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Strategies of the 'green' member states in EU environmental policy-making

Duncan Liefverink and Mikael Skou Andersen

ABSTRACT This article investigates the strategies of the 'leaders' in EU environmental policy-making. A typology of strategies of influencing EU environmental policy is introduced, distinguishing between different kinds of 'pushers' and 'forerunners'. With the help of this typology, the positions and strategies of the 'green' member states after the accession of Sweden, Finland and Austria are analysed. It is concluded, among other things, that differences in strategies of articulating environmentally progressive positions in the EU may seriously thwart effective alliance-building between the 'leaders'. Denmark is identified as the most activist 'green' member state. In Sweden and Austria, pragmatism now prevails. The Netherlands and Finland have the most constructive approach. Germany has largely abandoned its activism of the 1980s in favour of more defensive tendencies. Because of its political and economic impact, the role of Germany is crucial among the 'green' member states.

KEY WORDS Environmental policy; European Union; European Union countries; policy-making.

INTRODUCTION

Environmentally progressive 'pioneers' are important forces behind the development of international and European Union (EU) environmental policy. On the basis of their own domestic regulations they promote the adoption of stringent environmental policies at the international level. This serves a dual goal. On the one hand, strict international measures lead to the reduction of transboundary flows of pollution and thus contribute to achieving national environmental policy goals. On the other hand, competitive disadvantages for industry in the 'pioneer' countries will diminish if others have to take similarly costly measures. The 'leader-laggard' dynamic in international environmental policy currently enjoys considerable academic interest (e.g. Haas 1993; Héritier 1994; Héritier *et al.* 1994; Sbragia 1996; Holzinger 1997; Andersen and Liefverink 1997a).

In the specific case of the EU, the increasing attention paid to the role of 'leaders' versus 'laggards' can be linked to shifts in the political context of environmental policy-making. Until recently, Germany, Denmark and the Netherlands were

generally regarded as the most environmentally minded member states, acting as the 'motors' of EU environmental policy-making. This view was held not only by political scientists (cf. for instance the references above) but also by authors more directly involved in the policy-making process in Brussels (e.g. Krämer 1992: 52–3; Johnson and Corcelle 1995: 8). On 1 January 1995 Sweden, Finland and Austria entered the Union. Domestic environmental standards in those countries are at a level comparable to or even higher than those of the former 'green troika'. They were therefore broadly expected to strengthen the group of 'pushers' in EU environmental policy-making (cf. Sbragia 1996; Axelrod 1997; Aguilar Fernández 1997). The future enlargement of the Union by a number of Central and Eastern European countries may further increase the importance of the 'leader-laggard' dynamic by making the EU (even) more diverse than it is now. Although the precise mechanisms are as yet uncertain, this will almost inevitably lead to greater flexibility with regard to the differentiation of standards in the EU and thus to more freedom for environmentally progressive member states to develop their own policies.

In most studies of 'leaders' and 'laggards', however, there is a tendency to treat the categories¹ in a rather undifferentiated way. The main point of interest being the dynamic of the policy process in Brussels, differences within the groups are hardly taken into account. In this article, we will argue that such differences do exist and that they are indeed relevant for understanding the two-level game being played in the EU. In doing so, we will focus on the group of environmental 'leaders'.

In the following, we will first propose a typology of 'green' strategies in the EU, distinguishing between different kinds of pushers and forerunners. Based on that, we will consider in detail the positions and strategies of the 'green' member states in the first year after the accession of Sweden, Finland and Austria. The exploration will address policy-making in the Council and its subordinate bodies as well as relations with the Commission and the European Parliament (EP). Apart from policy documents and secondary literature, empirical data derive from a series of interviews with key policy-makers in the six countries under consideration.²

STRATEGIES OF INFLUENCING EU ENVIRONMENTAL POLICY

Domestic policies have often been designed on a predominantly domestic background, with limited attention paid to the impact that such policies may have abroad. More than any other form of international policy-making, however, regulatory policy-making in the EU has a reciprocal, two-level character (Putnam 1988; Andersen and Liefferink 1997b). On the one hand, negotiations in Brussels are to a large extent determined by the 'input' from the member states (e.g. Weale 1996: 607). On the other hand, processes and outcomes at the EU level often have an impact on domestic policies. This leads to a continuous interrelation and exchange between policy-making processes at both levels. Considering the growing importance and impact of EU environmental policy, this also implies that domestic policies in this field are increasingly designed with a deliberate view to the possible impact on EU policy-making. In the national context, far-reaching domestic measures have sometimes even been justified by their expected impact at the EU or international level.

