

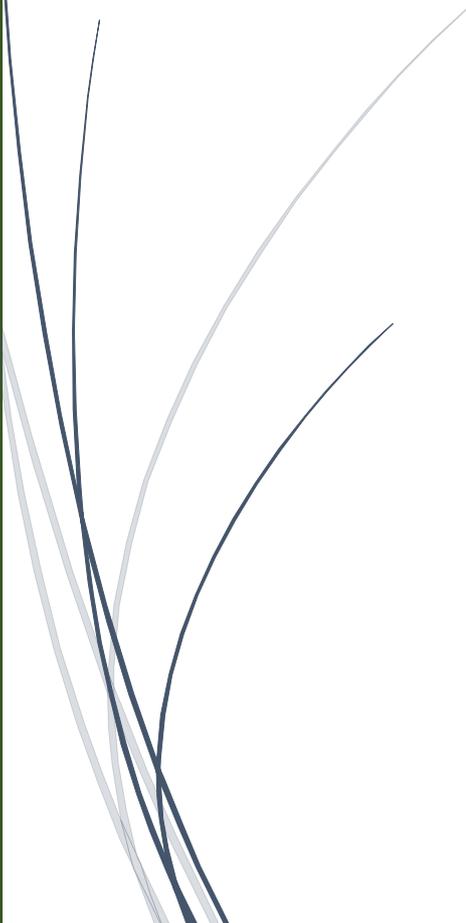


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# The Dutch energy transition, a sustainability utopia?

Perspectives of businesses and government regulators on the enforcement of environmental law in the Netherlands

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## Preface

*“There is no education like adversity.”*– Benjamin Disraeli

And adversity I experienced, not only resulting from the pandemic that swept across the globe in an uncontrollable manner but not in the least because of personal reasons. However, with motivation, perseverance and support of those surrounding me you find before you the cherry on the proverbial master’s degree pie.

This study on perspectives of businesses and government regulators on environmental law was written to fulfil the graduation requirements of the master program ‘Organizational Communication and Reputation’ at the University of Twente. I was engaged in writing this master thesis from February 2020 to July 2021.

This study was preceded by an internship at the “Omgevingsdienst Flevoland en Gooi- & Vechtstreek” in Lelystad. In this internship I uncovered step by step the intricate dynamics of environmental law and its enforcement. Escorted by my internship supervisor, Axel Roeten, I became familiar with the world of environmental agencies and their vital day to day activities aiming at improving sustainability across the Netherlands. Axel introduced me to important stakeholders and explained to me the big challenge that environmental agencies face concerning the enforcement of environmental law in the business sector, leading to the research question explored in this paper. To him I extend my sincere gratitude, for this study would not have been possible without his guidance and enthusiasm.

Furthermore I would like to thank Gerrit Beunk, my employer who granted me the possibility to enroll myself in this master program and supported me throughout the process. Through his patience, understanding and trust in me I found the confidence to successfully complete my research and not feel rushed or pressured to any extent.

Lastly I would like to thank my family for always being there when I didn’t know how to proceed and was at a loss how to move on. While most of the people I imply are not related to me by blood they are like family to me, and I could never do without them. Hopefully, they all know how much they are appreciated, although I want to thank a few of them in particular.

So thank you Kimberley, for being the best friend that understands me without words and inspires me to get the most out of life. Thank you Folmer, for being my partner who always makes me believe that I can do anything I set my mind to (and for sticking by my through all of the emotional breakdowns and temporary waves of insanity). Thank you Jaimy, for putting me on the right track and guiding me with your experience and expertise. And last but not least, thank you mom, for being my safe haven and always picking me up when I'm down.

I hope you will enjoy reading my pièce the resistance.

- Dominique Lucassen.

## Abstract

**Purpose** In the Netherlands, nationwide sustainability goals aiming to meet criteria set in the Paris Agreement were shaped into a variety of policies, summarized as “the Dutch energy transition”. Since businesses in the Netherlands are responsible for up to 42% of the entire countries’ energy output, their compliance with environmental law is vital in meeting the sustainability goals. Unfortunately, businesses’ compliance rates with energy savings law are still lacking. This paper tries to uncover the perspectives of businesses and government regulators on the feasibility of environmental laws and their enforcement to help understand their dynamics and aid governments in their efforts towards a more sustainable society.

**Method** In-depth interviews covering several topics such as environmental law complexity, compliance and role of the regulator were conducted among 9 business representatives and 17 representatives of regulatory agencies in the Netherlands. The interviews were transcribed and a thematical analysis was conducted, resulting in several perspectives that proved to be distinct throughout the dataset.

**Results** Multiple perspectives on the enforcement of environmental law in the Netherlands were found. Ranging from the need to adopt a different role as enforcers to the complexity of energy laws, the availability of energy data and the low level of cooperation and uniformity between governmental regulators. Furthermore, current intergovernmental dynamics seem to prohibit a strong and robust enforcement program due to the great variance in prioritization across different governmental organizations, leading to an unlevel playing field and threatening overall compliance. Lastly, financial reasons seem to effect businesses sustainability undertakings and delay a transition towards a more sustainable society.

**Conclusion** Findings show that the Dutch energy transition seems to be a poorly suited coordination mechanism towards swift societal change. (inter-)Governmental dynamics play a vital role in environmental law enforcement and lessons from transition management need to be re-examined and implemented differently to effectively shape the Dutch energy transition into a successful regulatory system towards a sustainable society.

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# 1. Introduction

Climate change is becoming an urgent problem. As a result of human interference, the earth is warming up, gases pollute the air and natural resources will eventually be depleted (Solomon & IPCC, 2007).

To combat climate change, many countries have put systems in place that aim to raise awareness on sustainability, regulate activities that pose threats to the environment and invoke participation from all layers of society. Many of these undertakings were preceded by the Paris Agreement. The Paris Agreement aims to bring all nations into a common cause to undertake ambitious efforts to combat and adapt to climate change. The ultimate goal is to keep the global temperature rise well below 2 degrees Celsius. Additionally, the Paris Agreement aims to strengthen nations' ability to deal with the impact of climate change (The Paris Agreement, 2020). The agreement proposes that every nation contributes to these ambitious goals with so-called "nationally determined contributions" or NDC's. The shape and scope of every countries NDC varies and is shaped by countries' characteristics, needs and priorities.

Executing policies and meeting goals described in NDC's across the world can be challenging and depends on clear regulation, strong enforcement and high compliance rates. To effectively meet the aims of each specific NDC, and ultimately the Paris Agreement, regulatory measures need to be put in place to assure that every stakeholder plays their part and undertakes efforts towards a more sustainable way of living. Successful results depend on a multitude of variables, such as the feasibility of the law, the enforcement strategy and the willingness to comply with certain rules and regulations. Countries decide for themselves what means they use to enforce their laws and how they regulate stakeholders to behave more sustainably, the Netherlands poses no exception to that.

Energy-saving potential in a country might be most profitable in the business sector, ranging from enormous factories that pollute the air up to office buildings that use a lot of energy on a daily base. Businesses in the Netherlands, for example, are responsible for

approximately 42% of the entire countries energy consumption (De Groot & Morgenstern, 2009). Consequently, the Dutch 'Wet op Informatieplicht' (law on the provision of (energy) information) and the energy saving law were designed and implemented in national policy, aiming at reducing energy usage, and increasing sustainability of Dutch businesses.

Evidence shows that compliance rates to these laws vary between 23% to 67% of businesses **(1)** (RVO, 2020). This large variance is due to the fact that there is no clear information on the energy usage of businesses in the Netherlands resulting from privacy laws that prohibit free access to energy data. Assuming a median of approximately 44% it becomes apparent that this rate can delay meeting the climate goals set within the Dutch energy transition and poses a threat to achieving the ambitious aims described in the Dutch Climate Pact. In meeting not only national, but also international sustainability goals, it is vital to determine possible threats that challenge progress towards these goals. In order to move towards a greener planet, the law is the only truly compelling means to get the job done, and thus these legal instruments need to be optimized to maximum extent.

Sustainability in organizations and compliance with environmental law have been increasingly studied in the past decades. In a seminal work from Farber (1999), it became apparent that non-compliance rates in environmental law are higher than in all other fields of law. Furthermore, Barrett, Lynch, Long, & Stretesky (2018) studied the effect of fines on environmental law compliance and suggested that while noncompliance may slightly decrease immediately following a fine there are few changes to a firm's long term compliance behavior. Further studies focus more on the long-term and try to see sustainability as part of a holistic approach, such as a study by de Lange, Busch, & Delgado-Ceballos (2012), summarizing how sustainability can be sustained by taking best-practice examples from a range of previously conducted studies. Other studies in this field of research for example examine determinants of corporate sustainable developments. Bansal (2005), for one showed that international experience, media pressure, mimicry, and organizational size were positively related to corporate sustainable development. Businesses' law compliance motivators and predictors cannot be easily generalized or summarized since understanding

*(1) depending on the number of businesses the law applies to, there is a lot of debate on this number and it is estimated somewhere between 62.000 and 200.000.*

what motivates corporate environmental behavior depends very much on the size and sophistication of companies themselves and on the characteristics of the industry sector within which they are located (Gunningham, Thornton, & Kagan, 2005).

A thorough search of the relevant literature yielded little results in describing both the viewpoint from businesses (the regulated) and the governmental agencies that control them (the regulators) towards environmental law, sustainability and their roles relative to each other in an open and explorative manner. In understanding compliance in sustainability and environmental law this study can add valuable information to the existing body of knowledge in a new and unique way. This is done by adopting a bottom up approach perspectives on regulation, enforcement and compliance viewed from the stakeholders who are effected most and are responsible for the implementation of sustainable measures. Another key contribution of this work is the insights it provides in (inter-)governmental dynamics and how they possibly effect environmental law enforcement and consequential, nationwide sustainability goals.

Hence, in this study the research question reads as follows:

*What are the perspectives of businesses and government regulators on the feasibility of energy saving regulations and their enforcement?*

## 2. Research context

As formerly introduced, this study was conducted in the context of the Dutch energy transition. This chapter provides information on how the energy transition in the Netherlands came into existence and is being used as a framework towards meeting the goals set in the Dutch Climate Pact and the Paris agreement. It furthermore aims at providing a clear research background for the study to accomplish a basic understanding of the Dutch energy transitions' characteristics and situational dynamics, explaining relevant terms and constructs before shaping a broader theoretical framework.

