

ENVIRONMENTAL POLICY MAKING IN THE EUROPEAN UNION

By

FIRAS TALHOUK

M.A. International Affairs, Lebanese American University, 2010

Thesis submitted in partial fulfillment of the requirements for the Degree of Master of Arts

in International Affairs

Department of Social Sciences

LEBANESE AMERICAN UNIVERSITY

June 2010



LEBANESE AMERICAN UNIVERSITY

School of Arts and Sciences - Beirut Campus

Thesis approval Form (Annex III)

Student Name: Firas Talhouk I.D. #: 200603658

Thesis Title : "Environmental Policy Making in the European Union"

Program : Master's Program in International Affairs

Division/Dept : Social Sciences

School : **School of Arts and Sciences**

Approved by: _____ **Signatures Redacted**

Thesis Advisor: Jennifer Skulte-Ouai

Member : Imad Salamey, Ph.D.

Member : Sami Baroudi, Ph.D.

Member : _____

Date 7 July 2010

(This document will constitute the first page of the Thesis)

Plagiarism Policy Compliance Statement

I certify that I have read and understood LAU's Plagiarism Policy. I understand that failure to comply with this Policy can lead to academic and disciplinary actions against me.

This work is substantially my own, and to the extent that any part of this work is not my own I have indicated that by acknowledging its sources.

Name: *Firas Talkh*

Signature

Signatures Redacted

Date: *7 July 2010*

I grant to the LEBANESE AMERICAN UNIVERSITY the right to use this work, irrespective of any copyright, for the University's own purpose without cost to the University or its students and employees. I further agree that the University may reproduce and provide single copies of the work to the public for the cost of reproduction.

To my parents

Acknowledgment

I would like to thank my advisor Dr. Jennifer Skulte-Ouais for her guidance throughout my thesis work, as well as Dr. Sami Baroudi and Dr. Imad Salamey for being on my thesis committee.

I would like to express my sincere gratitude to the Lebanese American University whose financial support during my graduate studies made it all possible.

Finally, I would like to thank my friends and family for their long support.

Abstract

The increasing interest in environmental issues among the European Union public since the beginning of the nineteenth century, led to increasing pressure on European Union member countries and the European Union Institutions to develop environmental policies. This in many ways paved the way for the European Union to become a world leader in Environmental Policy making.

The thesis shows how and why the European Union became a world leader in environmental policy making. It is true that the European Union is experiencing many contradicting views on various topics such as economy and budgeting, and that is also true for environmental issues, nonetheless, the hazards of environmental problems cannot be hidden and are pressing to deal with especially as they cross national boundaries. Moreover, the huge awareness and education that the citizens of the European Union have concerning environment and its hazards plays a very important role in exerting ongoing pressure on EU member countries' that in turn exert pressure on the EU institutions to constantly develop policies dealing with environmental issues.

The research also shows that other actors such as industries and non-governmental organizations also play a very important role during the development process as they are often consulted for technical and financial aid. NGOs also play a very vital role in lobbying for environmental policies and in supervising the implementation of the policies.

Through the research, it was also found that the European Union is able to influence other parts of the world with its environmental policy development. Such influence could be made because of the European Union's powerful economic and diplomatic relations.

Using case studies the research also reflects how different European member countries responded to the environmental policy development and how policies were developed to fit with the European Union evolution. Also the thesis shows that though some countries such as Britain fell behind in developing environmental policies, they eventually responded to the pressure exerted by the EU.

The thesis comes to the conclusion that though the process of environmental policy making in the European Union is very complex and time consuming, the European Union's response to public demands of various kinds regarding environmental hazards pushed it to become a world leader in environmental policy making. Moreover, the EU institutions now no longer develop environmental policies to tackle hazards when they happen, but they also work on policies to prevent environmental problems before the fact.

Contents

1. Chapter 1	1
1.1 Introduction	1
A. Thesis Question	4
B. Methodology	4
2. Chapter 2	7
2.1 Literature Review	7
2.2 International Relations Theories and Compliance	8
2.3 Regime Theory and its Critics	9
2.4 Environmental Policy in the European Union	16
2.5 British Case	20
2.6 German Case	21
3. Chapter 3	23
3.1 Policy Formulation	23
3.2 The Role of the European Council	25
3.3 The European Commission	27
3.4 Policy Process within the Commission	30
3.5 The European Parliament and External Actors	34
3.6 The European Parliament	35
3.7 Environmental Interest Groups	37
3.8 European Court of Justice	40

4. Chapter 4	42
4.1 The Global Impact of EU Environmental Policy	42
A. EU Negotiation Ability	42
B. EU Innovation	44
C. EU as a Market Power	46
D. EU as a Model	48
5. Chapter 5	50
5.1 Development of Environmental Policy in Germany and the United Kingdom	50
5.2 Development of Environmental Policy in Germany	51
5.3 Development of Environmental Policy in the United Kingdom	55
6. Chapter 6	58
6.1 Conclusion	58
References	62

List of Tables

Table 3.1 European Union environmental policy process	33
---	----

Chapter 1

1.1 Introduction

Global environmental problems were long considered marginal issues to be dealt with in comparison to core national interests and to international politics in general. But this reality began to change by the beginning of the 1980's. States around the world became more aware of the fact that an environmental hazard in one region is a global hazard that affects or will affect their countries in a way or another.

Though Europe was one of the earliest leaders in environmental policy making, it was not until 1973 that Europe issued an Environmental Action Programme following a Declaration by the Community's Heads of States in 1972.¹ It is true that there were earlier measures that related to the environment; however, they were adopted with common market objectives in mind and could not be referred to as environmental policies.

By 1987, two hundred items of environmental legislation had been agreed to, either under Article 100 (now amended to be Article 94) of the Treaty of Rome² tackling the

¹ European environmental protection law, dates back to a conference of Heads of State or government in October 1972. The European Parliament decided to set up an Environment Committee in 1973. It was the twelfth specialist committee, added to those set up since the European Parliament first met in 1952. Its subsequent increase in size (from 36 to 63 members) and in power arose through extended responsibilities in the Union on environmental matters and through greater sensitivity to electoral demands for environmental protection and consumer protection, and later also food safety and public health matters.

² On 25 March 1957, two treaties were signed in Rome that gave birth to the European Economic Community (EEC) and to European Atomic Energy Community (Euratom): the Treaties of Rome. The signatories of the historic agreement were Christian Pineau on behalf of France, Joseph Luns from the Netherlands, Paul Henri Spaak from Belgium, Joseph Bech from Luxemburg, Antonio Segni from Italy and Konrad Adenauer from the Federal Republic of Germany. The Treaties were ratified by National Parliaments over the following months and came into force on 1st January 1958.

approximation of laws affecting the functioning of the Common Market, or under Article 235 (now amended to be Article 308). The lack of a clear legal base for the Community's environmental policy was the subject of criticism from Germany and the United Kingdom (UK) House of Lords. However, the treaty was amended following an Inter-Governmental Conference (IGC) in 1986. For the first time a new 'Environment Title' that provided explicit legal reinforcement to the Community's environment policy which was created in 1987 and became known as the Single European Act (SEA).³

To have a better understanding on how the European Union became a leader in environmental policy making, this thesis will examine the European Union's institutional context and historical opportunities relating to environmental policy making. As this thesis argues, it is vital to point out the role of institutions because they provide the rules and regulations that create the conditions that lead to the selection or exclusion of certain policy choices. Another factor which has affected and continues to affect the European Union's leadership in environmental policy making is the complexity of the union and the contrasts and similarities of member nation states regarding environmental issues.

To understand the complexity and tension even better one must look at the history of policy making in the European Union, specifically environmental policy making. While it is true that environmental policy was neither mentioned specifically in the European Union constitution nor in treaties signed by the member countries until the ratification of the Single European Act 1987, two decades before the ratification environmental policy was one of the

³ The Single European Act (SEA): was the first profound and wide-ranging constitutional reform of the EU since the 1950s. The SEA introduced measures aimed at achieving an internal market (for instance, harmonisation) plus institutional changes related to these (such as a generalisation of qualified majority voting and a cooperation procedure involving the European Parliament). It also provided legal form for European Political Cooperation (EPC). The SEA was signed in February 1986 and came into force on 1 July 1987.

most dynamic community areas.⁴ In addition, as already noted, the Commission did mention the environment in the Treaty of Rome 1957. At that time, however, environmental sustainability and protection had to compete with other priorities mainly economic ones. So all what was mentioned about environment was meant to enhance trade safety or to follow market needs and changes.⁵

While European Union institutions play a key role in environmental policy, the importance of the role of non-governmental actors and other institutions at the domestic level in the member states should not be overlooked. For this reason Germany and England will be taken as case studies to show both how national governments have been dealing with environmental policy making as well as how non-governmental actors have tried to influence the common environmental policy since 1972. Britain and Germany are two countries that exhibit different national environmental policy approaches, and are often located at opposite ends of the environmental policy making spectrum. Britain was viewed as the European country with the least environmental concern during much of the 1970s and 1980s, while Germany was commonly known as the leader nation environmental issues.⁶ However, Germany lost much of its environmental leadership after reunification and was put under pressure by the European Union to reform its traditional approach to pollution control.⁷ On the other hand, Britain has shown a more positive attitude towards the Euro European Union's environmental policy since

⁴ Jordan, A. (1999). Editorial introduction: the construction of a multilevel environmental governance system, *Environment and Planning C: Government and Policy*, Vol. 17. pp. 1-27.

⁵ Jordan, A. (1999). Editorial introduction: the construction of a multilevel environmental governance system, *Environment and Planning C: Government and Policy*, Vol. 17. pp. 1-27.

⁶ Wurzel, R. (2002). *Environmental policy-making in Britain, Germany and the European Union* (pp. 1-7). Manchester University Press.

⁷ Wurzel, R. (2002). *Environmental policy-making in Britain, Germany and the European Union* (pp. 1-7). Manchester University Press.

the 1990s.⁸ Some observers have gone further to claim that British government involvement in environmental issues has shifted the Commission's approach to the European Union's environmental policy.⁹

In light of all the information highlighted above one can tell that the European Union has invested a lot in environmental policy development, paving the way to become a world leader in environmental policy making. The rest of the thesis will provide numerous details to further demonstrate this.

A. Thesis Question:

This paper studies the various conditions that came together to help the European Union become a leader in environmental policy making, thus answering the question: How and why did the European Union become a global leader in environmental policy making?

B. Methodology:

To answer the thesis question I will start by studying the reasons that pushed European Union member countries to come together and work to create environmental policies. The study will also lay out the contradicting positions and interests of the Europeans states and how these have or have not been resolved. Moreover, I will work on covering the major

⁸ Wurzel, R. (2002). *Environmental policy-making in Britain, Germany and the European Union* (pp. 1-7). Manchester University Press.

⁹ Wurzel, R. (2002). *Environmental policy-making in Britain, Germany and the European Union* (pp. 1-7). Manchester University Press.

European environmental treaties and statements underlining their value and effect on future environmental policy making. I will be referring to studies reflecting the realist and liberal points of view as for why and how the European Union became a major environmental policy maker. Tables, statistics and charts from the European Union as well as other sources showing environmental hazards and policies made to deal with them are also provided. In addition, I discuss and analyze major Environmental Policies ratified and issued by the European Union Parliament. Moreover, articles from journals and newspapers highlighting the ratification of environmental policies and the significance of some of the most important policies will be provided.

However, a comprehensive analysis of how and why the European Union has become a world leader in environmental policy development has not yet been published. The number of policies and treaties ratified by the European Union Parliament is huge which makes it rather difficult to point out which were the major ones and which were the ones that had more effect on the European Union than the others. Finally, ratifying environmental policies is an ongoing process, and having a better environment is an ongoing concern for the European Union; some of the policies made after this proposal may be significant and worthy of being included in the study but will obviously be beyond the scope of this thesis.

Though the thesis will include specific case studies, it will not be able to cover all the European Union member countries. The thesis will also not include a thorough comparison of the environmental policy making in the European Union and other parts of the world. Moreover, the thesis will not go into the details of the international environmental treaties that the European Union signed, and their implementation processes. Last, this thesis will not go into the process of policy implementation as this issue needs a thesis paper on its own.