It is possible to range the various types of ‘green’ positions on a spectrum, ranging from defensive forerunner to active pusher strategies, as we have done elsewhere (Andersen and Liefferink 1997b; Liefferink and Andersen, forthcoming). However, this simple distinction does not leave room for the observation that progressive forerunner positions may be taken either with or without an explicit view to the impact in Brussels. In the former case, a forerunner position can (but does not necessarily have to) be combined with active pusher efforts at the EU level. Moreover, even if stringent national policies are implemented for purely domestic reasons, they may still trigger activity in Brussels. In this context it is useful to distinguish between pusher effects that are channelled directly into *environmental* policy-making, and effects that occur via *internal market* policies. In order to accommodate this kind of gradation in the possible strategies applied by ‘green’ member states for influencing EU environmental policy-making, we propose a more systematic classification.

Table 1 presents a scheme according to which a member state can act as a ‘pioneer’ in principally four different ways, with varying emphasis on the aspects of being a forerunner and a pusher. A ‘forerunner’ is defined as a member state which is ‘ahead’ of EU environmental policy in the sense of having developed more advanced policies with a higher level of protection. The table distinguishes between forerunner policies developed in a more incremental, historical process, and those which have been adapted more purposefully with an eye to the EU policy-making process. ‘Pushing’ can take place directly with regard to environmental policy-making or, more indirectly, usually by interfering with internal market policies. Our approach thus provides a refinement of the ‘first mover’ strategy as recently described by Hritier (1996), particularly by raising the possibility of less intentional pusher and forerunner roles. The first field (a), where a member state acts as a purposeful forerunner and pushes directly, is the situation where unilateral action is taken in order to influence EU environmental policy-making. This can be referred to as a *pusher-by-example*. A good example is Denmark’s unilateral introduction of a CO₂ tax, introduced not least to promote an EU-wide CO₂ tax (Andersen and Liefferink 1996: 114–15).

In the second field (b), the forerunner position of a member state has been achieved incrementally, without a view to the EU process and usually primarily for domestic reasons. The member state may nevertheless seek to push EU environmental policy-making directly by building alliances with the Commission’s experts or with other member states. This type of impact is often referred to as the *constructive pusher* strategy, because it is basically oriented towards finding a

Table 1 Strategies of influencing EU environmental policy

Forerunner: Purposeful		Incremental
Pusher:		
Direct	(a) Pusher-by-example	(b) Constructive pusher
Indirect	(c) Defensive forerunner	(d) Opt-outer

compromise, possibly at the expense of slightly lower EU standards than domestic ones. An example is the influence exerted by Germany, the Netherlands and Denmark regarding the rather ambitious level of waste water treatment agreed upon in the urban waste water directive, which followed, to a great extent, the standard in water treatment achieved in these countries over many years.

In the third field (c), the forerunner position of a member state has been adopted deliberately, but the pushing of EU policy-making is done more indirectly, at least from the point of view of the member state. It does not explicitly present its unilateral action as a model for environmental policy in the EU. Instead, the pushing effect is a result of interference with EU policies in other fields, mostly internal market policy. This type of impact can be referred to as the *defensive forerunner*, because the member state is more concerned with protecting its own environment, rather than that of the EU as a whole. The implications for the EU may nevertheless be considerable. The classical example is the Danish bottle system and the matching ban on cans, which was introduced in 1982 (cf. Koppen 1993). The ban was perceived by the Commission as being in conflict with the single market. Denmark never proposed introducing the system at the level of the EU, but after the European Court of Justice had basically acquitted Denmark, the issue formed a significant part of the background for the drafting of the present packaging waste directive.

