlig-sektor-i-norsk-rett/id2907172/

public-sector outcome was its finding that repurposing personal data held by public agencies for AI training—such as for sick-leave prediction or benefit-fraud detection—lacks a legal basis under current Norwegian law and requires new legislation. This conclusion directly affects Norway's AI Act timeline, as full public-sector compliance depends on first establishing a statutory basis for data repurposing.[179]

6.3 EEA/EFTA Infringement Proceedings and Transposition Delays

The following are the key active or recently closed ESA proceedings and transposition delays in Norway's digital governance:

1. NIS1 Directive (2016/1148): ESA brought action before the EFTA Court. Norway implemented through the Digitalsikkerheitsloven in December 2023 (legal adoption) and October 2025 (full entry into force) – a nine-year lag from the EU transposition deadline.[180]

2. Open Data Directive (2019/1024): Transposition formally delayed in 2023; still not enacted as of early 2026.[181]

4. Digital Services Act (DSA, 2022/2065): Norwegian transposition law projected for summer 2026, approximately 2.5 years after the EU version.[182]

5. Digital Markets Act (DMA, 2022/1925): Draft published for consultation May 2025, more than four years after the EU transposition deadline of July 2021.[183]

6. DORA (Digital Operational Resilience Act): Norwegian transposition law enacted July 2025 – on-time or near-time transposition, one of the few exceptions.[184]

7. Digital Security Act (NIS1 implementation): Full national cybersecurity law enacted October 2025. NIS2 work begun with no timeline confirmed.[185]

Norway's digital transposition shows a consistent pattern of delay across most major directives, with only DORA and the Digital Security Act nearing on-time implementation. Unlike in the

[179] Chambers and Partners. (2025). Artificial intelligence 2025 – Norway: Trends and developments. https://practiceguides.chambers.com/practice-guides/artificial-intelligence-2025/norway/trends-and-developments
[180] Holm Security. (2024). NIS & NIS2 in Norway. https://www.holmsecurity.com/nis2-in-norway
[181] EFTA Surveillance Authority (ESA). (2022). ESA refers Norway to court for failure to implement Open Data Directive. https://www.eftasurv.int/newsroom/updates/esa-refers-norway-court-failure-implement-open-data-directive
[182] Medietilsynet. (2025). Forordningen om digitale tjenester (Digital Services Act). https://www.medietilsynet.no/regelverk/internasjonale-reguleringer-for-digitale-tjenester/dsa/
[183] Norwegian Government. (2024). Forordning om digitale markeder (Digital Markets Act – DMA): EØS-notat. https://www.regjeringen.no/no/sub/eos-notatbasen/notatene/2021/juni/forordning-om-digitale-markeder-digital-markets-act-dma/id2860419/
[184] Haavind. (n.d.). Digital Operational Resilience Act (DORA): Regulation 2022/2554 on digital operational resilience for the financial sector. https://haavind.no/techinsight/tech-insight/digital-operational-resilience-act-dora/
[185] Moe, O. M., Foss, K., & Olaussen, H. B. (2025). Norway implements NIS1 from 2016 in extended version – in effect from 1 October 2025. Bull Advokatfirma. https://www.bull.no/en/articles/technology-it-ai/norway-implements-nis1-from-2016-in-extended-version

climate domain—where the Centre Party openly rejected compliance—the case record makes clear that digital delays are bureaucratic and institutional rather than sovereignty-driven. Each directive must be built largely from scratch; interministerial coordination remained weak until 2024; and the EFTA Court's slower, less forceful enforcement reduces compliance pressure. There is no equivalent "indefinite infringement" stance in the digital field.

6.3.1 NIS1 Directive: The Nine-Year Lag

Norway's NIS1 transposition is the most egregious compliance failure in Norway's digital governance record. The NIS1 Directive (2016/1148) entered into force in the EU in August 2016 and had to be transposed by May 2018. The ESA brought action before the EFTA Court against Norway for non-transposition. Norway implemented the Directive through the Digitalsikkerheitsloven, adopted in December 2023,[186] with full entry into force only in October 2025—approximately nine years after the EU deadline. The core structural explanation is that Norway had no cross-sectoral digital security law prior to NIS1; implementing the Directive meant creating one from scratch, including establishing competent authorities, notification procedures, and security requirements for operators of essential services across 11 sectors.[187]

Consultation records from 2018–2019 show mixed subnational engagement on NIS1: Bergen urged shifting regulatory duties from municipalities to ICT suppliers, called for a standardised breach-reporting system modelled on Datatilsynet's GDPR approach, and warned that legacy municipal ICT systems could not be rapidly replaced.[188] Stavanger advocated for municipalities themselves to designate which entities fall within the law's scope and requested lower maximum fines for municipalities.[189] Many consulted municipalities and counties—including the Ministry of Local Government and Regional Development itself—submitted either no comments or brief deferrals, indicating limited engagement with the technical complexity of the proposal. Work on NIS2 implementation has begun but without a confirmed timeline.[190]

[186]Norwegian Government. (2025). Ny lov om digital sikkerhet trer i kraft i dag [New digital security law enters into force today]. https://www.regjeringen.no/no/aktuelt/ny-lov-om-digital-sikkerhet-trer-i-kraft-i-dag/id3121009/

[187]Network for Information Security (NIFS). (2024). NIS Directive and new digital security law – what does this mean for Norwegian businesses? p. 18.

[188]Bergen Municipality. (2019). Consultation response to draft Digital Security Act. Norwegian Government Consultation Portal. https://www.regjeringen.no/no/dokumenter/horing-forslag-til-forskrift-til-digitalsikkerhetsloven-digitalsikkerhetsforskriften/id3052967/?showSvar=true

[189]Stavanger Municipality. (2019). Consultation response to draft Digital Security Act. Norwegian Government Consultation Portal. https://www.regjeringen.no/no/dokumenter/horing-forslag-til-forskrift-til-digitalsikkerhetsloven-digitalsikkerhetsforskriften/id3052967/?showSvar=true

[190]Lex Mundi. (2025). Status of NIS2 implementation – Norway. https://www.lexmundi.com/guides/status-of-the-nis2-implementation-act-in-the-european-union/jurisdictions/europe/norway/

6.3.2 Open Data Directive: The Revenue Problem

Norway's Open Data Directive (2019/1024) transposition was formally delayed in 2023 pending a legal review, with the earliest rollout planned after late 2024.[191] By early 2026, the legislation was still pending. NOU 2024:14 (Med lov skal data deles) proposes a stand-alone Data Sharing Act instead of amending the Freedom of Information Act.[192]

The core governance problem is the conflict between the directive's ban on charging for public-sector data and the financing model of Norwegian municipal geodata services. The Storkommune-gruppa and major cities—Oslo, Trondheim, Stavanger, Kristiansand, and Fredrikstad—argued that their mapping and planning services are self-financing through geodata sales, and that ending this revenue without replacement funding would degrade data quality, undermine the Norway Digital partnership, and create dangerous gaps in emergency preparedness.[193] Trondheim additionally noted that many municipal IT systems are technically incapable of sharing data via the real-time APIs envisioned by the directive.[194] Innlandet County called for national coordination of data models rather than requiring each agency to develop its own APIs.[195] KS warned that the financial burden on municipalities would be substantially higher than for the central government, given the broader range of services municipalities provide directly to citizens.[196]

6.3.3 DSM Copyright Directive and Data Mining: Stakeholder Polarisation

Norway enacted the Norwegian Copyright Regulation in August 2021, partially incorporating the DSM Directive, but the data-mining exceptions—crucial for research and AI training—remain pending as of 2026.[197] The public consultation on the draft data-mining legislation has concluded,

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[191]Norwegian Government. (2023). Utsetter gjennomføring av åpne data-direktiv [Postpones implementation of Open Data Directive]. https://www.regjeringen.no/no/aktuelt/utsetter-gjennomforing-av-apne-data-direktiv/id2969622/

[192]Norwegian Government. (2024). NOU 2024:14 – Med lov skal data deles [Data must be shared by law]. Official Norwegian Report. https://www.regjeringen.no/no/dokumenter/nou-2024-14/id3044613/

[193] Lanestedt, G., & Rossow, L. O. (2019). Konsekvenser av frislipp av geodata: Rapport til Kommunal- og moderniseringsdepartementet. Agenda Kaupang AS. https://www.regjeringen.no/contentassets/29e882f198444705b422e480d0a5a65a/konsekvenser_frislipp_geodata.pdf

