

THE TRANSFER OF ENVIRONMENTAL POLICY ARRANGEMENTS: THE IMPORTANCE OF THE NATIONAL CONTEXT

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ABSTRACT

The process towards European integration has changed the political setting of national governments in Western Europe fundamentally. This forces national governments to reconsider and reform the institutional arrangements of national policy making. From a rather naïve standpoint one could argue that European integration imposes similar approaches to the member states. This paper analyzes the process of adaptation of policy approaches within member states. Next to describing recent developments in the environmental policy of the EU, the paper contains data on the developments in five member states: the Netherlands, United Kingdom, Spain, Denmark and Germany. These countries have been chosen to provide a broad cross-section of environmental policy in Europe. For each country we have analyzed (1) the general institutional system, (2) the development of environmental policy within it, with (3) a focus on industrial environmental regulation; in relation to the process of European integration. The results show that in some areas convergence can be found, while other areas of policy-making seem to be untouched. The national context of policy-making proves to be more resistant to change than one would expect at first sight. Besides the description and analysis of recent developments in the European context, the paper critically assesses the feasibility of policy transfer. To what extent can countries learn from each other?

Key words: European Union, environmental policy, policy transfer

1. INTRODUCTION

The process towards European integration has changed the political setting of national governments in Western Europe fundamentally. This forces national governments to reconsider and reform the institutional arrangements of national policy making. Research clearly shows that Europe matters to domestic developments, but how and when is still controversial (Börzel 1999). The question on a possible convergence of national policy arrangements is becoming more and more salient in this respect. From a rather naïve standpoint one could argue that European integration imposes similar approaches to the member states. However, empirical studies currently available give a mixed picture at best (e.g. Unger and Van Waarden 1995, Weale et.al. 1996, Haverland 1999). In some areas convergence can be found, while other areas of policy-making seem to be untouched. The national context of policy-making proves to be more resistant to change than one would expect at first sight. It is the role of this national context that we focus upon in this paper.

Two major questions stand central: (1) What elements of the national context seem relatively untouched by processes of European integration? (2) Through what mechanisms can these elements persist change? In this paper we will deal with both questions, focusing on the field of environmental policy. Environmental policy is an interesting field of study, since it is highly regulated by the European Union. Moreover, national environmental policies without an international dimension would often be quite meaningless, due to the international nature of many environmental problems. Environmental policy is an interesting field of study, since it is highly regulated by the European Union. If convergence does happen, the field of environmental policy is a likely candidate. Arguments will be derived from a research project that was started up in 1999 (as part of a research program of the University of Twente called "National Sovereignty and International Dependency"). This research project aims at mapping and explaining changes in national policy arrangements on environmental affairs. The central aim of our research is to determine whether national arrangements on environmental affairs within the European Union are converging and furthermore to explain this process.

Most emphasis in this paper is put on the empirical part of the project. We are studying the developments in five countries: the Netherlands, United Kingdom, Spain, Denmark and Germany. For each country we have analyzed the general institutional system; the development of environmental policy within that system, with a focus on industrial environmental regulation. We have analyzed in particular the developments on three areas: EMAS (EU regulation), IPPC (EU directive) and the use of voluntary agreements. The developments on these specific areas are placed however within the general context of national environmental policy developments during the last two to three decades.

In this paper we report on the first empirical results of our research. It is truly work in progress since data collection is still going on. We start with introducing some environmental policy developments at the European level (section 2). Next we elaborate on our theoretical perspective (section 3). Then we turn our attention to developments at the national level. In section 4 the general context in our case-countries is described, where in section 5 we focus on the three specific areas of study. We end with some concluding remarks (section 6).

2. EUROPEAN ENVIRONMENTAL POLICY

The broad direction of European environmental policy is laid out in Environmental Action Programs. Since 1973 five Environmental Action Programs have been published. The current 5th Environmental Action Program (5EAP) is called "*Towards Sustainability*" (CEC, 1993)¹. It covers the period between 1993-2000. The program sets longer-term objectives in a more integrated approach and focuses on a more global level than previous programs. Some scholars even speak of a radical change (e.g. Kronsell 1997). Where previous programs had somewhat the character of a shopping list, 5EAP is a more detailed, comprehensive plan, spanning more issue areas and aiming at external integration. It follows a thematic approach with targets formulated for the short-, middle- en long-term, instead of focusing on problems in different environmental media separately. Instead of a focus on environmental problems 5EAP focuses on sectors and activities with an emphasis on changing current patterns of development. The involvement of partners such as national governments, business and consumers is seen as crucial. In this respect

¹ The 6th Environmental Action Program will be published soon.

5EAP speaks of *shared responsibilities* between governments, business and the general public. Based on their environmental impact five key sectors are chosen to focus upon in 5EAP: Industry, energy sector, transport, agriculture, and tourism. In my study we focus upon industrial environmental regulation. The long felt contrast between industrial development and environmental protection is dissipating in environmental and industrial policy in Europe. A tough environmental policy is seen as an incentive for the modernization of industry. Current policies build on the ideas of ecological modernization (Butt Philip 1998: 265-266)². One of the key messages of 5EAP is that industry is not only part of the problem, but also part of the solution through the development of new processes, technologies and products. Also companies are most likely to have the knowledge to realize the solutions. Where environmental policy aiming at industry formerly consisted mainly of regulation with an emphasis on prohibitive rules, the focus in 5EAP shifts to cooperation and shared responsibility.

Out of the understanding that the ultimate goal of sustainable development can only be achieved by concerted action on the part of the relevant actors working together in partnership, 5EAP aims at a mixing of actors and instruments at the appropriate levels (CEC 1993: 113). One necessary way to get shared responsibility is the broadening of the use of policy instruments. The broadening of the set to policy instruments beyond direct regulation is one of the key orientations of the new approach. During the last decade the EU has promoted a well-developed mix of policy-instruments. On the one hand new, innovative approaches are introduced. On the other hand efforts are made to strengthen and transform national systems of direct regulation.

The basics of this framework can be recognized when looking at concrete policy-initiatives or the specific use of instruments. Below we highlight three specific areas to this end: the Integrated Pollution Prevention and Control directive; the EMAS regulation; and the use of voluntary approaches. These areas cover the broad field of industrial environmental regulation (with initiatives aiming at both voluntary approaches and mandatory regulation). These areas therefore form outstanding examples of current environmental policies of the EU.