### 2.1. Dutch energy transition policy

The Dutch Climate Pact states that by 2030 Co2 emission levels must be reduced by 50% in comparison to 1990. Furthermore, this pact contains the strategies, agreements and promises made to achieve this reduction. It lists for example, what the 5 main business sectors in the Netherlands (Built Environment, Mobility, Industry, Agriculture and Electricity) have agreed on and will undertake to work towards this reduction of Co2 emission (Klimaatakkoord 2019, 2020).

Furthermore, the government has introduced a nationwide "Energy Transition" aimed at meeting the goals set in the Paris Agreement in 2016 and the Dutch Climate Pact of 2019. The fourth Dutch National Environmental Policy Plan (VROM, 2001) introduced transition management as an official government policy, placing the energy transition at the heart of the new Dutch cabinets' environmental policy. The government initially tried to break with dominant policy traditions and practices and thereby create space for innovative policy experiments with transition management (Loorbach & Rotmans, 2010). This however seems to contradict the direction of current Dutch environmental policy. Although there are attempts to innovatively shape the policy and embed freedom at the heart of it, more 'traditional' regulatory measures have been taken to enforce the policy and meet the ambitious climate goals, as will be discussed in the following sections.

To accelerate the energy transition, the Dutch central government has decided that each separate 'Energy Region' (the government appointed 30) can design its own "Energy Strategy". Thus, the nation's government provides the local authorities with a sense of independence and creativity to design policies that fit their region-specific wishes and characteristics, as long as they meet the nationwide policy in the end. Dutch authorities on a local scale, like municipalities, are taking these degrees of freedom to transition their ways of governing from a structure of power and centrality to a system of "inclusive" and de-central decision-making and policy development. One of the biggest goals of adopting this new way of governing in the Netherlands is to work towards a sustainable future together with local communities.

## 2.2. Dutch energy transition & businesses.

Businesses in the Netherlands are responsible for a considerable percentage of the total amount of energy used and therefore have a sizable energy-saving potential. The HDO sector (Handel, Diensten en Overheid/ Trade, Services and Government) combined with the industrial sector is responsible for approximately 42% of the entire country's energy consumption (De Groot & Morgenstern, 2009). It therefore can be argued that it is worthwhile to consider Dutch businesses in undertaking efforts towards meeting national climate goals.

The ministry responsible for the energy transition policy: The ministry of economics and climate, in short 'EZK' (ministerie voor economische zaken en klimaat) started the energy transition project in the Netherlands with an initial stakeholder consultation (Rennings, Kemp, Bartolomeo, Hemmelskamp, & Hitchens, 2004). Participants mainly consisted of representatives of large businesses. The aim of the stakeholder consultation was to find out whether and under what conditions businesses "would be prepared to contribute to actions leading to a sustainable energy system" (EZK, 2002). Results showed that the policy initially seemed to appeal to the majority of the stakeholders. Results also showed that business representatives would be willing to invest their time, money and effort in this process under the condition that the government would function as a committed,

consistent and predictable ally that offered their ongoing support throughout this process (Rennings et al., 2004). The project also led to several suggestions such as creating (regulatory) scope for experiments, ensuring clarity, consistency, certainty about the enabling policy mix and to devise a range of financial instruments for transition experiments (VROM, 2003).

### 2.3. Regulation

A tangible example of a regulatory means to attain the climate goals is Dutch environmental law concerning business' energy consumption. This policy consists of 3 steps and applies to 19 sectors of industry. The policy came into effect on the 2<sup>nd</sup> of July 2019. The first step prescribes organizations that exceed an energy-use of 50.000 kWh or 25.000 m<sup>3</sup> of gas (CBS, 2017; Rijksoverheid, 2019) to report themselves to the government as a "Wet Milieubeheer-inrichting", which roughly means that your organization undertakes activities on a commercial scale that pose a possible threat to the environment and are to be carried out within a certain limit (Wet Milieubeheer Inrichting, 2020). The second step is that these companies are obliged to hand in a report stating which of the required energy-saving measures described in the policy they have already taken and how their plan to implement the remaining obligatory measures in the future, this aspect is called the law on the provision of information (wet op informatieplicht). The final stage is comprised of the actual implementation of the energy-saving measures described for the organization, this is the energy savings law. The measures that have a return-time on their investment of five years or less had to be implemented or planned to be implemented in the reports and handed in before the 2<sup>nd</sup> of July 2019.

### 2.4. Environmental law compliance

Taking the 'Wet op Informatieplicht' as an example, evidence shows that compliance rates to this law can be as low as 23% in the least attractive scenario **(1)** (RVO, 2020). Since non-compliance with these regulations is punishable by law, a fast increase in companies implementing the measures could have been expected. This however, did not happen.

If the criteria of the Dutch Climate Pact and the Paris Agreement are to be met on time this non-compliance rate obviously poses a threat. The Dutch government tries and has tried for some years to encourage durable and sustainable investments and developments by for example the provision of subsidies, the hosting of various events, designing a multitude of accessible information mediums or even by organizing competitions in which organizations can win prestigious prizes for their sustainability. Despite these efforts, abovementioned results show that compliance with energy-saving regulations is still met with resistance.

## 2.5. Law enforcement

29 government controlled environmental agencies (omgevingsdiensten) are responsible for surveillance and enforcement on environmental law in the areas of air, safety, noise, waste and soil and subsequently for the law on information provision and energy-saving as well. Each has their own managing board and operates independently; each organization is responsible for managing environmental law and regulation within their own region.

Environmental agencies in the Netherlands operate as executive organizations, meaning that they operate under strict instruction and by commission of the municipalities in their region. The municipalities decide the budget and thereby control the regions environmental agencies' regulatory activities regarding the "wet op informatieplicht" and energy-saving measures of businesses in the region. Each municipality can decide how they shape and structure their policy towards regulation and enforcement and can decide the budget that is made available to the environmental agency to design their regulatory strategy. The municipality can also decide which tasks will be executed by the environmental agencies on a broader spectrum, some environmental agencies thus have more, or less responsibilities than others in areas such as building and housing supervision.

The current state of affairs (May 2020) is that the regulatory agencies focus on 1) finding and encouraging entrepreneurs who have not yet reported, 2) support entrepreneurs who are actively trying to implement measures, 3) help struggling entrepreneurs in planning

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activities and make sure they comply with their planning and 4) fine or force entrepreneurs who are uncooperative or in conscious violation of the law (Toezicht op de informatieplicht energiebesparing, 2020).

### 3. Theoretical framework

The previous section has introduced and described the Dutch energy transition as a contextual framework for this study and explained its dynamics and origins. The following section will discuss a broader theoretical background as to the relevant terms and constructs and their relevance to the study, as well as leading up to its further motive.

#### 3.1. Energy transition management

“Adaptation will be crucial in reducing vulnerability to climate change and is the only way to cope with the impacts that are inevitable over the next few decades” (Stern, 2006, p. 403)

In order to effectively cope with climate change, many countries are undertaking ambitious efforts. These efforts often surface as societal transitions that aim to shift the focus of the entire nation from consuming limitlessly with no regard to the environmental outcomes to a society that consumes and produces sustainably in order to reduce climate change.

The term “Energy transition” has been widely adopted to generally describe all new policies, legislations and activities towards renewable energy and a sustainable future. Rotmans et al. (2000) define a transition as a gradual, continuous process of change where the structural character of a society (or a complex sub-system of society) is being transformed. Kemp (2010) adds to this by stating that transitions are transformational processes that lead to a new regime that constitutes the basis for further development. A transition is thus not the end of history but denotes a change in dynamic equilibrium.

Goals as described in the Dutch Climate Pact and the Paris agreement are clearly set within a timeframe (i.e. a 50% reduction of co2 emission by 2030), and therefore need coordination to be met. A transition as formerly introduced appears to be a poorly suited coordination mechanism towards these goals because of its unrestricted, boundaryless and loosely formulated nature (Rotmans, et al., 2000). Transitions are continuous and gradual processes towards a systemic change. Transition management is not about picking a trajectory or the implementation of a blueprint, like governments frequently do in developing policy. It rather consists of the exploration of various system innovations in a forward-looking,

adaptive manner (Rotmans & Kemp, 2008). The Netherlands has embedded such an energy transition as their current policy, rendering it interesting to see whether the pre-formulated goals can be attained by using this way of governing, especially since the notion of coordinated effort towards achieving goals contradicts the nature of a smooth transition and is therefore hard to encapsulate in 'hard' policy. Being such an intricate, complex, adaptive and continual process, a transition seemingly cannot be successfully controlled by top-down management. On the contrary, the power to exert influence and control is spread over a multitude of actors with each their own beliefs, resources, interests and hierarchical status in society. To manage a transition, one needs to know how to address, combine and harness these factors for the sake of transitional change.

In order to successfully implement a transition, all involved actors and stakeholders need to be willing and able to cooperate. Including local communities as stakeholder has proven to be of vital importance within transition management. Transition management theory even lists the involvement of actors from society as a key element of transitional processes (van de Kerkhof & Wieczorek, 2005). Including a vast multitude of actors to cooperate with policy and regulation is not without its challenges. Being managed and authorized by central governments, the process of developing transition policy runs the potential risk of becoming encapsulated by regime actors in various domains (energy, transport, water management). Policy advisors involved in the energy transition themselves admit that the transition arenas are dominated by major companies, researchers and public officials and that NGOs, SMEs as well as citizen or consumer organizations are underrepresented (Dietz & Brouwer, 2008). Consequently, because of the lack of diversity and representation of a diverse set of stakeholders, the potential of its system innovation is threatened (Hendriks & Grin, 2007). Van de Kerkhof and Wieczorek (2005) cautioned about such self-organizing networks as well, describing these network strategies as a potential catalyst to further empower regime incumbents and exclude viewpoints of less prominent actors. This may inhibit the freedom that lies at the heart of transitions and may result in the

opposite; a lack of room for learning and innovation. Whether this is the case in the Dutch energy transition, this study will further explore.

### 3.2. Businesses and transition management

The business sector plays a crucial role in transition management: By orienting business towards societal transitions and redefining their own organizations from there, business models can be developed that tie together economic profitability, social responsibility and ecological sustainability in a fundamentally new way (Loorbach, 2010).