[194]Trondheim Municipality. (2024). Consultation response to draft Open Data Directive transposition. https://www.regjeringen.no/no/dokumenter/horing-gjennomforing-av-direktiv-eu-20191024-om-apne-data-og-viderebruk-av-informasjon-i-offentlig-sektor-i-norsk-rett/id2907172/?uid=c472634b-d376-4435-88ab-d37af15048d7

[195]Innlandet County Municipality. (2024). Consultation response to draft Open Data Directive transposition. https://www.regjeringen.no/no/dokumenter/horing-gjennomforing-av-direktiv-eu-20191024-om-apne-data-og-viderebruk-av-informasjon-i-offentlig-sektor-i-norsk-rett/id2907172/?uid=c1c3618c-f8de-49a0-bbd7-05a1d2d6067f

[196] Scheistrøen, L. (2025). Municipal Nordics face common challenges. Nordic Labour Journal. https://www.nordiclabourjournal.org/municipal-nordics-face-common-challenges/

[197]National Archives of Norway. (2026). Consultation response – copyright act amendments, DSM Directive and online/retransmission directive. https://www.nasjonalarkivet.no/content/uploads/2026/01/Horingssvar-Forslag-til-endringer-i-andsverkloven-mv.-gjennomforing-av-digitalmarkedsdirektivet-og-nett-og-videresendingsdirektivet.pdf

but the final law is still pending. KS was the only subnational actor to submit a response, warning against unfunded administrative burdens for municipalities and supporting broader classroom copyright exceptions.

The consultation showed sharp national-level polarisation. Creators and artists criticised the proposed text- and data-mining rules as enabling AI firms to use their works without permission or payment. Educational and research institutions argued for broad access rights; universities sought explicit authority to use student work for plagiarism detection. Media organisations focused on securing sustainable revenues amid global platform competition, while the National Archives stressed that municipal and county archives must be included in the new archival and access provisions.[198] This stakeholder landscape mirrors the CDSMD transposition conflicts documented in Finland, with Norway facing the additional complexity of navigating them outside the EU's CJEU-underpinned framework for resolving contested interpretations.[199]

6.3.4 DSA, DMA, and AI Act: Newer Frameworks, Structural Challenges

The DSA (2022/2065) has applied to all digital services in the EEA since January 2024 and was consulted in Norway from July to October 2025, with no subnational submissions.[200] The Norwegian transposition law is projected for summer 2026. The DMA (2022/1925) had an EU deadline of July 2021, while Norway published its draft only in May 2025.[201] Norway's exclusion from the EBDS and the DMA High-Level Group—the core enforcement coordination bodies—means it must manage major platform obligations from outside the principal enforcement architecture.

For the AI Act, Norway has actively shaped its position through formal policy channels. In 2021, the government submitted a detailed position paper supporting the regulation but raising concerns about GDPR interplay, disproportionate SME impacts, the need to accommodate Norway's

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[198] Oprysk, L. (2025). Implementation of Chapter 3 DSM Directive: Status in Norway. Nordiskt Immateriellt Rättsskydd. https://www.nir.nu/en/journals/viewsection/26272?utm
Ellingsen, E. B., & Parsa, F. (2023). Proposed amendments to the Norwegian Copyright Act – Impacts on rightholders and users. BAHR Newsletter. Advokatfirmaet BAHR. https://bahr.no/newsletter/technology-and-intellectual-property-proposed-amendments-to-the-norwegian-copyright-act-impacts-on-rightholders-and-users
Kielland, T. (2025). The proposed Norwegian implementation of Articles 15 and 17 of the Directive on Copyright in the Digital Single Market. Nordiskt Immateriellt Rättsskydd. https://www.nir.nu/en/journals/viewsection/26268

[199] Alén-Savikko, A. (2023). National measures for the transposition of the DSM Directive in force early April. IRIS – Legal Observations of the European Audiovisual Observatory, 2023-5(1/28). https://merlin.obs.coe.int/article/9735?utm

[200] Norwegian Ministry of Digitalisation and Public Governance. (2025). DSA consultation portal. https://www.regjeringen.no/no/dokumenter/3112328/id3112328/?showSvar=true

[201] Norwegian Ministry of Digitalisation and Public Governance. (2025, May). New rules to give Norwegian businesses fairer competitive conditions on the internet [DMA draft announcement]. https://www.regjeringen.no/no/aktuelt/nye-regler-skal-gi-norske-bedrifter-mer-rettferdige-konkurransevilkar-pa-internett/id3101702/

autonomous-ship research, and a preference for an AI Board independent of the Commission.[202] The draft Norwegian AI Act was published for consultation in June 2025, with adoption planned for summer 2026.[203] The consultation attracted substantive responses from across the municipal and county tier, revealing a consistent set of sub-national concerns: inadequate national funding for new compliance obligations; unclear definitions of "high-risk AI systems" in municipal service contexts; the risk that administrative fines would deter public sector AI adoption; and very large disparities in AI governance capacity between large cities and small rural municipalities.[204]

A key dispute in the AI Act consultation concerned oversight: Vestfold County opposed assigning NKom authority for high-risk AI in education, favouring Datatilsynet. The Gardermoregionen council additionally advocated a Danish-style biometric-identity model granting citizens full ownership of their biometric data.[205]

6.4 AI Governance: National Ambition and Sub-national Capacity Gaps

Norway's AI ambitions are high: the 2024–2030 Digitalisation Strategy targets full government-wide AI use by 2030, and the government has earmarked NOK 1 billion for four to six AI research centres from 2026.[206] In March 2025, "AI Norway" was created within DigDir as a public–private advisory hub and Norway's link to the EU AI ecosystem. [207] Norway participates in the Nordic Innovation New Nordics AI project[208] and the Nordic Ethical AI Expert Group, working toward a Nordic AI-ethics hub.[209]

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[202]Norwegian Government. (2021). Norwegian position paper on the European Commission's proposal for a regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence. https://www.regjeringen.no/contentassets/939c260c81234eae96b6a1a0fd32b6de/norwegian-position-paper-on-the-ecs-proposal-for-a-regulation-of-ai.pdf

[203]Norwegian Ministry of Digitalisation and Public Governance. (2025). Draft Norwegian AI Act (høring) – consultation documents. https://www.regjeringen.no/no/dokumenter/3112327/id3112327/?expand=horingsnotater

[204] Digitaliserings- og forvaltningsdepartementet. (2025, 30. juni). Høring – utkast til ny lov om kunstig intelligens – gjennomføring av EUs forordning om kunstig intelligens i norsk rett. Regjeringen.no. https://www.regjeringen.no/contentassets/e823dc21809c43f2b4ba9ff1e389e245/horingsnotat-utkast-til-ki-lov131652.pdf

[205] Gardermoregionen interkommunalt politisk råd. (2025). *Høringssvar til forslag om ny lov om kunstig intelligens (KI-loven).* Digitaliserings- og forvaltningsdepartementet. https://www.regjeringen.no/no/dokumenter/3112327/id3112327/?uid=5d2cb221-21e7-4177-9ebe-c013a5b7e43d

[206]Chambers and Partners. (2025). Artificial intelligence 2025 – Norway: Trends and developments. https://practiceguides.chambers.com/practice-guides/artificial-intelligence-2025/norway/trends-and-developments

[207] Ministry of Digitalisation and Public Governance. (2025). Paving the way for safe and innovative use of AI in Norway. Regjeringen.no. https://www.regjeringen.no/en/whats-new/gjor-norge-klar-for-trygg-og-innovativ-ki-bruk/id3093081/

[208] Nordic Innovation. (2024–2025). New Nordics AI – Preparation Project. https://www.nordicinnovation.org/programs/new-nordics-ai-preparation-project

[209] Nordic Innovation. (2023–2024). Nordic Ethical AI & Data Ecosystem. https://www.nordicinnovation.org/programs/nordic-ethical-ai-data-ecosystem

6.5 Conclusions

Norway's digital governance challenges differ structurally from those of the EU member states: delays stem from bureaucratic and institutional factors—missing cross-sectoral frameworks, a ministerial structure only unified in 2024, and weaker ESA enforcement—rather than political or constitutional tensions.[210] Sub-national actors lack funding, capacity and guidance to implement digital directives—an issue recurring from NIS1 to the Open Data Directive and the AI Act draft, and repeatedly flagged by KS as unfunded mandates. Capacity gaps between Oslo and small rural municipalities persist. Norway shows no politically motivated non-compliance, but exclusion from the EBDS and the DMA High-Level Group creates an enforcement asymmetry: it must follow platform rules shaped by bodies it cannot join—the core institutional challenge as the EU's digital regime expands.