Integrated Pollution Prevention and Control directive IPPC (Council Directive 96/61/EC)

The IPPC directive is intended to change and harmonize the environmental regulation of industry in member states. The directive calls for emissions to all media to be considered simultaneously and it establishes a waste hierarchy. IPPC has two leading principles. First, regulation must take the environment as a whole, instead of regulating separate environmental media (air, water, waste, ...). Previous approaches often ended up in transferring pollution from one medium to another (Haigh and Irwin 1990). Second, emission standards are to be based on the 'Best Available Techniques' (BAT). BAT means that in principle the most effective technology must be used, but under economically and technically viable conditions. The objective of IPPC is to achieve integration of prevention and control of pollution from a number activities including chemical, mineral and energy industries, waste management and metal processing and production (above a certain size). It imposes common requirements for issuing permits to large industrial sources of throughout the EU.

² The core of ecological modernization theories consists of four principles (e.g. Gouldson and Murphy 1996: 14):

- environment and economy can be successfully combined;
- technology plays a essential role in this successful combination;
- external integration of environmental policies;
- alternative and innovative policy measures.

The directive itself was published in 1996. New or significantly altered installations had to be regulated by October 1999. The directive has little to say about the institutional framework in which it must be applied (Gouldson and Murphy 1996:46). Member states may choose to have one agency issuing permits, or may opt for a coordinated permit issued by different agencies.

The European Commission organizes an exchange of information on Best Available Techniques (BAT), following the requirements of article 16.2 of the IPPC-Directive. The result of the information exchange will be laid down in BAT Reference documents (BREF's). In order to supervise the information exchange, the European Commission has established the Information Exchange Forum (IEF), which serves as an advisory body with members from Member States and Industry. The IEF meets twice a year with a membership of around 50. BREF's are produced for each industrial sector mentioned in Annex 1 of the Directive. In total approximately 30 BREF's will be produced, covering some 50 industrial activities. For each BREF, a Technical Working Group (TWG) is established with experts from Member States, Industry and Environmental NGO's. The task of the TWG is to provide and validate the available information and to report the results of the information exchange to the IEF. The European IPPC Bureau in Seville, which was especially installed for this purpose, facilitates the work of the TWG's.

Eco-Management and Audit Scheme EMAS (Council Regulation No. 1836/93)

EMAS is a voluntary scheme in which industrial sites with a sufficient level of environmental management can be registered. EMAS is aiming at continuous improvements through the implementation of systematic environmental management, auditing of environmental achievements and public disclosure. Central stands the publication of an Environmental Statement. Part of this statement are descriptions of the company's activities, its environmental performance including figures, factors that influence this performance, plus the system of environmental management that has been implemented. The statement has to be verified before being publicized. EMAS is operational since 1995³. Since EMAS is a regulation it does not require transposition at the national level. It does demand that member states establish structures to promote and administer the scheme (Gouldson and Murphy 1998: 61). For this a competent body must be established that holds and maintains a register of registered sites. Furthermore a body and system must be established to accredit independent environmental verifiers. Although it is a voluntary scheme, a link with mandatory regulation must exist. Until now more than 2000 sites throughout Europe have been registered (EMAS Helpdesk).

Voluntary approaches

The fifth Environmental Action Plan opts for a new approach for environmental policy. It is aimed at integrating EU policy-making into a sustainable framework for economic and social development. In this respect, the need for a broadening of the range of policy instruments to complement direct regulation is recognized. The concept of shared responsibility calls for a further development of the relationships with target-groups, such as industry. Industrial interest groups also gave strong support to voluntary approaches (Lé vêque, 1997). Environmental agreements are thought to have the ability to bring about

³ Article 20 of the EMAS Regulation calls upon the European Commission to review the scheme within five years after its entry into force. On the basis of the review process conducted in 197/1998, DG-XI has prepared a Proposal for a new EMAS Regulation. This Proposal was adopted by the Commission on 30 October 1998 and published in the Official Journal on 22 December 1998. The new EMAS Regulation is expected to enter into force soon (EMAS Helpdesk). The main improvements concern the compatibility with international standards, e.g. ISO 14001, the coverage of environmental impacts, and better and more flexible environmental reporting on all aspects of a company's environmental impacts.

cost-effective solutions when implementing environmental objectives in advance of and in supplement to legislation.

Following 5AEP in November 1996 the Commission has sent a communication to the Council and to the Parliament (COM (96) 561 final). This Communication concludes that *“environmental agreements with industry have a important role to play within the mix of policy instruments (...). They can offer cost-effective solutions when implementing environmental objectives and can bring about effective measures in advance of and in supplement to legislation.”* It also contained guidelines for the effective use of environmental agreements, plus the conditions under which such agreements can be used (CEC, 1996). After all the use of voluntary approaches in environmental policy is not undisputed. Important issues of debate are the effectiveness of voluntary approaches, the transparency of agreements and the issue of responsibility for target setting (e.g. Lévêque 1997).

Since the late 1980s, we have seen an increased use of voluntary approaches. A recent study listed more than 300 voluntary agreements that are in place throughout the Union at the national level (EEA 1997: 24). At Community level however these new instruments are hardly used.

In this project we are mapping the developments at the national level and more specifically the way in which member states deal with the developments on the three areas describes above.

3. STUDYING THE PROCESS OF CONVERGENCE

Central in our research stands the question on possible convergence of national approaches in the environmental policy field as a result of European integration. Convergence can be defined as ‘the tendency of societies to grow more alike, to develop similarities in structures, processes, and performances’ (Kerr 1983: 3). Unger and Van Waarden add to this definition that convergence refers to a process, not a state (1995: 3). Convergence in their perspective means that two variables approach each other as time elapses. Therefore there must be movement over time towards each other. A central question in our research is *what* converges. A common distinction can be made between processes (for instance processes of interest formation and integration), policies (for instance targets, instrumentation) and institutions (for instance political institutions, public administration, economic institutions) (e.g. Van Waarden 1995, Ham and Hill 1993, Börzel et.al. 2000). Processes of Europeanization can affect all three dimensions.

Convergence is not a process that takes place autonomously. There must be a driving force, since institutions develop robustness towards changes in their functional and normative environments, as well as towards reform attempts (Olsen 1997: 161). So the next question is *how* does convergence come about? Here we use the concept of “goodness of fit” (see Börzel et.al. 2000; Risse et.al. 2000). The goodness of fit between European developments and the domestic situation determines the level of adaptational pressures. Risse et. al. (2000) notice that in cases of a near match, EU rules and regulations can be easily incorporated and complied with in the domestic setting. In other cases, European norms and practices might run completely counter to domestic arrangements. In the latter case, high adaptational pressure develop. What interests us is not the pressures as such, but the ‘consequences’ of those pressures in terms of developments in national arrangements. Olsen (1997: 177) notes that national and institutional responses are likely to vary according to

