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The Europeanization of national environmental policies

Table 14.1 summarizes the most significant changes in the content of the ten national policies which can reliably be ascribed to the EU’s influence. When compared to the baseline summaries in Chapter 3, the single most obvious point it makes is that the EU has affected some aspect of policy content in all ten states, even the most environmentally progressive or ‘leader’ states such as Germany, Sweden, Norway and the Netherlands. As regards policy paradigms, the EU has promoted a more preventative, source-based approach, which fitted neatly with common practice in countries such as the Netherlands and Germany, but misfitted with everyday practice in Ireland and the UK for example.
Table 14.1 Environmental policy content in the ten countries c. 2000 as compared to c. 1970

<table>
<thead>
<tr>
<th>Policy goals</th>
<th>Dominant instrument(s)</th>
<th>Calibration of instruments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>still source-based</td>
<td>little overall change</td>
</tr>
<tr>
<td></td>
<td>still mostly regulation; some NEPIs/procedural instruments*</td>
<td></td>
</tr>
<tr>
<td>Finland</td>
<td>increasingly source-based</td>
<td>tighter standards</td>
</tr>
<tr>
<td></td>
<td>still mostly regulation; some NEPIs</td>
<td></td>
</tr>
<tr>
<td>France</td>
<td>increasingly source-based*</td>
<td>tighter standards</td>
</tr>
<tr>
<td></td>
<td>still mostly regulation; various NEPIs*</td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>still mainly source-based</td>
<td>little overall change</td>
</tr>
<tr>
<td></td>
<td>still mostly regulation; various NEPIs/procedural instruments</td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>more source-based</td>
<td>tighter standards*</td>
</tr>
<tr>
<td></td>
<td>more regulatory; several NEPIs*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(but implementation problems)</td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>still mainly source-based</td>
<td>little overall change</td>
</tr>
<tr>
<td></td>
<td>still mostly regulation; several NEPIs*</td>
<td></td>
</tr>
<tr>
<td>Norway</td>
<td>still mainly source-based</td>
<td>little overall change</td>
</tr>
<tr>
<td></td>
<td>still mostly regulation; some NEPIs</td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td>more source-based</td>
<td>significantly tighter</td>
</tr>
<tr>
<td></td>
<td>still mostly regulation; various NEPIs/procedural instruments</td>
<td></td>
</tr>
<tr>
<td></td>
<td>standards*</td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td>still mainly source-based*</td>
<td>little overall change</td>
</tr>
<tr>
<td></td>
<td>still mostly regulation; more procedural</td>
<td></td>
</tr>
<tr>
<td></td>
<td>instruments</td>
<td></td>
</tr>
<tr>
<td>UK</td>
<td>more source-based*</td>
<td>tighter standards*</td>
</tr>
<tr>
<td></td>
<td>mostly regulation; some NEPIs*</td>
<td></td>
</tr>
</tbody>
</table>

Note * most significant change(s) as defined by the chapter author(s)

A raft of water and air pollution directives dating back to the 1970s have also helped to bring about a fundamental shift in the goals of national policy. Countries such as the UK, Finland and France have been forced to adapt their domestic policies, which
contained relatively few explicit emission standards or focused on attaining (in)formal EQOs. That said, the environmental *acquis* also contains some EQOs and environmental quality standards (EQSs), e.g. the directives addressing bathing water, freshwater fish and shellfish, as well as air quality standards for lead, which have disrupted arrangements in countries such as Germany and Sweden which have traditionally relied upon emission limits.

The EU has also introduced entirely new *policy instruments* in some countries, e.g. certain types of air quality standard in the Netherlands and the UK among others, as well as ‘emission bubbles’ and restrictions on the total production of certain chemicals such as chlorofluorocarbons, CFCs. It has also altered the manner in which existing tools are applied (e.g. the application of EIA in Sweden). The most disruptive tools have been mainly procedural in nature, for example the directives on environmental information, EIA and EMAS. Although these have been fairly comfortably accepted in countries such as the UK, they misfitted with everyday practice in states such as Sweden, Germany and Austria, where strong, source-based controls founded on the BAT have traditionally been the norm. Generally speaking, however, the EU has not had a significant effect on policy instrument selection at the national level. Instruments mostly remain regulatory in nature, primarily because the EU’s own policies are disseminated through regulation. While many states have adopted so-called ‘new’ environmental policy instruments such as eco-taxes and voluntary agreements, the EU has not been a particularly influential driver (Jordan *et al.* 2003). In fact, the EU has, for a variety of reasons, actively prevented some states (e.g. Austria, Finland and the Netherlands) from implementing new instruments.

Finally, the EU has significantly tightened the *level* at which these (mostly) regulatory instruments are formally calibrated. In some countries the degree of change has been relatively limited (e.g. Norway, the Netherlands, Austria, Sweden and Germany), whereas in others (namely Ireland and Spain) it has been quite dramatic.

The overall pattern is therefore one of slow and steady adaptation in terms of paradigms and instruments, with more significant changes in relation to goals and the setting of instruments. If this seems rather modest, then perhaps it is because of the way in which we have defined policy content. For instance, the EU has introduced entirely new policy issues in some countries. The best examples are probably Ireland (waste management) and Spain (fisheries), although the EU could also be said to have championed a more formalized and scientifically driven system of biodiversity protection that is alien to several member states (namely Finland, France, Norway, the UK, Sweden and Ireland among others). The EU has also forced member states to reorder their domestic policy priorities. For instance, the EU forced the UK to pay much more attention to controlling industrial pollution. Similarly, Sweden, Norway and Finland have had to rethink the way in which they address non-pollution issues such as nature conservation.
Table 14.2 Environmental policy structures in the ten countries c. 2000 as compared to c. 1970