The thesis consists of six chapters starting with the introduction that contains the thesis question as well as the methods which are taken to conduct the research in order to answer the thesis question. The last part of the introduction talks about the challenges faced during research. The second chapter is the literature review. First the literature talking about environmental policy making from an international relations perspective is reviewed. The literature on various theories is discussed with an emphasis on regime theory. The third chapter of the thesis guides the reader through the process of environmental policy making that takes place in the different institutes that constitute the European Union. The fourth chapter emphasizes the role of the European Union as a powerful international lobbyist for environmental policy development. Moreover, the chapter discusses how the European Union is able to influence other countries to take on its environmental norms and policies. In the fifth chapter sheds light on the development of environmental policies in two member countries of the European Union. Germany and Britain have been chosen as case studies because the countries have had different approaches to environmental policy development. Finally the sixth chapter is the concluding part of the thesis which acts as a summary.

The following chapter is the literature review that will give an insight on the literature that has to do with the different perspectives of the various theories of international relations towards the issue of environmental policy development. The literature review will emphasize on the literature dealing with environmental policy making from the regime theory perspective. The second part of the literature review discusses the literature on the process of environmental policy development in the European Union, where as the final part of the literature review will discuss the literature on the environmental policy development in Germany and Britain, the two EU member countries that will be addressed as case studies in this thesis.

Chapter 2

2.1 Literature Review

In this chapter a review of the literature used to conduct this thesis will be provided. First the literature concerning theories in international affairs will be addressed since this thesis is tackling the issue of environmental policy making in the European Union from an international affairs perspective. Then a review of the literature outlining the tasks of the various European governmental and nongovernmental institutions will be dealt with. Finally the review of the literature on the two case study member countries will be provided.

Environmental problems transcend political boundaries artificially created by nation-states. The realization that trans-boundary environmental problems, or those in the commons, must elicit appropriate policy responses not only on the national level but on the international one as well was the basis for the seminal United Nations Conference on the Human Environment held in Stockholm in 1972.¹⁰ By the time of the 1992 United Nations Conference on Environment and Development (the “Earth Summit”) convened to assess the state of the global environment two decades after Stockholm, the need for collective action and global approaches to environmental problems had overwhelmed international environmental politics which increasingly became “a process of finding appropriate cooperative or institutional mechanisms to overcome international environmental problems.”¹¹ International cooperation—

¹⁰ Caldwell, L.K. (1996). *International Environmental Policy* (pp120-131.). Duke University Press.

¹¹ Barkin, J.S. and Shambaugh, G.F. (1999). *Anarchy and the Environment: The International Relations of Common Pool Resources* (pp.110-113). Albany: State University of New York Press.

usually via the creation of environmental regimes— had become, in short, the most common approach to deal with international environmental problems.¹² The central question in the literature thus evolved from addressing the need to cooperate across national jurisdictions via regime creation, to understanding how and why compliance with such regimes could be engendered in the European Union. Accordingly, understanding key factors such as the determinants of state behavior, the role of various interest groups and power structures, the relationship between technical capacities and political will, became crucial for the success of regimes and consequently solving the problem for which the process was created.

2.2 International Relations Theories and Compliance

International relations (IR) theories are central to analyzing international environmental policy. They focus on mechanisms through which international environmental problems are tackled as well as factors that encourage or deter countries from complying with or violating international environmental laws. Three broad IR schools deal with the question of state compliance with international obligations namely the realist, institutional/liberal, and normative theories.¹³ Realist theories on compliance are based on the assumption that states are rationally self interested and that compliance depends on “costs and benefits or payoffs, generated by strategic interactions” that essentially fall within national interest.¹⁴ Realists believe that institutional regimes are unable to influence state behavior.¹⁵ Institutionalists, on the other

¹² De Garmo, D.K. (2005). *International Environmental Treaties and State Behavior: Factors Influencing Cooperation* (pp. 3). Routledge.

¹³ Burgstaller, M. (2005). *Theories of Compliance with International Law* (pp. 6). Martinus Nijhoff Publishers.

¹⁴ Burgstaller, M. (2005). *Theories of Compliance with International Law* (pp. 6). Martinus Nijhoff Publishers.

¹⁵ Mitchell, R. B. Regime Design Matters: Intentional Oil Pollution and Treaty Compliance, *International Organization*, Vol. 48, No. 3. (1994): 425-458.

hand, believe in the central role of international institutions in affecting the behavior of states. They believe that states not only can but should cooperate to “create institutions that can make rules that in turn affect state behavior,” where these rules would form part of an “entire regime, including the institutions creating and implementing them.”¹⁶ These institutions can in turn alter incentives of countries to comply or not comply¹⁷ and enhance compliance by promoting reciprocity and encouraging the value of reputation¹⁸ instead of maintaining the realist reasoning on dominance of individual nation state interests.¹⁹ The third broad theory, normative theory, assumes that states, motivated by a sense of moral and ethical obligation, generally obey international law. Some believe that the qualities of the norm “based on its origin, content and operations in practice are likely to lead states to treat it seriously.”²⁰

2.3 Regime Theory and its Critics

Theories of international cooperation have generally been defended within the liberal tradition of IR. Regime theory—which evolved from liberal institutionalism²¹ and more specifically from the complex inter-dependence theory of the 1970s²²—is the main theory that focuses on cooperation and “the role of regimes in managing interstate conflict and solving

¹⁶ Burgstaller, M. (2005). *Theories of Compliance with International Law* (pp. 99). Martinus Nijhoff Publishers.

¹⁷ Keohane, R.O. International Relations and International Law: Two Optics, *Harvard International Law Journal*, 38 (1997), 487-502, 490.

¹⁸ Coase, R. (1990). *The Firm, The Market and the Law* (pp.9). University of Chicago and Williamson, O.E. (1985). *The Economic Institutions of Capitalism: Firms, Markets, Relational Contracting*. The Free Press, New York.

¹⁹Keohane, R.O. and Martin. L. L. The Promise of Institutional Theory, *International Security*, Vol. 20, No.1. (1995): 41.

²⁰Burgstaller, M. (2005). *Theories of Compliance with International Law* (pp. 101). Martinus Nijhoff Publishers.

²¹ Newell, P. (1998). [Review of the book *Theories of International Regimes* by Andreas Hasenclever, A., Mayer, P. and Rittberger, V. *International Affairs (Royal Institute of International Affairs 1944)*, Vol. 74, No. 2. April 1998, p. 419.

²² Keohane, R. O. and Nye, J. (1989). *Power and Interdependence: World Politics in Transition* (2nd Edition) (pp.). Boston: Little-Brown.

collective action problems.”²³ Regime theory, despite its inclination towards liberal theories in its illustration of regimes as “facilitators of international cooperation”, is also popular for “its ability to explain cooperation under anarchy”.²⁴ It provides important insights on state behavior by specifying the context within which actors make choices, identifying strategies and mechanisms by which states achieve cooperative behavior in the international arena, and enabling descriptions of patterns of cooperation.²⁵

Regimes consist of a combination of rules, norms, principles and decision making procedures. The most commonly used definition of regimes—Stephen Krasner’s ‘consensus definition’—describes regimes as:

“[I]mplicit or explicit principles, norms, rules, and decision-making procedures around which actors expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice.”²⁶

Most regimes are binding legal instruments; however, some regimes are non-binding agreements. The main legal instruments that are used in global environmental problems are framework conventions, conventions, and protocols. Framework conventions are non-binding

²³De Garmo, D.K. (2005). *International Environmental Treaties and State Behavior: Factors Influencing Cooperation* (pp. 19). Routledge.

²⁴De Garmo, D.K. (2005). *International Environmental Treaties and State Behavior: Factors Influencing Cooperation* (pp. 19). Routledge.

²⁵De Garmo, D.K. (2005). *International Environmental Treaties and State Behavior: Factors Influencing Cooperation* (pp. 1). Routledge.

²⁶Hasenclever, A, Mayer, P. and Rittberger, V. *Interests, Power, Knowledge: The Study of International Regimes*, *Mershon International Studies Review*, Vol. 40, No. 2. October, 1996. The MIT Press: 178.

legal instruments, yet are created to establish agreement or consensus on a set of principles, norms and goals for cooperation to be followed by subsequent binding protocols. Conventions are legal instruments that may include binding obligations or general provisions that will be later drafted as binding instruments within further texts, namely protocols. Conventions are approved of by states but often aim to alter both state and non-state actors' behavior, hence following ratification, states will be responsible for fostering compliance among relevant stakeholders.²⁷ Protocols are binding and include specific obligations. Conventions and framework conventions are considered "soft laws" since they are non-binding, their effectiveness is questioned by many scholars. Despite the absence of legal instruments to enact these soft laws, their prescriptions form guidelines or a code of conduct thus creating norms which in some cases influence state behavior.²⁸

Following their formulation, conventions, framework conventions or protocols need the approval of a certain number of countries so that the legal instrument enters into force. For countries to become parties they need to sign and ratify the legal instrument. While signature shows approval and an intention to implement the convention/protocol, ratification proves an official commitment of the state to implement the treaty as it follows the countries' translation of the convention or protocol into national law. After the regime enters into force and it is ratified by countries, its provisions surpass national legislation and are considered the highest form of law after countries' constitutions.

²⁷ Young, O. R. (1989). *International Cooperation: Building Regimes for Natural Resources and the Environment* (pp. 13-14). Cornell University Press, Ithaca.

²⁸ Chasek, P.S., Downie, D.L. and Brown, J.W. (2006). *Global Environmental Politics* (pp.60). Colorado: Westview Press.

Regimes are created within a process of multilateral negotiations with states' intention of changing an undesirable 'status quo'. In most cases the intention of change is linked to high costs of existing trends. Within the process of negotiations states seek agreements that serve their best interest with an aim of "gain[ing] as much as possible while giving up as little as possible."²⁹

In theory, cooperation is often analyzed by game theory, specifically the prisoner's dilemma.³⁰ Players within the prisoner's dilemma are faced with the options of either cooperating to change the status quo or to defect. The dilemma mainly lies in the different choices states make and losses and gains attributed to these decisions. When both players cooperate they both give up something but gain a lot, but if only one player cooperates, the player who defects giving up nothing gains more. The 'rational choice' in the prisoner's dilemma would indicate that each player will seek their interest regardless of what the other player decides and would consequently defect. If both players are rational they would then defect giving up nothing but keeping the status quo.³¹ This dilemma is faced within global environmental problems. For instance, states that opt for reducing carbon emissions need to invest resources in that action thus giving up resources to change the status quo. Since climate change is a global problem, the status cannot be changed unless most states cooperate. If all states cooperate, they all give up less to gain more. If a small number cooperates, they would sacrifice more than they gain while states that do not cooperate give up nothing and hence lose nothing. During multi-lateral negotiations states will seek a positive 'total value' of the outcome,

²⁹ Chasek, P.S., Downie, D.L. and Brown, J.W. (2006). *Global Environmental Politics* (pp.69). Colorado: Westview Press.

³⁰ Axelrod, R.M. (1984). *The Evolution of Cooperation* (pp. 12.). New York: Basic Books.

³¹ Weber, C. (2004). *International Relations Theory. A Critical Introduction* (2nd edition) (pp.29). Taylor and Francis.

some assert that “all states must win, or they will not come to agreement.”³² In the end, regimes are formulated in such a way that they alter “the situation or setting in which states interact so that cooperation is more likely.”³³

States in their creation of international regimes and organizations manifest the option of cooperation to cope with international environmental problems. “By lowering transaction costs and providing monitoring mechanisms, states are more likely to participate in international environmental agreements that come under the supervision of such an organization.”³⁴ In his book *The Effectiveness of Environmental Regimes*, Oran Young states that regimes shape the way “distribution and exercise of power and the pursuit of self-interest” are exercised.³⁵ Along with enhancing cooperation, regimes create a framework within which authority and roles are defined, exchange of information and learning is facilitated, disputes are settled, and incentives are altered. When economic and political incentives are altered, state and non-state actors readily respond to the regime.³⁶

As the literature shows, states are not always willing to join regimes. In cases where regimes were created to manage trans-boundary environmental problems, compliance with international regimes may cause a country to lose or limit its sovereign right to exploit its resources. Chayes and Chayes in their book *The New Sovereignty: Compliance with International Regulatory Agreements* disagree with this claim, stating that what matters more to

³² Zartman, W. (1983). *The 50% Solution* (pp. 9-10). New Haven Yale University Press, 1983.