Even though businesses have always had to navigate the subject of sustainability within their businesses, since the 1970's, debates upon a wider social and environmental responsibility of businesses began to have serious impacts on both individual firms and policy in a broader sense (Loorbach & Wijsman, 2013). Since two decades, these debates have taken on more official forms as various governments around the world took on energy transitions pillars for future developments. Since right after the start of the millennium, businesses started becoming increasingly aware of some of the advantages that sustainability has to offer (Porter & Kramer, 2006) and some started acting accordingly, the so-called 'frontrunners'. Though certain businesses embraced the transition towards a sustainable future as a chance, some experienced it as a threat.

In order to become more sustainable as a whole, organizations need to change their perspectives in doing business from making manufacturing adjustments to entire business model innovations (Boons and Lüdeke-Freund 2013). In this sense, transitions have the potential to threaten existing business (strategies) and require various adaptive strategies, sometimes even crisis management. Considering this, businesses might even play a role in slowing down transitions. On the other hand, businesses could proactively try to anticipate possible transitions and play a role in guiding these towards more desired situations (Loorbach & Wijsman, 2013). In sectors such as construction, energy, mobility and food, businesses are being increasingly challenged by sustainability issues and societal changes. In these changing contexts, various strategic responses can be witnessed, ranging from

reactive and adaptive to proactive and transformative (Boons, 2009). In explaining how the business sector should anticipate (energy) transitions and act accordingly, current available research seems to be lacking.

Loorbach (2010) brings to light further benefits to businesses and argues how transition management can be used by businesses to systematically conceptualize and develop transformative strategies to move forward. This has a two-fold effect: It transforms their own business to a new, future-proof and sustainable way of organizing and helps shape the energy transition by helping shift the market they operate in. Thus, transitions should be considered as opportunities for growth and development as opposed to threats. However, businesses need to be aware of the benefits to start implementing them, as is often the case with strategic changes resulting from societal developments. In this particular situation the importance of seeing these benefits and implementing changes is even greater. In doing so, organizations are not only capable to improve their own business but can serve national interests by contributing to the climate goals through saving energy.

It seems like businesses can gain from transitions as well as being threatened by them. Furthermore, in order to successfully transition a society towards a more desired situation on the whole, businesses need to be 'on-board' and willing to comply with policy, rules and regulations. Finally, previous studies cannot be considered as conclusive because they mainly focus on the 'traditional' transitions that follow the definitions as proposed by i.e. Rotmans et al. (2000) as opposed to the Dutch policy that has combined traditional regulatory means and masked it with a transitional 'sauce'. Therefore it will be interesting to explore how Dutch businesses experience the Dutch energy transition and acquire insights in their (strategic) responses to it.

### 3.3. Environmental law compliance

Compliance has been an extensively studied subject within scientific research for many years now, and there is a large body of knowledge available concerning the relevant topic of environmental law compliance. In modern times like these, where society changes in a rapid

pace to cope with the challenges of today, it is vital to understand what defines and constitutes law compliance in order to fully understand and improve it to systemically change societies for the better. In this study, the level of business' compliance with environmental law can be tied to meeting the sustainability goals explicitly as a high compliance means that the current policy is effective and a low compliance implies that it is not, making it all the more important to explore in the context of the Dutch energy transition.

It seems that in environmental law, non-compliance rates are higher than in any other field of law (Farber, 1999). In order to improve businesses' environmental law compliance it is of importance to deepen the body of knowledge on this topic and study reasons and motivations for non-compliance. In this section, the term will be further elaborated on and its meaning in this study determined.

Environmental law compliance is becoming a growing area of interest among scholars and governments worldwide as sustainability increasingly integrates into our collective future throughout all layers of society. Definitions of the term 'compliance' vary across literature. A simplistic understanding of the term proposes a *compliance* with certain *rules or regulations*. If compliance then consists of behaving according to the law, the most obvious alternative is a simple failure to do so, in whole or in part (Farber, 1999). 'In part' proposes a scale of compliance, instead of a static state of (non-)compliance. An early work on this topic, by Fisher (1981) also encompasses this view by defining compliance as "a state of conformity or identity between an actor's behavior and a specified rule". In this definition the term "behavior" raises some questions because 1) the type of behavior is not specified and 2) because it proposes a spectrum or scale of compliance instead of a yes/no proposition (i.e. do or do not comply). Fast-forwarding to 2004, Cialdini and Goldstein define compliance as "a particular kind of response—acquiescence—to a particular kind of communication—a request". This definition inherently considers compliance as points on a scale instead of an absolute yes/no as well.

In this study compliance has been interpreted as a formerly introduced scale. This seems like the most logical interpretation since businesses often have been implementing sustainable measures to a certain extent instead of entirely or not at all.

So far, a wide variety of motivations to comply with laws and regulations have been determined by scientific research. These factors include for example a general belief in the legitimacy of regulatory requirements, perceived social costs, shame, or guilt and informal sanctions inflicted by local communities, NGOs, and others (Gunningham, Thornton, & Kagan, 2005). Successful enforcement of regulations depends on the capacity of the regulated to behave as intended and on their commitment to obey the law (Burby & Paterson, 1993). Another important factor is the availability of information about regulations and evaluation (Esayas & Mahler, 2015). Some of the interesting questions in this context are for example in what sense the Dutch government has taken former factors into account in their policy and their regulatory efforts towards achieving environmental law compliance.

Further compliance motivators can be found in individual organizations' investments that often benefit business sectors in the whole, this however often leaves them at a competitive disadvantage when investing in costly sustainable measures, as competitors may not bear these costs (Carraro & Fragnelli, 2004). In this system, entrepreneurs' sustainable actions are punished, rather than rewarded and there is a lack of effective incentives that stimulate sustainable practices. Pacheco, Dean and Payne (2010) label this as 'The green prison'.

Although laws are inherently meant to comply with, managers for example, often have no general obligation to avoid violating regulatory laws, when violations are profitable to the firm "... We put to one side laws concerning violence or other acts thought to be *malum in se*." (Easterbrook & Fischel, 1982). When elaborated further, the authors explain that managers do not have an ethical duty to obey economic regulatory laws just because the laws exist. They must determine the importance and impact of these laws. This comes in the form of a risk assessment. Risk assessments are not just applicable in the corporate compliance dynamics, as individuals we carry out risk assessments in a multitude of

decision-making processes as well, whether it concerns stopping at a red light or not showing up to work that day. When defined as such, compliance is about prioritizing as well (Esayas & Mahler, 2015). Furthermore, DiVito and Bohnsack (2017), discuss in their paper the persistent duality and interaction of sustainability and entrepreneurial orientation. They affirm the notion that sustainable decision-making is about prioritizing. Consequently, it will be interesting to see whether a firm's prioritization of organizational activities influences sustainable behavior.

Another explanation for low compliance might be found in the complexity of the laws, rules and regulations in place. In a 1993 study of corporate environmental businesses, nearly half of them indicated that their most time- and energy consuming duty is trying to determine whether the company complies with the law, seventy percent of them believed that perfect compliance is impossible (Lavelle, 1993). Non-compliance can be due to a multitude of reasons, one of them being the complexity of the laws, rules and regulations.

Former studies indicate that environmental law is inherently complex. This complexity is inevitable and is primarily caused by the fact that with so many different actors involved it is difficult to maintain uniformity in the development of norms. Environmental policy is influenced by a range of different actors such as national authorities at different levels, for example the environmental services in the Netherlands, but depends on international organizations, and the European Union, as well while the actions of non-governmental actors are also able to impact the environment. Any solution to environmental problems must take into account the needs and competencies of the different actors involved (van Rijswick, 2012). Spence (2001), also emphasizes the complexity of environmental law as a threat to compliance. The study researched and summarized the most frequent reasons for this complexity and found that it consists of least four important elements: Environmental regulatory requirements are (1) too numerous, (2) too difficult to understand, (3) too fluid, or everchanging, and (4) too hard to find. Each of these characteristics, say critics, makes compliance difficult. In his study, Spence (2001) concludes that because environmental regulation relies on numerous, difficult, fluid or hard to find rules, the majority of businesses

do not know what constitutes perfect compliance and therefore cannot achieve it. Whether this proves applicable to Dutch businesses in this context, this study will further examine.

### 3.4. Law enforcement

Laws, rules and regulations are often put in place to constitute and increase compliance across stakeholder groups involved. A strong and effective enforcement program that enables officers to take appropriate action against environmental offenders is a necessary component of any robust regulatory regime. (Paddock, et al., 2011). In countries such as the Netherlands, enforcement is spread across a multitude of regulating agencies, such as provinces, environmental agencies and municipalities. In some cases, they are able to carry out enforcement in ways of their own preference, as long as nationwide set goals are met.

There are a few benefits to be found in this de-central enforcement system. Local governments can for example have information advantages that are region-specific. In addition, environmental aspects of an area can be closely related to other issues in the region or municipality, such as urban planning (Sjöberg, 2016). However, local enforcement of environmental law might also produce negative effects; A soft enforcement regime might give a municipality a business-friendly image, attracting businesses, while the costs of a bad environmental situation are shared also by the surrounding municipalities (Fredriksson, Matschke, & Minier, 2010). Foregoing authors also discuss that this system can lead to a so-called *home bias* in which politicians could come to favor their local district and thereby impose sub-optimal regulatory systems. Furthermore, Sjöberg (2016), performed a study on local enforcement of national environmental law which showed that in municipalities where the Green Party (an environment friendly political party) joins the ruling coalition, the number of environmental fines increases on average. This implies a political influence on environmental law, threatening national law enforcement. Sjöberg (2016) also mentioned that inequality before the law can occur when firms face varying risks of being penalized when caught in violation of the national law, depending on the local government. Since

municipalities in the Netherlands act independently from one another and are responsible for the enforcement of environmental law, whether they commission it to environmental agencies or not, the question of how municipal efforts effect environmental law enforcement nationally arises and will be explored.

### 3.5. Research focus

In conclusion, taking foregoing studies and theories into account it becomes evident that the regulation of, and compliance with, environmental law can possibly be faced with many difficulties that reside not only on the side of the regulated, but on the regulators' side as well.