[210] OECD. (2024). The Digital Transformation of Norway's Public Sector, OECD Digital Government Studies, OECD Publishing, Paris, https://doi.org/10.1787/1620e542-en.

7. Climate Governance in Poland: Multilevel Structures and EU Infringement Proceedings

7.1 Introduction

Poland constitutes the most challenging case study in EU climate governance among the countries examined in this comparative project. It is the only EU member state that refused to sign the climate neutrality by 2050 commitment when the EU Green Deal was negotiated in December 2019.[211] It is responsible for approximately 11% of EU greenhouse gas emissions, operates the EU's largest coal-based electricity sector (with Germany the only comparable case, together producing around 80% of the EU's coal-fired electricity),[212] and faces active infringement proceedings across multiple climate directives including REDII/REDIII, the Energy Performance of Buildings Directive (EPBD), and the National Energy and Climate Plan (NECP) submission obligation. Poland's climate governance is further complicated by deep constitutional conflicts between the current governing coalition and the opposition-dominated Constitutional Court; a powerful coal-sector lobby embedded in state-owned energy companies and mining trade unions; and a multi-party political system in which climate policy has become a proxy battleground for EU sovereignty disputes.

Poland is a parliamentary republic with a bicameral parliament (the Sejm and the Senate) and a directly elected President. Poland is a unitary state, and local government is an executor, not a co-creator, of universally binding law.[213] The twin transition is led by the Ministry of Climate and Environment, the Ministry of State Assets (which owns the major state energy companies), and the Ministry of Energy (established 2025). The country has 16 voivodeships (regions), 314 counties (powiaty) plus 66 cities with county status, i.e. 380 county-level units in total, and 2,477 municipalities (gminy) with elected authorities. This report analyses Poland's multilevel governance architecture for climate policy, its EU infringement proceedings, and the structural political and institutional factors generating recurring compliance failures. Section 2 provides the governance framework overview. Section 3 examines infringement proceedings. Section 4 analyses the coal sector and the Just Transition. Section 5 concludes.

[211] Kość, W. (2019). What does Poland's exemption from the EU's climate ambitions actually mean? https://notesfrompoland.com/2019/12/17/what-does-polands-exemption-from-the-eus-climate-ambitions-actually-mean/.

[213] K. Bandarzewski, Rozdział 12 Podstawowe cechy państwa federalnego, regionalnego i unitarnego [w:] Pozycja samorządu terytorialnego w państwie unitarnym, Warszawa 2025.

7.2 Multilevel Governance Architecture for Climate Policy

7.2.1 The EU Level: External Pressure as the Primary Compliance Driver

The EU is the dominant strategic driver of Poland's climate policy, operating primarily through external legal pressure. The Fit for 55 package, REDII (2018/2001), REDIII (2023/2413), the Energy Performance of Buildings Directive (2018/844 and 2024/1275), and the EU Emissions Trading System (ETS, Directive 2003/87/EC) all set binding obligations for Poland without the prior negotiated political consensus typical in countries with stronger national climate frameworks. Enforcement through infringement procedures has become, as the governance mapping matrix observes, "the de facto governance tool" for EU–Poland climate relations.

Poland receives significant EU transition funding: €3.85 billion from the Just Transition Fund (JTF), allocated to five coal-dependent regions including Silesia and Wielkopolska.[214]. Poland also received pandemic recovery funds (of approximately $3 billion) for grid infrastructure in July 2025, previously frozen due to rule-of-law violations under the PiS government.[215]

7.2.2 The National Level: Ministerial Fragmentation, Coal Lobby Power, and Policy Incoherence

National policy development in Poland has been characterised by what Szulecki et al. (2024) diagnoses as a "governmental–industrial complex": a revolving door between political positions and fossil fuel industry leadership that has systematically shaped energy policy against decarbonisation.[216] A few ministries share responsibility for energy and climate: the Ministry of Climate and Environment (founded 2019), the Ministry of State Assets (which owns state energy companies such as PGE, Orlen, and Enea, which are among Poland's largest renewable and fossil fuel producers simultaneously), and the Ministry of Energy, re-established in July 2025 by merging the dissolved Ministry of Industry (est. March 2024, dissolved July 2025) with energy-related units of the Ministry of Climate and Environment. As Zasuń observes, this fragmentation has been a persistent source of policy incoherence.[217]

[214]European Commission. (2022). EU cohesion policy: EUR 3.85 billion for a just transition toward a climate-neutral economy in five Polish regions. https://ec.europa.eu/regional_policy/whats-new/newsroom/12-05-2022-eu-cohesion-policy-eur3-85-billion-for-a-just-transition-toward-climate-neutral-economy-in-five-polish-regions_en

[215]cf. ENR (2024). Poland en route to restore the rule of law and access to EU funds. https://europeannewsroom.com/poland-en-route-to-restore-the-rule-of-law-and-access-to-eu-funds/.

[216]Szulecki, K., Maltby, T. and Szulecka, J. (2024). Climate Obstruction in Poland In: Climate Obstruction across Europe. Edited by: Robert J. Brulle, J. Timmons Roberts and Miranda C. Spencer, Oxford University Press. , pp. 186-213. DOI: 10.1093/ oso/ 9780197762042.003.0008

[217]Zasuń, R. (2024). The government has made a mess of the energy sector. Wysokie Napięcie. https://wysokienapiecie.pl/en/102925-the-government-has-made-a-mess-of-the-energy-sector/

Poland's fundamental strategic weakness is the absence of a national climate law.[218] Poland's energy strategy—the Polish Energy Policy until 2040 (PEP2040)—was published only in February 2021, twelve years after the previous strategic document.[219] Even at publication, PEP2040 set no binding coal phase-out date; the 2049 deadline for coal production (not coal use) was agreed separately with the miners' union.[220] For years, Polish authorities dismissed decarbonisation as a threat to energy security, leaving the country heavily reliant on coal whilst renewable development — most notably in wind and solar — occurred almost despite political will rather than because of it.[221]

The October 2023 election transferred power from the PiS government to a coalition of the Civic Coalition, Third Way, and the Left, led by Prime Minister Donald Tusk. While the coalition government has advanced several reforms — including relaxing the onshore wind distance — NGOs and the media documented consistent climate inaction during its first year.[222] The 2025 election of PiS-backed presidential candidate Karol Nawrocki, who declared coal "our black gold" and called for a referendum on the EU Green Deal,[223] created a new institutional veto against energy transition legislation.

7.2.3 The Regional Level: Voivodeships as Implementers Without Strategic Authority

Poland's 16 voivodeships do not hold legally binding climate strategy powers and have limited autonomy in energy policy. Their primary role is to manage EU cohesion funds and regional operational programmes, coordinate environmental protection through Regional Directors for Environmental Protection, and conduct spatial planning at the regional scale. This spatial planning function is significant: it determines where renewable energy installations can be sited, but voivodeships cannot override national energy law. Regional authorities actively resisted centralisation tendencies in the PiS era and have persistently demanded stronger subsidiarity in EU cohesion policy design.

[218]EP. (2024). BRIEFING Roadmap to EU climate neutrality – Scrutiny of Member States: Poland's climate action strategy. https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/767168/EPRS_BRI(2024)767168_EN.pdf.

[219]Polish Government. (2021). Energy policy of Poland until 2040 (PEP2040). Ministry of Climate and Environment. https://www.gov.pl/web/climate/energy-policy-of-poland-until-2040-epp2040

[220]Notes from Poland. (2021). Polish government approves plan for transition away from coal but faces criticism from both sides. https://notesfrompoland.com/2021/02/11/polish-government-approves-plan-for-transition-away-from-coal-but-faces-criticism-from-both-sides/

[221]Szulecki, K. (2023). Poland's belated energy transition: Now or never. Agenda Pública. https://agendapublica.es/noticia/18247/poland-belated-energy-transition-now-or-never

[222]Ptak, A. (2025). After year in power, Polish government is failing to fulfill its energy transition promises. https://notesfrompoland.com/2025/01/17/after-year-in-power-polish-government-is-failing-to-fulfill-its-energy-transition-promises/.