³³ Haggard, S. and Simmons, B.A. Theories of International Regimes, *International Organization*, Vol. 41, No. 3. Summer, 1987. The MIT Press: 513.

³⁴ De Garmo, D.K. (2005). *International Environmental Treaties and State Behavior: Factors Influencing Cooperation* (pp. 20). Routledge.

³⁵ Rayner, S. (1991). [Review of the book of *International Cooperation: Building Regimes for Natural Resource Management and the Environment* by Oran R. Young's]. *International Affairs (Royal Institute of International Affairs 1944)*, Vol. 67, No. 2. April 1991, 341-342.

³⁶ Rayner, S. (1991). [Review of the book of *International Cooperation: Building Regimes for Natural Resource Management and the Environment* by Oran R. Young's]. *International Affairs (Royal Institute of International Affairs 1944)*, Vol. 67, No. 2. April 1991, 341-342.

nations is their ‘status’ in the international system which becomes their ‘new sovereignty’. They affirm this by claiming that “in the end, [sovereignty] is status— the vindication of the state’s existence as a member of the international system”.³⁷

While there is significant research supporting regimes and regime theory, there are also critics. Critics of regime theory argue that it fails to address:

“1- structural constraints that prevent regimes from having significant influence on state action, 2- the influence of power configurations on regime formation, agenda setting and policy formulation, 3- cooperation that occurs outside the boundaries of regimes, 4- influences that motivate states to become parties to international environmental treaties 5- differences in state behavior despite the presence of regimes.”³⁸

Realism provides the most persistent critique of regime theory. Realists contend that the “sovereign state is the most serious roadblock to achieving the cooperation necessary to address international environmental concerns” and believe that “states are unlikely to cooperate in the international arena due to relative gains concerns associated with the structural constraints of an anarchic international system.”³⁹ Instead their view supports treating the environment as an economic good, thus managing the use or protection of environmental resources in ways that serve their benefit.⁴⁰ They argue that when the environment is viewed as an economic good,

³⁷Chayes, A. and Chayes, A.H. (1995). *The New Sovereignty: Compliance with International Regulatory Agreements* (pp.120-130.). Cambridge, MA: Harvard University Press.

³⁸Strange, S. Cave! Hic Dragones: A Critique of Regime Analysis, *International Organization* 32 (1982): 479-493.

³⁹Greico, J. (1998). Anarchy and the Limits of Cooperation, *International Organization* Vol 42, no. 3.

⁴⁰De Garmo, D.K. (2005). *International Environmental Treaties and State Behavior: Factors Influencing Cooperation* (pp. 20). Routledge.

states are more likely to cooperate⁴¹ and suggest applying market based incentives to environmental goods.⁴² When environmental externalities “whether in terms of costs (i.e. pollution) or benefits (i.e., creation of new habits)... are not factored into market costs or prices, there is little incentive for environmentally sound economic activities.”⁴³

When forced to address why cooperation can occur through regimes, Keohane states that “regimes facilitate international cooperation under anarchy” by enhancing communication between states; monitoring state behavior; creating issue linkages; increasing exchange of information, creating norms and rules for behavior; and encouraging reciprocity.⁴⁴

This said, one should keep in mind that there are different obstacles that have been outlined within the study of the creation of strong regimes. “Systemic, structural obstacles stem from the structure of the international system, the structure of international law, and the structure of the global economic system.”⁴⁵ Another obstacle is a lack of necessary or sufficient conditions such as public and/or state concern, a hospitable contractual environmental, and capacity.⁴⁶ In addition, procedural obstacles that are “inherent in international environmental

⁴¹ De Garmo, D.K. (2005). *International Environmental Treaties and State Behavior: Factors Influencing Cooperation* (pp. 20). Routledge.

⁴² Gleditsch, N.P. and Sverdrup, B.O. (1995). *Democracy and the Environment* (pp.121). Oslo: International Peace Research Institute.

⁴³ De Garmo, D.K. (2005). *International Environmental Treaties and State Behavior: Factors Influencing Cooperation* (pp. 20). Routledge.

⁴⁴ Keohane, R.O. (1992). *A Functional Theory of Regimes* (pp. 95-101) edited by Art and Jervis. *International Politics: Enduring Concepts and Contemporary Issues*. N.Y. Harper Collins Publishers and Keohane, R.O. (1982). *The Demand for International Regimes* (pp. 14-171) edited by Stephen Krasner. *International Regimes*.

⁴⁵ Chasek, P.S., Downie, D.L. and Brown, J.W. (2006). *Global Environmental Politics* (pp. 198). Colorado: Westview Press.

⁴⁶ Chasek, P.S., Downie, D.L. and Brown, J.W. (2006). *Global Environmental Politics* (pp. 198). Colorado: Westview Press.

negotiations and obstacles that stem from common characteristics of global environmental issues” also hinder the maintenance of strong regimes.⁴⁷

According to Chasek *et al*, the effectiveness of environmental regimes is a function of regime design, implementation and compliance.⁴⁸ Such a complex matrix is very well reflected in the work of the European Union and in the environmental policy making procedures as will be discussed in the next section.

2.4 Environmental Policy in the European Union

Most texts studying the European Union do not consider it necessary to define what is meant by environmental policy, likewise most of the literature on the subject launch into their discussion without explaining the issue that is being assessed.⁴⁹ Arguably, a definition may seem dull and unnecessary, example: “...the environment is that which surrounds us, the physical set of conditions in which we and other sentient beings exist”.⁵⁰ One might go on to argue that environmental policy is what the European Union “seeks to do to protect the physical environment”.⁵¹

However, it is at least necessary to pause to consider the main components of environmental policy and what its boundaries are. The issues on the environmental agenda differ

⁴⁷ Chasek, P.S., Downie, D.L. and Brown, J.W. (2006). *Global Environmental Politics* (pp. 198). Colorado: Westview Press.

⁴⁸ Chasek, P.S., Downie, D.L. and Brown, J.W. (2006). *Global Environmental Politics* (pp. 197). Colorado: Westview Press.

⁴⁹ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 18). New York: Palgrave.

⁵⁰ The principles of EU's environmental policy. Nicholas Moussis.
http://www.europedia.moussis.eu/books/Book_2/5/16/02/02/index.tkl?all=1&pos=210

⁵¹ The principles of EU's environmental policy. Nicholas Moussis.
http://www.europedia.moussis.eu/books/Book_2/5/16/02/02/index.tkl?all=1&pos=210

from one part of the world to another regardless of what is globally its common character.⁵²

These differences are usually created because of the nature of the environmental problems, and what the priorities are of the countries dealing with them.⁵³ For instance in Europe the most pressing environmental problems are climate change, where as in the Middle East it is water pollution and scarcity.

The European Union bases its environmental policy making on the precautionary and preventive action principle which suggests that environmental damage should be fixed at source and that the polluter should be penalized.⁵⁴ According to the Commission, “the precautionary principle may be invoked when the potentially dangerous effects of a phenomenon, product or process have been identified by a scientific and objective evaluation, and this evaluation does not allow the risk to be determined with sufficient certainty”.⁵⁵ However, the reaction to pollution depends on political decisions one component is the perceived level of risk on the part of the society being affected by the pollution.

The European Union took many steps to limit the risk of pollution on lives. One of these steps is the implementation of the Environmental Impact Assessment (EIA). The EIA is the directive that deals with the effects of the different public and private projects on the environment and natural resource. It establishes the pro-active policy of voluntary prevention. It considers the commitments under the international Convention on Environmental Impact Assessment in a Trans-boundary Context, specifically those commitments concerning the types

⁵² Grant, W., Matthews D. and Newell P. (2000). *The Effectiveness of European Union Environmental Policy* (pp. 7). New York: MacMillan Press Ltd.

⁵³ Grant, W., Matthews D. and Newell P. (2000). *The Effectiveness of European Union Environmental Policy* (pp. 7). New York: MacMillan Press Ltd.

⁵⁴ Grant, W., Matthews D. and Newell P. (2000). *The Effectiveness of European Union Environmental Policy* (pp. 14). New York: MacMillan Press Ltd.

⁵⁵ The principles of EU's environmental policy. Nicholas Moussis.
http://www.europedia.moussis.eu/books/Book_2/5/16/02/02/index.tkl?all=1&pos=210

of project for which impact assessment is considered a necessity.⁵⁶ According to this Directive, “the promoter of the project, whether it be industrial, agricultural or relating to infrastructure, has to supply detailed information on its possible consequences for air, water, soil, noise, wild animals and their habitats, etc”.⁵⁷ The decision of the public authority as to authorize or not authorize the project must always take into consideration the economic, social and other advantages of the project in one hand, and compare it to environmental consequences.

The Strategic Environmental Assessment Directive (SEA) supplements the environmental impact assessment system for projects introduced by the EIA Directive.⁵⁸ This is done through forcing an assessment that includes an environmental report during the preparation process of a plan before submitting it to the legislative body. The authorities and the public, who are usually affected by the decision making process, have the right to express their opinion on the environmental effects of a draft plan.⁵⁹

A big part of environmental policy development is the responsibility of the various European Union institutions. Many conditions play a role in shaping institutional actors’ role.⁶⁰ Institutional actors find it rather difficult to change the policy direction or give a wider perspective to institutional norms because they work with limited information which alters the institutional actors’ way of thinking, thus leading institutional decisions to unexpected paths.⁶¹

⁵⁶ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 33-37). Ashgate Publishing Limited.

⁵⁷ The principles of EU's environmental policy. Nicholas Moussis.

http://www.europedia.moussis.eu/books/Book_2/5/16/02/02/index.tkl?all=1&pos=210

⁵⁸ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 44-52). Ashgate Publishing Limited.

⁵⁹ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 44-52). Ashgate Publishing Limited.

⁶⁰ Weale, A. (1992). *The New Politics of Pollution* (pp.31). Manchester: Manchester University Press.

⁶¹ Pierson, P. The path to European integration: a historical institutionalist analysis, *Comparative Political Studies*, Vol. 29, No. 2, 123-163.

The Commission is the institution that proposes environmental legislation and policy, and it is also the institution that monitors their implementation. The Commission is formed of a President, and a group of Commissioners acting to a certain extent like ministers with portfolios undergoing a number of bureaucratic directorate-generals.⁶² The Commission needs the approval of the Council of Ministers for any proposal it issues. The Council of Ministers is headed by a representative of a different European Union State acting as its president for six months and is organized into numerous working groups and committees focused on specific issues.

Furthermore, a policy proposal cannot possibly become a policy or be implemented without the consent of the European Parliament. Deriving its power from being the only elected body in Europe, the European Parliament has the ability to block legislation if it has a sufficient majority.⁶³ The fact that the European Parliament is a melting pot of numerous political parties having their contradictions and common points in the Parliament makes it harder for policy making and issuing of legislation. The last main European Union institution that oversees policy making and legislation is the European Court of Justice. The European Court of Justice has the power to uphold European Union treaties and laws while having some scope of law interpretation.⁶⁴ The complexity of the structure of the European Union and the clash of territorial interests of each nation state verses the supranational concerns of the European Union

⁶² Hayes-Renshaw, F. and Wallace, H. (1997). *The Council of Ministers*. Houndmills (pp. 71) Basingstoke: Macmillan.

⁶³ Bomberg, E. and Burns, C. The Environment Committee of the European Parliament: new powers, old problems, *Environmental Politics* 1743-8934, Volume 8, Issue 4, 1999, Pages 174 – 179.

⁶⁴ Cichowski, R.A. (1998). Integrating the environment: the European Court and the construction of supranational policy, *Journal of European Public Policy*, 5: 3, 387-405.

makes policy making all the harder. Nonetheless, all these complexities did not curb the success of the European Union in being a leader environmental policy maker.⁶⁵

While the European Union was working on expanding its environmental policy—though more limited in scope than it became after 1987, it was at the same time significantly enhancing its international profile.⁶⁶ The Treaty of Rome contained provisions allowing the Community to be competent in areas of foreign commercial trade. Thus during the 1970s environmental policies became a threat to the common market and member states became signatories to multilateral conventions protecting the environment, the fact that might create nontariff barriers. The European Court of Justice affirmed that power when it ruled in the European Road Transport Agreement in 1971, thus stressing that by having the ability to legislate a common policy within the market, the Community also gained external power.⁶⁷

2.5 The British Case

British economists were the leaders in developing environmental taxation. They were also leaders in urging for the shift from ‘command and control’ to market mechanisms in the 1970s and 1980s.⁶⁸ Yet few green taxes have actually been implemented in Britain and the United Kingdom is considered to be behind the countries of northern Europe in this sector. This is mainly due to the indifference towards environmental issues among British politicians and

⁶⁵ Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 363–377.