In this study the main focus will be on discovering the perspectives of businesses and government regulators on the enforcement of environmental law. It will be interesting to see if the current direction of the Dutch government, placing the energy transition at the heart of its environmental policy will prove to be an effective approach or whether the mix of gradual societal change and short-termed regulatory means proves insufficient. Furthermore, since previously conducted studies have shown that transitions cannot be managed successfully by a top-down approach because of the inclusion of a complex majority of stakeholders with each their own beliefs, resources, interests and hierarchical status in society, it will be intriguing to see in what sense the Dutch government has navigated this and has possibly tried to include businesses as a major stakeholder. Additionally, in what sense businesses perceive the Dutch government as a reliable ally and feel supported will be explored further, as well as its effects on implementing energy saving measures and promoting environmental law compliance. Since businesses face many possibilities and opportunities for growth as well as threats in terms of costs, competitive disadvantages and strategic planning an exploration of this topic could provide useful additions to the already existing body of knowledge. Furthermore, how Dutch businesses perceive environmental law in terms of feasibility, its effects and its complexity will be of importance since previously conducted studies already have shown a relation between law complexity and law compliance, possibly explaining low compliance rates to environmental law in the Netherlands.

The existing literature has moreover shown that levels of uniformity in enforcing action and political influence on environmental law enforcement can occur, possibly threatening a robust, uniform enforcement regime. Since Dutch municipalities act independently from each other and are provided with certain degrees of freedom in shaping their enforcement activities it will be interesting to see whether differences on a local or regional scale occur and how they affect nationwide enforcement of environmental law.

## 4. Method

### 4.1. Research design

To be able to explore insights, attitudes, opinions and knowledge and entrepreneurial and governmental regulatory agencies' viewpoints on environmental policy and answer the research question of this paper, in-depth qualitative research was conducted. By using in-depth interviews as a main research method in two participant groups, data could be extracted that encompasses a two-way perspective on energy saving regulation and enforcement from the side of the regulator and the side of the regulated. This provided unique insights in ways they agree with and are opposed to each other and how they feel about their own specific situation in the context of energy law, regulation and enforcement. The qualitative interview is a flexible and powerful tool to capture the voices and the ways people make meaning of their experiences. From the interviews several perspectives on energy law emerged by analyzing the saliency of topics commented on by the participants. These perspectives are elaborated on in the results section of this paper.

### 4.2. Interview guide

The interview guides were drawn up with topics and questions related to sustainability and the information provision law. They furthermore focused on the formerly discussed theoretical constructs that need to be explored in the context of the Dutch energy transition. Questions about the role of the government, cooperation between business and government and the legitimacy of law were discussed as well as business' compliance with environmental law and perceived law complexity. Additionally, among environmental agencies' representatives, relationships between municipalities and environmental agencies were discussed as well as possible regional differences in enforcement strategies. A majority of the questions were formulated loosely and open-ended. This gives participants the freedom to use their own terms when answering questions. Furthermore, questions were designed to be as neutral as possible to avoid wording that might influence answers (McNamara, 1999). It would be almost impossible to gain *all* of the ideas and themes regarding large domains

like these, rather the focus should be on important or salient ideas. Hence, follow-up questions, probes and prompts were formulated in case a question could not extract the desired information at once. Each of the questions in both the interview guides belonged to a pre-formulated general theme in which thoughts, knowledge, feelings etcetera could be explored. The themes are: 1) Climate change & sustainability, 2) Decision-making & responsibility, 3) The government, 4) Law, regulation and compliance and 5) Best-case scenarios. To a large extent, both interview guides were constructed in such a way that they could be interpreted parallel to each other, meaning similar topics were covered in interviews with government regulators as well as business representatives to encompass the expression of both their perspectives on (similar) relevant topics.

Specifically, interviews with business representatives were constructed in such a way to acquire responses on topics such as nature of the business, general laws and compliance affiliated with organizing their business, climate change and sustainability, compliance with environmental laws, their knowledge of and compliance with the law on the provision of information and their opinions and beliefs about the government and law regulation. For the complete overview of topics the interview guide was added to the appendix of this document.

The interviews with the environmental agencies encompassed topics such as experiences in the field, views on environmental law, views on regulation and enforcement, their opinion on national and local decision-making structures concerning environmental law and recommendations for the future, this interview guide can also be found in the appendix.

### 4.3. Participants

In order to obtain qualified candidates that provide the most credible and relevant information, initially critical case sampling has been used. Business participants were selected from various parts of the Netherlands. They had to be (partly) responsible for energy matters within their company and knowledgeable about the topic. Organizations had to be a middle- or big usage organization (in terms of electricity and emission of co2).

By an email or a letter the organization was invited to participate in this study, explaining its aims (improve general course of events, policy making, enforcement etc. concerning sustainability in organizations). Invitations were sent to 97 organizations across all of the 19 sectors described in the law on the provision of information and the energy savings law. Initially this did not lead to a sufficient sample size. Using word-of-mouth and personal visits to companies an additional number of participants were found. This resulted in a total of 9 participants from businesses within the target group that were willing to cooperate.

The second target group; the environmental agencies were called upon by email to participate in the study. They had to be knowledgeable on the topic of the energy savings law and have some experience with its enforcement. All of the currently existing agencies, a total of 29, were approached. 17 were willing to cooperate.

Combining the interviews held with businesses and environmental agencies, a total of 26 interviews were held. The recording of 1 of these was too unclear to make proper use of and was discarded, resulting in 25 viable interviews.

The acquired participants from the businesses were representatives from the organization selected by their knowledge about the topic and level of responsibility for energy matters. Their job titles ranged from general director to environmental coordinator, depending on the size and nature of the organization. The participants gathered from the environmental agencies were also knowledgeable on the topic of energy, sustainability and environmental law and their positions ranged from coordinator of energy to project manager to licensing agent, also depending on the size of the environmental agency and their current activities towards energy management and sustainability. Participants varied in age and the majority of the participants was male (23/26). In table 1 and 2 an overview of participant occupation and business sectors can be found.

Table 1

*Overview of business sectors and occupation of participants*

Interview	Sector	Occupation
1	Food industry	Environmental coordinator
2	Graphic / Printing	General manager
3	Automotive	Branch manager
4	Infrastructure	Senior QHSE (Quality, Health, Safety and Environment) coordinator
5	Catering industry	Manager / owner
6	Waste management / biogas	Energy advisor
7	Machine factory	Board member
8	Packaging	Manager engineering & quality
9	Waste management / biogas	Environmental advisor

Table 2

*Overview of government regulator participant occupation*

Interview	Occupation
1	Energy coordinator
2	Energy ambassador / Energy and sustainability specialist
3	Project manager (energy and sustainability)
4	Team manager (environmental) permit specialists
5	Environmental supervisor / Coordinator environmental supervision of industry
6	Senior environmental advisor and project manager / Inspector integral enforcement
7	Policy advisor energy and sustainability
8	Project manager energy and sustainability
9	Environmental supervisor, special investigating officer domain II
10	Environmental supervisor

11	Supervisor energy conservation
12	Environmental supervisor
13	Project manager / supervisor energy conservation
14	Environmental supervisor
15	Environmental supervisor
16	Project manager energy conservation
17	Supervisor energy conservation

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#### 4.4. Procedure

After participants responded to either email or letter, the interviews were planned. Initially, interviews took place face to face. When the coronavirus inhibited this, interviews were carried out using digital means such as Google Teams and Zoom.

During the interview the interviewer first explained the purpose of the interview in a few sentences, then the participants answered a very short questionnaire with some demographic background questions (appendix), after which the informed consent form was presented and signed. Participants that were interviewed using online meeting platforms were sent the consent forms by email. Participants were furthermore made aware of the recording device and reassured that their, and the organizations' anonymity was guaranteed. The researcher then indicated the approximate duration of the interviews and asked if the participant had any questions before starting the interview.

At the end of the interview the researcher asked whether the participant wanted to add anything that may have been left unsaid and could be of relevance for the study before stopping the recording. The researcher made clear that after ceasing recording nothing said would be used in the study. The participant was asked how he/she experienced the interview and if he/she had any questions. Participants were made aware that they could receive updates on the study if they wished. Interviews lasted from 30 minutes up to an hour with a mean of approximately 45 minutes.

#### 4.5. Analysis

After completing the interviews the researcher transcribed each interview literally and re-read them while simultaneously correcting any grammar and spelling mistakes. A thematic analysis was performed whereby the most salient responses were extracted from the transcripts and coded into themes in another document. The themes or perspectives found were consistent phrases, expressions, or ideas that were common among research participants (Kvale, 2007). A mix of inductive and deductive thematic analysis was performed, as the theoretical framework provided some basic themes such as environmental law compliance, law complexity and business' transition management but an inductive approach yielded themes, such as 'unavailable information', as well. It appeared that some themes were more elaborated on than others and a total number of 6 themes, proved to be most salient and remarkable. These provided a framework for the elaboration of the results of this study.

After the first round of coding an intercoder reliability check was performed. This first check yielded an intercoder reliability of 58% percent, probably due to a lack of proper preparation and no coder training. The distinct, but unsimilar professional background of the second coder (technical medicine) might have been an influencing factor as well. A second coding round was scheduled before which the researcher explained the study's background and the themes more thoroughly. The subsequent second round of coding resulted in an intercoder reliability percentage of 91%.

Table 3 describes the themes, the number of mentions found per theme and per respondent group as well as the number of participants out of the total sample making a statement fitting the theme.

Table 3

*Overview of mentions per theme and per respondent group*

Theme	Mentions	Distribution
Role of the regulator	B 40	B 9 / 9
	E 44	E 17 / 17
Subject matter complexity	B 6	B 4 / 9
	E 16	E 10 / 17
Unavailable information	B irrelevant	B irrelevant
	E 22	E 14 / 17
Enforcement uniformity	B 2	B 2 / 9
	E 35	E 17 / 17
Costs & chains of sustainability	B 21	B 7 / 9
	E 6	E 5 / 17
(inter-)Governmental dynamics	B irrelevant	B irrelevant
	E 56	E 17 / 17

## 5. Results

From the transcribed interviews 6 frequently mentioned perspectives have emerged that will be discussed further in this section. The findings of the interviews will be presented from the side of the businesses (quotes indicated by B[*number*]), the side from the environmental agency (quotes indicated by E[*number*]) and how they relate to each other. The perspectives found are: 1) Role of the regulator, 2) Subject matter complexity, 3) Unavailable information, 4) Enforcement uniformity, 5) Cost & chains of sustainability and 6) (inter-)Governmental dynamics.