the goodness of fit. National variations will exist due to different traditions, practices and circumstances (idem: 182). In the theoretical debate two major arguments can be observed (e.g. Börzel et.al. 2000). Rational choice institutionalists see utility-maximization as the underlying logic of action. They assume that actors have a fixed set of preferences and behave instrumentally in order to maximize their utilities. Sociological institutionalists on the other hand emphasize the logic of appropriateness and rule-governed action. Weale et.al. (1996) focus the debate on the question of convergence versus diversity by identifying four different model for policy development. They notice that countries have divergent perceptions of similar problems and sometimes also respond in a different way. More specifically, they discuss the balance between common secular forces and the distinctive national context. They highlight two theoretical debates. The first one is between the rational actor model and the governmental politics model. In the rational actor model governments are expected to seek an 'optimum regime' for tackle problems. This is expected to lead to common responses to common problems (Bennett 1991). Central in the government politics model is the competition between different parts of the government machine. Within this model the institutional structure of administration and the policy itself is mostly determined by past experiences, and is therefore country-specific. The second debate Weale et.al. highlight is between the policy sector approach and the approach based on national policy styles. The policy sector approach is built on the assumption that a policy problem will impose certain constraints on the range of possible policy solutions. Therefore countries are expected to adopt similar reforms to deal with a similar range of problems (e.g. Majone 1991). In contrast, the approach based on national policy styles stresses how historically conditioned institutional arrangements limit or even determine what actors are able to do. For instance Richardson (1982) argues that national policy styles determine the range of options that is feasible to consider. Weale et.al. state that the rational actor model and the policy sectors approach predict a tendency to convergence, where governmental politics and national style approaches predict a tendency to divergence (1996: 259). In their analysis of the developments in the structure of environmental administrations in Europe they find both indications of convergence and of divergence. Overall however, they stress the importance of the national context and the forces of bureaucratic resistance to change, therefore giving more weight to theories of governmental politics and national policy styles. It is this national context therefore that we will try to shed some more light upon. More specifically we will look at three factors: Policy fit, institutional capacity, and policy style.

Following Olsen (1997) our first factor is *policy fit* between European developments and the national context. In case of a great misfit, rational choice institutionalists expect policy change at the national level because of the high adaptational pressures (Börzel 1999). Sociological institutionalists on the other hand state that in case of a large misfit, European developments are likely to meet strong institutional inertia preventing domestic change (idem). In their view a small policy misfit might lead easier to convergence than a large policy misfit.

Our second factor, *institutional capacity*, focuses on these domestic institutions. Existing interests, visible in the level and kind of institutionalization at the national level, can hinder convergence. For more traditional policy fields, national political institutions will primarily function as constraints and hinder institutional change. Environmental policy is a relatively 'new' policy field. In most countries the history of environmental policy only goes back some decades at best. Before 1970 one can hardly speak of a substantively environmental policy (Jänicke and Weidner 1997). It should be noted however that the level and kind of

institutionalization varies among the member states of the union (Bennett and Liefferink 1993). Some countries are at the forefront of environmental policy and often stand at the basis of the unions' environmental policy. Ironically this sometimes leads to problems with the implementation of directives (Jans 1992). And environmental institutions are of course embedded in the wider institutional context of a country. In order to understand specific policy approaches they must be placed within the broader policy context and implementation structures (Gouldson and Murphy 1998: 41). We will emphasize the context in which tasks, functions, powers and responsibilities can be placed. Member states differ in this respect. There are for instance federal systems (e.g. Germany), decentralized systems (Denmark), constitutional monarchies (the Netherlands), etc. Given the diversity of institutional set ups of the member states (divergent polities) one can expect some diversity in environmental policy arrangements.

Our third factor of interest is *policy style*. Lowe and Ward (1998: 4), based on Bulmer (1983), note that "each national polity has a particular set of social, economic and institutional conditions that shapes the national interest and policy positions and gives rise to distinctive national policy styles". The use of national policy styles is a well-known explanatory factor in the context of international comparative research (e.g. Vogel, 1986). Although there is obviously no one-on-one relation between a 'national policy style' and certain approaches to different policy fields (Huitema and Van Snellenberg, 1999), we take into account the influence of national policy styles or cultural context. Richardson (1982: 2) defines policy styles as 'systems of decision-making, different procedures for making societal decisions'. He further speaks of 'standard operating procedures' for the government's approach to problem solving and the relationship between the government and other actors in the policy process (1982: 13). Based on a number of comparative studies on policy analysis and state-industry relations Van Waarden (1995) distinguishes several types of national regulatory styles that vary in terms of the 'routine intervention modus' (policy content), the 'routine procedures' (policy-making process) and the 'routinely created networks' (involvement of actors). Although he acknowledges that styles are not static, but may vary between policy fields and over time, he states that the implementation of EU legislation will differ among member states given the differences in national style. More specifically he expects the substance of regulations to be easier subject to harmonization than the form and style by which they are formulated and implemented (idem: 364). This is in line with the conclusions of Richardson (1982) who finds national styles identifiable, but also sees them as issue and sector specific. He describes a national style as 'the procedural ambition' of policy makers. Or as Börzel (1999) states: Collectively shared understandings disqualify certain strategy options, for which actors do have the necessary resources, but which they consider as socially inappropriate.

4. FIVE NATIONAL CONTEXTS

Our basic question concerns developments within the member states of the EU in relation to developments at the European level. The member states of the EU partly come from a different political and cultural background. The starting point and national contexts therefore differ. The environmental policies of the EU have to accommodate the problems of more or less industrialized and urbanized states, suffering from substantial environmental degradation, with individual member states being at different states in accepting and implementing the common environmental agenda (Butt Philip 1998: 254). We are studying the developments in five countries: the Netherlands, United Kingdom, Spain, Denmark and

Germany. These countries have been chosen to provide a broad cross-section of environmental policy in Europe. Since our main argument is the importance of the national context for policy development, we have paid ample attention to country specific circumstances. In this section some of this information is summarized.

Denmark can be described as a small country, not very densely populated, with a mostly cultivated environment (Andersen et.al. 1998: 40). It has a practice of minority, multiparty governments (Andersen 1997a: 251). The country is divided into 14 counties and 275 municipalities. It has a profound decentralized political and administrative structure (Christiansen and Lundqvist 1996). Denmark is a late industrialist. Even today there are few large industrial plants and there is relatively little heavy industry (Andersen 1997a: 251). Denmark has an open economy. Most of the trading is done with other member states (OECD 1999: 40).

The development of environmental policy in Denmark took place in three phases. The 1970s can be characterized as the institutionalization phase. In 1971 the Ministry of Pollution Control was established. This ministry merged together with the Ministry of Energy into the Ministry of the Environment in 1973. Next there is an Agency that has the competence to set guidelines and standards. During the 1980s the focus was on compliance issues⁴. During the 1990s new, broader approaches next to direct regulation were developed. Legislation uses broad framework laws. Implementation of decisions on guidelines was removed from the parliament and left to negotiations between major interest organizations and the ministry. The implementation of pollution prevention and control is done by municipalities and counties. Local government has substantial discretion during implementation (Andersen et.al. 1998: 41).