⁶⁶ Jordan, A. (1999). Editorial introduction: the construction of a multilevel environmental governance system, *Environment and Planning C: Government and Policy*, Vol. 17. pp. 1-27.

⁶⁷ Sbragia, A. (1998). *Institution-building from below and above: the European Community in global environmental politics* (pp. 283–303). Oxford: Oxford University Press.

⁶⁸ Wurzel, R. (2002). *Environmental policy-making in Britain, Germany and the European Union* (pp. 1-4). Manchester University Press.

decision-makers, and that is due to a lack of any instrument of environmental protection.⁶⁹

However, the situation also reflects the original suspicion among many British leading environmentalists of market-based instruments, which were seen as compromising ecological integrity by placing a monetary value on environmental quality, and offering less certainty than regulation.⁷⁰

The environmental protection regime in Britain has traditionally been based on regulation. In 1228 the use of coal was first restricted in London. And the first regulation of sewers was in 1531. Later a series of Acts made regulation of water pollution became part of the system in 1847 through 1848. Also, the Alkali Act of 1863 required cuts in toxic emissions by 95 per cent. The second Alkali Act introduced for the first time the concept on best means to cut down emissions in 1874. The 1956 Clean Air Act gave local authorities the power to control smoke and other emissions from domestic sources. Moreover, the Control of Pollution Act in 1974 updated the regulations regarding air and water pollution.⁷¹

2.6 The Case of Germany

Germany, often known as the ‘economic-miracle country’ did not permit debate about controversial issues such as environmental protection at first. Politics were taken up by the drive for economic prosperity and technical innovation.⁷² The first substantive environmental policy was the Water Resources Management Law (Wasserhaushaltsgesetz (WHG), of 27 July

⁶⁹ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 160-162). Ashgate Publishing Limited.

⁷⁰ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 165-167). Ashgate Publishing Limited.

⁷¹ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 157-159). Ashgate Publishing Limited.

⁷² Wurzel, R. (2002). *Environmental policy-making in Britain, Germany and the European Union* (pp. 1-4). Manchester University Press.

1957) enacted in the 1950s.⁷³ Today, it still plays an important role in environmental law making many changes to increase the level of protection and develop certain instruments. At the time the WHG was enacted its primary objective was not environmental protection, rather it was ensure an adequate water supply for the population, which was in turn part of modern health provisions. Not only the WHG but also the water supply authorities viewed the supply of water as a public duty which required state control of resources. At the time of its enactment the WHG constituted an instrument typical of command and control regulation as enforced by the police. It regulated individual permits for water use according to the principles of administrative intervention.⁷⁴

Theorists in international relations have different points of views in general, and on the issue of environmental policy making in specific. In this chapter I reviewed the literature on a few of these theories and visited the regime theory thoroughly. The chapter latter went on to review the literature on the procedure of environmental policy making in the EU and the different EU institutions that take part in this procedure. Afterwards, the chapter reviewed the literature over the two EU member state case studies provided in this thesis and they are Britain and Germany.

In what follows the thesis will look into environmental policy making in the EU in details. First the thesis will begin with identifying the process of environmental policy formulation, and latter goes through the process of environmental policy making in the different EU institutions.

⁷³ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 56-58). Ashgate Publishing Limited.

⁷⁴ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 98-102). Ashgate Publishing Limited.

Chapter 3

3.1 Policy Formulation

This chapter will go through the process of policy formulation in the institutions of the European Union. It will highlight the tasks that each institution undergoes in policy formulation and the tasks of nongovernmental actors that give technical and financial support to EU institutions during the process. This chapter will give a short, but concise picture of the environmental policy development within the European Union institutions.

The general process by which environmental policy in the European Union is formulated can be summarized in a few steps. The first step is the meeting of the European Council and setting broad objectives. Then the Commission creates draft policies and oversees the implementation of the European Union laws through the bureaucracies of each nation state. Next the European Parliament along with the ministers of environment of each nation state will put the final touches on the content of the proposals and decide which one will become a law and which will not. Finally the Court of Justice makes sure that the new law falls within the same aims of the European Union treaties.⁷⁵

However, what was mentioned above is an over simplification of the informal realities that the process of policy making goes through. In addition, it assumes that initiative for a policy on the environment originates solely in the EU administration where as it originates both inside of the EU bureaucracy as well as outside of it. The Commission does not develop law

⁷⁵ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 95-97). New York: Palgrave.

proposals on demand or whenever needed.⁷⁶ In order to formulate a new law proposal many influences of internal and external factors budge in. It is true that the Environmental Council and Parliament are responsible for deciding whether or not an environmental law will be adopted but the fact is that at this stage the decision has already been made due to compromises worked out among competing interests at policy formulation stage; also, interest groups and corporate try to add pressure with or against the formulation of a certain law from outside the policy structure.⁷⁷

Later in the thesis, the process by which environmental laws and policies are developed will be thoroughly discussed showing that the most influential actors that have helped the European Union become a leader in environmental policy making are institutions. The light will be shed over the work of the directorates general of the Commission, and the national and industrial sector experts that the Commission works with on the development of proposals. Also, the weaker influence of the European Parliament along with the environmental lobby and national enforcement agencies and their limited role in the discussion and planning which usually leads to problems with implementation later on. A point worth noting here is that the balance of power is in constant shift among the institutions of the European Union.⁷⁸ For instance, recent years have witnessed rising power to the part of the European Union Parliament especially in raising and encouraging the role and activities of environmental groups. This leads to bringing different viewpoints acting as external pressure points on the policy making process.⁷⁹ It is also important to differentiate between formal and informal aspects of policy

⁷⁶ Grant W., Matthews D. and Newell P. (2000). *The Effectiveness of European Union Environmental Policy* (pp. 17). New York: MacMillan Press Ltd.

⁷⁷ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 96). New York: Palgrave.

⁷⁸ Grant W., Matthews D. and Newell P. (2000). *The Effectiveness of European Union Environmental Policy* (pp. 34). New York: MacMillan Press Ltd.

⁷⁹ Jordan, A. (Editor). (2002). *Environmental Policy in the European Union: Actors, Institutions and Processes* (pp.89). Earthscan Publications, London.

making as in actions taken because they are obligatory in treaties the European Union has already signed or the habits that merged among European Union policy makers.⁸⁰

3.2 The Role of the European Council

The European Council has always been the European Union institution least involved in the details of policy making. This is because the Council's role is more about making grand statements and declarations. However, many of these statements have had critical roles in favor of environmental policy making at crucial times facilitating the work of other European Union institutions.⁸¹

It is argued that the Council is drawn away from environmental issues by its involvement in other fields such as the agriculture, the budget, the single market and other related economic issues. However, this is not entirely true. In fact, there have been numerous occasions where the Council issued declarations and statements that had a fundamental impact on the direction taken by European Union environmental policy.⁸² Actually the first act of the Council came even before it was formulated when the heads of the governments met in October 1972. In this meeting the heads of governments declared that economic expansion is not the end or sole aim of the member states or the European Community as a whole, rather it should result in improvement in the quality of life and standards of living. They also declared that great attention should be given to “intangible” values such as the protection of environment in an effort to make economic progress have a positive effect and be at the service of humans.

⁸⁰ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 95). New York: Palgrave.

⁸¹ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 96). New York: Palgrave.

⁸² Grant, W., Matthews, D. and Newell, P. (2000). *The Effectiveness of European Union Environmental Policy* (pp. 29). New York: MacMillan Press Ltd.

Moreover, the heads of governments asked the Community to formulate a blueprint for a formal environmental policy by July 1973 which resulted in the publication of the First Environmental Action Programme.⁸³ This step set the basis for all the policy developments that came after. The combination of the 1973 energy crisis, the attendant social pressure, and the rising public interest in each member state pushed the issue of environment back to the top of the agenda during the 1970's through 1980's. This was reflected in the European Council held in Stuttgart under the German presidency in June 1983 which proved to be a very notable event. The Stuttgart Council was very important because it played a key role in the development of the European response to acidification and resulted in the adoption of a statement that strongly lied in favor of the acceleration of the reinforcement of an action against pollution which has a big impact on future air pollution laws.⁸⁴ After around two years the Council met at March 1985 summit in Brussels. In this meeting the Council came to the conclusion that environmental protection can contribute positively to job creation and subsequently economic growth.

Moreover, it concluded that environmental protection should become part of the economic, industrial, agricultural and social policies pursued by the Community.⁸⁵ This step led to the formulation of the interactive clause of the SEA two years later stating that there should be important “ramifications” to the role generally played by environmental considerations in the European Union policy making. Ever since environmental issues have been a priority on the agendas of the European Council and the decisions of the European Union leaders gave more clarity to the objectives of the European Union environmental policy making.⁸⁶ For example, the European Union has paid a lot of attention to the issue of global warming since the late 1990's

⁸³ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 96-97). New York: Palgrave.

⁸⁴ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 96-97). New York: Palgrave.

⁸⁵ Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 363–377.

⁸⁶ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 96-97). New York: Palgrave.

until the present day. This issue became one of the most continuously negotiated subjects between the European Union member states and between the European Union and its major economic competitors such as the United States.⁸⁷

3.3 The European Commission

The European Commission is the birth place for all the proposals for new European Union laws and policies.⁸⁸ Its great importance is derived from two facts. The first is that it is the sole institution for development and drafting of new laws. The second is the fundamental role as a mediator between different interest groups and a forum for exchanging ideas among the different European Union institutions and member states. After law proposals are developed they are sent to different institutions and interest groups for discussion and amendment, and then they are sent back to the Commission for overseeing and monitoring the implementation of these laws by member states.⁸⁹

The negative public opinion about the Commission is generally driven by a misunderstanding of the nature of the Commission. The public views the Commission as a large powerful inaccessible place, while this is not the truth. Much of the work of the Commission is like the work of other bureaucracies and takes place out of the public eye while its employees communicate with interest groups and parties outside the Commission especially when it comes to environmental issues. It is true that the Commission has more power for developing and

⁸⁷ Jordan, A. (Editor). (2002). *Environmental Policy in the European Union: Actors, Institutions and Processes* (pp. 183). Earthscan Publications, London.

⁸⁸ Grant W., Matthews D. and Newell P. (2000). *The Effectiveness of European Union Environmental Policy* (pp. 17). New York: MacMillan Press Ltd.

⁸⁹ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 105-106). New York: Palgrave.

influencing policy than national bureaucracies, nonetheless, the final decision of whether or not the laws will be adopted lies in the powers of the Parliament and Council of Ministers, while implementation is left largely to the member states and the Commission has no power to enforce it. Instead what the Commission does in this case is that it tries to encourage the national authorities to implement the new laws.⁹⁰

In its nature, the Commission is comprised of a group of twenty Commissioners each given the responsibility of one or two policy portfolios. Each Commissioner has a team known as the cabinet that plays an important role in the policy making process. Each cabinet is formed of up to seven or eight advisers who help coordinate policy, broker the different competing interests inside and outside the Commission, and are the main target for lobbying. As in most cabinets, there is a hierarchy of importance between the different policy portfolios. While issues such as budgeting, the internal market, and trade are viewed as being very important, environment is still viewed as a middle ranking portfolio in importance.⁹¹ This is partly because the environment portfolio is relatively new, and partly because the level of policy making activity is low compared to other portfolios such as internal market, and budgeting. The environment portfolio was handed to a Commissioner on its own for the first time in 1989.⁹²

The Commission is made up of 23 directorates-general (DG). The DG is its functional equivalence to a ministry. About two thirds of the DG's employees are technocrats known as "fonctionnaires".⁹³ They are assigned for a certain period of time to provide

⁹⁰ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 107). New York: Palgrave.

⁹¹ Grant W., Matthews D. and Newell P. (2000). *The Effectiveness of European Union Environmental Policy* (pp. 20-25). New York: MacMillan Press Ltd.