### 5.1. Role of the regulator

This theme was included as a topic in both interview guides and aimed at uncovering participants' opinions on enforcement approaches by government regulators. This also encompassed discussing the role of the government in environmental law enforcement and seeking insights in what participants from both groups believe to be the best approach to acquiring cooperation and compliance from businesses considering energy saving laws. Furthermore, participants were asked to mention what they believe the government should do or take responsibility for in this context.

Companies seemed to consider it of great importance whether the government adopts a "helping" and advisory role in their enforcement strategy as opposed to a more traditional way of controlling and regulating. They expressed themselves as more willing to comply with measures when enforcement officers "speak their language", so to say, and not only express the gains from an environmental point of view, but for the company itself as well. Business participants also mentioned rewards such as tax discounts and a more lenient enforcement strategy as possible incentives to encourage sustainable behavior.

Furthermore, business representatives mention that their lack of knowledge about energy-saving measures plays a role and that they would like to receive more information during visits from enforcing agents.

*“Yes, I would rather get someone in here who will look along with me to see what they can do for our company, to see where you could become even more aware of how you run your company and to ask the question how can we help you as a government? Instead of just saying what you **should** do. If you explain why certain things are necessary and where you can implement simple interventions and what impact that has, I think that the support will then increase.” (B5)*

Some businesses indicated positive experiences with enforcers that already try to guide and advise more during the process (2 out of 9), while other businesses experience the enforcement agencies more as distant and controlling (7 out of 9). Overall, businesses consider it beneficial if environmental supervisors play a more prominent role within the energy transition in the business sector and try to guide businesses more extensively. Furthermore, the interviews bring to light that a uniform approach to which role to adopt as government regulator is not evident. This will be discussed further in the section ‘Enforcement uniformity’.

The role of the regulator was frequently commented upon by the environmental agencies as well. There are roughly 3 main sub-groups that could be distinguished from the interviews, the first being the environmental agencies that make efforts to try to help and advice businesses more, rather than just enforcing the law and checking the lists (11 out of 17). They are willing to help businesses to understand and implement sustainable measures and try to “spark a green flame” within the business. They design apps, websites, communication strategies et cetera to make businesses more aware and willing to cooperate. A majority of enforcing agencies in this category mentioned the “carrot and the cane” as a good methodological example to further compliance. They initially try to dangle a “carrot” in front of the business as an incentive to implement energy-saving measures in the form of insights in return time, profits through investments or a more lenient enforcement strategy, when this fails, the more traditional enforcing means come into play, the “cane”, so to speak. In sum, initially they help, then they enforce. They also try to incite businesses to

behave more sustainably by offering them green deals in which businesses can take part. These green deals come in the form of programs and sometimes subsidies that aim towards more involvement and participation of businesses in sustainability. Partaking in these green deals is rewarded by less intensive enforcement and leaner guidelines over a period of time, as long as they meet the points of agreement in the end.

*"We are looking at whether we can make a switch to a somewhat advisory role. [...]. How we have arranged it now is more by using the cane. So showing people what to do and if they don't do it we hit them with the cane, but we actually want to move more towards the direction of the carrot, meaning that we can really co-finance or help and advice sustainable work and actually give that side [businesses] a helping hand." (E3)*

Some enforcement participants however mentioned needing to be careful not to step into the advisory role too much since they are still a governmental agency. The second group mentioned that there were willing to guide businesses somewhat, although the environmental agency is not responsible for help and advice. Subsequently, in cases where they perceive businesses needing additional guidance, they refer them to specialized non-governmental advisory agencies. 5 environmental agencies specifically mentioned foregoing as their current approach.

Lastly, one enforcer in particular mentioned that the role of the government is, and should be limited to controlling and enforcing, they also saw no need to help and advice businesses since the law is not that complicated and there was enough preparation time. The participant emphasized that the laws, rules and regulations are not at all complex but due of extensive framing by a variety of stakeholders, everybody believes so. Furthermore, in their opinion the government needs to adopt a clear and unambiguous role, that of the enforcing party.

*“Yeah, I don't see why they should encourage and incite businesses even more. That's actually what I think now. Because I believe that the obligation to save energy is not new and not very complicated, it is just not. But if you put on your website [of environmental agency] that something is complicated, then of course you create a threshold. [...] If even the government says that saving energy is incredibly complicated, then you believe it too. But when I say energy saving is nothing, companies can fill in all those measures and it is all clearly described then you think oh, is that so? The emphasis on it being difficult is just too great” (E8)*

## 5.2. Subject matter complexity

Subject matter complexity can be considered from both the regulated as the regulator's side and describes participants opinion on the complexity of the environmental law that they are either faced with, or have to enforce.

Business representatives indicated that they often lack the specialized knowledge that the energy saving laws requires from them to make calculated decisions for their businesses in matters of energy saving and how they easily get lost in complex guidelines and unclear descriptions. The law on information provision seems to lack clarity and fails to provide a clear framework which the businesses can use to aid them (indicated by 6 out of 9). Some businesses even indicate difficulties in determining whether the law applies to their situation.

*“In particular, that information provision obligation, for example, that is very vague, isn't it, whether you have too much consumption or are above a certain level with your turnover over a year or something, that is a vague line, or is it both? Or just energy consumption? They are not yet very clear about when you should or should not report. And in addition, if you want to do it then just tell me at which counter I have to be because I have no idea where to report.”*  
(B4)

Furthermore businesses indicate that determining who is responsible for the actual implementation of the energy saving measures is unclear since businesses often rent spaces in buildings that they do not own. According to the energy saving law the owner of the resident business is responsible for implementing sustainable measures in the building, instead of the building's owner. This is not clearly evident and seems illogical to some participants.

*"What is especially unclear for the company is often that they are renting the building, right? So let the government knock on the door of the landlord because the building belongs to him. [...] Yes, but apparently we are the manager of the facility and we then have to comply with the legislation, but you see that there is still a lot that is unclear, yes, for the government it is clear at some point. But for the people it's about, who have a little less affinity with the environment, they ask themselves, what are we talking about?" (B4)*

A clear and abundant provision of information was mentioned several times as a vital first step towards a more sustainable business environment. Businesses indicated the need to be guided more through the, often complicated, lists of energy-saving measures in order to fully understand them. According to businesses, this guidance is still lacking. Consequently, they indicate being unhappy about the fact that as a result of the unclarity, complexity and lack of governmental guidance they need to visit association meetings or hire advisory agents (both costly) in order to get the right information to move forward and be compliant. They also point out that even the enforcement officers who carry out the control visits often lack the specialized knowledge which is necessary to enforce this law in ways that enable the companies to keep conducting their business operations successfully and meanwhile comply with the energy-saving measures.

*"Local supervisors have to carry out enforcement and then you see often that they have little understanding of how things work in such a company. And you see that they actually don't*

*have enough knowledge to provide you with knowledgeable answers to the issues at hand."*

*(B4)*

The environmental agencies also mention knowledge and expertise as a vital part of the enforcement of energy-saving measures. 9 out of 17 participants from environmental agencies explicitly confirmed the complexity of the law and mention that businesses often lack the knowledge that is required from them to implement energy-saving measures as well as to fill in the report of the information provision law.

*"[...] the majority of companies say yes, we certainly see the need to save energy, but we do not know exactly how the law and regulations work and we do not know exactly what we can do ourselves." (E1)*

Consequently, environmental agencies mentioned that during visits, officers regularly feel necessitated to inform rather than enforce in instances that a business is not knowledgeable enough on the topic, costing valuable time. One respondent mentioned that even enforcing officers themselves sometimes lack the knowledge necessary to successfully perform a control visit on the energy saving law, making it all the more intricate and difficult to navigate.

*"As an enforcement officer you also try to encourage companies to do more and to show where more is possible and that naturally requires more knowledge of the officer himself as well, so you really need a specialized officer and perhaps some other skills as well."(E7)*

### 5.3. Unavailable information

In order to effectively enforce the law, a complete overview of relevant data of businesses on the subject of energy usage is necessary. After all, it provides the framework in which the environmental agencies can decide whether they need to control the organization according to the energy savings law or not. The law on the provision of information was put in place to collect this data. However, since a substantial number of businesses have not yet submitted

their reports it is impossible to know their energy usage and whether or not they have to comply with this law and its corresponding energy saving measures. As an outsider one might believe it self-evident that data such as energy usage can be easily accessed by governmental agencies responsible for regulation of energy usage. However, the opposite seems to be the case. Businesses' energy data is protected by privacy laws, rendering it impossible for environmental agencies to access. Subsequently, environmental agencies cannot regulate businesses that have not yet provided a report and if they have, cannot check its correctness at first glance. 14 out of 17 environmental agencies indicated this as a major threat to their enforcing actions. Foregoing also inherently implies an unlevel playing field since businesses that have not yet handed in their energy reports are not in the 'enforcement loop' yet while businesses that have reported face regular checks on implementing energy-saving measures and are confronted with possible fines if they do not comply.

*"The information is there, but we can't get it. All network administrators have that information about the energy consumption. [...] It is very strange because in itself all company information is public. [...] I received replies back from more than half of the companies I wrote to, that actually had a lower energy usage than we thought. So you effectively put in a lot of work for nothing. If we had known this information, we could have invested time in companies where it does play a role." (E2)*

The environmental agencies ultimately did receive a list of businesses that had a usage above the critical limit from the Dutch Enterprise Agency (Rijksdienst voor Ondernemend Nederland). However, participants indicated that the list proved to be very flawed. Consequently, time and effort was wasted in trying making sense of it, according to several participants.

*“Yes, basicly, the companies have already been contacted by the national government, but the list we used was not really correct. Actually, it wasn't good at all. So the whole hassle is getting the right list with the right companies on it, otherwise you run the risk of writing to companies that don't meet those criteria at all.” (E4)*

To deal with the high levels of uncertainty, environmental agencies were forced to improvise and design their own methodology for developing more accurate lists. Some decided to register the energy usage during standard control visits concerning environmental law, this system however proved to be inadequate and provided insufficient data since the visits usually only take place at rather big companies, foregoing the smaller organizations such as retail shops that generally speaking have little to do with environmental law. Other environmental agencies took it upon themselves to do so-called “gevelcontroles” (frontage checks). Meaning that officers made rounds in their region and based on the company buildings they saw, went in to request their energy usage. This costs the environmental agencies a substantial amount of time, money and effort, as indicated by participants.