There is no all-embracing national environmental plan, but many rather ambitious sectoral plans exist (Andersen 1997a: 266). The consensual policy style implied however that ambitious environmental goals were to be balanced with other political aims (Andersen et.al. 1998: 54). In 1995 a White Paper was published: the Nature and Environment Policy Report. This contained a more comprehensive environmental plan with a plea for a modern industrial production system with highly developed ecological responsibilities. In 1997 the government published “Denmark 2005”, a plan containing objectives for Denmark’s more general development in terms of employment, public debt, international action and the environment.

The national policy style of Denmark can be described as consultative and consensus oriented (Christensen 1987, Christiansen 1996). Denmark has a well-established tradition of formal and informal collaboration between parties (OECD 1999: 145). Christensen and Christiansen (1992) state that it is a general norm that affected interests are integrated into political as well as administrative decision-making when organized interests are affected by government intervention. There is thus a strong sense of neo-corporatism (Andersen et.al. 1998: 50, Andersen 1997a: 254).

Germany has the largest population and GNP within the EU in absolute figures (Eurostat). Its population density is well above the EU average. Population density however is consid-

⁴ A special feature of the years 1982 – 1993 was the existence of the so-called green majority in parliament. During these years there was a minority conservative government. The social liberals together with the social democrats and two left parties formed a green majority in parliament. During this period environmental issues often escalated on the political agenda (Andersen 1997a: 266). The Ministry of the Environment often collaborated directly with the green majority (Andersen et.al. 1998: 50) It also put some pressure on the neo-corporatist system: intermediary organizations became hesitant to negotiate with the government because they couldn’t be sure whether an agreement would hold in parliament (Andersen 1997a: 266).

erably lower in the eastern part of the country. Germany is a federally organized state. It is a democratic constitutional republic. State duties are distributed between the central government and the federal states (Länder). There are 16 states. In the environment field the constitution does not provide for a general allocations of legislative power between different levels of government (OECD 1993: 25). This leads to a tight interplay between the federal and state level. Due to a lack of abundant natural resources and the geographical location of Germany, its economic structure is very oriented towards industry and foreign trade (OECD 1993: 20). Since the reunification a massive transformation of the industry in eastern Germany has taken place.

Government policy to protect humans and their environment goes back to the 19th century in Germany, but it was not until 1969 that environmental policy developed as a separate field of federal policy based on a comprehensive concept of environmental protection (Jänicke and Weidner 1997: 136, Pehle 1997: 161). International developments, and more importantly the change in government (a center-left government came into power in Germany for the first time in 1969), created an overall climate of reform (Pehle 1997: 161).

Until 1974 there was a rapid development of environmental laws. The period from 1974 to 1978 is generally seen as one of stagnation, due the oil crisis and the following world recession (Jänicke and Weidner 1997: 138, Pehle 1997: 164). Since then the regulatory framework has been built further. During the 1980s the problem of 'Waldsterben' caused by acidification led to a strengthening and reform of environmental policy. The Federal Ministry of the Interior has been for years the central ministry responsible for the development of environmental policy. Only in 1986 the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety was established. This is seen as a response to the critique on how the Ministry of the Interior handled the Chernobyl crisis (Pehle 1997: 166).

The process of reunification has put pressure on environmental once again⁵. Further developments of instruments were blocked and existing legislation was loosened (idem: 182). There was a reluctance to undertake ecological modernization (idem: 168). In 1994 environmental protection was written into the constitution as a goal of the state, but there is yet no detailed, all-embracing basic environmental law. German environmental law is extraordinarily fragmented (Pehle 1997: 173). First, there is federal legislation and legislation by the states. These almost all have their own ministry and their own legislative framework. Second, most measures and regulations still are concerned with individual environmental media (Jänicke and Weidner 1997: 142).

Traditionally, Germany has a strong preference for regulatory instruments (Jänicke and Weidner 1997: 139). Its policy style can be characterized as inflexible and it is a legalistic approach.

The Netherlands only counts some 16 million people, but its population density is the highest of all EU countries. It has a comparatively large amount of industry and intensive farming and a fast growing infrastructure. The country is intensely exploited and highly urbanized (Hanf and Van de Gronden 1998: 153). Traditionally it is a country of traders, with high import and export quota. The Dutch economy is very open and closely linked to its prime trading partners, especially Germany (OECD 1995: 23).

The Netherlands may be described as a highly consensus-based community with a plan-

⁵ On the other hand, the process of reunification gave Germany a relatively good starting position internationally (Pehle 1997: 187). Many old and pollution production processes were closed down or replaced. For instance: Between 1987 and 1993 the emissions of CO₂ in Germany as a whole were reduced with some 15%, where in most countries the emissions increased.

ning tradition covering a wide range of social aspects. Its policy system has strong neo-corporatist traits with a tendency towards bargaining and cooperation with interest groups (Liefferink 1997: 223). The consensus oriented Dutch political culture places a high premium on avoiding conflict and seeking negotiated solutions enjoying broad support from politically relevant societal interests (Hanf and Van de Gronden 1998: 153). Essentially it is accepted that all interested parties, including industry and pressure groups, should have input into the policy process (Gouldson and Murphy 1998: 104). Current practice in the environmental field reinforces this custom of cooperation and shared responsibility.

The basis for environmental policy in the Netherlands was laid in the early seventies. In 1972 the Ministry of the Environment was installed. With some urgency environmental laws were formulated. In 1982 environmental protection was written into the constitution. Since the 1980s there is a strong development towards integration (OECD 1995: 32; Liefferink 1997: 218), resulting in 1989 in the first National Environmental Policy Plan. This plan is the cornerstone of current Dutch environmental policy⁶. The first plan aimed at radical changes in order to make environmental problems manageable within the next 25 years. The publication of the ambitious NEPP coincided with a growing lack of confidence in the traditional policy approach with its emphasis on direct regulation (Bressers and Klok 1996). This is one of the reasons for the Dutch government to broaden the mix of policy instruments in order to reach for shared responsibility.

The Environmental Management Act of 1993 incorporated most medium-based laws that had been established previously. Key feature of this act is the provisions for a new integrated system of environmental permitting that enables organizations to apply for a single permit covering nearly all operations (Hanf and Van de Gronden 1998: 163).

Spain is the second largest country in the EU. It has great geographical and climate differences and a very rich ecological system. Half of the flora and fauna of the total EU can be found in Spain (Font and Morata 1998). Two events mark the emergence of a new model of state in Spain in the last two decades: the adoption of the 1978 constitution and the accession to the EU in 1986 (Aguilar 1999). The constitution of 1978, which changed Spain into a democracy, gave many powers to the 17 regions or autonomous communities, each of which has its own parliament and administration. Despite the existence of autonomous regions Spain resembles more centralistic structures than federal systems (OECD 1997: 37). Spain joined the EU in 1986. This has changed the setting for policy developments completely, also in the environmental field. Most of the attention however is given to economic convergence with the EU (OECD 1997: 120).