⁹² McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 100). New York: Palgrave

⁹³ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 100). New York: Palgrave.

specialized input into the development of different European Union policy. The rest of the DG's employees come from national government ministries, or industries, or occasionally from NGOs. During its first years the Environmental DG consisted of specialized employees, that is why it was often accused of being biased regarding the issue of environment. But as time passed the nature of work in the environment DG became more bureaucratic and technical oriented. However, this shift allowed the environment DG to be taken more seriously by other services especially that it was no longer perceived as a biased entity. One huge set back in the function of the environmental DG is the long time that takes a law proposal to formulate and become implemented. This is due to the long process that is often interrupted by negotiations and contrast of interest between member states among each other and other interest groups.⁹⁴

The work of the Commission was given a big boost by the European Environment Agency (EEA) created in 1993. The EEA is not a policy making or policy implementing body, rather it is an agency designed for collecting and analyzing information about the environment produced by many other agencies and provides the data to the European Union institutions and member states. It also promotes comparable data gathering systems among member states and develops new ideas for environmental legislation and issues reports every three years on the state of European Environment.⁹⁵ Now that the various bodies that compose the European Commission have been addressed to develop a better understanding of how the Commission functions, it is necessary to go through the process that the development of an environmental policy goes through in the Commission.

⁹⁴ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 100-107). New York: Palgrave.

⁹⁵ Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 363–377.

3.4 Policy Process within the Commission

The policy development process within the Commission became very complex because it involves many different actors which lead the process to take several years to be undertaken. Some scholars argue that the European Union's environmental policy is adopted behind the walls of the Commission and without public participation, but that is far from the truth. The adoption needs the European Parliament to which the public has access, and though opportunities for direct public participation in policy making is limited, the view points of many interest groups are taken into account.⁹⁶

Once a decision has been taken to act against an environmental problem, the environment DG will prepare a background paper to quantify the scale of the problem as well as the risks and potential costs and benefits. This paper is also used as the basis for discussion with experts from the member states beginning with the advisory committee meeting sponsored by the Commission. The Commission also hosts discussions with other interest groups such as representatives from other DGs, academic, industry, NGOs, and international organizations. To avoid biased opinions and because of the large numbers of interest groups, the Commission prefers to meet with pan-European organizations.⁹⁷

The head of the relevant unit within the environmental DG, or a middle ranking staff with special expertise is usually in charge of drafting proposals. The proposals are drafted having in mind legal considerations appropriate language of which senior staff members are already familiar with. Nonetheless, the drafts are always checked out by the legal unit of each DG and by the legal service of each Commission to ensure compliance with the treaties. The

⁹⁶ Grant W., Matthews D. and Newell P. (2000). *The Effectiveness of European Union Environmental Policy* (pp. 20-25). New York: MacMillan Press Ltd.

⁹⁷ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 107-108). New York: Palgrave.

staff member responsible for drafting proposals will stay in close contact with the Policy Group during the process of drafting the proposal. The Policy Group is a board of management of the DG. The Policy Group meets weekly to review the different draft proposals. Once they are satisfied with the proposal, they will send the draft out for inter service consultation and they will send copies to other DGs that handle portfolios affiliated with the environmental problem then the draft proposal is addressed for comments.⁹⁸

Once compromise is reached on content and after all services hand in their inputs the proposal will be sent to the Secretariat General of the Commission and gets circulated to the cabinets of each of the Commissioners. The cabinets have ten days to respond. At this point the negotiations stop taking the technical form and political compromise and point views come to surface. The negotiation gets driven by the ideological leaning and national interests of the cabinets. It is true though, that Commissioners are not national representatives, but they tend to take national aspects into consideration especially if they are new in the position.

The *chefs de cabinet* meets every Monday to go through the proposals and then set an agenda for the Commissioners' meeting on Wednesday. If a proposal is not objected to, it is added to the agenda as an "A" point and is usually adopted by the Commission without debate. But in the case of environmental proposals, it is normal that a proposal does not get full support that easy. So naturally they are submitted to ad-hoc meetings of special *chefs*. If the problem persists after the ad-hoc meeting the environment DG head will redraft a proposal for resubmission, and it is common that a proposal is resubmitted as many as three to four times in case it deals with a more complicated environmental issue. When a majority of *chefs* are in favor

⁹⁸ Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 363–377.

of the proposal, it will be placed by the *chefs de cabinet* on the agenda for the next Commission meeting in which the proposal will be debated and will be put to a vote if necessary.⁹⁹

Another problem surfaces at this level of policy proposal development. There is no guarantee that if a director general is in favor of a certain proposal the Commissioner will be in favor of it as well. While agreement may be reached at the technical level, political disagreement may surface because cabinets may have introduced a political dimension into the consideration of a proposal by a Commissioner. This is because pressure may be exerted on a Commissioner by various interest groups, industries, or due to ideological considerations. Usually this kind of pressure is not direct but is introduced in disguise and is usually discussed as final written response and concerns about the cost effectiveness of the proposal, or some technical disagreement.¹⁰⁰

The stages of the European Union environmental policy process are summarized in the following table in order to give a better idea to the stages that an environmental policy goes through before it comes out in its final form and is ready for implementing:

⁹⁹ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 108-111). New York: Palgrave.

¹⁰⁰ Grant W., Matthews D. and Newell P. (2000). *The Effectiveness of European Union Environmental Policy* (pp. 20-25). New York: MacMillan Press Ltd.

<p>1. <i>Agenda-Setting (all institutions)</i></p> <ul style="list-style-type: none"> • Constitutional pressure • Pressure to harmonize (from actors such as NGOs, industries, and the public) • Legislative pressure • Policy evolution and spillover • Pressures from EU institutions • International law • Responses to emergencies • Exchange of information <p>2. <i>Formulation (European Commission, directorates-general)</i></p> <ul style="list-style-type: none"> • Background position or discussion paper • Proposal developed by technical units within DGs • Advisory committee meetings with national experts • Advisory committee meetings with industry, NGOs, other interested parties • Legal services • Inter-service consultation • <i>Cabinets</i> of interested Commissioners • Secretariat-General of the Commission • <i>Chefs de cabinet</i> • <i>College of commissioners</i> <p>3. <i>Adoption (Council of Ministers, Parliament, ESC, Committee of the Regions)</i></p> <ul style="list-style-type: none"> • Secretariat-General of the Council of Ministers • Parliament, ESC, Committee of the Regions for opinion • Permanent representations • Relevant national government agencies • Environment working groups • COREPER • Parliament for opinion • Environment Council for decision <p>4. <i>Implementation (Commission, member states)</i></p> <ul style="list-style-type: none"> • Governments of the member states • Relevant national government agencies • European Commission • Court of Justice (if necessary)

Table 1 3.4: European Union environmental policy process¹⁰¹

¹⁰¹ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 110). New York: Palgrave.

3.5 The European Parliament and External Actors

During the first stages of policy development the Commission often consults national governments officials. This is natural because the government officials are the representatives of the member nation states that give the European Union its authority and make the final decision whether or not certain policy proposals are adopted. At the same stage the environmental DG consults with corporate interests and with Brussels based industrial federation close to the headquarters of the environment DG. These parties play a very crucial role in the development of environmental policy making. This is simply due to the fact that they have their bargaining power backed up by the specific interests of the communities they represent.¹⁰²

Moreover, these parties are well funded and well organized and they are usually very effective in calculating the costs and benefits of different policy options. They are also professional at providing alternatives and have the ability to employ technical experts who have the knowhow to respond persuasively to the detailed technical content of the environmental DG proposals. Their strong interest in the negotiation part stems from the fact that they are surely to be involved in the implementation of the proposals agreed on in the future, and will usually have to pay most of the direct cost. Because of this, the relationship between the environmental DG and the industrial lobby has become very close. The industrial body provides the environmental DG with technical support in return for a say in whether or not a certain policy can be implemented. Thus, the environmental DG has become highly professional at identifying relevant industrial groups and at convincing them to be part of the policy formulation process. In addition to the industrial bodies, the European Parliament and environmental interest groups

¹⁰² Jordan, A. (Editor). (2002). *Environmental Policy in the European Union: Actors, Institutions and Processes* (pp. 87-91). Earthscan Publications, London.

along with national enforcement agencies are to take part in the development of policy proposals.¹⁰³

While it may seem that consulting industrial bodies might have a negative effect on the process of environmental policy making, but that is not the case in the European Union. True that a certain environmental policy may be against the interest of the industries, but the lobbying of the NGOs and the public pressure brings a good balance. Moreover, the technical and financial support of such industries is needed for a better implementation of the environmental policies. It is important here to point out the role of a very important European Union institution in environmental policy making, The European Parliament. This particular institution is gaining ever growing power because it represents the public.

3.6 The European Parliament

The European Parliament (EP) is making a steady progress toward gaining more powers vis-à-vis environmental policy making. This is because of a combination of cooperative power of the represented member countries granted to it on environmental issues according to the SEA, in addition to the increasing number of Green Members of European Parliament. Moreover the growing powers of the EP is derived from the use of Article 95 (formerly Article 100) of the treaty of Rome on environmental legislation requiring the Council to cooperate with the EP, in addition, the new powers granted to the EP by Maastricht and Amsterdam have made it a more significant actor in the environmental policy process over all. The EP is more involved in making changes to policy proposals when they are issued by the Commission rather than in

¹⁰³ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 112-121). New York: Palgrave.

policy formulation, however. This is due to the fact that the EP cannot generate proposals for new laws.¹⁰⁴ The EP would be able to play a better role in policy formulation if it were able to send representatives to the early stages of planning by the environmental DG. But this is not possible for three main reasons. The first is that the EP representatives and their support staff do not have enough time to be available at all the planning sessions in the Commission. The second is because the representatives of the EP are not technical experts on the issue of environmental policy. The third reason is the constitutional matter that restrains the Parliament from defining or defending its position until it is presented with a finished proposal from the Commission. It is true that the role of the EP is marginal in the early stages of policy formulation; nonetheless, this does not mean the complete absence of the Parliament from those stages.¹⁰⁵ The EP plays an important role in articulating concerns about the environmental issues through the following methods:

- The EP submits questions to the Commission and the Council of Ministers requiring written or oral answers. Upon these answers the EP either seeks information or request action.
- The EP generates “own initiative” reports on the Commission’s response.
- The EP generates pressure to improve the implementation of European Union laws. Thus, the Commission reports to Parliament on the implementation of laws and on its own monitoring efforts. The EP also generates its own studies on the implementation of the laws.
- The EP sets up committees of inquiry of breaches of the EU law.

¹⁰⁴ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 114-116). New York: Palgrave.

¹⁰⁵ Grant W., Matthews D. and Newell P. (2000). *The Effectiveness of European Union Environmental Policy* (pp. 34-36). New York: MacMillan Press Ltd.

While the work of the European Parliament is defined by the European constitution and its interference in environmental policy is given its specific limitations, the European public and NGOs like to see more roles given to the European Parliament. This is because the public believes that the Parliament represents them and is the only institution in the EU to which they have direct and easy access.

It is now important to highlight the role played by the interest groups in influencing the environmental policy development process in the EU.

3.7 Environmental Interest Groups

Interest groups and non-governmental organizations were slow to grasp on the opportunity to have a share in policy making granted to them by the Community environmental programme. This is due to a number of aspects. As mentioned before the environmental DG is keen on having industries surrounding the environmental DG in Brussels participating in policy development. The same is true for NGOs and interest groups in Brussels. But the problem is that these NGOs are few in numbers and are small as lobbying powers compared to the industries. There are only seven pan European environmental NGOs in Brussels, with a very small number of full time staff. These seven groups which meet together on an ad-hoc basis about two to three times each year, and they are informally known as G7. The following is the list of those NGOs:

1. **The European Environmental Bureau (EEB):** It is the oldest NGO working on at the European level. It was founded in 1974 and was backed up by the Community, and for many years it was the only environmental interest group working in Brussels to influence Community policy. The EEB works as a link between NGOs and the EU. In 2,000 it had around 130 NGO members from 24 countries representing about

14,000 member organizations with a combined membership of more than 11 million.

Its main aim is to bring about as many NGOs in the member states to strengthen the collective impact on EU policy making.