[223]Hallett, N. (2025). Polish presidential candidate on EU Green Deal: Let the people vote! The European Conservative. https://europeanconservative.com/articles/news/polish-presidential-candidate-on-eu-green-deal-let-the-people-vote/

Polish voivodeships are expected to embed sustainable development principles into their spatial strategies, yet in practice their planning policy tends to focus narrowly on coordinating the placement of public-purpose investments of supra-local significance, rather than driving a broader transformation. Lower Silesia exemplifies both the potential and the shortcomings of this approach: whilst the region leads nationally in revitalisation activity and green space per capita, it still carries a disproportionately high share of degraded areas that require targeted spatial intervention. The 2023 legislative reforms expanded the values that must be considered in spatial planning to include sustainable development needs, offering some optimism that voivodeships will gain a stronger legal basis for integrating energy and climate objectives into land-use decisions.[224] Nevertheless, Miszczak et al. conclude that meaningful progress will also require greater awareness among planning authorities of how spatial structures affect the feasibility of sustainable development, alongside a stronger sense of responsibility towards the common good and future generations.[225]

7.2.4 The Municipal Level: Spatial Planning as the Key Renewable Energy Lever

Polish municipalities play an active role in spatial planning for renewable energy, as investors in wind farms are required to have a local spatial development plan (LSDP) in place, giving local councils significant influence over the designation of suitable sites. Following recent legislative changes, municipalities are now directly involved in the economic benefits of new wind energy projects, since investors must make at least 10% of the installed capacity available to local residents as virtual prosumers. Furthermore, mayors frequently serve as the competent authority for environmental decisions (ED), meaning they hold a key position within the permitting process. Finally, a number of local authorities are actively encouraging the energy transition by offering subsidies to households for the installation of rooftop solar panels.[226]

7.3 EU Infringement Proceedings

The following are the key active or recently resolved EU infringement proceedings against Poland in the field of climate and energy:

1. Renewable Energy Directive II (REDII, 2018/2001) – INFR(2023)0155

[224] Miszczak, K., Kriviņš, A., & Kaze, V. (2024). Challenges and drivers of green and sustainable spatial development: A case study of Lower Silesia and Latvia. *Entrepreneurship and Sustainability Issues*, *12*(2), 85.
[225] Miszczak, K., Kriviņš, A., & Kaze, V. (2024). Challenges and drivers of green and sustainable spatial development: A case study of Lower Silesia and Latvia. *Entrepreneurship and Sustainability Issues*, *12*(2), 85.
[226]CEE Legal Matters. (2023). Renewable energy – Poland 2023. https://ceelegalmatters.com/renewable-energy-2023/renewable-energy-poland-2023

The European Commission opened an official infringement procedure against Poland for failure to fully transpose REDII in June 2023. The original transposition deadline was June 2021. As of 2025, this case ranked as the third-longest ongoing infringement for Poland, with the two longer-running cases relating to railway safety and EU rail interoperability from 2016.

2. Renewable Energy Directive III (REDIII, 2023/2413) – INFR(2024)0243

In September 2024, the European Commission sent letters of formal notice to 26 member states – all except Denmark – for failing to transpose by the 1 July 2024 deadline the REDIII provisions on simplification and acceleration of renewable energy permitting procedures. In November 2025, the Commission escalated the Polish case (INFR(2024)0243) to a reasoned opinion after concluding that Poland had still not fully transposed those provisions.

3. National Energy and Climate Plan (NECP) – INFR(2024)2260 / Court referral October 2025

Poland was already in infringement for missing the 30 June 2023 deadline for submitting its updated draft NECP 2021–2030. Poland submitted the draft nine months late, in March 2024. The final updated NECP was then due by 30 June 2024, a deadline Poland also missed. In November 2024, the Commission sent a formal notice to Poland (INFR(2024)2260) together with 12 other member states. In March 2025, a reasoned opinion followed. In October 2025, the Commission referred Poland to the Court of Justice of the EU – the only member state to be taken to court over the final NECP, as all others had by then submitted their plans[227].

4. Energy Performance of Buildings Directive (EPBD, 2018/844)

Implementation of the previous EPBD iteration (2018/844) was also delayed: the transposition deadline was March 2020, and by 2023 – three years later – Poland had still not fully complied.

In October 2025, the Commission also referred Poland to the Court of Justice for failing to submit its national long-term strategy (under Article 15(1) of the EU Governance Regulation 2018/1999) – Poland remains the only EU member state that has not yet done so (case INFR(2022)2089). The escalation history of this case illustrates the slow grind of the Article 258 TFEU procedure: the strategy was due by 1 January 2020, the letter of formal notice

[227] On June 8, 2026, the Council of Ministers adopted the “National Energy and Climate Plan for 2030 with a Vision for 2040. NECP setting 2030 targets that include a 43–53% reduction in GHG emissions relative to 1990 levels and a 30–32% share of renewables in gross final energy consumption, https://www.gov.pl/web/energia/krajowy-plan-w-dziedzinie-energii-i-klimatu-do-2030-r-z-perspektywa-do-2040-r---przyjety-przez-rade-ministrow

followed in September 2022, the reasoned opinion in November 2023, and the Court referral only in October 2025 – almost six years after the original deadline.[228]

6. Revised EU Emissions Trading Directive ("ETS2", Directive 2023/959) – INFR(2024)0115: letter of formal notice January 2024; reasoned opinion May 2025 for failing to transpose the strengthened EU ETS rules, including the new emissions trading system for buildings and road transport, by the deadline of 31 December 2023. Active. This case is politically salient given that parts of the Polish right – from Solidarna Polska's 2022 exit bill to President Nawrocki – campaign against the EU ETS as such.[229]

7. REDIII full transposition (Directive 2023/2413) – INFR(2025)0238: in addition to the permitting case under item 2, the Commission opened a second REDIII case for failure to transpose the remainder of the directive by the general deadline of 21 May 2025, escalated to a reasoned opinion in December 2025 together with seven other member states. Active.[230]

8. Electricity Market Design amendment (Directive (EU) 2024/1711) – INFR(2025)0162: reasoned opinion April 2026 for failing to transpose the reformed EU electricity market design rules, which are central to consumer protection against fossil-fuel-driven price volatility. Active.[231]

Overall, the infringement proceedings are having a noticeable impact on climate policy and the development of renewable energy in Poland. On the other hand, they have not succeeded in breaking the 'governmental–industrial complex's' veto position against climate protection and renewable energy.[232] The REDII case illustrates the typical pattern: the directive entered into force in 2018, the transposition deadline passed in 2021, proceedings were opened in 2023, and full transposition was only achieved in 2025 – four years late. The fact that Poland is the only member state to have been referred to the Court of Justice over the final NECP, and simultaneously remains the only EU country without a climate neutrality target for 2050, suggests that infringement proceedings can sharpen the legal and financial threat of escalation but cannot on their own resolve the underlying political economy of coal dependence – particularly given that newly elected

[228] European Commission. (2025, October 8). October infringement package – key decisions on energy. Directorate-General for Energy. https://energy.ec.europa.eu/news/october-infringement-package-key-decisions-energy-2025-10-08_en

[229] European Commission. (2025, May 7). May infringement package – key decisions on energy. Directorate-General for Energy. https://energy.ec.europa.eu/news/may-infringement-package-key-decisions-energy-2025-05-07_en

[230] European Commission. (2025, December 11). December infringements package: Key decisions on energy. Directorate-General for Energy. https://energy.ec.europa.eu/news/december-infringements-package-key-decisions-energy-2025-12-11_en

[231] European Commission. (2026, April 29). April infringements package: Key decisions on energy. Directorate-General for Energy. https://energy.ec.europa.eu/news/april-infringements-package-key-decisions-energy-2026-04-29_en

[232] Szulecki, K., Maltby, T. and Szulecka, J. (2024). Climate Obstruction in Poland In: Climate Obstruction across Europe. Edited by: Robert J. Brulle, J. Timmons Roberts and Miranda C. Spencer, Oxford University Press. , pp. 186-213. DOI: 10.1093/ oso/ 9780197762042.003.0008

President Nawrocki is actively mobilising against the Green Deal. On the other hand, these fields of conflict are the place for social and political innovations.