During the 1960s and the early 1970s there was an uncontrolled process of industrialization, combined with a massive migration to industrial areas (Font and Morata 1998: 209). Since 1978 we have seen drastic modernization and liberalization of the economy. This has resulted in high economic growth, well above the EU average. It has also led to important structural changes in the economy (OECD 1997). Despite the high levels of economic growth, the GNP per citizen is nevertheless still considerably below the EU average (Eurostat). Unemployment levels are among the highest in the EU. The rapid economic development has also further increased urbanization (OECD 1997).

Institutionalization of environmental policy in Spain started in the 1970s. In 1971 an Interministerial Commission for the Environment (CIMA) was set up, followed by the International Environmental Commission. Instead of a separate ministry a General Secretariat was installed. Investments in environmental areas however were not significant until

⁶ It is published every four years. NEPP-4 will be published at the beginning of 2001.

1978 (De Esteban Alonso and López López 1993). The constitution of 1978 introduced an article that ascribes a duty to ensure rational use of natural resources, to protect and improve the quality of life and to defend or restore the environment. During the first decade of democratic Spain environmental affairs still were more or less neglected (Font and Morata 1998:213). Most attention was given first to re-establishing democracy, and then to the economic expansion.

For a long time there was no single ministry for the environment. In 1993 the Ministry of Public Works, Transport and the Environment (MOPTMA) was established. It shared responsibilities with 7 other ministries and had limited competencies (Font and Morata 1998: 216). Finally in 1996 the Ministry of the Environment was established. This ministry has full national responsibility for all environmental matters. The constitution gives the autonomous regions wide responsibilities for the management of their environment. They can also set stricter standards (OECD 1997: 40).

The policy style is described as closed, non-cooperative, bureaucratic and intangible (Subirats 1999; Font and Morata 1998: 217). Although things are changing it is obvious that a reactive policy style continues to predominate (Subirats 1999). Policymaking is often a closed process, although during implementation some form of participation exists. Spain lacks institutionalized channels for consultation (Pridham 1993).

The *United Kingdom* is unitary state but some institutional arrangements differ in England, Scotland, Wales and Northern Ireland. The UK has no written constitution. England and Wales have 47 counties divided into 333 districts. England further has 70 unitary authorities in which the functions of the counties and the districts are combined (OECD 1994: 26). The UK was at the cradle of the industrial revolution. Over the years the significance of industry has dropped somewhat. During the 1980s a drastic industrial restructuring took place. There was a large-scale closure of plants, especially in the traditional heavy and extractive industries (Carter and Lowe 1998:1998: 18).

The UK has the oldest system of environmental protection (Carter and Lowe 1998: 20). Before 1973 the UK could be seen as a frontrunner and pathfinder on environmental affairs (OECD 1994: 99). In 1970 the environment ministry (Department of Environment) was established as a combination of sections of the bureaucracy that had previously existed in different departments. During the early 1970s major pieces of legislation were introduced. Traditionally the UK applied a fragmented approach to environmental problems. Separate policies were developed for air and water pollution, waste, etc. The legislation was broad and discretionary. There were hardly any legislatively prescribed standards and quality objectives (Carter and Lowe 1998: 25). The victory of Margaret Thatcher (elections of 1979) was the beginning of a long period of neo-liberalism with a strong emphasis on deregulation. There was a slowdown in public and private investment in pollution control, and an extensive program of privatization was being implemented (Carter and Lowe 1998: 18). Since the late 1980s a major reappraisal of policy and structures took place (idem: 28).

Already in 1976 the need for a multi-media approach (in which environmental problems in different environmental compartments are seen in an integrated way) was recognized. It took until 1990 however before the Environmental Protection Act was passed, which introduced Integrated Pollution Control IPC. In 1987 Her Majesty's Inspectorate of Pollution (HMIP) was established as a combination of a number of pre-existing central government pollution inspectorates. HMIP was responsible for implementing IPC until 1996. Since 1996 the primary operational responsibility for environmental protection rests with the Environment Agency in which HMIP merged.

In 1990 the government also published its first White Paper "*This Common Inheritance*". It

outlined the principals underlying the UK's approach and proposed some institutional changes. It was the first comprehensive statement of British environmental policy (Carter and Lowe 1998: 32). In 1994 the government published a national plan to implement Agenda 21: "*Sustainable Development: The UK Strategy*". This plan showed some institutional initiatives aimed at integrating environmental decision-making across policy areas. However, no specific proposals for new policies were made, and no targets were set. The general policy style of the UK (especially in environmental policy) is being described as informal, accommodative, flexible, consensus-oriented and technocratic with a clear role for scientific understanding of issues (Carter and Lowe 1998: 25, Gouldson and Murphy 1998: 71; Vogel 1986). Traditionally the approach in environmental policy has been built on cooperation, negotiation and persuasion (Carter and Lowe 1998: 25). This is consistent with the lack of an overall national strategy. There is a general reluctance to set standards at the national level. Regulators at the local level therefore have discretion and tend to go into informal negotiations (OECD 1994: 107; Gouldson and Murphy 1998: 72). Cooperative may therefore be the best word to describe the policy style (Weale 1997: 93).

5. COPING WITH EUROPEAN POLICY DEVELOPMENTS

The previous section has taught us that the national contexts differ tremendously throughout Europe. Historical developments have led to very different preferences for modes of policymaking and policies. Although further examining of the origin of differences is interesting, this falls outside the scope of our research. Our main interest goes to the way in which member states cope with European developments in the light of the different contexts in which the member states are situated. As explained in section 2, We mainly look at three areas: IPPC, EMAS and the use of voluntary agreements. Below we analyze the developments on these areas within five member states⁷. Next to written sources, data are gathered through sources of information of the EU (DG XI and the IPPC Bureau) and (telephonic) interviews with key-actors within national ministries of environmental affairs.

5.1 Implementation of the IPPC directive

	Number of TWGs ⁸	Number of representatives
Denmark	18	18
Germany	22	62
Netherlands	25	63
Spain	20	52
United Kingdom	32	59

Table 1: The IPPC directive in five member states

First we looked at the implementation of the IPPC directive. This directive should have been implemented by November 1999. Although all fifteen member states have succeeded in the meantime, it proved to be easier for some member states than for others. In several countries the general approach in direct regulation was already more or less in line with

⁷ This papers reports on work in progress. At the time of writing not all information about developments in the five countries was available. Data collection will continue over the next few months.

⁸ Some countries haven't nominated their experts yet, since not all TWGs have actually started already. The total number may therefore become higher for some countries.