<table>
<thead>
<tr>
<th>EU co-ordination</th>
<th>Importance of national parliament</th>
<th>Strength of national Environment Ministry</th>
<th>Importance of the sub-national level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>+</td>
<td>−</td>
<td>++</td>
</tr>
<tr>
<td></td>
<td>some new structures added</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finland</td>
<td>++</td>
<td>−</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>strengthened domestically and in the EU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>France</td>
<td>++</td>
<td>−</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>new co-ordination structures created; attempt to be more pro-active</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>++</td>
<td>+/−</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>strengthened domestically and in the EU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>+</td>
<td>+/−</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>some new coordination structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>++</td>
<td>−</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>strengthened still low domestically and in the EU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norway</td>
<td>++</td>
<td>−</td>
<td>+/−</td>
</tr>
<tr>
<td></td>
<td>various new coordination structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td>++</td>
<td>+/−</td>
<td>++</td>
</tr>
<tr>
<td></td>
<td>strengthened domestically and in the EU</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Sweden ++ strengthened
++ domestically consultation
+/- procedures added
+ increased importance
+/- of technical agencies

UK + existing structures
+ strengthened
−−

Scale: ++=significantly more; +slightly more; +/= unchanged;
−slightly less; −−significantly less

and EIA. All these changes—some of which are admittedly highly significant—are not properly captured by our rather narrow definition of policy.

The structure of national policies

Table 14.2 summarizes the main structural changes in the ten countries which can reliably² be ascribed to the EU’s influence. Again, the most obvious point to make is that the EU has affected some aspect of policy structure in all ten countries, including the most environmentally progressive states. It is immediately obvious that all ten have developed new co-ordination mechanisms to cope with EU membership. The degree and/or suddenness of this change has been greatest in those countries which joined the EU only very recently (e.g. Sweden and Austria) or had traditionally relied upon a much less internally co-ordinated approach to negotiating in Brussels (e.g. Germany and the Netherlands). But the majority have simply adapted their existing internal co-ordination structures. In fact, recent research suggests that even the most ‘Europeanized’ parts of state structures, i.e. those co-ordinating EU policy within Brussels (Kassim 2003), retain their own, distinctive national characteristics.

Similarly, most states have created additional structures to keep their national parliaments informed and/or involved, but these tend to consist of very slight modifications of existing practices. This does not necessarily imply that the EU’s growing involvement has gone entirely unnoticed in national parliaments. On the contrary, many of the chapters reveal that the increasingly technical nature of environmental decision making, the speed at which dossiers are moved through the EU system and the physical remoteness of Brussels and Strasbourg have combined to further erode their role in environmental decision making. In some countries the disempowerment of parliamentary scrutiny procedures has provoked serious political debates that have challenged the legitimacy of the whole EU process.

Our case studies also confirm that Europeanization has helped to further centralize policy-making responsibilities in the hands of central government departments (e.g. the UK) and technical agencies (e.g. Sweden) at the expense of sub-national pollution control bodies and local or regional government (e.g. Germany). Finally, Europeanization has created new political opportunities for environmental NGOs. The ability to lodge formal complaints with the Commission against imperfect implementation of EU law has provided them with a new way in which to ‘fight’ their own national governments. The bestknown examples are those in which NGOs have sought to use this avenue to stop
building projects in important natural habitats (e.g. in the UK, Spain and the Netherlands).

As with policy paradigms and policy instruments, the overall pattern is one of slow and steady adaptation, with very few obvious discontinuities or sudden step changes. The three most dramatic structural changes to arise from EU membership are probably as follows. The first is the creation of an integrated Environment Ministry in Spain, and enlargement and/or creation of technical agencies in the UK, Sweden, France and Spain. However, in none of these cases was the EU the only motivating factor. The second is the dramatic Europeanization of national legal structures, although this is also a general feature of many policy areas, not just the environment. In the case of regulations, the extent of Europeanization is effectively complete because EU law is automatically and immediately national law. With directives, the effect is not as immediate, but it is more sudden than it used to be. In the 1970s and 1980s states such as France, Germany, Ireland and the UK sought (illegally) to mask the legal effect of the EU by using administrative devices to transpose EU directives. Third, the Europeanization of national policy making has undoubtedly increased the workload of most national environmental officials. It is unclear precisely how much national policy is made in the EU (the figure of 80 per cent is often quoted). Be that as it may, many national civil servants nowadays spend much more time on EU affairs than on ‘national’ policy making.

Finally, our study identifies the same overall pattern of winners and losers as that detected by other analysts. Of the main winners, the most prominent have been national environmental departments, technical agencies (e.g. France and Sweden) and environmental pressure groups. In less strongly co-ordinated national governments, the Europeanization of environmental policy making has strengthened the arm of environment ministries in inter-departmental conflicts with cognate departments. The main losers have been national parliaments, foreign ministries (which are no longer solely responsible for determining the content of national foreign policy), and local and regional governments.

**The style of national policies**

National policy styles do not appear to have changed that much under the EU’s influence (see Table 14.3). On the whole, the dominant style remains consensual rather than adversarial, but it has become more proactive in some states. However, the latter change is restricted mainly to some of the environmental ‘leader’ states, such as Germany, the Netherlands, Sweden and France, which suggests that this is an autonomous trend rather than an ‘EU effect’. The chapters on Finland and Norway, by contrast, suggest that the EU’s growing involvement as a national agenda setter has led national policy actors to behave in a more reactive way. Moreover, the basically reactive style of Spain, Ireland and the UK has hardly been affected by Europeanization. This pattern is intriguing because the aim of many EU laws and action programmes is to prevent environmental problems before they appear. We offer some possible explanations below.