7.4 Coal, Just Transition, and Constitutional Conflicts

7.4.1 The Coal Sector: Structural Lock-in

Poland's coal dependency is not primarily an energy security choice but an economic and political lock-in maintained by structural perverse incentives. Poland's coal subsidies have been forecasted at €2.17 billion for 2025 alone.[233] Compared to e.g. the US, Polish coal mining costs are much higher, due to deteriorating geological conditions and declining coal quality.[234] The industry employs 80,000 people, extracting about 675 tonnes per worker annually—compared to 11,700 tonnes per US worker.[235]

The coal sector has directly shaped national climate policy. In 2022, PiS' coalition partner Solidarna Polska (United Poland) introduced a bill to ban Poland from the EU-ETS, arguing it raised energy prices. This followed PiS' blocking of all new onshore wind since 2016 and its use of biomass co-firing with coal as an "accounting trick" to meet EU RES targets without actual decarbonisation. As Szulecki, Maltby, and Szulecka document, the pattern constitutes systematic climate obstruction enabled by state capture of energy policy institutions.[236]

Poland's deep structural dependency on coal — rooted in geology, labour traditions, and the political economy of state-owned mining corporations — has produced a self-reinforcing lock-in that manifests acutely at energy borderlands such as the Turów lignite mine, where national energy sovereignty claims collide directly with EU environmental law and the interests of neighbouring states. The PiS government's strategy of framing EU climate governance as an external threat to Polish sovereignty — a "politics of exception" — allowed it to subordinate multilevel governance obligations to domestic coal interests. This coal lock-in generates governance failures across multiple scales simultaneously: locally, it suppresses democratic deliberation about post-coal futures; nationally, it distorts fiscal priorities through massive subsidies; and transnationally, it exports environmental harm — groundwater depletion, river contamination — onto Czech and German border communities who bear the costs without any say in Polish energy policy. The Turów conflict thus illustrates how a coal lock-in is not merely an economic or technical problem but a deeply socio-spatial one, in which place-based identities and nationalist scaling strategies are

[233] Ptak, A. (2025). After year in power, Polish government is failing to fulfill its energy transition promises. https://notesfrompoland.com/2025/01/17/after-year-in-power-polish-government-is-failing-to-fulfill-its-energy-transition-promises/.
[234] Ptak, A. (2025). Why Poland is clinging onto coal, despite the economic and environmental costs. https://notesfrompoland.com/2025/08/14/why-poland-is-clinging-onto-coal-despite-the-economic-and-environmental-costs/.
[235] Dignity News (2024). Poland extracts less and less hard coal. https://dignitynews.eu/en/poland-extracts-less-and-less-hard-coal/
[236] Szulecki, K., Maltby, T. and Szulecka, J. (2024). Climate Obstruction in Poland In: Climate Obstruction across Europe. Edited by: Robert J. Brulle, J. Timmons Roberts and Miranda C. Spencer, Oxford University Press. , pp. 186-213. DOI: 10.1093/ oso/ 9780197762042.003.0008

actively mobilised to resist the multilevel governance frameworks that would otherwise compel transition.[237]

7.4.2 The EU Just Transition Fund and Sub-national Inclusion

Poland's €3.85 billion JTF allocation for five coal-dependent regions – the highest allocation across the whole of the EU – represents a significant multilevel governance opportunity that has been imperfectly realised. The 2020 open letter from 36 coal-region municipalities and civil society organisations documented a planning process that was neither inclusive nor transparent, with no consultation timeline and no formal role for local actors.[238] In May 2021, the Polish government and mining unions signed a "social contract" in Katowice, committing to a gradual coal phaseout by 2049, with guarantees of employment until retirement or severance packages for affected miners. The deal also included salary indexation and the establishment of a Silesia Transformation Fund to support the region's transition away from coal, which directly employs around 80,000 people. However, legal experts and climate NGOs immediately cast doubt on whether the European Commission would approve the state aid elements of the agreement, given that it appeared to conflict with EU competition rules and the European Green Deal.[239] In February 2024, the Commission approved a separate €300 million Polish scheme specifically to support workers affected by the closure of coal- and lignite-fired power plants and lignite mines. Nevertheless, broader questions over state aid for the active mining sector remained unresolved, with the Polish parliament noting that without full Commission approval, the government cannot transfer funds to support the mining industry more widely, casting doubt on the commitments made to trade unions. Recent labour market research underlines what is at stake in this multilevel bargaining process and provides an evidence base the political debate often lacks: modelling of the hard coal phase-out shows that the pace and sequencing of mine closures strongly determine labour market outcomes, with early-retirement schemes and projected industrial labour shortages in Silesia capable of absorbing much of the directly affected workforce if the transition is actively managed rather than postponed.[240] At the same time, mapping of the indirect employment of hard coal mining in Upper Silesia shows that the supply chain adds tens of thousands of additional dependent jobs concentrated in mining municipalities, meaning that the social risk of the phase-out – and thus the legitimate constituency for Just Transition planning – extends well beyond the roughly 80,000 miners cited above. For multilevel governance, this implies that JTF programming

[237]cf. Bembnista, K., & Gailing, L. (2025). The socio-spatiality of energy borderlands – multidimensional discursive practices regarding the Turów coal mine conflict. Journal of Borderlands Studies, 40(2), 359–378. https://doi.org/10.1080/08865655.2024.2330058

[238] CEE Bankwatch Network (2020). Polish government urged to include municipalities, civil society in planning future of coal regions. https://bankwatch.org/press_release/polish-government-urged-to-include-municipalities-civil-society-in-planning-future-of-coal-regions.

[239]Notes from Poland. (2021). Polish government and miners reach coal phaseout deal but doubts remain over EU approval. https://notesfrompoland.com/2021/05/31/polish-government-and-miners-reach-coal-phaseout-deal-but-doubts-remain-over-eu-approval/

[240] Sokołowski, J., Frankowski, J., Mazurkiewicz, J., & Lewandowski, P. (2022). Hard coal phase-out and the labour market transition pathways: The case of Poland. Environmental Innovation and Societal Transitions, 43, 80–98. https://doi.org/10.1016/j.eist.2022.03.003

targeted only at mining companies and their employees systematically underestimates the territorially concentrated adjustment burden borne by municipalities.[241]

7.4.3 Constitutional Conflicts and the Rule-of-Law Dimension

Poland's climate governance is uniquely complicated by the ongoing constitutional crisis. In June 2025, Poland's Constitutional Court—whose composition is contested as unlawful by both Prime Minister Tusk and EU institutions—ruled that EU climate regulations including the EU-ETS and associated ECJ rulings violated Poland's constitution.[242] Nevertheless, the Tusk government continued to refuse publication of the TK's ruling — which is a precondition for it entering into force — leaving it politically significant but legally inoperative. The opposition nevertheless invoked the ruling in subsequent debates, with PiS politicians using it as justification for demanding that Poland withdraw from the EU Emissions Trading System, arguing it constitutes an unlawful fiscal burden on the country. A decisive counter-move came from Brussels: on 18 December 2025, the Court of Justice of the European Union ruled in case C-448/23 that the Polish Constitutional Tribunal does not meet the requirements of an independent and impartial tribunal established by law, and that through its decisions Poland had failed to fulfil its obligations under EU treaty law, including the principles of primacy and the binding effects of CJEU judgments.[243]

7.5 Conclusions

Poland's climate governance challenges are more deep-rooted and politically entrenched than those of any other country examined in this comparative study. The combination of structural coal dependency; a political economy in which state energy companies and mining unions exercise disproportionate veto power; the absence of a national climate law; repeated EU infringement proceedings; and a constitutional conflict that has produced a ruling threatening EU climate policy itself—all constitute a governance system in which compliance with EU climate obligations is structurally contested rather than merely delayed.

There are, however, genuine positive developments. The solar energy revolution—driven primarily by prosumer investment rather than government strategy, expanding from below 0.5 GW in 2018 (about 4 GW in 2020) to roughly 23 GW in 2025—demonstrates that decentralised, community-driven energy transitions can outpace national policy.[244] The JTF-enabled community

[241] Frankowski, J., Mazurkiewicz, J., & Sokołowski, J. (2023). Mapping the indirect employment of hard coal mining: A case study of Upper Silesia, Poland. Resources Policy, 83, 103693. https://doi.org/10.1016/j.resourpol.2023.103693

[242]Notes from Poland. (2025). Poland's Constitutional Court rules EU energy policies breach national sovereignty. https://notesfrompoland.com/2025/06/11/polands-constitutional-court-rules-eu-energy-policies-breach-national-sovereignty/

[243] Sadurski, W. (2025). The CJEU Versus the Constitutional Tribunal in Poland
On the CJEU's Judgment in Case C-448/23 (European Commission v. Republic of Poland). https://verfassungsblog.de/the-cjeu-versus-the-constitutional-tribunal-in-poland/.

[244] Jowett, P. (2026). Poland adds 3.6 GW of solar in 2025. https://www.pv-magazine.com/2026/02/24/poland-adds-3-6-gw-of-solar-in-2025/

initiatives in Silesia and Łódź demonstrate the governance potential of participatory just transition planning when civil society and municipalities are given meaningful roles.