IPPC. The main act in industrial regulation in for instance *Denmark* is the Environmental Protection Act of 1973. The EPA already made use of an integrated permit system with an integrated pollution prevention and control approach that stimulates the use of best available technologies, with a recent emphasis on cleaner technologies (OECD 1999: 134). The introduction of IPPC into the EPA was therefore fairly easy. Only art. 15 (concerning public participation in permit procedures) was contained a new element for Denmark. It has now been added to the EPA, but only for the few installations that fall under IPPC. Permitting procedures for other installations still go without formal public participation. Denmark participated actively in the negotiating phase preceding the actual directive. The main objective was to create a level-playing field for industry across the EU. The proposal to allow flexibility to deviate from BAT for instance was opposed by Denmark. Now, art. 10 only allows stricter standards. The relevant act in *Germany* is the Federal Immission Control Act (Bundesimmissionsschutzgesetz). The 1974 act forms the basis of a nation-wide, comprehensive law on air quality, noise abatement and plant safety. In principal Germany uses emission limit values instead of prescribing certain techniques. This is another perspective on limiting industrial emissions than the one employed by IPPC. The *Netherlands* was also very active during the negotiating phase, also with the purpose of harmonization. Partly because of this, the implementation into Dutch legislation was fairly easy. The Dutch Environmental Management Act (Wet Milieubeheer) of 1993 already called for an integrated system of environmental permitting that enables organizations to apply for a single permit covering nearly all operations, except for discharges to water. Pollution control in the Netherlands therefore already was a coordinated but not fully integrated system (Gouldson and Murphy 1998: 110). Except for some technical details, IPPC therefore gave a close fit with the Dutch regulatory system. The *UK* system of mandatory regulation has been a major source of inspiration for the IPPC directive. Mandatory regulation of industry in the UK already took place within the framework of Integrated Pollution Control as introduced by the Environmental Management Act in 1990. It introduced two principles: 'best practicable environmental option' (BPEO) and 'best available techniques not entailing excessive cost' (BATNEEC). The IPPC directive therefore was of the same general nature than the existing system, provided some small details. Nevertheless, it was introduced through 5 rounds of consultation with industries and NGOs. No great difficulties were encountered during these sessions however.

One of the most interesting elements of IPPC is the need for information exchange on Best Available Techniques (BAT) as required by Art. 16.2 of the directive. The Technical Working Groups play a central role in this (see section 2). We have mapped the way in which member states participate in this TWGs. First of all we have compared the number of TWGs countries participate in. Where the UK has chosen the policy to participate in every TWG, Denmark on the other hand only participates in the TWG that are directly relevant to the current industrial structure. Also the number of representatives from Denmark is well below the average of the other four countries under study. This is a further indication of the lesser priority Denmark gives to IPPC. There are relatively few large industries. The practical meaning of IPPC is therefore limited to Denmark. The other three countries under study have chosen a mixed approach.

We have also looked at the way in which member states deliver their input into the TWGs. The task of a TWG is to come up with a proposal for BAT for a specific area⁹. The process involves mainly a technical assessment of possible techniques. Where some countries follow

⁹ For the sake of harmonization decision-making within a TWG in principle requires unanimity, but a so-called Split View has occurred (e.g. TWGs on Cement, and Pulp and Paper).

certain procedures and deliver their own extensive reports as inputs (UK: IPC Guidance Notes, NL: Dutch Notes), other countries contribute more on an informal and ad-hoc basis (Denmark, Germany¹⁰). Both the UK IPC Guidance Notes as the Dutch Notes have been developed through extensive consultation and participation from industry (associations). In that sense, the domestic industry in those countries is heavily involved in the process of developing BREFs. Although Germany doesn't always deliver formal notes, it does form so-called shadow groups for each TWG. In these shadow groups industry is also involved, next to representatives from the federal level and the Länder.

A final element that has been looked upon is what happens to the BREFs after they have been established by the European Commission. Here we also find interesting differences. The Netherlands is the only member state (of our sample) that will integrate the BREFs fully into its Emission Limits (NER). For Denmark the situation isn't clear yet, but it is doubtful that a uniform procedure will be used. It is expected that a Statutory Order will be established that will proclaim that the BREFs shall be used as reference documents. Germany has developed its 'TA Luft' in which emission limits are laid down. It will maintain this system. Experts will evaluate the need to change the emission limits when a new BREF is available. Also then, it will contain only emission levels, but of course based upon the list of techniques mentioned in the BREF. The UK will develop its own IPPC Guidance Notes, which will be based upon the BREFs, but will be much more specific. Finally, it will be interesting to see how regulators will use the BREFs (or the national guidance notes). After all, a BREF will contain long lists of possible techniques. The question is then whether regulators will prescribe all relevant possibilities or only a limited set. Since no permits have been issued yet under on the basis of a BREF, it is too early to tell now whether major differences will exist between member states. National representatives do fear however that the ultimate use of the BREF by regulators will differ significantly.

5.2 The Eco-Management and Audit Scheme

	Competent Body	Accreditation Bodies	Number of accredited verifiers	Number of registered sites
Denmark	EPA (public)	D A N A K (public)	4	140
Germany	DIHT (private)	DAZU (private)	233	2097
Netherlands	SCCM (private)	RvA (private)	6	25
Spain	MMA (public)	ENAC (private)	5	64
United Kingdom	IEA (private)	UKAS (private)	10	77

Table 2: EMAS in five member states (source: EMAS Helpdesk; September 14 2000)

For EMAS we first have compared the institutional structures that have been established in

¹⁰ In some cases Germany also delivers formal reports as input to the TWG.

the member states. All five member states have established the Competent Body and a body responsible for the accreditation of verifiers. In *Denmark* the accreditation body for EMAS is DANAK (Danish Accreditation), a public authority and an independent part of the Danish agency for Trade and Industry under the Ministry of Business and Industry. They have registered four verifiers (EMAS Helpdesk). The Danish Environmental Protection Agency (EPA) is the competent body. The German accreditation body for EMAS is the Deutsche Akkreditierungs- und Zulassungsgesellschaft fuer Umweltgutachter (DAZU). They have registered 233 verifiers (EMAS Helpdesk). The German Association of Chambers of Industry and Commerce (DIHT) is the competent body. In the *Netherlands* the competent body is an independent private organization, the Association for Coordination of Certification of Environmental Management System (Dutch acronym: SCCM). SCCM was established specifically to manage the development and application of environmental management standards and to hold the register of EMAS companies. It has also developed a verification system. This system establishes the organization of the verification structure and the procedure to be followed by the verifier during verification (Gouldson and Murphy 1998: 124). Accreditation of verifiers takes place by the Dutch Council for Accreditation (Dutch acronym: RvA). Their role is to ensure that verifiers have the required skills. By now there are 4 registered verifiers in the Netherlands (EMAS Helpdesk). Both SCCM and RvA are supported by a Central Committee of Experts (Dutch acronym: CCvD), consisting of experts from government, industry, NGOs and Unions. They have the power to change the nature of the structures that operationalize EMAS (Gouldson and Murphy 1998: 125). In *Spain* the Ministry of the Environment is the competent body. The Entidad Nacional de Acreditación (ENAC) is the accreditation body. ENAC is a private, independent, non-profit-making body, sponsored and overseen by the Ministry of Industry and Energy. It coordinates and runs at national level an accreditation system according to international standards. They have registered 4 verifiers (EMAS Helpdesk). The competent body in the *UK* is the Institute of Environmental Assessment (IEA). The accreditation body is the UK Accreditation Service. 10 Verifiers are registered until now (EMAS Helpdesk). In general one can say that if a system of accreditation already exists, EMAS is integrated into that system. A detailed analysis of the situation in the fifteen member states also revealed some differences (Hillary 1998). Germany and Spain for instance have multiple Competent Bodies, where DIHT, resp. MMA is the coordinator.