2. **Friends of the Earth Europe (FoEE):** It set up an office in Brussels in 1986 and represents Friends of the Earth groups from 27 European Countries.
3. **Greenpeace International:** It set up an office in Brussels in 1988 and represents 19 national Greenpeace organizations.
4. **The World Wide Fund for Nature (WWF):** It is the European based office of the international conservation organization. It opened its office in Brussels in 1989. The main reason to open the office was that the WWF was interested in Community development and wanted to encourage the European Community to tighten its environmental requirements.
5. **Climate Network Europe (CNE):** It is an umbrella body founded like the EEB. It was founded in 1989 and represents 60 groups with the common concern of climate change and energy policy. The CNE is active in providing technical inputs to the debate on the issue of climate change.
6. **The European Federation for Transportation and the Environment (T&E):** It is an umbrella body founded in 1992, and it represents 25 groups that work specifically on issues of sustainable transportation.
7. **Birdlife International:** It is an umbrella body founded in 1993 representing 88 countries interested in preserving and protecting bird life.¹⁰⁶

¹⁰⁶ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 117-118). New York: Palgrave.

There are many problems that face the G7 work on influence on the policy development process. For instance the EEB was viewed as being unreliable since it had a reputation of having poor leadership in the 1990s. Another problem is that there is a perception among actors inside and outside the Commission that the NGOs cannot provide technical expertise at the level that the industrial groups can provide, and that they lack the ability to debate cost and benefits of policy options. Some environmental DG officials argue that NGOs are good at criticizing without the ability to offer constructive alternative suggestions. Moreover, the umbrella organizations are dependent on the support of the member organizations which still focus more on influencing policy at the national level rather than at the European level. Also, there is a lack of cross national cooperation between NGOs and interest groups. Another problem is that the NGOs are not able to address the policies concerning environment as policies that affect other issues such as industry and trading and thus limit their argument to environmental hazards and ways to prevent them. The NGOs however, have tried to avoid such problems by trying not to sink deep into the details of the issues but rather looking at the general idea and try to review the proposals and outcomes in such a way.¹⁰⁷

It is true that the problems mentioned above may give one the idea that NGOs and interest groups cannot be effective at all in influencing any change in the policy making process, however the NGOs have a few very efficient tricks they can play. The NGOs have the ability to gather together considerable forces of thousands of regional, national, and local NGOs active in the EU in order to influence the political agenda in Brussels. This is something the industries cannot do due to their narrow agendas and conflicts of interest. The NGOs make themselves available for an environmental DG that is small and relies on outside sources for technical

¹⁰⁷ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 118-119). New York: Palgrave.

information. The NGOs in this case are usually more affordable than industry due to the fact that NGOs may provide consultation without asking for financial compensation. Moreover, the NGOs can act as supervisors to the implementation of the policies in nation states and report in any nation that does not apply the policies correctly. The EU is also keen on giving NGOs a greater role in policy making. To this end, the EU set up an informal General Consultant Forum on the Environment in 1993 based on the suggestions of the NGOs and interest groups in order to provide advice on policy development from a variety of sectors.¹⁰⁸

3.8 European Court of Justice

The role of the European Court of Justice is in the implementation of the law or policy. The Court of Justice provides clarification of the meaning of an EU law, and helps the Commission in implementing it. If a certain member state is suspected of infringement of EU law it can be referred to the Court of Justice which can then fine the member state if the problem is not resolved. The Court of Justice also makes sure that the new law lies within the essence of the treaties signed by EU.¹⁰⁹ The role of the Court of Justice is significant because it makes sure that the new policy lies within the treaties that the EU signed and it makes sure that it does not contradict the EU constitution or the EU laws.

The EU institutions are at the essence of the development of environmental policy. Without the institutions the process of policy making will be hindered. The institutions are the important bureaucracies that undertake the formation of the policies. Still, in order to

¹⁰⁸Grant, W., Matthews D. and Newell P. (2000). *The Effectiveness of European Union Environmental Policy* (pp. 110-121). New York: MacMillan Press Ltd.

¹⁰⁹ Grant, W., Matthews D. and Newell P. (2000). *The Effectiveness of European Union Environmental Policy* (pp. 67-70). New York: MacMillan Press Ltd.

have a more complete understanding on how the EU developed into becoming a leader in environmental policy making specific case studies should be addressed.

Clearly, the process that the development of environmental policy goes through in the EU is complicated and tough, but it serves the big purpose of keeping the EU and its member countries safe from environmental hazards. The EU has relations with other parts of the world. Be it economic, trade, or market relations. The EU took forward its role as a world leader in environmental policy development and influenced many regions of the world to adopt the norms and policies of the EU. The following chapter will shed the light on how the EU influenced other regions in the world, and how it further emphasized the fact that it is the world leader in environmental policy making and development.

Chapter 4

4.1 The Global Impact of EU Environmental Policy

The fact that the EU is a very powerful player on the international arena goes without saying. The EU has so much diplomatic weight as well as market and trade power. Interestingly, the EU sought to use this power in influencing other regions of the world to adopt the environmental norms and policies that the EU adopted and successfully implemented, thus having a very important role in protecting the environment which is an issue that the EU, as well as all its member states, knows transcends boundaries and affects everybody. In the process, the EU strengthened its stance as a world leader in environmental policy development. This said, it is important to know how the EU imposed such change on other regions of the world.

A. EU Negotiation Ability

A number of scholars examined the issue of EU global leadership, especially concerning the EU as an active player shaping world events and negotiations. There has been a substantial discussion of the nature of EU power. Because of the difficulties the EU faced in developing a military capability, scholars focused on the notion of the EU as a civilian power with international power backed by its economic resources. Some scholars suggest that the EU has a unique capability of altering other parts of the world's viewpoints and introduce them to

key international norms because of EU's "hybrid" status and supranational development.¹¹⁰

There are many ways by which the EU can spread its norms to third party actors, including procedural agreements, trade interaction and others.¹¹¹ However, the tensions found in the EU system complicate the EU efforts to act as a "normative" leader.¹¹² Despite these complexities, the EU tried to promote the frames of sustainable development and the need for global environmental protection.

Looking at the history of the Kyoto protocol and how the EU dealt with it one finds that the domestic concerns moved member state governments to pressure for international reform, while the Commission and other EU actors saw an opportunity to expand EU influence.¹¹³ The respective EU Council President brokered a deal between the member states during and after the Kyoto negotiations the EU council was able to make a deal between EU member states concerning the employment of the protocol. This step allowed the EU to develop a more coherent identity which made it easier for the EU to ratify its Kyoto commitments in comparison with other countries such as the US.¹¹⁴

The diversity of viewpoints in EU can be an advantage for it while dealing with complex problems. The fact is the variety of perspectives that EU actors have is attractive to international counterparts. For instance, the neutrality of some EU member states helped reassure certain third parties troubled with NATO and US influence about the direction taken by

¹¹⁰ Manners, I. Normative power Europe: a contradiction in terms? *Journal of Common Market Studies*, 2002 Vol.40, No.2, pp. 235-258.

¹¹¹ Manners, I. Normative power Europe: a contradiction in terms? *Journal of Common Market Studies*, 2002 Vol.40, No.2, pp. 235-258.

¹¹² Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 369.

¹¹³ Damro, C. and Luaces Me'ndez, P. (2003a). Emissions trading at Kyoto: from EU resistance to Union innovation, *Environmental Politics*, 12(2), pp. 71-94.

¹¹⁴ Sbragia, A. and Damro, C. (1999). The changing role of the European Union in international politics: institution building and the politics of climate change, *Environment and Planning C: Government and Policy*, 17(1), pp. 53-68.

EU foreign relations. Similarly, certain EU actors may engage third parties in environmental negotiations rather than the overall EU organization. It is true though that this may not make the final negotiation easier but it may help to get actors with different perspectives to the negotiation table.¹¹⁵

Surely the Kyoto process is as a great success for the EU as a global environmental leader, however, EU complexity can hinder this effort especially that the EU has to address the concerns of 25 different member states.¹¹⁶ The argument over the big economic costs the environment protection may bid on EU can hinder the success of the EU negotiations. For example, the Community fought to gain the contracting party status during the agreements to protect the ozone layer.¹¹⁷ After gaining that status, certain member states position such as Greece in particular, led EC to join the international coalition pushing for lesser strict regulations concerning particular substances.¹¹⁸

B. EU Innovation

One of the ways by which EU has global leadership in environmental policy making is through creating innovative solutions to the complex global environmental policy problems. The OECD (Organization for Economic Co-operation and Development) and UNEP (United Nations Environment Programme) adapted regulatory ideas for regulating hazardous

¹¹⁵ Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 370.

¹¹⁶ Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 370.

¹¹⁷ Sbragia, A. (1998). Institution-building from below and above: the European Community in global environmental politics, pp. 296–298 in Sandholtz, W. and Stone Sweet, A. (eds) *European Integration and Supranational Governance*. Oxford: Oxford University Press.

¹¹⁸ Jupille, J. (1999). The European Union and international outcomes, *International Organization*, 53(2), pp. 416–419.

waste that the EC emitted in the 1980s¹¹⁹, but in the light of its current environmental status, the EU has significant global agenda setting ability.

Many actors in EU can vote against innovation when it seems to threaten the balance of resources for the benefit of a certain state or a private organization leading to tension on the institutional level.¹²⁰ However, the uncertainties of many of the problems such as climate change; make it difficult for actors to have a clear sense of the direct and indirect consequences of particular solutions. Moreover, organizations facing complex uncertainty may also move away from formal routines¹²¹, thus creating more flexibility and potential for innovation. Nevertheless, there is a risk that such activities may create separate EU tensions such as the concern about how distant this process is from the holistic EU policy making strategy. Surely the uncertainty of the environmental conditions lead the wider population as well as member states to go with the complex EU process to find solutions, however, various groups will resist the costs.

The complexity of the system within the EU, in addition to the complexity of the environmental development process, makes such an experience a place where lessons can be learned. Due to the diversity of actors and processes, the EU finds it easier to create various theories and gather knowledge to solve transnational problems than other nations do. Because the environmental policy development is so sophisticated, it pushes the EU institutions and actors to develop better schemes to solve complex problems as their separate constituent units take on

¹¹⁹ Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 372.

¹²⁰ Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 372.

¹²¹ Levitt, B. and March, J. (1988). Organizational learning, *Annual Review of Sociology*, 14, pp. 319–340.

different learning paths and even compete among each other to find the best solutions to environmental problems.¹²²

A good example of a new environmental policy instrument that may bridge frame conflicts is the tradable permits scheme within the Kyoto accord. Individual states within the US took the lead in developing practical versions of this instrument originally, but since the change in the US approach to Kyoto, the EU took over the leadership role and implemented the tradable permits solution initially promoted by USA.¹²³ The tradable permits system is a system which establishes markets that allow polluters to trade in a limited supply of ‘pollution rights’ to reduce emissions. It addresses market competitiveness concerns as well as demands for cutting emissions through setting market emission limits. The Netherlands and the UK have been seeking to develop their ideas on this system in order to gain advantage and present their ideas within the larger EU debate and prevent the disruption of their domestic systems.¹²⁴ In this case, member states took advantage of new solutions and helped push EU innovation and creativity towards a certain environmental policy development direction.

C. EU as a Market Power

The EU market is extremely important in giving the EU political and economic influence. Some scholars focus on how this can shape the EU as a foreign policy actor through

¹²² Weir, M. (1992). Ideas and the politics of bounded innovation, pp. 188–216 in Steinmo, S., Thelen, K. and Longstreth, F. (eds) *Structuring Politics: Historical Institutionalism in Comparative Analysis*. Cambridge: Cambridge University Press. pp. 192–194.

¹²³ Damro, C. and Luaces Me´ndez, P. (2003b). The Kyoto Protocol’s emissions trading system: an EU–US environmental flip-flop (Working Paper # 5, UCIS, University of Pittsburgh). pp. 71–94.