One other anomaly is worthy of note, namely the shift towards a more adversarial style in states that have traditionally been highly consensual. The two most obvious examples here are Austria, Sweden and, to a lesser extent, Finland. The explanation offered by the respective authors is that the deadlines governing EU policy making have
speeded up the domestic policy process, reducing the scope for extensive consultation with affected interests. Apart from this quite specific

\textit{Table 14.3} Environmental policy style in the ten countries c. 2000 as compared to c. 1970

<table>
<thead>
<tr>
<th>Country</th>
<th>Active (precautionary) vs reactive (curative)</th>
<th>Adversarial vs consensual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>more anticipatory/strategic</td>
<td>more adversarial</td>
</tr>
<tr>
<td>Finland</td>
<td>more reactive</td>
<td>somewhat more adversarial</td>
</tr>
<tr>
<td>France</td>
<td>more anticipatory</td>
<td>more adversarial</td>
</tr>
<tr>
<td>Germany</td>
<td>more anticipatory</td>
<td>still consensual</td>
</tr>
<tr>
<td>Ireland</td>
<td>still reactive</td>
<td>still consensual</td>
</tr>
<tr>
<td>Netherlands</td>
<td>more anticipatory</td>
<td>still consensual</td>
</tr>
<tr>
<td>Norway</td>
<td>more reactive</td>
<td>still consensual</td>
</tr>
<tr>
<td>Spain</td>
<td>still reactive</td>
<td>still consensual</td>
</tr>
<tr>
<td>Sweden</td>
<td>more anticipatory</td>
<td>more adversarial</td>
</tr>
<tr>
<td>UK</td>
<td>still reactive</td>
<td>still consensual</td>
</tr>
</tbody>
</table>

change, the overall impact of the EU appears to have been quite limited, or at least is very difficult to disentangle from other causes of change. These include the post-industrial demand among national publics for higher environmental standards (all the states to varying extents), financial pressures (e.g. Austria, Ireland, Germany, Finland), domestic political change (namely the election of right-wing governments promoting variants of new public management, e.g. the UK) and the restructuring of domestic economies (e.g. the rapid development of the tourist industry in Spain or the decline of old, polluting state-owned industries in the UK).

General patterns of domestic change

Changes in content, structure and style

Table 14.4 offers a very simple summary of the main patterns of Europeanization. It reveals that the EU’s impact is indeed differential, i.e. it has affected the content of
national policy more deeply than national policy structures and policy style. But Table 14.4 does not reveal the full extent to which the EU’s impact varies across the ten states, the sub-sectors of environmental policy and even the three dimensions of domestic policy content. In other words, when looked at systematically, the EU’s impact in this sector is even more differential than is commonly assumed.

**Table 14.4 The overall extent of Europeanization in the ten countries c. 2000**

<table>
<thead>
<tr>
<th></th>
<th>Policy structures</th>
<th>Policy content</th>
<th>Policy style</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>accommodation</td>
<td>accommodation</td>
<td>absorption</td>
</tr>
<tr>
<td>Finland</td>
<td>absorption</td>
<td>accommodation</td>
<td>absorption</td>
</tr>
<tr>
<td>France</td>
<td>accommodation</td>
<td>accommodation</td>
<td>absorption</td>
</tr>
<tr>
<td></td>
<td>transformation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>accommodation</td>
<td>accommodation</td>
<td>absorption</td>
</tr>
<tr>
<td>Ireland</td>
<td>accommodation</td>
<td>transformation</td>
<td>absorption</td>
</tr>
<tr>
<td>Netherlands</td>
<td>accommodation</td>
<td>absorption</td>
<td>absorption</td>
</tr>
<tr>
<td>Norway</td>
<td>accommodation</td>
<td>absorption</td>
<td>absorption</td>
</tr>
<tr>
<td>Spain</td>
<td>accommodation</td>
<td>accommodation</td>
<td>absorption</td>
</tr>
<tr>
<td>Sweden</td>
<td>accommodation</td>
<td>absorption</td>
<td>absorption</td>
</tr>
<tr>
<td>UK</td>
<td>absorption</td>
<td>transformation</td>
<td>absorption</td>
</tr>
</tbody>
</table>

Thus, the effects of Europeanization are more apparent in relation to policy goals and the calibration of tools than policy paradigms and the introduction of new policy tools. The impact on structures has been less dramatic, incremental and mostly path dependent. The really big ‘machinery of government’ changes—e.g. the creation of new ministries or the merging of existing ones—have been triggered by domestic and mostly ‘non-environmental’ political demands. Policy style has not changed significantly, although it is difficult to disentangle the ‘EU effect’ from other causal factors (see below).

One striking feature of Table 14.4 is that every dimension of national policy has been Europeanized to some extent. It is telling that there are no examples of inertia (no change) or retrenchment (negative change). But the fact that inertia does not appear anywhere in Table 14.4 does not mean that the chapters are entirely devoid of examples. On closer inspection, there are instances in the case-study chapters of particular states seeking to hold back the Europeanizing effects of individual directives (e.g. the UK, France and Ireland in relation to water legislation, wild bird protection and waste management respectively), but there is no clear evidence that any state systematically engages in non-implementation to a large enough extent to be picked up by Table 14.4. Broadly speaking, the same holds for retrenchment: while there are specific instances (see below), it is not a pattern of change which characterizes whole categories of national policy. We might tentatively conclude that these two dimensions are of a more transitory nature and are thus more likely to be picked up by case studies of individual directives than more comprehensive analyses such as ours.

The first and most obvious explanation for this even more differentiated pattern is that it reflects the equally differentiated *modus operandi* of the EU, i.e. the EU primarily disseminates policy content (and especially goals and targets) not policy structures or a
new policy style. In the language of top-down Europeanization studies, the misfit (and hence the adaptive pressure) is therefore likely to be greater in relation to content than the other two categories. The EU has very little power to dictate the structure or the functioning of national public administrations (Bossaert et al. 2001:3; Goetz 2001:1040), or directly influence the policy style of a country. Directives (the main instrument of EU environmental policy) are mainly output-orientated—they specify the ends to be achieved but not the means of doing so. Another possible explanation might be that changes in the content of policy are more immediate, and hence visible to the analyst, than changes to the other sub-categories of policy, i.e. structure and style, which occur over longer periods of time. Although credible, this argument does not apply as well in a thirty-year study such as ours.