Without going into details, one can observe that the implementation mode differs between countries for instance concerning the policy for accreditation of verifiers (Glachant, forthcoming). The actual verification of sites also differs between the member states: other criteria are used to verify, different procedures are being followed, and different costs are charged (Hillary 1998). The most remarkable situation can be found in Germany. Almost two thirds of the total registered sites can be found in Germany¹¹. One of the reasons for this is the stimulation policy that some of the Länder have implemented. In some cases the state authorities promised to financially support the implementation of EMAS as well as the application of environment-friendly technology and to provide some deregulation for EMAS registered sites (Wätzold et.al. 2000). Other member states don't attach this many direct rewards for an EMAS registration.

The (possible) link with mandatory regulation and therefore the meaning of the scheme for the regulatory framework also differs between the member states¹². By participating in

¹¹ Member states of course differ in size and industrial structure. Also in relative terms (percentage of potential participating companies) Germany has by far the most verified sites (Wätzold et.al. 2000).

¹² This description is partly based on Wätzold et.al. 2000.

EMAS, companies can demonstrate that they are ready and able to take up the responsibility for their own environmental performance. Logically, the level of government regulation can then be reduced. As reported above, all Länder in Germany have introduced options for regulatory relief, although differences exist between them. Pro-active companies in the Netherlands can be treated differently as far as permit requirements (less detailed requirements), monitoring and enforcement are concerned. A certified environmental management system (such as EMAS) is one of the conditions for this¹³. In the UK there has been considerable debate around the possibility of linking an EMAS registration to some form of deregulation, but little action. Until now, there has been relatively little regulatory relief for EMAS registered companies.

5.3 Voluntary agreements

	Number of Agreements	Legal status	Main signatories
Denmark	16	Non-binding	- EPA - Danish Energy Agency - Industry Associations
Germany	93	Non-binding	- Federal government - Länder - Industry Associations
Netherlands	107	Some legally binding	- Ministries - Local authorities - Industry Associations - Large firms
Spain	6	Binding and non-binding	- Ministries - Regional governments - Industry associations - Large firms
United Kingdom	9	Non-binding	- Central government - Industry associations

Table 3: Environmental agreements in European countries (source: EEA 1997: 24)

Voluntary agreements have become a widely used policy instrument throughout the EU. Inventories show a steady grow of the use over time (EEA 1997). The use and meaning differs however between the member states. In general, Denmark still relies on traditional legal regulations in a command-and-control approach (Andersen et.al. 1998: 44). Environmental agreements are also being used more often, but still at a modest level since there is a great deal of skepticism within the ministry (Andersen 1999b: 159). The European Environmental Agency identified 16 agreements, less than perhaps could be expected in a neo-corporatist system (EEA 1997: 24). The Federation of Danish Industries is one of the most important partners in consultation processes (Andersen 1997a: 262). The agreements

¹³ Although one would expect that this bonus would result in a high number of EMAS registrations, this is not the case. It should be mentioned however that ISO 14,001 (a private environmental management standard) is relatively popular in the Netherlands).

do cover the broad range of environmental themes however (EEA 1997: 24)¹⁴. The general trend towards deregulation in the 1990s created some room for voluntary agreements and self-regulation in *Germany*. At first the relations of the Ministry for the Environment with industrial groups were rather weak, and with NGOs a mutual distrust existed (Pehle 1997: 177). Today there is more dialogue with and broader participation of NGOs, both with governments as with industry (Jänicke and Weidner 1997: 147). Negotiations between industry and governments and NGOs have led to an increasing number of voluntary agreements. The European Environmental Agency identified 93 agreements (1997: 24). These agreements concern the disclosure of environmentally relevant information as well as concrete measures to decrease emissions (OECD 1993: 113). Voluntary agreements have become a widely used policy instrument in the *Netherlands*. Not only are the most agreements concluded in the Netherlands, but also is the instrument most broadly used in various aspects and themes of environmental policy (EEA 1997). In line with the Dutch characteristic of consultation, environmental groups and associations nowadays play an important role in the development and implementation of environmental policy. A process of close cooperation between government, the business community, NGOs, and other actors therefore developed in Dutch environmental policy since 1989 (Bressers and Plettenburg, 1997). The policy objectives of the National Environmental Policy Plan are partly implemented through the use of voluntary agreements (covenants). The so-called target-group approach (as a central approach in current Dutch environmental policy) brought the environmental policy field more in line with the basically consensual policy style (Lieverink 1997: 224). In the target-group approach several sectors of industry participate in a communicative consultation with the authorities. The resulting covenant specifies the targets for a target group. The trade association is an important actor during and after the negotiations. Although policy implementation in the *UK* is based on informal negotiations within a consensual atmosphere, the European Environment Agency identified only 9 voluntary agreements (EEA 1997: 24). They also cover a limited number of environmental themes. Voluntary efforts by firms have been encouraged for many years. Industry-wide voluntary covenants with the government have only developed in the chemical industry (OECD 1994: 113). Participation from industry and others actors is low in *Spain*. Lately, progress has been made in partnerships with industry on environmental issues. In its study on environmental agreements the European Environmental Agency identified 6 voluntary agreements in Spain (EEA 1997: 24). Only a limited number of themes is covered. There is however an increasing use of voluntary agreements (OECD 1997: 140).