In the fourth field (d), the pushing of EU environmental policy is indirect too, but the forerunner position has been developed more incrementally. As in the previous category, the impact on EU policy-making is caused by conflicts between domestic environmental standards and the functioning of the internal market. The difference is that national measures in these cases somewhat unexpectedly turn out to be out of step with EU measures, something which may lead the member state to *opt out*. As an example of this category, we refer to the German and Dutch bans on the wood-preserved pentachlorophenol (PCP). As the EU established a more lax standard for PCP, it led both countries (and later also Denmark) to invoke Art. 100A(4) of the Treaty in order to uphold the forerunner position achieved. France successfully challenged the use of Art. 100A(4) at the Court of Justice. The impact of the PCP issue on EU policy-making was not really oriented towards a specific directive, but it helped to revitalize an ongoing discussion among the member states about the freedom to act nationally in the context of EU environmental policy.

With regard to a concrete issue, the above strategies may in fact be combined. It is also conceivable that strategies shift in time. In the case of the introduction of catalytic converters in cars in the 1980s, for instance, Germany successfully combined the role of pusher-by-example with the threat of becoming a defensive forerunner by making advanced preparations for the unilateral introduction of catalytic converters (Holzinger 1994). The scheme provides us with a tool to distinguish the different strategies analytically.

STRATEGIES OF THE 'GREEN' MEMBER STATES

In this section, we will discuss the strategies of the six allegedly 'green' member states in the first year after the accession of Sweden, Finland and Austria, i.e. in 1995. We will start by focusing on forms of indirect pushing (fields (c) and (d)). As we will

see, some countries seek to combine these with more direct pushing-by-example (field (a)). Finally, we will examine to what extent various ways of constructive pushing (field (b)) are practised by the environmental 'leaders'. This may involve working through the Council and its subordinate bodies and building alliances with like-minded member states, but also, for instance, influencing the Commission or lobbying the EP.

Indirect pushing

Under EU law, the room for introducing or maintaining strict national legislation is limited by the effects of such measures on the functioning of the internal market. Art. 36 of the Treaty states this principle in general terms for situations where no specific EU legislation exists or where measures have been taken under the Treaty's environmental section (Art. 130R-T). The exact balance between environmental and market interests, however, has to be struck in each individual case. The Danish bottle case, referred to above, was one such case that went all the way to the Court of Justice. It showed that some trade barriers may be allowed for pressing environmental reasons (see further, e.g. Krämer 1992; Koppen 1993). If harmonization measures already exist at the EU level, Art. 100A(4) of the Treaty further specifies the conditions under which member states may be permitted to apply stricter national provisions.³ Particularly in Denmark and Sweden, Art. 100A(4) has gained considerable political importance and has become known as the 'environmental guarantee'.

In Denmark, Art. 100A(4) became a major issue in the period of the referendum about the Single European Act in 1986. It was a concession from the other member states to Denmark and used by the Danish government as an argument against the widespread fear of a loss of national control and autonomy owing to the introduction of qualified majority voting in the environmental field. If Denmark were outvoted in the Council, it was argued, the 'environmental guarantee' would release Denmark from the obligation to accept a relaxation of domestic standards. The implication of this argument was entirely defensive. And in fact, also one year earlier when it blocked the so-called Luxembourg compromise on car exhaust standards for small cars (cf. Holzinger 1994: 258–61; Liefferink 1996: ch. 6), Denmark had shown a readiness to jeopardize a compromise at the European level in order not to belie national policy objectives. Against this background, there can be little doubt that the Court's ruling in the PCP case in 1994 (see above) came as a disappointment to the Danish government. In this judgment, the Court of Justice nullified the Commission's authorization of a German ban on the use of PCP on the grounds of insufficient motivation of environmental necessity. Although the Court had chosen a very careful wording and left open the possibility of the application of Art. 100A(4) under other circumstances,⁴ the judgment made clear that Art. 100A(4) can indeed not be taken as a 'guarantee'. As Koppen (1993: 141) points out, its interpretation is a political rather than a juridical matter. This insight does not necessarily reduce the importance of Art. 100A(4), however. Recently, a shift has been observed in Denmark in the direction of a somewhat less defensive and more 'activist' approach to EU environmental policy-making owing, among other

things, to the key role of environmental issues in the domestic EU debate and the growing ambition to act as the leader of at least the Nordic core of a new 'green' group in the EU. While the minimization of the EU's impact on the domestic policy space will no doubt continue to be a strong focus, the dynamic potential of going-it-alone in the European policy process, either with or without invoking Art. 100A(4), may come somewhat more to the fore.