Abovementioned subsequently has led to the fact that environmental agencies did not, and still do not know exactly, which organizations are to be regulated, leading to a very unstable basis to perform enforcing actions on.

#### **5.4. Enforcement uniformity**

The level of enforcement uniformity between and across the Dutch environmental agencies could potentially exert influence on a clear nationwide enforcement program. Environment organizations across the land report low levels of national collaboration but seem to be communicating and cooperating to some extent on a more regional scale. Some environmental agencies are affiliated with provincial unions that coordinate their efforts to some degree and share knowledge and experiences, though barely on a national scale. 7 participants indicated that they consider it a weakness that little cooperation takes place since they can learn from each other significantly. Each agency has to ‘re-invent the wheel’ to some extent, costing time, effort and money. If strategies, policy documents, tips and tricks

could be shared more, they believe it will further the cause and provide for a more robust regulatory strategy throughout the country.

*“In my opinion far too little [cooperation and uniformity]. There is national legislation, whether a company is located in Friesland, Utrecht or Limburg, all fall under the same legislation. And we work towards the same goal. [...] Now we coordinate once in a while, with the core team. In these times we do that by video meeting. [...] It is often only during those meetings that you hear about how things are going in other regions. So the contact nationwide is very little.” (E6)*

However, 6 out of 17 participants mention that national, and even regional cooperation can prove counter-productive or problematic since regional differences often determine the agencies' enforcement strategy. In the province of Flevoland, for example, the business industry is quite modern as opposed to some areas in Limburg where many historical factory buildings have remained functional and old industries still reside. According to these agencies they therefore require different strategies and varying efforts in order to acquire similar results.

Some national efforts to promote a uniform regulatory strategy exist, meetings are for example hosted by the ministry that can be attended by environmental agencies and municipalities. These however are often facultative and strategies discussed are not mandatory since environmental agencies and their commissioners, the municipalities, are all different. The municipalities ultimately determine the priority, effort and budget designated towards the enforcement of environmental law. This implicates that environmental agencies depend on their municipalities to enable them to enforce on certain scale, despite their own level of willingness. In addition and partly consequential, environmental agencies organizational structures differ greatly. While one agency might consist of 200 employees another agencies' budget only allows for 30 employees. Subsequently, the subject of energy is designated as a separate task field or field of expertise in some agencies, while others prove to be unequipped and being forced to do it “on the side”. This implies that officers from

other fields of expertise take up energy enforcement as an addition to their existing tasks, rendering it more difficult to put focus on and effort towards, complicating the possibility towards a uniform enforcement method across the Netherlands.

*“No there are no agreements about implementation. [...] how things normally take place in the implementation of supervision and enforcement has not been recorded anywhere, because of course it is also a matter of how much staff you have. If you have a lot of staff on supervision and enforcement, you can also visit more companies...” (E4)*

### 5.5. Costs & chains of sustainability

Since businesses are profit-driven the financial aspect of sustainability plays a substantial role in their energy saving efforts. Business representatives however indicated that in order to grow and sustain their businesses in the future, complying with existing environmental rules and regulations is inevitable. The majority of participants mentioned that they saw merit and benefit in sustainable entrepreneurship and felt responsible for becoming more sustainable. However also mentioning facing difficulties in financing these efforts. Cost-benefit ratios proved to be of considerable threat and are constantly weighed in decision-making processes towards an eco-friendlier business.

*“What I also see is that everything that is actually beneficial to the environment is also more expensive. Yes and that makes it, sometimes it makes me a bit sad, when they have invented something fantastic and then it proves to be a lot more expensive.” (B4)*

As mentioned beforehand, implementing sustainable measures is costly and businesses depend on internal as well as external factors to finance these. Funds do not appear from thin air and often need to be dislodged from the existing company budget or skimmed from the profit, if there is any. This implies that budgets meant for certain internal processes have to be redistributed, posing a possible threat to overall business operations. A business that

i.e. makes use of unsustainable raw materials or uses a machine that is very high in energy usage, is forced to buy materials that are more eco-friendly. This often implies a big investment, especially considering SME's (small and medium sized enterprises). When purchasing becomes more expensive, the selling price of the product or service should rise consecutively to make up for the difference. This implies a cost increase of products and/or services for customers to re-establish balance in costs and profit. Business representatives mention no implicit disadvantage to these dynamics, except for the fact that the majority of customers still proves unwilling to pay a little more.

*"I think it is part of it and I also think it is everyone's duty. I do not think it is without obligation. I believe that everyone should try to do business sustainably within their means. [...] If you start with sustainable entrepreneurship, it really only costs you. It provides a good feeling and with that you'll have to make do. And of course, in the long run, we all benefit from it. [...] And on the one hand, there is talk [by customers] about no, sustainability is very important to us. Until it costs one euro extra. And then nobody considers it of paramount importance anymore." (B2)*

Consequently, this lack of willingness can (partly) disable the business from implementing energy-saving measures. 3 participants therefore explicitly argued that the entire "chain" needs to be 1) made aware and 2) willing to pay extra.

*"[...] You have to start thinking in production chains, not just production companies or just companies, but in production chains. Because if I want to operate sustainably, I also need sustainable suppliers. And my supplier also needs a sustainable supplier. And my customer must accept that if I have to invest a little more in energy-saving measures, my product will become more expensive." (B1)*

Two participants mentioned encountering governmental organizations that were unwilling to invest in products or services that are more sustainable and therefore more expensive or less reliable, or at least according to these potential clients. Businesses consider it

problematic that the stakeholder who enforces the rules, does not validate these by purchasing sustainably themselves.

*“What you also see, aiming towards the government that on the one hand the government is our customer, so they actually want to be innovative. However if you offer them an alternative product that is actually more sustainable they don't want that because they don't know how reliable or how sustainable that will actually be in 15 years' time. [...]” (B4)*

Participants furthermore indicate that they are more willing to implement sustainable measures if these prove to be profitable within 5 years or less. They express uncertainty about implementing measures with return times beyond 5 years since doing business is not always predictable. Long-term profitable measures could therefore pose financial threats to their future existence when for example demand decreases or an economic crisis occurs.

Some participants indicated having already implemented sustainable measures that bear little to no costs but still contribute to a more sustainable way of doing business. For example, a restaurant owner has banned the use of coasters and straws to reduce his waste output. This had led to a waste reduction of 60 kilo per week and a monthly saving on his energy bill of 15%.

## 5.6. (inter-)governmental dynamics

Environmental agencies indicate dependance on external stakeholders in their enforcement actions. The environmental agencies in the Netherlands are responsible for the enforcement of the law on information provision and the energy saving law. They cannot execute enforcing actions by their own volition and need to be commissioned by the Dutch municipalities. The municipality decides the budget made available to the environmental agency in their area. The municipalities themselves receive their monetary funding mainly from the central government (about 50/60% of their total income), the remaining 40/50% is made up from various taxes and other means such as parking fees (Inkomsten van gemeenten, 2021). They have to justify their expenses to the municipal court. Budgets can

be assigned to fields such as social services, spatial planning and building, road construction, subsidies et cetera. Since the budget towards enforcement of environmental laws is decided by the municipality as well, the environmental agency greatly depends on the behavior of the municipalities within their region.

*“They determine what we do in the end, so a municipality like [x] now provides us with about 100.000 euros a year to carry out enforcement but that is the only municipality who does so, the others do not prioritize it at all and are at a completely different level and the relationship you have with the municipality is also very variable. One has a lot of confidence in you and lets you do a lot and another prefers to do as much as possible themselves.” (E7)*

Environmental agencies mention that there is no “handbook” or guideline which the municipalities must follow in commissioning enforcement in their region, each municipality decides for themselves the budget they will provide for regulation and enforcement as well as the scope, the method, the number of businesses that will be regulated et cetera. This system also implies that one municipality might prioritize energy higher than another, promoting nonuniformity even greater.

*“Because money is what it's all about in the end. We are completely dependent on the budgets we receive from the municipality to perform this task. If the municipality says we don't see the merits anymore or we don't consider it effective enough, then they can choose to withdraw their budget and then we can't do anything. It is, however, an important point of attention. Like everything in our economy, it ultimately comes down to money.” (E1)*

Participants furthermore indicate that political influence seems to play a role, as municipalities with a “greener” lead party seem to designate bigger budgets towards sustainability and its enforcement. Moreover, budget assignment seems to be influenced by personal predisposition of municipal councilors, exemplified by participant E10: *“It depends a lot on the individuals as well, one might have affinity with it [sustainability] and another might*

*not*". Additionally the size of the municipality, their financial situation (*"part of our clients are under guardianship and then these will be the first things they will cut, while there is the ambition to become greener"* (E11) ) and image branding of the municipality (by for example branding themselves as a "sustainable municipality" to attract residents) plays a role. A further threat was distinguished by a participant who indicated that money meant towards enforcement of environmental law is not labeled properly, providing municipalities with great freedom deciding to which field they designate their budgets. Money meant for enforcing could be used for new lampposts without the municipality being in violation of any rule or guideline.

*"You have to make agreements with your clients, your clients being the municipal executive board and you have contacts for that, and if something goes wrong and extra money is needed, it has to go through the council and the council is playing political games and asking themselves "how can we do this or that with this money?" That makes it so incredibly difficult to act decisively. (E12)"*

Foregoing indicates that environmental agencies have little to no power towards enforcing the law in ways that they see fit. Participants underscore this. This system does not imply a problem in itself, if the municipality is mindful towards their local problems, needs, wishes and goals the budget would be spent accordingly. However in practice it appears to be rather problematic considering many participants (16 out of 17) expressed themselves profusely on this topic. In addition, and as a result of this, the proverbial distance between the municipality and the environmental agency is rather big. This was also illustrated by several participants.

*"And it also depends greatly on your clients [municipalities] on what you can do, which again differs per part and area in the Netherlands. Some consider you truly as a sparring partner and some other municipalities find it difficult that you are even there." (E12)*

## 6. Discussion

An explorative, qualitative study was performed among businesses and regulating agencies in the Netherlands to find their perspectives on the feasibility of energy saving regulations and their enforcement.