The most fundamental structural challenge remains the gap between formal EU obligations and domestic political ownership. Renewable energy transitions require local spatial planning cooperation, grid investment, and sustained subnational implementation capacity—none of which can be delivered by infringement proceedings alone. Until Poland develops a nationally owned climate governance framework—embedded in primary legislation, coordinated across ministries, and genuinely inclusive of regional, municipal, and civil society actors—the EU–Poland climate relationship will continue to be defined primarily by enforcement rather than shared strategic commitment.

8. Digitalisation Governance in Poland: Multilevel Structures and EU Infringement Proceedings

8.1 Introduction

Poland's digital governance presents a paradox distinct from its climate governance. While Poland's climate infringement record reflects structural coal dependency and contested EU sovereignty, its digital infringement record is comparatively lighter—the governance mapping matrix notes there are fewer infringement proceedings against Poland in the digital sector than in the climate sector—yet the cases that do exist are diagnostically revealing. Poland's flagship digital infringement, concerning the Digital Services Act (DSA), arises not from technical complexity or administrative capacity limits but from a deeply politicised institutional landscape: Poland was the only EU member state that had neither designated nor empowered a national Digital Services Coordinator, in a context in which the candidate regulatory institutions have been embroiled in an eight-year struggle over media freedom and political control of communications oversight.

Poland is a parliamentary republic with a bicameral parliament (Sejm and Senate) and a directly elected President. Digital policy is led primarily by the Ministry of Digital Affairs (Ministerstwo Cyfryzacji), an institution whose own history mirrors Poland's political volatility: founded in December 2015, dissolved in 2020, and re-established in May 2023. The country has 16 voivodeships, 380 county-level units (314 land counties plus 66 cities with county status), and approximately 2,477 municipalities (gminy). Poland is a unitary state, and local government is an executor, not a co-creator, of universally binding law.[245] This report analyses Poland's multilevel governance architecture for digitalisation policy, its EU infringement proceedings, and the distinctive political-institutional dynamics underpinning them. Section 2 maps the governance framework. Section 3 examines the infringement proceedings, with particular focus on the DSA.

[245] K. Bandarzewski, Rozdział 12 Podstawowe cechy państwa federalnego, regionalnego i unitarnego [w:] Pozycja samorządu terytorialnego w państwie unitarnym, Warszawa 2025.

Section 4 analyses the media governance crisis as the structural backdrop to digital regulatory failures, together with Poland's AI governance. Section 5 concludes.

8.2 Multilevel Governance Architecture for Digitalisation Policy

8.2.1 The EU Level: Top-down Pressure and Funding Conditionality

The EU provides strong top-down policy orientation for Poland's digital transition through binding instruments—the AI Act, the Digital Markets Act, the Digital Services Act, the Data Governance Act, and the NIS2 Directive—creating external pressure for domestic action that the fragmented national governance landscape has struggled to absorb. EU funding conditionality functions as a parallel compliance lever: Poland's National Recovery Plan (Krajowy Plan Odbudowy, KPO) includes a substantial digital component for broadband, cybersecurity, and e-government — the most important funding instrument for Poland's current digital transformation. The Commission monitors compliance and, where implementation fails, deploys infringement procedures, as the DSA and NIS2 cases demonstrate.

8.2.2 The National Level: Institutional Volatility and Fragmented Coordination

The Ministry of Digital Affairs is the central authority for digitalisation, cybersecurity, broadband expansion, and public sector digital transformation, and since 2024 has served as a formal coordination body for digital policy. However, strategic coherence is uneven: long-term planning is fragmented across ministries, and political turnover disrupts continuity—a pattern epitomised by the Ministry's own dissolution (2020) and reconstitution (2023). National regulatory authority is distributed across several bodies: the Office of Electronic Communications (UKE) oversees telecommunications; the Office of Competition and Consumer Protection (UOKiK) handles consumer protection aspects of digital markets; the Personal Data Protection Office (UODO) enforces data protection in close cooperation with civil society; and the National Broadcasting Council (KRRiT) holds constitutional responsibility for broadcasting oversight—a mandate whose politicisation, discussed in Section 4, has had direct consequences for Poland's EU digital compliance.

For AI policy specifically, the Ministry of Digital Affairs operates an AI Working Group (GRAI, Grupa robocza ds. sztucznej inteligencji), which has published recommendations on regulatory sandboxes, AI in the financial sector, lifelong learning, and open data. GRAI's Subgroup on Ethics and Law published its assessment of the EU AI Act's interaction with Polish law in August 2023.[246]

[246]Ministry of Digital Affairs, Poland (GRAI Subgroup on Ethics and Law). (2023). Analiza związku Aktu w sprawie sztucznej inteligencji z wybranymi obowiązującymi i projektowanymi regulacjami prawnymi [Analysis of the relationship of the AI Act with selected existing and proposed legal regulations]. https://www.gov.pl/web/ai/raport-analiza-zwiazku-aktu-w-sprawie-sztucznej-inteligencji-z-wybranymi-obowiazujacymi-i-projektowanymi-regulacjami-prawnymi

The Sejm established a Subcommittee on Artificial Intelligence and Algorithm Transparency in January 2024, which held its initial debates in April 2024.[247] The final consultation-revised version of the National AI policy document, announced by the Ministry of Digital Affairs on 17 November 2025, adds measurable indicators, an expanded list of leading research centres, and references to new AI infrastructure (the PLGrid network, AI Factories in Poznań and Kraków, and the planned Baltic AI GigaFactory).[248]. A review of the status of the four institutions identified in the 2020 AI strategy reveals a more varied picture. The Virtual Research Institute (WIB) exists as a programme funding research teams, but its original mission concerns biotechnology and oncology, not artificial intelligence.[249] The Industry of the Future Platform, established as a foundation to support the transformation of companies towards Industry 4.0, was dissolved under a law passed at the end of 2024; its tasks relating to the digital transformation of enterprises were taken over by the Polish Agency for Enterprise Development (PARP).[250] The Artificial Intelligence Observatory on the Labour Market operates as a research project: research into the impact of generative AI on the Polish labour market is carried out and published by the Ministry of Digital Affairs and NASK, and the results are made available, among other channels, via the AI HUB Poland portal.[251] The Observatory of International Artificial Intelligence Policy was implemented as part of the government's 'AI Ecosystem' as a tool for monitoring global trends and regulations.[252] Taken together, these cases illustrate not so much a failure to implement the strategy as its selective and uneven implementation - some institutions have changed form or been absorbed by other structures, and the scope of AI activities has been dispersed amongst existing government agencies and NASK.

8.2.3 The Regional Level: EU Fund Managers Without Legislative Authority

Poland's 16 voivodeships have limited strategic authority in digital policy. They integrate digitalisation goals into regional development strategies, manage EU funds for broadband rollout, e-government, and digital skills, and provide co-financing for regional digital innovation hubs—but they cannot legislate on digital markets or data governance. Regional Innovation Strategies (RIS3) are mandatory for each voivodeship, and many have identified digitalisation and AI as regional priorities in their 2021–2027 RIS3 plans. Regional implementation capacity is uneven: regional authorities often lack specialised digital expertise, producing variable implementation across voivodeships. All 16 voivodeships maintain representations in Brussels—with four Eastern

[247]Centre for Public Administration Research (CKPAP). (2024). Meeting of the Subcommittee on Artificial Intelligence and Algorithm Transparency. https://ckpap.its.waw.pl/en/2024/04/22/meeting-of-the-subcommittee-on-artificial-intelligence-and-algorithm-transparency/

[248] Ministry of Digital Affairs, Poland. (2025). „Polityka rozwoju sztucznej inteligencji w Polsce do 2030 roku" – bezpieczne i odpowiedzialne wykorzystanie sztucznej inteligencji [Policy for the development of artificial intelligence in Poland until 2030]. https://www.gov.pl/web/cyfryzacja/polityka-rozwoju-sztucznej-inteligencji-w-polsce-do-2030-roku--bezpieczne-i-odpowiedzialne-wykorzystanie-sztucznej-inteligencji

[249]Virtual Research Institute, official web: https://wib.port.org.pl/en/about-the-wib-program/

[250] PARP, official web https://www.parp.gov.pl/;

[251] NASK, Generative artificial intelligence and the Polish labour market, https://www.nask.pl/media/2025/06/Generatywna-sztuczna-inteligencja-a-polski-rynek-pracy.pdf; https://www.nask.pl/magazyn/generatywna-sztuczna-inteligencja-a-polski-rynek-pracy; Portal AI HUB Poland - https://ai.gov.pl/

[252] The AI ecosystem in Poland , https://www.gov.pl/web/ai/ekosystem-ai-w-polsce

Polish regions sharing a joint "East Poland House"—though these operate with differing institutional set-ups and capacities.[253]

8.2.4 The Municipal Level: Hyperlocalised Politics and Smart City Leadership

Polish local governance is distinctive in the European comparative context: as Gendźwiłł characterises it, Poland is a "hyperlocalized system" in which municipal politics is identified as more important than regional politics—the inverse of most EU member states.[254] Mayors are directly elected with an absolute majority requirement and, following reforms addressing the "perma-mayor" phenomenon, are limited to two terms of office, each lasting five years.[255] Local elections are dominated by local lists rather than national parties: only slightly over one third of mayors had any national party affiliation in 2018.[256] This hyperlocalisation has direct digital governance implications: municipal digital strategies vary widely with resources and political leadership, and they are largely decoupled from national party politics.