¹²⁴ Jordan, A., Wurzel, R. and Zito, A. (2005). The rise of ‘new’ policy instruments in comparative perspective: has governance eclipsed government? *Political Studies*, 53(3), pp. 477–496.

using the power to exclude states from access to the EU market, or prevent the membership of states to the EU in order to influence other actors to abide by certain environmental policies. This dynamic is true for the environment as global business fear constrains that such an attractive market may place on economic activities. This explains the enormous international attention that was given to the EU internal negotiations to reform the chemical regulations in 2004–2005.¹²⁵ The variety of actors and policy frames within the EU context makes lobbying efforts by third parties easier. For instance, by certifying regulations concerning genetically modified organisms (GMOs) at an early stage, the EU set a number of rules that became the global standards despite USA opposition.¹²⁶

It is worthy to point out that the EU can also use its market power ability to penetrate other markets and exert pressure on them to abide by EU environmental norms and practices. The EU effort to complete the single market created a set of common standards, including environmental ones, which forced other actors to respond to EU efforts in bilateral and multilateral forums. EU institutions also have a strong incentive to push the EU standards and norms at the international level.¹²⁷ So the competitive advantage of the EU within the Common Market on the international level makes the EU actors willing to work with international organizations in an exchange form that strengthens the EU influence on the international level.

¹²⁵ Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 374.

¹²⁶ Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 374.

¹²⁷ Nicolaidis, K. and Egan, M. (2001). Transnational market governance and regional policy externality: why recognize foreign standards? *Journal of European Public Policy*, 8(3), pp. 454–473.

D. EU as a Model

Another means for having influence on the international level is through being a mentor or model to other countries and actors. The big number of EU actors can have a considerable impact on a wide range of objectives. Moreover, the Commission and the member state environmental ministries can give their insights and experiences at international forums while other EU actors, such as NGOs, can engage with different levels of society.¹²⁸

In the mid 1990s, the European Environmental Bureau (EEB), which is partly funded by the Commission, was oriented towards tackling North–South questions. It substantially made an effort towards Latin America environmental groups.¹²⁹ At the beginning of Eastern European enlargement, NGOs such as the EEB had major efforts concentrated on building the knowledge and capacity of other NGOs to help make them have a more effective participation in EU environmental policy making, as well as becoming national lobbyists.¹³⁰ The EU can also be seen as a model of a democratic regional system with active environmental groups; this lead elements of the Latin American population view regional integration positively.¹³¹

In order to have a better idea of how the process of environmental policy making developed in the EU, it is very important to know how it member countries adopted and responded to this change. In the following chapter Germany and Britain, two EU member

¹²⁸ Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 370.

¹²⁹ Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 370.

¹³⁰ Bomberg, E. and Burns, C. (1999). The Environment Committee of the European Parliament: new powers, old problems, *Environmental Politics*, 8(4), pp. 174–179.

¹³¹ Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 372.

countries that had contradicting approaches towards environmental policy making, will be discussed as case studies.

Chapter 5

5.1 Development of Environmental Policy in Germany and the United Kingdom

The development of the European Union into a leader in environmental policy making is in significant part due to the understanding of the importance of environmental issues by the various member countries. Some member countries took more time to feel the urge of developing and implementing environmental policies. This chapter describes and analyzes case studies of Germany and Britain, two EU member countries with different approaches to environmental policy making.

Germany is a country of great importance for the European Union especially economically. The fact that Germany developed environmental policies earlier even before the European Union did forced the European Union to try to keep up pace quickly. This is one of the reasons why Germany does not always receive European Union environmental reforms or policies with a positive attitude.¹³² However, the German case served as a model used by the European Union to develop environmental policy especially that there are similarities in the structure of Germany as a country composed of a number of federations, and the European Union as an entity made of different countries.

¹³² Wurzel, R. (2002). *Environmental policy-making in Britain, Germany and the European Union* (pp. 1-4). Manchester University Press.

The case of Britain is very important because Britain is one of the European Union member countries that were so late to develop and adopt the environmental policies. The European Union had to learn how to deal with such countries and how to slowly persuade them towards developing and adopting environmental policies. Moreover, pressure by other European Union member countries was exerted on Britain not only to adopt the policies, but also to implement them. Also it is important to study how the leaders in Britain came to understand the importance of the environmental issue.

5.2 Development of Environmental Policy in Germany

Germany witnessed a systematic development of environmental policy during the seventies along with the environmental policy development in the EU. The federal social and liberal coalition governments that governed Germany from the period starting 1969 through 1982 established the basis for environment policy development in an extremely short period. The first environmental programme in Germany began in 1971 and a committee of experts was founded in 1972. In 1974 the federal environmental agency was established, but a ministry of environment was not established until the mid eighties.¹³³

The first environmental policy initiatives were inspired by the international developments and internal calls for reform without any public or political party disputes. The initiatives were developed within the circles of an environmental coalition of technocrats that aimed for reform. This coalition succeeded in permanently changing the face of environmental policy in the Federal Republic. The domination of a scientific and technical expertise along with

¹³³ Wurzel, R. (2002). *Environmental policy-making in Britain, Germany and the European Union* (pp. 1-4). Manchester University Press.

plans to topple climate change issues produced an environmental policy framework oriented against emissions. Thus environmental policy developments were based on a “command and control” approach. The essential ground rules including the allocation of responsibility at the federal level were set in the early days of environmental policy development.¹³⁴ Referring to Article 30 of the German constitutional amendment in 1972, responsibility for clean air, noise protection, and waste disposal was assigned to legislating bodies at the state level unless legislation takes place at the federal level. In accordance to Article 74 of the German Constitution, the federal state was responsible for framework legislation of water management, land cultivation and nature conservation.¹³⁵ Though environmental policy responsibility is centralized, the state has many ways in which they can shape environmental policy. For example, a state can influence the process of federal legislation where they have co-decision rights in the *Bundesrat* (German Federal Council). They are also responsible for administrative implementation in the environmental protection sector in accordance with Article 83 of the German Constitution. Though significant level of cooperation in Germany produced environmental protection actions; nevertheless, conflicts of interest occurred due to the fact that the states and federations had to come up with a joint decision in order to develop new policies including environmental policies. Moreover, there was a problem of lack of transparency in policy making within the federal system. Like the policy development process in the EU Commission a certain policy had to be repeated several times until a compromise is reached.¹³⁶

¹³⁴Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 56-58). Ashgate Publishing Limited.

¹³⁵ Wurzel, R. (2002). *Environmental policy-making in Britain, Germany and the European Union* (pp. 1-4). Manchester University Press.

¹³⁶ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 56-58). Ashgate Publishing Limited.

In addition to the joint participation on the public level, there is also a cross participation with the private level. The expertise of industries and NGOs is often required in environmental policy development. NGOs such as the Association of German Engineers (VDI) and the German Standard Institute (DIN) contribute to the process of policy making through giving technical support.¹³⁷

This phase of institutional and legislative developments in the environmental policy sector came to a halt because of the huge economic recession in the mid-seventies. Though the social liberal coalition government was toppled by the election of the conservative liberal coalition in 1982, the environmental policy development process did not stop evolving. This fact is emphasized by the number of key environmental policies that were achieved contributing in giving Germany its leading international position on environmental matters. This was due to the growing politicization of the environmental policy issues in Germany. The issue of environmental policy making gradually attracted the attention of an increasing number of the public, thus it expanded beyond the tight circles of scientific experts. By the end of the seventies a number of anti nuclear power local pressure groups were founded, and gradually the movement developed into a broadly based eco-social movement leading to the founding of the Green Party in 1980.¹³⁸

The increasing success of the election of Green Parties at the local and state level at the end of the seventies; lead the Green Party to be represented in the German Parliament for the first time in 1982. The more established parties felt threatened and responded to the growing public awareness of environmental issues by developing programs which dealt with finding

¹³⁷ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 56-58). Ashgate Publishing Limited.

¹³⁸ Wurzel, R. (2002). *Environmental policy-making in Britain, Germany and the European Union* (pp. 1-4). Manchester University Press.

political solutions to environmental problems. Thus the German Government gave the issue of air pollution policy priority due to the vast and widely emotional public debate and concern over deforestation; this led Germany to play a pioneer role on the European level in this field.¹³⁹

In similar vein, after the Chernobyl nuclear catastrophe, the federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) was founded on April 1986. Many agencies were linked to the BMU, namely the environment agency, the nature conservation agency, and the nuclear safety agency, in addition to two policy advisory bodies. A separate committee for environment was set up in the German Parliament at the same time.¹⁴⁰

During the nineties, criticism to the environmental policy development in Germany surfaced. The main critics were economists who claimed that environmental policy development hindered the economic progress of the country, though environmental protection was imbedded in the German Constitution. However, the interest in environmental policy making still thrives, though initiatives from the European level such as impact assessment legislation or free access to environmental data aimed at promoting greater participation as well as more transparency have been generally poorly received in Germany.¹⁴¹

¹³⁹ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 56-60). Ashgate Publishing Limited.

¹⁴⁰ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 58). Ashgate Publishing Limited.

¹⁴¹ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 59). Ashgate Publishing Limited.

5.3 Development of Environmental Policy in Britain

Environmental policy in Britain often has been viewed as politically uncontroversial, until the latter decades of the twentieth century.¹⁴² It gradually developed from the mid nineteenth century onward depending on technical expertise and based on an approach emphasizing informal regulation through negotiation by interest parties rather than using the formal standards of environmental policy formulations. There was little impact on the domestic level on the issue of environmental policy development even in the first decade of Britain's membership in the European Community, despite being part in two Environmental Action Programmes.¹⁴³

By the mid-1980s it was clear that the British environmental policy development stance had not been successful or up to the expectations of the EU Community. Domestic environmental practices in Britain were subject to European Community regulations, and other European Government's criticism. Britain was accused of being self centered and was labeled as "the dirty man of Europe".¹⁴⁴ This made an impact moving the Royal Commission on Environmental Pollution and environmental pressure groups to ally themselves with European Community institutions to campaign against insufficient British environmental policies and practices.¹⁴⁵

When Prime Minister Margaret Thatcher became convinced of the political and scientific importance of setting an environmental agenda, things started to change for the better

¹⁴² Wurzel, R. (2002). *Environmental policy-making in Britain, Germany and the European Union* (pp. 1-4). Manchester University Press

¹⁴³ Wurzel, R. (2002). *Environmental policy-making in Britain, Germany and the European Union* (pp. 1-4). Manchester University Press.

¹⁴⁴ Wurzel, R. (2002). *Environmental policy-making in Britain, Germany and the European Union* (pp. 1-4). Manchester University Press.

¹⁴⁵ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 157-158). Ashgate Publishing Limited.

during the second half of the 1980s. So the implementation of the Environmental Protection Act (EPA), backed up by the principle of Integrated Pollution Control (IPC) was viewed as a highly significant turning point in the development of environmental policy in Britain. The signing of the EPA was important in showing that now environmental policy development was a strategic issue for the nation.¹⁴⁶

There are three dimensions to the British environmental policy approach. They are pollution control, land use planning and the welfare of animals. Other issues are not absent but are much less evident than those listed; still, many other environmental issues have been growing in importance in recent years, such uniform emission standards and economic instruments. Following the Rio Earth Summit in 1992, the work of the government on environmental policy making was significantly enhanced. This was demonstrated through the UK taking responsibility for regulating planning and adopting a Local Agenda following the Rio Earth Summits strategies. This role was boosted further more by handing the British government the task of air quality monitoring. These governmental initiatives were met by local authorities which issued sustainability indicators that cross environmental, social and economic indicators.¹⁴⁷

The transition in UK into a country paying significant attention to environmental policy was slower than in other EU member countries. The process was bolstered by rising public awareness in addition to pressure exerted from other EU member states as well as EU institutions. Germany and Britain have different approaches to environmental policy making

¹⁴⁶ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 158). Ashgate Publishing Limited.

¹⁴⁷ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 164-165). Ashgate Publishing Limited.

which emphasizes the diversity among the EU member countries by stressing their commitment to EU strategies.

This chapter discussed two case studies Germany and Britain. These two EU member countries have a contradicting approach to the issue of environmental policy making. While Germany sought environmental protection early, Britain was late to identify the urgency of developing environmental policy. This chapter is important to highlight the different stand points of the EU member countries on the issue of environmental policy making. Since the thesis covered the process of environmental policy making in the different institutions of the EU, and since the thesis covered the two case studies, the next chapter will conclude the thesis.