Moreover, neither of these explanations is capable of fully accounting for the observed variation within the three categories of national policy, although the EU’s modus operandi may be an underlying factor. Thus, the EU is a much stronger disseminator of policy goals and targets than policy instruments and policy paradigms. As regards policy structures, European integration is ultimately a legal process, enshrined in and underpinned by written legal texts. Therefore, it is not at all surprising to find that national legal systems have been especially deeply Europeanized (Alter 2001; Snyder 2001).

**Disentangling causal processes**

How do we know that these changes are direct manifestations of Europeanization? In Chapter 3 we said we would try to disentangle Europeanization from other drivers by using three devices: case selection (i.e. tracking the environmental policy baseline in a selection of old and new states over time); comparing (‘bottom up’) all the drivers, both national and international; and exploring the ‘counterfactual’, i.e. what would have happened without the EU. On balance, they show that Europeanization has probably only been a weak and indirect cause of the policy convergence reported above.

Taking case selection first, if we look at the member states that joined after 1970, the poorer states (Spain) joined with weaker environmental policies and even now are still some way behind the most industrialized states, although the formal, legal content of their national policies has been heavily Europeanized. In contrast, more industrialized states such as Finland, Austria and Sweden joined the EU in the 1990s with national environmental policies that were about the same as or (in some crucial respects) stronger than the environmental acquis. Meanwhile, Norway is still not formally a member state, but its policies are very similar to those of the EU. The obvious conclusion to draw is that domestic socio-economic changes are at least as (and probably more) important than Europeanization.

The bottom-up analyses conducted by the chapter authors reveal a large number of ‘non-EU’ drivers of domestic change, including domestic economic pressures (Ireland, Austria, Finland, Germany), new public management (the UK), national party politics (Austria, Germany and the UK) and long-term industrial transformations (Spain and Ireland). Interestingly, they also suggest that the EU’s ‘non-environmental’ policies (e.g. agriculture and transport) have greatly altered national environmental quality. In a way, this point confirms the danger of treating EU environmental policy as the main driver of
change. One corollary of this is that environmental policy may not be as ideally suited to a top-down approach as we originally assumed in Chapter 1.

Finally, each chapter provides a slightly different account of the counterfactual situation, but two themes recur. The first is that national environmental policies would undoubtedly have been modernized without the EU, but not nearly as quickly, as uniformly or as comprehensively as they have been with it (see in particular the chapters on Ireland, the UK, Spain and Germany). Thus, Britain would probably have continued to emphasize nature conservation measures while seeking to continue externalizing pollution. Germany, meanwhile, would have concentrated upon maintaining a very strong, technologically driven approach to pollution control, while downplaying the more procedural aspects. The second is that national environmental policies would probably not have been expressed to as great an extent in specific and quantified terms as we see today. This point is particularly true of the UK and Ireland, but is also relevant to countries such as Germany and Sweden, which already exhibited these features. We might conclude that Europeanization has removed the most obvious outliers (e.g. the UK’s peculiar system) and brought the environmental systems of the economically peripheral states (namely Ireland and Spain) up to the same level as the states in the more industrialized north.

Competing models of Europeanization: an empirical evaluation

Competing accounts of domestic change

Having described the main patterns of domestic change associated with EU membership and offered some intuitively appealing explanations, we now turn to consider how well they fit the theoretical frameworks outlined in Chapter 1. As the EU is our main independent variable, one might have expected to find a strong positive correlation between the length of membership and the depth of Europeanization, i.e. older member states should be more deeply and extensively Europeanized than newer member states. Our empirical analysis finds no support for this crude distinction. Some of the oldest member states have been quite moderately affected (e.g. the Netherlands and Germany), whereas more recent members (e.g. the Nordic states) have already made significant domestic adjustments since 1995.

Scholars have therefore developed more nuanced frameworks to account for the spatial and temporal pattern of domestic change. Although five of these were identified in Chapter 1, we elected to follow a top-down definition, which regards Europeanization as a process of domestic change inspired by the EU. How well does this particular interpretation explain the patterns of change described above? At one level, the misfit concept does provide a very neat and simple explanation for the patterns described above. Clearly the UK did misfit with the approach that the EU increasingly adopted in the 1970s and 1980s. It moved into line during the 1980s and 1990s by adapting domestic policy in ways that amounted to a significant Europeanization of the pre-existing situation. On the other hand, policy in the Netherlands—the EU’s ‘Mr Average’—was (and to a large extent remains) congruent with EU practices. Consequently, the
Europeanization of national policy has been correspondingly low. With some caveats, the same is generally true of Germany, Sweden, Norway and Austria.

However, one problem associated with the misfit concept is that it can easily be used too mechanically. Some have claimed that there may in fact not always be ‘a coherent, rational layer of “EU decisions” from which Europeanization descends’ (Radaelli 2003:31). This is, at least potentially, a fundamental problem: if there is no clear ‘top’, then top-down models are obviously inappropriate. Our case selection is helpful here because in Chapter 1 we identified the environment as being an inherently ‘top-down’ policy sector, comprising clear legal rules. Our empirical evidence suggests that this assumption may now need to be rethought because, although the EU specifies minimum standards which states are free, by and large, to exceed, it does not normally require every state to take exactly the same implementing steps or achieve the same environmental outcomes. Typically, directives contain myriad ‘escape devices’ (Rehbinder and Stewart 1985:255), e.g. the designation of improvement zones or protection sites, which states can use to fine-tune the EU’s requirements to their national circumstances. It is also common practice among states to reinforce this feature by attaching unpublished ‘minute statements’ to policies adopted in the Environment Council (The Economist, 16 September 1995:59). So, one way or another, EU environmental policy is highly differentiated well before it is implemented (differentially!) at the national level (Krämer 2000). It is very difficult to square this with a rigid, top-down model of Europeanization.