Municipalities are responsible for local digital public services, smart city initiatives, and digital inclusion programmes, and are key implementers of digital infrastructure deployment. Major cities—Warsaw, Kraków, Wrocław, and Poznań—maintain dedicated digital departments implementing well-defined smart city strategies. A content analysis of the smart city strategies of six large Polish cities (Warsaw, Kraków, Łódź, Wrocław, Poznań and Gdańsk) finds that genuine institutional change has taken place in participatory governance and the digitalisation of service provision, while also identifying persistent tensions between new and traditional forms of urban governance – evidence that Poland's municipal level constitutes the most dynamic tier of its digital multilevel system, largely independent of the national-level blockages documented in this report.[257] In several Polish cities, participatory budgeting is now conducted digitally, with significant expansion of e-participation platforms at the local level. However, capacity is often low in smaller municipalities, where digitalisation requires technical expertise and stable funding that vary widely, and administrative overload can slow infrastructure deployment.

8.2.5 Civil Society: Watchdog and Catalyst for EU Enforcement

Civil society holds no formal role in Polish digital governance but exercises substantial informal influence through advocacy on privacy, digital rights, transparency, and access to information. NGOs can challenge unlawful data practices and insufficient cybersecurity measures, cooperate

[253]Kuczkowski, P. (2023). Representations of Polish regions in Brussels with special reference to the regions of Northern Poland – legal status and functioning. Annuals of the Administration and Law, 23(1), 51–66.
[254]Gendźwiłł, A. (2021). Poland – A hyperlocalized system? In A. Gendźwiłł, U. Kjaer, & K. Steyvers (Eds.), The Routledge handbook of local elections and voting in Europe (pp. 327–335). Routledge. p. 328.
[255]Gendźwiłł, A. (2021). Poland – A hyperlocalized system? In A. Gendźwiłł, U. Kjaer, & K. Steyvers (Eds.), The Routledge handbook of local elections and voting in Europe (pp. 327–335). Routledge. p. 327.
[256]Gendźwiłł, A. (2021). Poland – A hyperlocalized system? In A. Gendźwiłł, U. Kjaer, & K. Steyvers (Eds.), The Routledge handbook of local elections and voting in Europe (pp. 327–335). Routledge. p. 332.
[257] Masik, G., Sagan, I., & Scott, J. W. (2021). Smart City strategies and new urban development policies in the Polish context. Cities, 108, 102970. https://doi.org/10.1016/j.cities.2020.102970

closely with the UODO, and—critically for the infringement dimension—often initiate the complaints that lead to infringement procedures, monitoring compliance and submitting evidence to the Commission. As the governance mapping concludes, civil society acts as "a watchdog and catalyst for EU enforcement" in Poland's digital domain. Some digital rights and cybersecurity NGOs are highly professional, while community networks are emerging to address rural broadband coverage gaps.

8.3 EU Infringement Proceedings

The key digital infringement proceedings against Poland are the following:

1. Digital Services Act (Regulation 2022/2065): INFR(2024)2041. Letter of formal notice April 2024; reasoned opinion October 2024; referred to the ECJ in May 2025 for failure to designate a Digital Services Coordinator and to lay down penalty rules. The referral of 7 May 2025 was made together with Czechia (INFR(2024)2039), Spain (INFR(2024)2165), Cyprus (INFR(2024)2016) and Portugal (INFR(2024)2038); among the five, Poland was the only member state that had neither designated nor empowered a DSC.[258]

2. NIS2 Directive (2022/2555): Transposition deadline 17 October 2024 missed; reasoned opinion issued 7 May 2025. Transposition has since been completed. The government adopted the draft amendment to the Act on the National Cybersecurity System (KSC) in October 2025 and submitted it to the Sejm on 7 November 2025; parliament adopted the amendment in February 2026, the President signed it, and it entered into force on 3 April 2026, extending cybersecurity obligations to an estimated 40,000 entities.[259] Notably, a motion challenging the "high-risk vendor" provisions was immediately filed with the Constitutional Tribunal – a further illustration of how Poland's constitutional conflicts spill over into digital compliance.[260]

3. DAC7 – Administrative Cooperation in Taxation (Directive 2021/514): tax transparency rules for digital platform transactions.

4. Copyright in the Digital Single Market Directive (2019/790) and Online Transmissions Directive (2019/789): delayed transposition of EU digital copyright rules. Poland's engagement with the CDSMD also had a distinctive judicial dimension: Poland was the only member state to bring an annulment action against the directive's upload-filter provision (Article 17), arguing that it violated freedom of expression; the CJEU Grand Chamber dismissed the action in April 2022 (Case C-401/19), holding that the provision contains sufficient safeguards. Poland completed transposition only in 2024 – making it one of the last

[258] European Commission. (2025, May 7). Commission decides to refer Czechia, Spain, Cyprus, Poland and Portugal to the Court of Justice of the European Union due to lack of effective implementation of the Digital Services Act [Press release]. https://digital-strategy.ec.europa.eu/en/news/commission-decides-refer-czechia-spain-cyprus-poland-and-portugal-court-justice-european-union-due

[259] CMS Law. (2026, April 10). Cybersecurity in the supply chain: What NIS2 changes in Poland. https://cms.law/en/pol/legal-updates/cybersecurity-in-the-supply-chain-what-nis2-changes-in-poland

[260] Poland Insight. (2026, February 23). NIS2 enters Polish law: KSC to cover new industries with increased sanctions and obligations. https://polandinsight.com/nis2-enters-polish-law-ksc-to-cover-new-industries-with-increased-sanctions-and-obligations-53521/

member states to do so – and the free-speech framing of its Article 17 challenge prefigured the rhetoric later deployed against the DSA implementation law (see Section 3.1).[261]

8.3.1 The Digital Services Act: The Last Member State

Poland's DSA infringement is its most consequential digital compliance failure. Member states were required to designate a national Digital Services Coordinator (DSC) and lay down penalty rules by 17 February 2024. Poland failed to do either. The Commission sent a letter of formal notice on 24 April 2024 and a reasoned opinion on 3 October 2024, and referred Poland to the ECJ in May 2025. Poland was the very last member state without a designated DSC—a fact that, as the case study source notes, makes clear this is a specifically "Polish problem" rather than an intrinsic difficulty with the regulation that challenged many member states.[262]

The transposition process has been protracted and contested substantially. The deadlock culminated in a presidential veto. After prolonged parliamentary work – during which, according to digital rights organisations, substantial fundamental-rights safeguards were added to the bill – the Sejm adopted the DSA implementation act in late 2025. On 9 January 2026, however, President Nawrocki vetoed it, arguing that it would amount to "administrative censorship" in which "a government official decides what is permitted on the Internet", and objecting to public funding for trusted flaggers and to alleged "gold-plating" beyond the regulation's requirements.[263] For the multilevel governance analysis of this report, the episode demonstrates that the presidency has emerged as an additional national veto point against EU digital law – mirroring President Nawrocki's August 2025 veto of the onshore wind liberalisation in the climate field – and that DSA implementation in Poland has become a test case for whether the politicisation of "censorship" framings can stall EU platform regulation at member-state level.[264]

The draft transposition law itself became the object of fundamental rights controversy. In January 2025, KRRiT published a formal protest warning of the "politicisation of the implementation of the DSA in Poland and the resulting risk of censorship of internet content." Its specific objections included: the transfer of take-down order powers over content infringing personal rights from courts (in the earlier draft) to the President of UKE; the absence of user participation in UKE proceedings; insufficient guarantees of UKE's independence from government; and the routing of

[261] Court of Justice of the European Union. (2022). Judgment of 26 April 2022, Republic of Poland v European Parliament and Council of the European Union, C-401/19, EU:C:2022:297.
[262]Kroet, C. (2025). Poland risks legal action for failing to appoint digital regulator. Euronews. https://www.euronews.com/next/2025/02/17/poland-risks-legal-action-for-failing-to-appoint-digital-regulator
[263] European Digital Rights (EDRi). (2026, January 21). President's veto delays the implementation of the DSA in Poland. European Digital Rights (EDRi). https://edri.org/our-work/presidents-veto-further-delays-the-implementation-of-the-dsa-in-poland/; Notes from Poland. (2026, January 10). Polish president vetoes "Orwellian" law allowing blocking of online content. https://notesfrompoland.com/2026/01/10/polish-president-vetoes-orwellian-law-allowing-blocking-of-online-content/
[264] TechPolicy.Press. (2026, January 23). Poland's DSA veto shows how national politics can stall EU tech rules. https://www.techpolicy.press/polands-dsa-veto-shows-how-national-politics-can-stall-eu-tech-rules/

appeals to administrative courts, which lack competence and experience in freedom of expression disputes.[265] This intervention must itself be read in context: KRRiT had been allocated a larger role in earlier drafts, which was subsequently removed, and the institution's own politicisation—discussed in Section 4—complicates its claim to act as a neutral guardian of free expression.