Chapter 6

6.1 Conclusion

This thesis has sought to demonstrate why and how the European Union is a world leader in environmental policy making. Based on the analysis of EU institutions as well as the participation of various non-state actors and national governments, the European Union has pioneered policy making in the field of environment. When compared to other regions of the world such as the United States, one finds that the EU has been more consistent in its approach to environmental policy development. The US witnessed a rising public concern in environmental issues after the 1970s, but the public interest span in issues is short.¹⁴⁸ This is because the public tends to believe that the problem is being solved when a legal body addresses it.¹⁴⁹ It is true that many weak points and gaps are found in the process of environmental policy development; nevertheless, the EU makes sure that the environment is always an issue to be dealt with through its various institutions. Moreover, the early awareness and education of the European public, dating as early as the last years of the nineteenth century has picked up the hazards of environmental problems. Thus, the increasing awareness of the public gives member states as well as the EU no chance to find an environmental problem and look the other way.

¹⁴⁸ Kuzmiak, D. T, The American Environmental Movement, *The Geographical Journal*, Vol. 157, No. 3 (Nov., 1991), pp. 265-278.

¹⁴⁹ Kuzmiak, D. T, The American Environmental Movement, *The Geographical Journal*, Vol. 157, No. 3 (Nov., 1991), pp. 265-278.

This awareness on grass roots level is very important because it was the backbone for the founding of specialized NGOs employing experts in the field of environment. Moreover, these communities started electing their representatives based on their interest and expertise in environmental issues, thus creating environmental parties (“Green Parties”) as well as environmental coalitions with considerable political weight in European Union member countries. This also transferred into the European Union institutes especially into the EU Parliament which is elected by the people and the environment Directorate General in the EU Commission. By having environmental experts and representatives with environmental interests in important European Union institutions the environmental policy development issue gained a lot of importance despite the economic versus environmental argument.

EU institutions have contributed significantly to why and how the EU became a leader in environmental policy making. A lot of work is put in environmental policy development progress, and the EU institutions are the best experts in the world in phrasing and rephrasing law drafts, and have become professional in negotiating a bargain bringing the conflicting interests of the various member states, industries, interest groups and NGOs to a meeting point.

The related industries as well as the interest groups and NGOs also contribute a lot to making the EU a leader in environmental policy making. Industries give significant technical support and contribute to paying the cost of the new policies. Interest groups and NGOs lobby among different member states and various NGOs to shed the light on environmental problems. They also monitor the level to which member states abide by the application of the environmental policies.

There is a fierce debate regarding whether the EU should keep an increasing pace of environmental policy development, however.¹⁵⁰ Nevertheless, most member states and EU citizens have come to understand the danger environmental problems might inflict on lives, businesses, and landscape. Even member states, such as UK, which were once indifferent about the issue of environmental policy making became aware of the problem and have quickly worked on improving their environmental standards.¹⁵¹

The European Union is aware that environmental problems are trans-boarder problems, thus it will keep on developing new environmental policies that help protect it from hazards despite the argument claiming that giving more attention to environmental issues will cause setbacks in economic and industrial sectors. It is true that there are some European Union member countries along with industries and economic specialist that are working on conflicting interests and other disputes to slow down the wheel of environmental policy development. However, environment might be one of the few binding issues in the European Union. The fact that the environmental hazards have big and evident effects that cannot be hidden from nature and people, backed up by the public awareness and consistent pressure exerted on representatives in the community governments and member countries governments and European Union Institutions, make the environment a common concern on the EU public and governmental level.

An interesting subject for future research is the diplomatic pressure the EU can exert on other counties in order to abide by the signed environmental treaties, and how such pressure affects other issues such as trade and economic relations.

¹⁵⁰ McCormick, J. (2001). *Environmental Policy in the European Union* (pp. 293). New York: Palgrave.

¹⁵¹ Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance* (pp. 164-165). Ashgate Publishing Limited.

There is constant territorial tension between the EU member countries and the EU institutions, which is a result of strong contradictions in policy values and frames that make up the system. Moreover, the fact that EU emphasizes on developing policy according to specific sectors makes these differences stronger, and makes it harder for EU actors as well as member countries to implement them. Furthermore, the complexity of the policy development process opens the way for the objection of many country members and significant actors.

It is true that all this may create dead ends and lead the process of environmental policy development to fail, nevertheless, this diversity in view points and stances as well as in actors and member countries creates opportunities.¹⁵²

The thesis did not offer a comprehensive list of potential EU global roles; but it mentioned some of the more significant ones and how they affected other regions of the world. It is worth noting though, that in the context of any given global environmental problem, the EU can influence actors in several ways, thus creating a notion of direct and indirect influence, which in its turn may create pressures to protect the environment.

Although the EU may face conflicting interests that lead to one policy priority gaining power over another, however, they also may create opportunities for experts to make influence that other international actors will not expect.¹⁵³

¹⁵²Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 372.

¹⁵³Nicolaidis, K. and Egan, M. (2001). Transnational market governance and regional policy externality: why recognize foreign standards? *Journal of European Public Policy*, 8(3), pp. 454–473.

References

- Axelrod, R.M. (1984). *The Evolution of Cooperation*. New York: Basic Books.
- Barkin, J.S. and Shambaugh, G.F. (1999). *Anarchy and the Environment: The International Relations of Common Pool Resources*. Albany: State University of New York Press.
- Bomberg, E. and Burns, C. The Environment Committee of the European Parliament: new powers, old problems, *Environmental Politics* 1743-8934, Volume 8, Issue 4, 1999, Pages 174 – 179.
- Burgstaller, M. (2005). *Theories of Compliance with International Law*. Martinus Nijhoff Publishers.
- Caldwell, L.K. (1996). *International Environmental Policy*. Duke University Press.
- Chasek, P.S., Downie, D.L. and Brown, J.W. (2006). *Global Environmental Politics*. Colorado: Westview Press.
- Chayes, A. and Chayes, A.H. (1995). *The New Sovereignty: Compliance with International Regulatory Agreements*. Cambridge, MA: Harvard University Press.
- Cichowski, R.A. (1998). Integrating the environment: the European Court and the construction of supranational policy, *Journal of European Public Policy*, 5: 3, 387-405.
- Coase, R. (1990). *The Firm, The Market and the Law*. University of Chicago.
- Damro, C. and Luaces Me´ndez, P. (2003a). Emissions trading at Kyoto: from EU resistance to Union innovation, *Environmental Politics*, 12(2), pp. 71–94.
- Damro, C. and Luaces Me´ndez, P. (2003b). The Kyoto Protocol’s emissions trading system: an EU–US environmental flip-flop (Working Paper # 5, UCIS, University of Pittsburgh).pp. 71-94.

- De Garmo, D.K. (2005). *International Environmental Treaties and State Behavior: Factors Influencing Cooperation*. Routledge.
- Gleditsch, N.P. and Sverdrup, B.O. (1995). *Democracy and the Environment*. Oslo: International Peace Research Institute.
- Grant W., Matthews D. and Newell P. (2000). *The Effectiveness of European Union Environmental Policy*. New York: MacMillan Press LTD.
- Greico, J. (1998). Anarchy and the Limits of Cooperation, *International Organization* Vol 42, no. 3.
- Haggard, S. and Simmons, B.A. Theories of International Regimes, *International Organization*, Vol. 41, No. 3. Summer, 1987. The MIT Press: 513.
- Hasenclever, A, Mayer, P. and Rittberger, V. Interests, Power, Knowledge: The Study of International Regimes, *Mershon International Studies Review*, Vol. 40, No. 2. October, 1996. The MIT Press: 178.
- Hayes-Renshaw, F. and Wallace, H. (1997). *The Council of Ministers*. Houndmills, Basingstoke: Macmillan.
- Heinlet, H., Malek, T., Smith, R. and Toller, A.E. (2001). *European Environment Policy and New Forms of Governance*. Ashgate Publishing Limited.
- The principles of EU's environmental policy. Nicholas Moussis.
http://www.europedia.moussis.eu/books/Book_2/5/16/02/02/index.tkl?all=1&pos=210
- Jordan, A., Wurzel, R. and Zito, A. (2005). The rise of 'new' policy instruments in comparative perspective: has governance eclipsed government? *Political Studies*, 53(3), pp. 477–496.
- Jordan, A. (Editor). (2002). *Environmental Policy in the European Union: Actors, Institutions and Processes*. Earthscan Publications, London.

- Jordan, A. (1999). Editorial introduction: the construction of a multilevel environmental governance system, *Environment and Planning C: Government and Policy* Vol. 17. pp. 1-27.
- Jupille, J. (1999). The European Union and international outcomes, *International Organization*, 53(2), pp. 416–419.
- Keohane, R.O. International Relations and International Law: Two Optics, *Harvard International Law Journal* 38 (1997), 487-502, 490.
- Keohane, R.O. and Martin. L. L. The Promise of Institutional Theory, *International Security*, Vol. 20, No.1. (1995): 41.
- Keohane, R.O. (1992). *A Functional Theory of Regimes* edited by Art and Jervis. International Politics: Enduring Concepts and Contemporary Issues. N.Y. Harper Collins Publishers.
- Keohane, R. O. and Nye, J. (1989). *Power and Interdependence: World Politics in Transition* (2nd Edition). Boston: Little-Brown.
- Keohane, R.O. (1982). *The Demand for International Regimes* edited by Stephen Krasner. International Regimes.
- Kuzmiak, D. T, The American Environmental Movement, *The Geographical Journal*, Vol. 157, No. 3 (Nov., 1991), pp. 265-278.
- Levitt, B. and March, J. (1988). Organizational learning, *Annual Review of Sociology*, 14, pp. 319–340.
- Manners, I. Normative power Europe: a contradiction in terms? *Journal of Common Market Studies*, 2002 Vol.40, No.2, pp. 235-258.
- McCormick, J. (2001). *Environmental Policy in the European Union*. New York: Palgrave.

- Mitchell, R. B. Regime Design Matters: Intentional Oil Pollution and Treaty Compliance, *International Organization*, Vol. 48, No. 3. (1994): 425-458.
- Newell, P. (1998). [Review of the book *Theories of International Regimes* by Andreas Hasenclever, A., Mayer, P. and Rittberger, V.]. *International Affairs (Royal Institute of International Affairs 1944)*, Vol. 74, No. 2. April 1998, p. 419.
- Nicolaidis, K. and Egan, M. (2001). Transnational market governance and regional policy externality: why recognize foreign standards? *Journal of European Public Policy*, 8(3), pp. 454–473.
- Pierson, P. The path to European integration: a historical institutionalist analysis, *Comparative Political Studies*, Vol. 29, No. 2, 123-163.
- Rayner, S. (1991). [Review of the book of *International Cooperation: Building Regimes for Natural Resource Management and the Environment* by Oran R. Young's]. *International Affairs (Royal Institute of International Affairs 1944)*, Vol. 67, No. 2. April 1991, 341-342.
- Sbragia, A. and Damro, C. (1999). The changing role of the European Union in international politics: institution building and the politics of climate change, *Environment and Planning C: Government and Policy*, 17(1), pp. 53–68.
- Sbragia, A. (1998). *Institution-building from below and above: the European Community in global environmental politics*. Oxford: Oxford University Press.
- Snidal, D. Relative Gains and the Patterns of International Cooperation, *American Political Science Review*, 85: 701-26.
- Strange, S. Cave! Hic Dragones: A Critique of Regime Analysis, *International Organization* 32 (1982): 479-493.

- Weale, A. (1992). *The New Politics of Pollution*. Manchester: Manchester University Press.
- Weber, C. (2004). *International Relations Theory. A Critical Introduction* (2nd edition). Taylor and Francis.
- Weir, M. (1992). Ideas and the politics of bounded innovation, pp. 188–216 in Steinmo, S., Thelen, K. and Longstreth, F. (eds) *Structuring Politics: Historical Institutionalism in Comparative Analysis*. Cambridge: Cambridge University Press. pp. 192–194.
- Williamson, O.E. (1985). *The Economic Institutions of Capitalism: Firms, Markets, Relational Contracting*. The Free Press, New York.
- Wurzel, R. (2002). *Environmental policy-making in Britain, Germany and the European Union*. Manchester University Press.
- Young, O. R. (1989). *International Cooperation: Building Regimes for Natural Resources and the Environment*. Cornell University Press, Ithaca.
- Zartman, W. (1983). *The 50% Solution*. New Haven Yale University Press, 1983.
- Zito, R. The European Union as an Environmental Leader in a Global Environment, *Globalizations*, December 2005, Vol. 2, No. 3, pp. 363–377.