6. CONCLUSIONS

The European Union has become one of the main institutions in regulating the environment. In 1987 the EU got explicit competence for doing so. Since 1992 the concept of sustainability has also been added to the main aims of the Union. From an institution merely producing technical standards the EU nowadays has become a promoter of a comprehensive and integrated approach on environmental affairs. Instead of following developments in the 15 member states the EU more and more takes the initiative. Key principle in this new approach is shared responsibility. This principle is aiming to change the identity of governments involved, from “prime actor” who evokes or coerces changes to “one of the partners” in a transformation process. In this paper we have asked ourselves

¹⁴ The European Environment Agency distinguishes six themes: Climate change, Inland water resources, Waste management, Air pollution and quality, Soil quality, and Ozone depletion.

what the consequences are for the member states, and especially what aspects of national environmental policy arrangements are converging and why/under what circumstances, and which elements of the national context resist adaptational pressures. Empirically we have looked at three specific areas: IPPC, EMAS and voluntary agreements.

If we compare the developments within the five case-countries, it is clear that major changes are taking place within each of these countries. Although our empirical analysis is not concluded at this moment, we like to draw some preliminary conclusions, especially concerning convergence and the relationship with European integration, and the role of the national context.

If we look at a rather abstract level, for instance in terms of institutional structures we may conclude that we find elements of convergence. In all five countries a separate environmental ministry is now in place. And all countries except Spain have for instance established an environmental agency to provide environmentally relevant information. And in terms of participants to the policy process there is a general movement towards a more integral policy with more room for participation and voluntary approaches, even in a country like Spain. Although industry and NGOs may play different roles, it could be argued that in most countries there is now some form of negotiation and consultation with target groups such as industry. Finally, in terms of the policy contents (targets and instruments), one could say that sustainability has become a leading motive for environmental policy in all countries. The translation of this concept into concrete action and plans may differ, although the instrumentation looks alike. Voluntary agreements are now found in every member state. Self-regulation as a result of EMAS also takes place now EU-wide. The broadening of the set of policy-instruments thus seems to be a general trend within the member states.

But answers to question on convergence may vary according to the level of analysis (Börszel et.al. 1999). If we follow the developments at a more detailed level by looking at the three specific areas chosen, more and more differences come to the forefront. Member states transpose IPPC differently, establish (or maintain) different implementation structures, participate differently in the process of information exchange, etc. Also in the case of EMAS, the implementation mode differs between countries for instance concerning the policy for accreditation of verifiers. The actual verification of sites also differs between the member states. And the links with mandatory regulation and therefore the meaning of the scheme for the regulatory framework differs. There are also indications that environmental agreements are used more often in countries where environmental policies have matured and where there is a tradition of decentralization, consensus-building and negotiation in decision-making processes (EEA 1997: 11). The function of voluntary agreements also can differ. Where for instance the Dutch government uses a voluntary approach as a means to implement ambitious targets, it is the impression that the voluntarist style in the UK is used to protect the producer's interest (Carter and Lowe 1998: 35).

This leads us to a general conclusion that at a more superficial level there seems to be convergence. At a more fundamental and detailed level changes are hard and the national context is tough to change. In this paper we selected three factors in the national context that for closer analysis. First we looked at the issue of *policy (mis)fit*. Two concurrent expectations were identified. A great misfit may lead to high adaptational pressures, and therefore support convergence. The other expectation stated that a low misfit makes implementation easy and quick. In general we find that member states seem to make strategic

use of European developments. During the process of implementation, European legislation gets transformed in order to increase the fit with the national system. The latter expectation seems to hold true when we analyze our data. The implementation of IPPC in the Netherlands and the UK has encountered little difficulties. Interestingly enough, we find the frontrunners who are the most active. These member states try to ‘export’ their own regulatory model to Brussels and to other member states (e.g. Lowe and Ward 1998: 291, Heritier 1995). The reason for this is that it eases the continuation of their own approach. The Commission also looks for (successful) national strategies to be transferred to the European level (Pellegrom 1997). We have found little evidence to support the first line of reasoning. In cases where there is a relatively great misfit (e.g. IPPC in Germany) there may be high adaptational pressures, but also difficulties to comply with ‘Europe’.

This can be connected with the second factor we selected: *institutional capacity*. We identified the existing level and nature of institutionalization as a possible factor explaining the difficulties a member state may have in responding to European developments. Our data so far seem to confirm this status. Unlike some member states, the UK for instance already had a considerable environmental infrastructure, legislation and institutional capacity. This created difficulties in adapting to European requirements (Lowe and Ward, 1998: 16; OECD 1994: 153). The current popularity of ISO 14.001 (that was established before the EMAS regulation became operational) over EMAS in the UK can be seen as an argument for this. The case of Spain also points at another interesting feature concerning the level of institutionalization. The lack of sufficient institutional capacity can hinder the implementation of legislation. For instance: The implementation of an integrated system of pollution prevention (such as required by the IPPC directive) is difficult without a substantial system of regulation already in place. Without the existence of highly qualified regulators who are used to dealing with (complex) industrial processes, it is virtually impossible to negotiate ‘Best Available Techniques’ in an integrated way with industrial actors.

The underlying *policy styles* of member states also differ considerably. Although participation from industry and NGOs in policy processes increases, the cases of the UK and the Netherlands show that participation often is partial (not including every relevant group) and can serve different purposes. Policy styles seem to be relatively untouched in general, although for instance in the UK the policy style has been changed from a more flexible, co-operative style to a more formal and explicit approach (Weale 1997). Even if there has been a major change, like in the Netherlands where the authoritarian policy style with a distant, negative attitude towards target groups has changed into a new approach designed to encourage self-regulation (Bressers and Plettenburg 1997: 116), there is no direct relation with European integration. This leads to a more general conclusion. We find that a lot of the more fundamental changes are sometimes initiated and motivated nationally. There seems to be then no close link to processes of European integration. An example is the establishment of the German Ministry for the Environment. Of course, in the ‘specification of details’ the EU can be influential.

Our preliminary findings confirm the expectations of Van Waarden who states that “the substance of regulations may prove easier subject to harmonization than the form and style by – and the networks in – which they are formulated and implemented” (1995: 364). Therefore, if convergence of national policy arrangements on environmental affairs takes place as a result of European integration, that doesn’t mean uniform and all-compassing implementation. It would be rather naïve however to expect this. The main question however is to what extent the ultimate aim of European integration is reached: Does a level-playing field emerge, for instance for industry? Although a process towards convergence

can certainly be observed, this goal seems out of reach for the moment. If we look for instance at systems of mandatory regulation, it is unlikely that industries in different member states will have to comply with the same requirements, although IPPC and the system of BREFs certainly will contribute to this.

For the broader possibilities of policy transfer between countries or even continents this means that we find these possibilities limited. The success or failure of specific policy approaches is to a large extent dependent on specific national constraints. What might work well in a certain context, might fail in another context. Therefore, in general we can join scholars who stress the importance of the national context. If we think of transferring policy approaches from western/European countries to countries in for instance the Southeast Asian context, our findings concerning the importance of the institutional capacity and policy styles are especially relevant. It might be more effective to concentrate on processes of capacity-building within a national context than simply copying policy examples from other countries.

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