In addition, simple top-down models also do not adequately explain the precise timing and patterns of domestic change described above, or the preemptive tactics employed by different actors to achieve them. It is also not obvious that there has to be a misfit to generate domestic change. For example, in the Netherlands, we often see national policy developing at the same time as, but separate from, EU policy. This is logically consistent with top-down models, but softer forms of policy transfer or ‘benchmarking’ between states are not (i.e. definition 5, Chapter 1). Good examples of the importance of the latter are to be found in relation to NEPIs or during the initial development of a policy area, when the EU’s competence is still contested. For these and many other reasons (e.g. the ‘inside out’ impact of states on the EU—see below), it is very hard to stick rigidly to a top-down definition and ‘bracket off’ other influences. Although the misfit concept provides a very crude predictor of domestic change, other factors need to be considered.

**Additional intervening variables**

In Chapter 1 we identified a number of intervening variables that could also be considered. The first was the number of veto points. The implication here is that the higher the number of veto points, the less likely domestic adaptation is to occur. Our cases (see Table 14.4), however, reveal no consistent difference between federal states with more veto points and more unitary states with fewer veto points. There also appears to be no consistent link between the depth of Europeanization and another potential variable—the degree of domestic societal support for European integration: there are deeply Europeanized states that take a minimalist view of integration (e.g. the UK) and those that are much more supportive (e.g. Ireland). At first sight, a far better predictor of national change is the level of domestic political support for environmental protection.
Thus the most Europeanized states in Table 14.4 (namely Spain, Ireland and the UK) have generally exhibited lower than average levels of political support. On the other hand, leader’ states with more environmentally demanding publics such as Germany, Sweden, the Netherlands and Austria have been far less Europeanized across all three domains of policy.

There are, however, two potential dangers in pursuing this line of argument. The first is that, although the level of environmental ambition is negatively correlated with the depth of Europeanization, one has still to explain the differential Europeanization of the three components of national policy (or, indeed, the variations within any one component, e.g. policy content). Second, and more important, a given level of environmental ambition may be auto-correlated with the level of misfit (i.e. more environmentally progressive societies tend to have more progressive environmental policies).

Another potentially important intervening variable is the presence of ‘norm changers’—that is actors who are sufficiently well motivated and resourced to exploit misfits. At this point, it becomes very difficult to identify a priori the precise conditions under which a misfit will produce domestic change. Much depends on what is being Europeanized. Clearly, some changes (e.g. the amendment of national legal structures) are fairly straightforward to make or generate additional benefits (e.g. the improvement of internal co-ordination arrangements). Others (e.g. the wholesale reorganization of national permitting systems, the retrofitting of power stations or the construction of new water treatment facilities) require much greater spending and are thus much less likely to occur without sustained political pressure. This explains why the EU appears to have succeeded rather better at Europeanizing (i.e. harmonizing) national legal systems than national polities or policy outcomes.

Norm changers do not simply exploit an objective misfit; they may in effect also socially create them by complaining to the Commission about non-implementation, or exerting political pressure on it to adopt more ambitious rules in the first place. Environmental pressure groups in the UK have done this to spectacular effect, and to a much lesser extent in Spain and Ireland. Interestingly, ‘progressive’ industries that have a competitive interest in pushing strict environmental policies may also play this role (so-called ‘helper interests’, cf. von Prittwitz 1990). However, there must also be personalities in EU institutions willing to respond to these demands. Often, unless and until the Commission’s infringement procedure is triggered, ‘paper’ misfits will not translate into domestic change.

**Domestication as a proactive strategy**

Another criticism levelled at top-down models is that they overlook the two-way interaction that occurs between states and the EU. This criticism is commonly voiced by those who prefer a more recursive, two-way view of Europeanization (e.g. Bomberg and Peterson 2000:8). At a very general level, the case studies suggest that all ten states are engaged in a regulatory competition to set (or ‘domesticate’) the European ‘rules of the game’ by uploading national models (see Chapter 1). Every single chapter provides compelling examples of when a state or group of states has sought to upload aspects of policy content to the EU. The Netherlands has been conspicuously concerned with
promoting long-term strategic planning, environmental impact assessment and ‘good
governance’; Germany in particular has sought to promote uniform emission limits and
the use of BAT, as well as measures to reduce car pollution. Still other states have tried to
upload generic issues rather than specific approaches, for example chemicals (Sweden),
transport (Austria) and water supply concerns (Spain). Finally, deeply Europeanized
states (i.e. Spain and Ireland) have not consistently uploaded anything, although Ireland
has long-standing reservations about nuclear power (especially in the UK), and Spain has
successfully argued for EU cohesion funding (i.e. a subsidy for fitting domestic pollution
control facilities).

These uploading activities are so strongly patterned across our ten cases that it is
possible to construct a very crude typology of the main types. Figure 14.1 relates
the degree of proactivity to the level of domestic change. It suggests that the countries that
have been most deeply engaged in uploading policies to Brussels are also those that are
the least Europeanized. Simplifying greatly, the well-known ‘pioneers’ in our sample (i.e.
Germany, the Netherlands and Sweden) have had to adapt the least, whereas some
aspects of policy in Spain and Ireland have been completely transformed by EU
membership. These two groups could be crudely labelled as policy ‘shapers’ and policy
‘takers’. The UK originally also belonged to the group of heavily Europeanized policy
‘takers’ but started to adopt a more active stance in EU environmental policy from the
1990s. An intermediate grouping of states comprising France, Finland and Austria has
consistently neither ‘shaped’ nor ‘taken’ EU policy since joining. Norway can

<table>
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<td>maker</td>
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weakly Europeanised

Austria, Germany

Finland, Sweden

Norway

strongly Europeanised

Ireland, Spain

UK

Figure 14.1 Patterns of domestic action and domestic impact c. 2000

also be placed in this category because, as a non-member of the EU, it has never fully
been in the formal position to ‘shape’ EU policy. It has nevertheless been able to limit the
impact of the EU on national environmental policy as compared to policy ‘takers’.