Pushing-by-example

Among the new member states, concern about the possible consequences of membership for national environmental policy is probably greatest in Sweden. In the accession debate, therefore, the 'environmental guarantee' played a role quite similar to the one it played in Denmark, but beyond defending domestic arrangements for their own sake, Sweden appeared to want more. Both the Swedish government and the environmental movement linked the room for national policies to the ambition of showing a 'good example' to other countries (Naturvårdsverket 1993; Nielsen 1994). The government emphasized the need to combine the example strategy with more constructive pushing within the Union. As potential 'good examples' in the EU context, they particularly referred to the system of producer liability for car exhaust cleaning equipment (EU, EES och miljön 1994: 140–1) and to ozone-depleting substances (Det svenska miljöarbetet i EU 1994–5: 43–4). In both areas, however, the accession agreement had already explicitly permitted Sweden to be a forerunner (EU, EES och miljön 1994: ch. 10). More interesting in this respect is the field of chemicals. Here Sweden was granted a four-year transition period, whereas the EU committed itself to reviewing its own legislation in this field during this period. It is quite obvious that Sweden's strict policies, for instance with regard to pesticides, can serve as an example for the EU (Det svenska miljöarbetet i EU 1994–5: 21–3). It is unclear, however, what will happen if a gap between Swedish and EU requirements remains after the transition period. For the time being, the Swedish government appears to be quite reluctant about the option of going-it-alone and to prefer a strategy based on discussion and co-operation (EU, EES och miljön 1994: 141–5; Det svenska miljöarbetet i EU 1994–5: 21–3), but a conflict is likely to evolve on this point in the years to come.

Also, Austria and Finland, as well as the 'old' members Germany and the Netherlands, acknowledge the relevance of national experiences as examples of practicable, feasible policy alternatives during negotiations about specific measures in Brussels. Contrary to Sweden, however, they hardly regard them as vehicles to instigate new policies at the EU level. Considering this, it may be questioned how relevant the more provocative variants of a forerunner strategy, i.e. the unilateral introduction of stricter national measures, still are at this moment. Germany used to be the champion of this strategy in the 1980s (e.g. the 'clean' car case, cf. Holzinger 1994), but is not likely to resume this role soon. With its 'good example' ambitions, Sweden may be regarded as Germany's most obvious successor, but so far has not stressed this type of approach. As noted above, Denmark has recently turned to a more 'activist' attitude in EU environmental policy-making. In view also of its highly committed Environment Minister, Svend Auken, this country now seems to

be the member state most inclined to embark upon confrontational pusher-by-example or defensive forerunner strategies.

Constructive pushing 'inside' Brussels

After having discussed strategies based on the direct or indirect impact of domestic policies in the EU context, we will now turn to strategies applied by the six when they take part in the policy process in Brussels, i.e. the more constructive approach distinguished above. We will subsequently do so by examining the member states' dealings in the Council and its subordinate bodies, the opportunities for building alliances in the Council and their various ways of influencing the Commission and the EP.

The Council

Agendas for meetings of the Council of Ministers are set by the member state holding the Presidency of the Council. In the EU-15, however, member states are in this position only once in seven and a half years. Moreover, the Presidency is restricted by the fact that a large portion of the agendas are predetermined by proposals already under way in the EU machinery and by external influences, such as major international negotiations in which the EU has to take a common position. During the six months' term of a Presidency, in other words, a member state is mainly able to affect the order rather than the content of the work of the Council (cf. Wurzel 1996: 277, 280). In addition, all member states have the right to submit items to the Council agenda on an *ad hoc* basis. In the environmental field, Denmark in particular often makes use of this option in order to demand attention for topical issues. Often, however, such interventions are primarily aimed at the domestic audience, as the environment plays a relatively important role in Danish politics (Andersen 1997). Our study confirms the finding by Pellegrom (1997), however, that other member states are prepared to go along with this only to a limited extent. A member state repeatedly overloading the Council agenda with 'other business' runs the risk of losing the goodwill of its partners.