8.3.2 NIS2 and the Wider Transposition Lag

Poland missed the 17 October 2024 transposition deadline for the NIS2 Directive, receiving a reasoned opinion on 7 May 2025.[266] The governance mapping identifies the structural causes: fragmentation across ministries and agencies slows digital reforms, and administrative bottlenecks combined with political interference delay the transposition of EU digital laws. Municipalities are indirectly affected: poor local implementation of digital public services, weak cybersecurity, or delays in infrastructure deployment can contribute to national-level infringements, and municipalities must adapt their procedures whenever national law is amended in response to EU pressure. The remaining proceedings—spanning digital copyright, tax transparency for platforms, e-justice, and open data—follow the same pattern of delayed transposition rooted in fragmented national coordination rather than principled opposition.

8.4 The Media Governance Crisis and AI Governance

8.4.1 KRRiT: From Constitutional Guardian to Political Instrument

Poland's difficulties in designating impartial digital regulators cannot be understood without the media governance crisis of 2016–2025. KRRiT's constitutional mandate under Article 213 of the Polish Constitution is to safeguard freedom of speech and pluralism in broadcasting; it issues and can revoke broadcasting licences and channels licence-fee funding to public broadcasters. In practice, after PiS appointed four of KRRiT's five members, the institution became an instrument of political control. Bychawska-Siniarska documents how the regulator uses the law to suppress liberal media. Since 2005 the ruling parliamentary majority has appointed four of the KRRiT's five members, and its current Chairman is an outspoken critic of independent, liberal outlets, meaning the supposedly impartial regulator has been captured along political lines. The Media Act compounds this by resting penalties on vague, undefined notions such as "morality" and "public good", which hand the Chairman sweeping discretion to interpret broadcasts according to his own worldview. The 2023 fine on TOK FM — issued unilaterally, without a proper justification and in disregard of established free-speech standards protecting opinions and value judgements — illustrates how these powers are deployed to silence criticism of a government-backed textbook and to create a chilling effect across other broadcasters. Because the Chairman's decisions also

[265]National Broadcasting Council (KRRiT), Poland. (2025, January 13). Risks and threats associated with the Polish government's conduct to date in relation to the implementation of the Digital Services Act (DSA) to the Polish legal system. https://www.gov.pl/web/krrit-en/risks-and-threats-associated-with-the-polish-governments-conduct-to-date-in-relation-to-the-implementation-of-the-digital-services-act-dsa-to-the-polish-legal-system2

[266]European Commission. (2025, May 7). Reasoned opinion – NIS2 Directive transposition, Poland. https://digital-strategy.ec.europa.eu/en/policies/nis2-directive-poland

feed into licence-renewal rulings, as the earlier refusal to extend TVN24's licence showed, the regulator can effectively threaten the survival of outlets that report inconveniently on those in power. With public broadcasters already weakened by the 2016 reform, the politicised KRRiT thus functions less as a guardian of free speech than as a tool for harassing the private media that remain the last source of critical reporting, narrowing pluralism in Poland.[267]

8.4.2 AI Governance: Strategy Without Institutions, Practice Without Law

Poland's AI governance exhibits the same announcement–delivery gap as its broader digital policy. The 2020 AI Strategy's institutional commitments remained unbuilt; the updated 2025–2030 policy refocuses on the labour market, education, innovation financing, and legislation. The most vivid illustration of the resulting regulatory vacuum occurred in autumn 2024 at the public station Radio Kraków: after dismissing human journalists, the station's newly appointed liquidator management introduced AI-generated radio hosts—including an AI-hallucinated "interview" with Nobel laureate Wisława Szymborska, who had died twelve years earlier.[268][269] Public protest forced the cancellation of the AI-hosted programmes within a week.[270] Media commentary at the time highlighted that Poland had no comprehensive legal framework governing such AI uses—a gap the AI Act transposition will now need to address. Following the 2025 presidential election, Reporters Without Borders and journalist organisations urged President Nawrocki to implement the European Media Freedom Act, reform TVP and KRRiT, and end the rising number of SLAPP cases against journalists.[271][272]

8.5 Conclusions

Poland's digital governance challenges are structurally distinct from its climate governance challenges, and from the digital governance problems of the other countries in this comparative study. Whereas Latvia's digital infringements reflect administrative capacity limits and Finland's reflect constitutional complexity and stakeholder dynamics, Poland's flagship digital infringement—the DSA case—is rooted in the politicisation of the regulatory institutions

[267]Bychawska-Siniarska, D. (2023). Media pluralism in KRRiT-ical condition: How the Polish media watchdog uses the law to suppress liberal media. Verfassungsblog. https://doi.org/10.17176/20230525-231150-0

[268]The Guardian. (2025, May 31). The workers who lost their jobs to AI. https://www.theguardian.com/technology/2025/may/31/the-workers-who-lost-their-jobs-to-ai-chatgpt

[269]Polskie Radio. (2024a). Interview with a Polish Nobel laureate raises controversy: AI takes over journalism. https://www.polskieradio.pl/395/7791/artykul/3439588,interview-with-a-polish-nobel-laureate-raises-controversy-ai-takes-over-journalism

[270]Polskie Radio. (2024b). Polish radio station ditches AI hosts amid controversy. https://www.polskieradio.pl/395/7791/Artykul/3440361,polish-radio-station-ditches-ai-hosts-amid-controversy

[271]Centre for Eastern and Central European Law (CEAC Law). (2024). Attack on TVP – Polish public television: Legal aspect. https://www.ceaclaw.org/post/attack-on-tvp-polish-public-television-legal-aspect

[272]Jurist. (2025). Journalist groups pressure Poland's president-elect to protect media freedom. https://www.jurist.org/news/2025/06/journalist-groups-pressure-polands-president-elect-to-protect-media-freedom/

themselves. A Digital Services Coordinator must be independent and impartial; Poland's decade-long struggle over the political control of media and communications oversight has left it without an institution that commands cross-party and EU confidence for that role. The 2021 Audiovisual Media Services Directive episode, in which the EU rejected KRRiT as an impartial contact point, prefigured the DSA deadlock precisely. The January 2026 presidential veto of the DSA implementation act, and the constitutional challenge filed against the high-risk-vendor provisions of the NIS2 implementation law in 2026, confirm this diagnosis and add a further layer: alongside the politicised regulators, the directly elected presidency now operates as a second institutional veto point capable of blocking the domestic enforcement architecture of EU digital law even after parliamentary adoption.

At the same time, the multilevel picture contains genuine strengths. Poland's major cities operate sophisticated smart city strategies and digital participation platforms; its hyperlocalised municipal democracy provides a robust—if uneven—foundation for citizen-centred digital services; its voivodeships have embedded digitalisation and AI in their regional innovation strategies; and its civil society performs a documented watchdog function that feeds directly into EU enforcement. The €2 billion digital component of the KPO offers substantial resources, conditional on the rule-of-law normalisation that is equally a precondition for credible digital regulation.

The central conclusion is that digital regulatory compliance in Poland is inseparable from the restoration of independent institutions. Designating a permanent, impartial Digital Services Coordinator, completing NIS2 transposition, and building the AI Act supervisory architecture all require regulators whose independence is protected in law and respected in practice. Until the institutional conflicts surrounding KRRiT, the public media, and the contested Constitutional Court are resolved, Poland's digital infringement record is likely to remain a symptom of a deeper constitutional condition rather than a discrete set of transposition delays.