In Chapter 1 we identified some of the more conceptual disadvantages of relying on a
recursive definition of Europeanization. Our empirical research suggests several more.
First, Figure 14.1 does not necessarily imply that there is a direct causal link between the
desire to upload and the depth of domestic adjustment. With the exception of the UK’s
shift from the late 1980s, countries do not decide to invest in uploading simply in order to
limit the degree of Europeanization. There are many variables intervening in this process
(see above). To mention just a few: a generally positive attitude towards European
integration is likely to increase the willingness to put considerable effort into uploading
(or ‘constructive pushing’, see Liefferink and Andersen 1998, e.g. Germany, the
Netherlands), whereas a high public and political profile of environmental issues ‘at
home’ may have a similar effect (e.g. Sweden and the UK since the late 1980s). On the
other hand, those countries that generally regard European integration as a force for national good are more likely passively to ‘take’ environmental policies suggested by the EU (the Mediterranean countries, Ireland and, to a lesser extent, Finland). Figure 14.1 thus shows an end effect rather than a direct causal relationship.

Second, although the flow of influence may well be recursive, analysts must account for the enduring patterns of uploading and downloading to avoid it becoming an empty truism. For instance, states appear to be good at shaping certain aspects of EU policy while passively taking other aspects. The UK chapter, for example, shows that it has actively exported proposals to improve European governance (better implementation, greater integration, etc.), while at the same time passively accepting others (e.g. local air quality directives and some of the more recent waste directives) but implementing them very actively. Similarly, the two Nordic member states in our sample have passively accepted much of the environmental acquis, while actively uploading policies associated with chemicals, transparency and sustainability.

Third, it is obvious from the chapters that there are directives which have provoked significant national adaptations in all countries, including those that originally championed them, e.g. the Drinking and Bathing Water Directives, the Nitrates Directive, and the Habitats and Wild Birds Directives. This suggests that there are some directives that misfit with all national policies, in spite of the repeated attempts to domesticate them, i.e. the dominant flow of influence is top down. Moreover, proaction may, on occasions, generate unintended consequences. The case studies are replete with examples of an uploaded policy ‘backfiring’ and causing much more domestic change than the original champion intended. The best examples are the UK (IPPC), the Netherlands (nature conservation) and Germany (various air pollution directives). Therefore, the misfit concept may not be applicable in all cases but it is applicable enough to be worth retaining.

Finally, recursive models struggle to explain why the pattern of ‘taking’ or ‘shaping’ varies over time. The UK is a good example of a ‘taker’ that has transformed itself into much more of a ‘maker’. Germany, on the other hand, has shifted in the other direction, ‘making’ important areas of EU policy in the 1980s, only then to lapse into a more passive period of ‘taking’ in the 1990s. The chapter authors analyse the precise reasons for these changes, but the most important overall point is that they cannot be understood simply as a response to ‘outside pressures’ from the EU or ‘inside out’ pressure exerted by states on the EU (e.g. by uploading successful national policies). Rather, they demonstrate the intricate interrelationships between European integration and Europeanization.

Domestic policy change: convergence, divergence or resilience?

General patterns

Having mapped out the overall pattern of Europeanization in the ten countries, we are now in a better position to determine how far these national-level adaptations have produced (or are producing) a common European ‘model’ of policy. It is worth stating at the outset that the initial perception that national policy systems were very different but
have become more similar under the influence of the EU is not borne out by the policy baselines described in Chapter 3. On the contrary, there was already a great deal of similarity in 1970, especially with regard to the content and style of national policy. Thirty years later, state policies have not converged upon a single, European ‘model’ of policy, but neither have they stood still.

These very general observations notwithstanding, the precise level of change can only realistically be measured by looking at the three elements of policy-structure, content and style—one at a time, as some appear to have converged more than others. Broadly speaking, content has converged slightly more than style and structure, but none has converged strongly. The approach to national policy has become more preventative, at least in a number of countries, but this is not entirely due to the EU. The main goals are more likely to be expressed in terms of source-based emission limits, which can be reliably attributed to Europeanization (see above). Also, the national legal structures of the ten are more similar than they were in 1970, largely because of the EU’s influence. However, policy styles continue to differ. In fact, it is striking that several states actually replicate their domestic policy style when they negotiate in Brussels with EU institutions (see, for example, the chapters on the UK, the Netherlands and Germany).

There are also instances where the EU has produced greater divergence (i.e. retrenchment) by encouraging states to stress the uniqueness of their national approach. The UK, for instance, developed its assimilative policy ‘paradigm’ when challenged by the Commission to adopt a more harmonized approach. The same could be said of chemicals policy in Sweden. Finally, by stressing the intellectual coherence or uniqueness of their domestic approaches, some countries have sought to make them more uploadable (e.g. Germany post-1982).

**Mechanisms of convergence**

In Chapter 2 we examined different variants of the new institutionalism to ascertain how well they could account for these patterns and found them to be wanting in several important respects. In order to pinpoint the possible mechanisms of EU-induced convergence, we instead turned to Colin Bennett’s four mechanisms of convergence. First, we can see that harmonization indeed plays an important role across our ten cases, but mainly in relation to the content of national policy. The influence of the EU, moreover, appears to be restricted to the more concrete aspects of policy content, i.e. the choice of policy instruments and particularly the setting of those instruments. Individual directives and regulations, by their binding and often detailed character, pushed national policies in similar directions in their specific operational fields. In spite of frequent instances of poor implementation ‘on the ground’, this effect is certainly impressive—and larger than any other international regime has so far accomplished. But this ‘top-down’ harmonizing effect has not prevented individual states from innovating with non-legislative instruments such as voluntary agreements and market-based instruments, as the EU competence in these areas is either weak or still poorly defined (Mol et al. 2000; Jordan et al. 2003). The EU’s massive harmonization of specific policies, moreover, has failed to have a significant indirect effect on the fundamental goals and principles of national environmental policies. In fact, underlying paradigms of national environmental policy appear to have remained remarkably stable over the last thirty years. This suggests
a more limited role for other mechanisms such as emulation and elite networking (but see below).