The most conspicuous element of the workings of the Council is their voting procedure. In the Single Act, qualified majority voting (QMV) was introduced for environmental decisions directly related to internal market harmonization (Art. 100A). The Maastricht Treaty on European Union extended this, with a number of exceptions, to the entire environmental policy field (Art. 130S).

Unlike the former 'troika', the present six 'green' member states hold sufficient votes to block QMV decisions. Although no doubt important in specific cases, for instance where a lowering of standards is at stake, the impact of this should not be overstated. In the first place, actual voting seldom takes place. Even under the QMV rule, negotiations in the Council are usually carried on until the moment consensus is reached, or is at least very close, so that voting is no longer relevant. Second, it must be realized that a 'green' blocking minority is not, so to speak, very 'shock-proof'. If either Germany or two of the other countries defect, for instance, the coalition loses all formal impact. And even if an alliance holds together, in the third

place, the power of the six under QMV is only negative. They can in principle block legislation that does not satisfy them, but they cannot force the adoption of environmentally progressive proposals without the support of a considerable number of other members. Finally, as discussed in further detail below, member states may have reasons of a more general strategic kind to be reluctant about constructing something like a 'green block'.

Nevertheless, the opinion was widely shared among policy-makers in the six member states that the last enlargement had caused a certain strengthening of the 'green' input in the Council. Allegedly, 'green' standpoints are being taken more seriously and some noted a refining of consensus-seeking processes under QMV. This phenomenon has been described as the 'shadow of the vote'. According to Weiler (1991), the mere possibility of voting in case of a deadlock enhances the pressure to make concessions for the sake of reaching a compromise. Besides, parties that have the *potential* to form a blocking minority, as the six indeed do, may take advantage of this effect. The circumstance that it seldom comes to an actual vote may in fact even heighten this effect, as member states do not have to lay all their cards on the table (for an illuminating game-theoretical analysis of decision-making under QMV underpinning several of these points, see Holzinger 1997).

The Council's subordinate bodies

Apart from the work in the Council of Ministers itself, the lower levels of the Council apparatus are highly relevant for pushing issues and preferences. These levels include the Committee of Permanent Representatives (COREPER) and the Environment Group, consisting of the environmental attachés of the member states' Permanent Representations in Brussels, usually assisted by experts from the capitals. In addition, in some cases permanent or *ad hoc* working groups at the expert level exist. It goes without saying that the vote casts a shadow in these bodies too, but at the same time discussions are far more detailed and substantive than in the Council meetings. In particular, the Environment Group, which meets more than once a week, operates at the crossroads of politics and technical expertise (Pellegrum 1997).

Currently, the new member states seem to focus on the technical aspect of the work in the Group. Especially in Sweden and Austria, good substantive argumentation and a coherent, well-prepared input into the daily policy process are seen as a major way to exert influence in Brussels. Domestically, efforts are made to ensure the high quality of this input. The Swedish Environment Ministry and the Environmental Protection Agency (*Naturvårdsverket*), for instance, take their task in preparing for EU negotiations particularly seriously, and the environment was the first policy sector in Sweden boasting an official strategic memorandum about EU co-operation (Det svenska miljöarbetet i EU 1994–5, published in March 1995). In the eyes of other countries, the input notably of Sweden is sometimes regarded as overly driven by arguments that do indeed have a firm basis but leave little room for political wheeling and dealing.