### 6.1. Main findings

This study was aimed at exploring perspectives of businesses and government regulators on the enforcement of environmental law in the Netherlands. The law on the provision of information and the energy saving law were used as a framework and case to base the research on. The research question was explored conducting in-depth qualitative interviews to uncover perspectives of participants.

Six perspectives were identified from the interviews, being 1) Role of the regulator, 2) Subject matter complexity, 3) Unavailable information, 4) Enforcement uniformity, 5) Costs & chains of sustainability and 6) (inter-)governmental dynamics. Upon closer examination of these perspectives, they mostly seem to result from an overarching factor, being the current Dutch political landscape. The Netherlands has had a long-lasting tendency of national governmental bodies designing laws and distributing policy and responsibility downward to local authorities in order to provide them with a sense of political freedom and the opportunity for region-specific tailoring of laws and their enforcement in areas such as housing, traffic, public safety, culture and education. This system seems to be effective in terms of adjusting regulation and enforcement to regional and local characteristics in order to accomplish the most desirable outcomes. However, results of this study seem to indicate a discrepancy between the goal and its outcome considering environmental law. While the Dutch system has been celebrated for its high levels of local autonomy and governing, in meeting national and even international goals local regulation seems to inhibit a robust regulatory regime. The government has not provided a clear handbook for enforcement of environmental law or put effort into educating enforcers on how to best enforce the law, has not labeled government funding provided to municipalities clearly and failed to provide local governments and

environmental agencies with accurate (energy usage) information. This has resulted in uncertainty, an unlevel playing field and a general lack of compliance with environmental law. These findings seem to correspond to results from a study by Paddock et al. (2011), who stated that a strong and effective enforcement program that enables officers to take appropriate action against environmental offenders is a necessary component of any robust regulatory regime.

Beforementioned threats to the regulatory regime can be furthermore explained by the overall framing of environmental law in the Netherlands. The national government has designed 'the Dutch energy transition' as an official governmental policy to preserve the environment and meet the climate goals set in the Paris agreement. However, a transition has been widely described in literature as a gradual, time-consuming continuous process of change where the structural character of a society is being transformed (Rotmans et al. 2000; Kemp, 2010; Rotmans & Kemp, 2008). By embedding short-term regulatory means and a coordinated effort into the transition, the Dutch governments' direction has contradicted the very nature of a transition. The government initially tried to retain some characteristics of a transition by lending regional and local governments certain degrees of freedom on how to meet the nationally determined goals. While intentions might have been good, as already stated the top-down coordination of the energy transition seems to be lacking in providing a uniform framework for robust regulation and enforcement.

Furthermore, knowing how law and policy is being designed on a national level, policies might look feasible and effective in theory while practical implementation proves to be problematic. Since national governments' are at great proverbial distance from municipalities, environmental agencies and businesses, it is imaginable that practicalities are overlooked and policies prove to be ineffective 'in the field' or too complex to execute, as proven by the law complexity perspective. This can result from a lack of diversity and representation of a diverse set of stakeholders on these high governmental levels, as proposed by Hendriks and Grin (2007), threatening its potential for system change and innovation. Furthermore, political influence on a local scale seems to be evident.

Municipalities prioritize sustainability on a varied scale and it mostly depends on the 'greenness' of the biggest party, or even the individual councilor how much effort, time and budget is designated towards the regulation of environmental law.

The most important point of discussion resulting from this study resides in the level of national governments' top-down coordination concerning environmental policy in order to enable successful nationwide enforcement to ultimately meet the nationally and internationally determined climate goals.

## 6.2. Theoretical and practical implications

This study serves as a major step towards a better understanding of the effectiveness and feasibility of environmental law in the Netherlands and how governmental dynamics on a national level can effect regional and local enforcement. One of the main findings consist of the conclusion that using a transition as a model for environmental policy making has proven to be problematic, despite governmental efforts aimed at integrating characteristics of a transition as best as possible. This is in line with findings from authors such as Rotmans et al. (2000) and Kemp (2010) who stated that transitions are poor vessels for coordinating change. This study furthermore confirmed that this approach to societal environmental change is poorly suited towards meeting short-term goals and that systemic change needs time, involvement of all actors and the exploration of various system innovations. In addition, findings seem to indicate that different kinds of laws require various approaches and that the current political system of municipal freedom in governing proves inadequate to meet the demands of some fields of law, as this study shows in the context of Dutch energy saving laws. The study additionally implies that enforcement should supersede local or municipal levels when the importance and implications of a law supersedes local interests. Doing so could prevent nonuniformity of regulatory activities that can threaten meeting nationally and internationally determined goals. Such negative outcomes of local governing were formerly discussed by Sjöberg (2016) and Frederiksson et al. (2010) as well; local governments that interpret national law can cause inefficiencies since their decision-making and considering

externalities may differ from those of national policy makers and this system can lead to a so-called *home bias* in which politicians could come to favor their local district and thereby impose sub-optimal regulatory systems.

An additional contribution this study has made is underling the importance of a qualitative relationship between (local) governments and the business sector since businesses can play a vital part in changing societies, tying together economic profitability, social responsibility and ecological sustainability in a fundamentally new way (Loorbach, 2010). This study underlined the importance of a qualitative relationship by businesses stating how they want to be encouraged to make efforts, feel supported and see the government as a reliable ally and helping hand instead of a more classical purely authoritative agent. This can be established by including stakeholders in policy making and designing other approaches in terms of informing, advising and guiding businesses through societal challenges, especially since environmental law is complex and businesses often mention it difficult to make sense of. One might argue that governmental bodies should refrain from being too close to the subjects they intend to regulate, however findings show that the government is held accountable by businesses for being the authority that not only enforces the law but also should make it possible for the subjects to understand, and comply with laws.

Findings furthermore indicate that current governmental efforts to encourage sustainable behavior are often met with resistance, this can result from framing sustainability as difficult and expensive, this is emphasized even greater by the government's energy transition policy with its numerous rules and regulations about sustainability. Through enforcing sustainability by law nationwide the unconscious message reads that if a law is a necessary means to enforce sustainable behavior, it must be quite difficult and costly. This 'framing' of the law can leave entrepreneurs overwhelmed with a sense of great challenge and threat to accomplish sustainable business strategies. This offers a new perspective on environmental law compliance and enforcement and opens doors to new research concerning governmental framing of environmental law.

#### 6.4. Limitations and future research

Although this study can greatly contribute to the field of knowledge concerning environmental law and regulation its findings have to be seen in light of some limitations and suggestions for future research.

One of the main limitations of this study is the occurrence of voluntary bias. Although businesses from all sectors and throughout the country were invited, responses from businesses with predisposition towards sustainability were salient. This could potentially threaten the generalizability of the study and cause an underrepresentation of the target group. It could however also be interpreted as a useful result explaining how most businesses do not prioritize sustainability yet as an important part of doing business. Whether this proposition has any merit, further research has to prove. Furthermore, since 9 business interviews were ultimately included in the study it is difficult to be certain of their reliability in general. For future research, it would be of importance to include more business representatives with different predispositions towards sustainability. Doing so could shed more light on the motivators and factors that influence environmental law compliance and the implementation of sustainable measures.

Another limitation can be found in the scope of the research. During the study it became evident that the field of governmental actors and its dynamics proved to be of great importance to the subject. However time was limited and choices needed to be made to focus on some aspects and stakeholders more than others. Consequently, it would be a great addition to the body of knowledge if future works focused more on a broader field of governmental actors and the roles they play in designing and executing policies on national, regional and local levels.

Furthermore, an interesting research angle could be found in examining how political freedom and a layered regulatory system relates to the objectives of nationally determined laws. While local governing might prove effective in enforcing laws concerning social affairs, a more regional, or even national approach might be beneficial to improving environmental law compliance.

Lastly, since Covid-19 unfortunately threw a spanner in the works, a majority of the interviews were held using digital means such as Zoom or Google Meet. This could potentially inhibit responses due to a lack of personal interaction and problems with internet connection and understanding between researcher and respondent. This has also led to minor issues during transcribing the interviews since parts of some recordings were too unclear to transcribe properly, though fortunately with minimal effect. Another implication of the pandemic is the change in prioritization by both businesses and government regulators concerning sustainability efforts. Since the pandemic preceded nearly every other activity during its course, it would be interesting to see how sustainability is prioritized during 'normal' times.

## 6.5. Conclusion

This study was aimed at answering the question: *What are the perspectives of businesses and government regulators on the feasibility of energy saving regulations and their enforcement?* The law on the provision of information and the energy saving law were used as a framework and case to base the research on. The research question was explored conducting in-depth qualitative interviews to uncover perspectives of participants.

Findings show perspectives that mostly result from the current Dutch political landscape with national governmental bodies designing laws and distributing policy and responsibility downward to local authorities. Though having some merit, concerning environmental law this system has caused inefficiencies and ineffectiveness in terms of regime robustness, enforcement uniformity and clarity about what is expected from regulated parties, ultimately threatening compliance with environmental law among businesses. Furthermore, earlier studies proposing transitions as poorly suited coordinating systems towards short-term change are confirmed, rendering the current Dutch energy transition policy an ineffective and ill-suited mechanism towards the intended swift systemic change towards a more sustainable society.

This work makes an important contribution to the field of environmental law compliance by explaining how governmental efforts can prove counter-productive to compliance rates when policy is designed with mix of strategies and when law regulation lacks a top-down coordination and is executed on different scale levels. It furthermore constitutes the need for a broader understanding of (inter-)governmental dynamics in the context of environmental law.

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## Appendix

### Questionnaire Businesses (English)

*The following questions will be used as background information in the study and will not be retraceable to organizations, groups or individuals*

- ***In what sector does the organization operate?***
- ***What is your position within the organization?***
- ***How many employees does the organization have?***
- ***How high are the organizations Co2 emission levels p/year (est.) ?***
- ***How high are the organizations kWh usage levels p/year (est.) ?***

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### Questionnaire Bedrijven (Dutch)

*De volgende vragen worden gebruikt als achtergrondinformatie in het onderzoek en zullen niet herleidbaar zijn naar bedrijven, groepen of individuen.*

- ***In welke sector bevindt het bedrijf zich?***
  - ***Wat is uw functie binnen dit bedrijf?***
  - ***Hoeveel medewerkers heeft het bedrijf?***
  - ***Hoe hoog is de co2 uitstoot (ong.) p/jaar?***
  - ***Hoe hoog is het kWh verbruik (ong.) p/jaar?***
-

## Interview Businesses (English)

### Climate change & Sustainability

- What is the organizations' position/standpoint on climate change?
  - Is this position applicable to all its employees?
- How do you feel about sustainable entrepreneurship?
- What are advantages and disadvantages of sustainable entrepreneurship?
- What are the organizations current activities surrounding sustainability?
- What are the organizations plans for the future concerning sustainability?