With regard to national policy structures and styles, a specific sort of *penetration* appears to be the main mechanism at play. Our cases show that, in various ways and to various degrees, national institutions and styles have adapted to the way decisions are made in Brussels. For instance, in order to work more effectively in the Environment Council, states have strengthened their environment ministries by creating co-ordination units, instituting training programmes and developing new, more EU-focused, working practices. At the same time, the influence of national parliaments and sub-national levels has diminished and opportunities for NGOs have increased. In some cases, this adaptation may have been the result of a conscious effort, e.g. the creation of an environment ministry (e.g. Spain) or new interdepartmental co-ordination mechanisms. In other cases, the effect may rather have been unintended—and perhaps undesired. The disempowerment of national parliaments and the interference with traditional consensus mechanisms in some countries, in particular, appears to be the unintended consequence of complicated procedures, tight deadlines and the relatively technocratic style of policy making in Brussels. This combination makes it very difficult for actors outside a well-informed and well-resourced ‘in crowd’ to become consistently and deeply engaged in EU-related issues. What is at stake here is not the harmonization of national rules. If Bennett describes penetration in general as states being ‘forced to conform to actions taken elsewhere by external actors’ (Bennett 1991:227), what we have observed may perhaps be characterized as *procedural penetration*, i.e. the need for states (or actors operating at the member-state level more generally) to conform to procedures followed elsewhere.

In our cases, the two remaining mechanisms in Bennett’s scheme, *emulation* and *elite networking*, appear to be of limited importance. Long before the EU’s involvement, learning from foreign examples must have played a role in the diffusion of various types of policy instruments over Europe and in the establishment and organization of environment ministries. Within the context of the EU, however, little impact of emulation and elite networking could be demonstrated in the dissemination of fundamental ideas and conceptions of environmental policy, an area where policy learning is often assumed to be particularly relevant (e.g. Rose 1991). With its frequent interaction between policy makers also on strategic issues, the EU is in principle well equipped for accommodating such learning processes. The successive Environmental Action Programmes, in particular, have promoted a preventative approach to environmental policy, increasingly inspired by ideas of ecological modernization (Weale 1993). Nevertheless, the impact of this has been limited mainly to member states that were susceptible to these ideas anyway. As far as emulation and elite networking across national borders have been instrumental in preparing the ground in these countries, moreover, the impact of the EU inextricably mixes with that of learning from geographically or politically ‘neighbouring’ countries directly or in the context of other international organizations, such as the UN (and the Brundtland report), the OECD, etc. This suggests that the sociological institutionalist idea that cultural norms diffuse transnationally is by no means obvious. At the same time, it does not exclude the possibility that emulation and elite networking may play a role at a more specific level, for instance with regard to the organizational implementation of certain directives (Zito 2000).
**Different yardsticks of convergence**

Much, however, depends upon how we choose to define ‘policy’. In this book we have mostly been concerned with the content of national policies (i.e. that which is written down in legal texts) as well as the administrative structures and styles of policy. Our cases do not offer a detailed exploration of how far structure and content have affected policy outputs (i.e. the sub-national interpretation and implementation of EU laws) and barely consider policy outcomes (i.e. the actual changes in environmental quality brought about by the EU’s interventions). In terms of outputs, we noted above that differentiation is built into the fabric of EU environmental directives. Thus, it is common to find that something as apparently simple as a term like ‘BATNEEC’, which is supposed to harmonize national practices, is interpreted very differently (Weale et al. 2000:451).

Furthermore, the Commission’s ability to ensure that states actually implement these ‘fine-tuned’ requirements in their own domestic territories is surprisingly weak, thus further diluting any Europeanizing pressure emanating from the EU (Jordan 2002).

But if we move on to assess long-term policy outcomes, it is even harder to detect any consistent policy convergence. The chapters clearly reveal that, even when states adopt the same directive, it is often implemented very differently. Non-implementation provides one explanation for why the content of national policy in states such as Ireland and Spain has been transformed by the EU but their overall environmental performance remains comparatively weak. Irrespective of whether differential implementation is legal or not, it is almost certainly one of the reasons why levels of environmental quality in the EU are not converging strongly (Neumayer 2001). Moreover, for all its complexity and impressive scope, EU environmental policy does not appear to have produced (at least yet) a strong societal demand for high levels of environmental quality in each and every member state. One of the main conclusions of the chapters on Spain and Ireland was that the domestic political demand for environmental parity with the more industrialized parts of the EU (as expressed through public opinion surveys and votes for green parties) remains comparatively weak in spite of the Europeanization of national policy.

These findings raise an important question: if we do not find ‘deep’ Europeanization and secular convergence in the environmental sector (which is relatively top down and has evolved over three decades), in what other policy area are we likely to find it? Monetary and internal market policy are strong candidates, but in the absence of comprehensive assessments of Europeanization in other EU policy sectors it is very difficult to make comparisons.

**Looking to the future**

The purpose of this concluding section is to summarize our main findings, analyse the utility of the theoretical frameworks described in Chapter 1, and look forward to the next phase of research on comparative environmental policy in the EU. In response to the first question posed in Chapter 1, our main finding is that each and every state has been Europeanized to some extent. The EU has affected domestic environmental politics, policies and administrative structures, often in profound and long-lasting ways. Even those states with long-established and environmentally ambitious policies have been forced to adjust their domestic practices so that they align more closely with EU policies. This is an important finding in itself, as there is a common perception that a core of
northern, highly industrialized member states, namely Germany, the Netherlands and Denmark (supported, on occasions, by Sweden, Finland and Austria), form the political powerhouse of EU environmental policy making. It is sometimes assumed that this core group successfully disrupts settled patterns of policy development in the less industrialized and geographically peripheral parts of Europe (namely Ireland, Spain and Portugal) but is itself untouched by the EU’s influence.

Our empirical research confirms that the EU’s impact is indeed differential. But, if anything, it suggests that the level of differentiation is even higher than that uncovered by second-generation Europeanization studies (see Chapter 1). In particular, there are significant variations across the ten countries, the various sub-sectors of environmental policy, and even the three dimensions of national policy. These patterns have partly arisen because states began from different starting positions, and also because states have been unevenly successful at shaping EU policy in their own image. They can also be attributed to the way in which the EU works (as a disseminator of policy goals and targets, not styles and structures).

Our response to the second question is that a systematic comparison of state policies in 1970 and 2000 at best finds evidence of very modest convergence. The EU’s contribution to this secular process of change is actually quite small as compared to other causal processes such as domestic industrial and societal change. Its greatest contribution has been to add sharpness and a greater sense of urgency to the policy convergence that would have occurred anyway. This finding resonates more strongly with theories of divergence than those predicting strong or sustained convergence. States have not, as some sociological institutional theories suggest, responded automatically to a new set of cultural norms forming at the EU level. Rather, national policies appear to be deeply rooted in history, changing only very slowly in response to external pressures. It is probably impossible to determine precisely whether weak convergent pressure from the EU or the resilience of national institutional forms is the dominant causal factor.

Europeanization is undoubtedly a fashionable term, but (Olsen 2002:937) ‘is it useful?’ Our response is emphatically ‘yes, it is’. Even though the EU has not completely overturned domestic structures and policy styles, its influence has nonetheless been highly significant in a relatively short period of time. National politics (as distinct from policy) has been significantly transformed by EU membership and to that extent cannot be properly understood outside of an EU frame of reference. Second, there are many instances where the EU has directly affected national policy. These provide fairly clear-cut symptoms of Europeanization at the national level (and particularly with respect to the content of national policy), and their timing and distribution deserve to be documented empirically, not least because they often provide an important trigger for national policy and politics. The two-way interaction between the national and the European spheres was generally overlooked by the three streams of research that gave rise to the Europeanization ‘turn’ in EU studies (see Chapter 1). Europeanization scholars are now well placed to inform future work on European integration, implementation and domestic politics respectively.

If Europeanization offers a new and valuable perspective on the EU, which of the five perspectives described in Chapter 1 holds the most promise? The first point to make is that many of the models were developed on the basis of quite narrowly defined case studies. Although we chose to adopt a top-down view of Europeanization, our rather
more comprehensive empirical assessment has identified flaws in all five approaches. It has also raised a series of more general questions about the assessment of causality and the measurement of political change which are shared by most if not all areas of social sciences. We originally suggested that it was more meaningful to restrict the term ‘Europeanization’ to national adaptations to EU requirements. However, our empirical analysis demonstrates that it may not even be as ideally suited to a strongly regulatory policy area such as the environment as was first thought. Moreover, the empirical reality described in the case-study chapters is very hard to explain by bracketing off the ‘inside out’ impact of states on the EU. To the extent that states use the EU to upload their preferred policies (and thereby circumvent Europeanization), the EU is at best only an intervening variable.

We discovered that the level of ‘fit’ or ‘misfit’ between the EU and national policies provides a simple predictor of Europeanization. However, conscious human agency also plays an important part in modulating the long-term impact of any misfit. The most obvious action a state can take to circumvent misfits is to upload policies of its own to the EU. The UK has employed this strategy to particularly good effect since the early 1990s. However, the relationship between the depth of Europeanization and the eagerness to ‘shape’ (rather than ‘take’) EU rules is not at all clear-cut (Figure 14.1). There are, for instance, deeply Europeanized states such as Spain and Ireland that continue to ‘take’ policy from the EU, i.e. they show little willingness to circumvent Europeanization by uploading national policy models to the EU. At the same time, there are very weakly Europeanized states such as the Netherlands and Sweden that continue to pursue a highly proactive environmental stance in the EU.

There are two obvious directions in which work on Europeanization and convergence might now travel. The first is to pursue more detailed comparative work. Much more can be learnt from describing and explaining the patterns of Europeanization in other, non-environmental sectors, where the empirical base is not as well developed. Such research might explore how far the depth of Europeanization in various sectors can be related to the length of the EU’s involvement (i.e. is it less significant in policy areas where the EU’s competence is less well or more recently developed?), or the mode of the EU’s action (i.e. positive or negative integration?).

The second is to be less parochial and undertake more comparisons with states lying outside the EU. At the moment, it is difficult to make relative statements about the depth of Europeanization or the extent of convergence because we know so little about similar processes in comparable political contexts. There is certainly plenty of policy resilience to be found in much more federated political systems such as the US and Canada (Scheberle 1997; Harrison 1996), Australia (Holland et al. 1996) and Germany (Rose-Ackermann 1995), in which case it may be unrealistic to expect deep Europeanization and significant convergence in such a new and partially formed political system as the EU. More comparative studies may also help to disentangle the EU’s impact from other causes. The main problem here is that there are probably only a very small number of countries that are sufficiently similar to EU member states (e.g. Australia or New Zealand) to permit good comparative work. We have shown that Norway provides a highly revealing test case, but it is not entirely unproblematic.

Finally, Europeanization research is worth pursuing because it could eventually shed new light on the old debate about European integration. The rivalry between inter-
governmentalists and their critics reached an impasse in the late 1990s (Jordan 2001), since when other organizing perspectives such as (multilevel) governance have come to the fore. By studying Europeanization, it may be possible to better understand the extent to which states actually achieve their objectives in the EU. One of the most striking findings of the chapters assembled in this book is that for many states (and not just the weakly co-ordinated policy ‘takers’) Europeanization has been an unpredictable and at times disruptive process. This casts serious doubt on the inter-governmentalist claim that states are remote from, and largely in firm control of, the integration process. Our detailed study of the long-term domestic consequences of European integration—i.e. Europeanization—powerfully reveals that this claim attributes to states far more autonomy and control than the evidence warrants.

Notes
1 We critically examine the basis of this assumption more fully below.
2 We critically examine the basis of this assumption more fully below.

Bibliography