### Decision-making & Responsibility

- Who is responsible within the company for making decisions regarding sustainability & energy-saving measures? Why them?
- What are consequences of a decision-making structure like this when facing obligated energy saving measures by the government?
- Who do you hold responsible for sustainable production within the company? Who **should** be responsible?

### The government

- What is the role and responsibility of the government in meeting sustainability goals?
- Do you generally see the government as a facilitator or an inhibitor? Elaborate why.
- What do you think about Dutch governmental action to mitigate climate change so far? (such as promoting solar panels, electric cars, reducing maximum speed on highways).

### Law, regulation & Compliance

- What is the organization's viewpoint on environmental laws?
- What are risks in dealing with environmental law?
- What are the organizations priorities when faced with environmental law?
- What could be reasons to comply with environmental law?
- What would be reasons to not comply?
- What do you know about the "wet op informatieplicht"?

- What do you think about in in terms of feasibility?
- What do you think about in in terms of effectiveness?
- Do you think this law is an effective tool in mitigating climate change? Why (not)?
- Are you currently acting in compliance with this law? Why (not)?
  - Do you know who enforces this law?
  - Is it being enforced in a strict way?
  - What are consequences of non-compliance?
  - What could be reasons for low compliance with this law (in general)?

#### **Best-case scenario's**

- Please describe best-case scenario('s) in which you can conduct your business to your satisfaction while at the same time meeting sustainability goals set by the government.
  - What would that look like?
  - What would you need?
- What would be the role of the government in this scenario?
  - What is the role of supervision and enforcement? What would this look like?

## Interview Bedrijven (Dutch)

### Klimaatverandering & Duurzaamheid

- Wat is het standpunt van de organisatie over klimaatverandering?
  - Geldt dit voor alle medewerkers?
- Wat vindt u van duurzaam ondernemerschap ?
- Wat zijn voor- en nadelen van duurzaam ondernemen?
- Wat is de huidige gang van zaken rondom verduurzaming binnen de organisatie?
- Wat zijn de toekomstplannen van de organisatie betreffende duurzaamheid?

### Besluitvorming & Verantwoordelijkheid

- Wie is binnen het bedrijf verantwoordelijk voor het nemen van beslissingen over duurzaamheid & energiebesparende maatregelen? Waarom deze persoon/personen?
- Wat zijn de gevolgen van een dergelijke besluitvormingsstructuur als de organisatie wordt geconfronteerd met verplichte energiebesparende maatregelen?
- Wie houdt u op dit moment verantwoordelijk voor duurzame maatregelen binnen de organisatie? Wie zou hiervoor verantwoordelijk moeten zijn?

### De overheid

- Wat is de rol en verantwoordelijkheid van de overheid bij het behalen van duurzaamheidsdoelen?
- Ziet u de overheid over het algemeen als facilitator of remmer? Leg uit waarom.
- Wat vindt u van de maatregelen van de Nederlandse regering om klimaatverandering te beperken tot dusver? (zoals het promoten van zonnepanelen, elektrische auto's, het verlagen van de maximumsnelheid op snelwegen)

### Wet, Regelgeving & Naleving

- Wat is het standpunt van de organisatie over milieuwetten?
- Wat zijn de risico's voor de organisatie bij het omgaan met milieuwetten?
- Wat zijn prioriteiten van de organisatie als deze wordt geconfronteerd met milieuwetten?

- Wat zijn redenen om te voldoen aan milieuwetgeving?
- Wat zijn redenen om niet te voldoen aan milieuwetgeving?
- Wat weet u over de “ wet op informatieplicht ”?
  - Wat vindt u als u van de haalbaarheid?
  - Wat denkt u over de effectiviteit?
  - Denkt u dat deze wet een effectief instrument is om klimaatverandering te beperken? Waarom (niet)?
- Handelt u momenteel in overeenstemming met deze wet? Waarom (niet)?
  - Weet je wie deze wet handhaaft?
  - Wordt het strikt gehandhaafd?
  - Wat zijn de gevolgen van niet-naleving?
  - Wat kunnen redenen zijn voor het niet naleven van deze wet?

#### **Best-case scenario's**

- Beschrijf best-case scenario('s) waarin de organisatie naar tevredenheid functioneert terwijl er tegelijkertijd voldaan aan door de overheid gestelde duurzaamheidsdoelstellingen.
  - Hoe zou dat eruit zien?
  - Wat heeft de organisatie daarvoor nodig?
- Wat is de rol van de overheid in dit scenario?
  - Wat is de rol van Toezicht & handhaving? Hoe ziet dit eruit?
- Praktijkvoorbeelden.

## Interview Environmental Agencies (English)

### Energy transition & Policy

- What do you think of the current policy on energy saving and sustainability in the Netherlands? (feasibility, effectiveness, etc.)
- What is the organization presently undertaking to support and accelerate the energy transition in the Netherlands?

### Sustainability in companies

- How does the organization view sustainability and making businesses more sustainable?
- What is the status quo with regard to businesses' sustainability efforts in the Netherlands?
- What do you see within companies? What are their viewpoints on shaping their organization more sustainable?
- Are there many differences between businesses in whether or not they are compliant with sustainability measures?
- What might stand out if we look at different sectors?
- Who are frontrunners, and how is that possible?

### Responsibility and Motivation

- What is the government's role and responsibility in making businesses more sustainable?
- Is the situation satisfactory as it is or should entrepreneurs/government do more?
- In what ways is the government trying to facilitate or stimulate sustainability in businesses?
- What are you, as a government organization doing to ensure that businesses join in and become motivated to achieve sustainability goals?

### Law, Regulation & Compliance

- How are laws, rules and guidelines communicated to businesses? What about the information obligation law?

- Do you think that entrepreneurs are all aware of this law and know what is expected of them?
- What do you think of the feasibility?
- Do you think this law is an effective tool to mitigate climate change? Why (not)?

#### **The procedure**

- Can you explain step by step the supervision & enforcement procedure surrounding these laws/environmental laws in general?
- Is the enforcement strict as of now?
- What are the consequences of non-compliance?
- How flexible are the procedures, rules and guidelines? Is there room for situational adjustments?
- Is enforcement purely controlling or is there advisory capacity as well? What role should the enforcer, and thereby the government, play?
- Do you paint a complete and correct picture of the law at the businesses by, among other things, naming the costs and benefits?
- Is the entire process transparent and insightful for the entrepreneur?

#### **Imagine...**

- What do you think is the perception of the government from entrepreneurs and businesses?
- What do you think would be the very best situation with regard to supervision and enforcement at businesses in the field of sustainability? (fines, regular visits, remote monitoring, phone calls, video calling, etc.)

## Interview Omgevingsdiensten (Dutch)

### Energietransitie & Beleid

- Wat vindt u van het huidige beleid rondom energiebesparing en duurzaamheid in Nederland? (haalbaarheid, effectiviteit etc.)
- Wat doet de organisatie eigenlijk allemaal om de energietransitie in Nederland te ondersteunen en versnellen?

### Duurzaamheid bij bedrijven

- Hoe kijkt de overheidsorganisatie tegen duurzaamheid bij, en verduurzaming van bedrijven aan?
- Wat is de status quo rondom de verduurzaming van bedrijven in Nederland?
- Wat zien jullie binnen bedrijven? Hoe kijken zij over het algemeen tegen verduurzaming van hun organisatie aan?
- Zijn er veel onderlinge verschillen tussen bedrijven in het al dan niet compliant zijn met duurzaamheidsmaatregelen?
- Wat valt er eventueel op als we kijken naar verschillende sectoren?
- Wie zijn voorlopers, hoe kan dat?

### Verantwoordelijkheid en Motivatie

- Wat is de rol en verantwoordelijkheid van de overheid bij het verduurzamen van bedrijven?
- Is de verdeling nu goed of zouden ondernemers/de overheid meer moeten doen?
- Op welke manieren probeert de overheid duurzaamheid bij bedrijven te faciliteren of te stimuleren?
- Wat doen jullie als overheidsorganisatie om ervoor te zorgen dat bedrijven aanhaken en gemotiveerd raken om duurzaamheidsdoelen te behalen?

### Wet, Regelgeving & Naleving

- Hoe worden wetten, regels en richtlijnen naar bedrijven toe gecommuniceerd? Hoe zit dat met de wet op informatieplicht?

- Denkt u dat ondernemers die eronder vallen zich allemaal bewust zijn van deze wet en weten wat er van hen wordt verwacht?
- Wat vindt u van de haalbaarheid?
- Denkt u dat deze wet een effectief instrument is om klimaatverandering te beperken? Waarom (niet)?

### De procedure

- Kunt u de toezicht & handhavingprocedure rondom deze wet/milieuwetten in het algemeen stap voor stap toelichten?
- Wordt er strikt gehandhaafd?
- Wat zijn de gevolgen van niet-naleving?
- Hoe flexibel zijn de procedures, regels en richtlijnen? Is er ruimte voor situationele aanpassingen?
- Wordt er puur controlerend, of ook adviserend gehandhaafd? Welke rol moet de handhaver en daarbij de overheid, spelen?
- Wordt er een compleet en correct beeld geschetst van de wet bij het bedrijf door o.a. het benoemen van de kosten en de baten?
- Is het volledige proces transparant en inzichtelijk voor de ondernemer?

### Stel je voor...

- Wat denkt u dat de perceptie is van de overheid gezien vanuit ondernemers en bedrijven?
- Wat zou volgens u de allerbeste situatie zijn m.b.t. toezicht en handhaving bij bedrijven op het gebied van duurzaamheid? (boetes, regelmatig bezoek, toezicht op afstand, telefonisch, beeldbellen etc.)