While Denmark can be characterized as putting more emphasis on the political side of the work in the Environment Group, Germany, the Netherlands and to some extent Finland generally show a more pragmatic approach. They acknow-

ledge that expertise can be a major resource in the Environment Group, but in the end it is seen as part of the larger political game. Eventually, one might say, achieving a common solution is considered more important than to be fully in the right. Technical details thus become subject to a process of give-and-take in an earlier stage than they do for countries that strongly stress the technical and scientific basis of their positions. This 'conflation' of political and technical aspects already at the Group level makes it possible to respond more flexibly to political opportunities, but it also reduces domestic control of the behaviour of negotiators in Brussels. As long as there is agreement on the broad lines of the national position, this need not be a problem. If there are serious differences between the domestic parties involved, however, it may give rise to continuous conflicts. According to Pehle (1997), the latter situation exists to some extent in Germany, mainly owing to a protracted struggle about international competencies between the Ministry of the Environment and other sectoral ministries.

Co-ordination and alliances between member states

Particularly for the formation of blocking minorities, but also in order to exert more positive pressure on the political process in Brussels, alliance-building between countries is important. Alliances between the 'green' member states, however, are by no means given. They have to be formed on an issue-by-issue basis and remain liable to defection. Long-term inter-issue reciprocity does not play an important role, neither within nor outside the circle of 'green' member states. The assessment of the merits of each individual case, rather than general loyalties, determines the process of seeking allies in Brussels, at least in the environmental field. With this in mind it is obvious that potential allies are not restricted to a small group but in principle include all member states. France, for instance, was drawn into a group supporting a special declaration regarding the application of the 'best available technology' in the framework of the directive on integrated pollution prevention and control (IPPC), a group which was not joined by Germany and Austria (cf. *Europe Environment* no. 457: I-13). Belgium and Luxembourg participated in an informal meeting of eight member states advocating more effective climate policies, held at the instigation of the Dutch government in The Hague in January 1996 (*Europe Environment* no. 471: I-1), in which Germany again appeared as the most reluctant partner. The need to have a broad basis in order to produce positive results under the QMV rule, and in the 'concurrent majority' system of the EU in general (cf. Weale 1996), of course reinforces the tendency to recruit partners from as broad a range as possible.

Alliance-building in the Council or Council working groups is to a large extent an implicit process. Like-minded countries tend to 'find' each other in the course of negotiating in Brussels. And if they do decide actively to co-ordinate their strategies, this largely happens at the daily work level, i.e. between environmental attachés at the Permanent Representations in Brussels. In addition, regarding issues of major importance, bilateral contacts between capitals may occur, particularly in order to win doubters for one side or the other. Sub-EU meetings, like the one on climate policy in The Hague in January 1996, are in fact an exception, but in this case it may be explained by the wish to give an unorthodox impulse to the exceptionally slow and

cumbersome process in this field. There can, of course, be no doubt that governments are aware that some member states are more likely to join them than others. It is also probable that they anticipate this and, either implicitly or explicitly, adjust their strategies in the Council to take advantage of perceived opportunities in specific cases. Closer and regular co-ordination between a 'green core' of member states, however, appears to be in contradiction with the open and case-by-case character of alliance-building in the Council. If the 'green' member states wish or need the support of as many others as possible, every suggestion of 'cliquism' has to be avoided.

Seen in this light, it is not surprising that actual attempts made to establish more regular forms of co-ordination between a limited group of member states were received with little enthusiasm by most countries, including those that were supposed to be part of the group. After the accession of Sweden and Finland, Denmark in particular made an effort to arrange informal meetings between the ministers of the Nordic member states immediately before Council sessions. Although the meetings were neither secret nor closed, it was felt that they might be associated with the formation of a Nordic 'bloc'. Finland, which generally gives lower priority to environmental issues in the EU than Denmark and Sweden and has a particularly strong geo-political interest in not becoming isolated, was especially eager not to create this impression.

A case in point is the Nordic campaign concerning the review of the Basle Convention on hazardous waste shipment in September 1995 (cf. *Europe Environment* nos. 451-7). Earlier that year, Denmark had proposed that in this review the EU should go for a total ban on the export of hazardous waste destined for disposal and for recycling or recovery. After the Danish proposal had been turned down by the Commission, Denmark, together with Sweden, Finland and Norway, submitted an amendment of similar purport directly to the Secretariat of the Convention. In March 1995, however, the Council agreed on a considerably more modest common standpoint. Formally, and under the threat of a Court case, the Nordic member states should now have withdrawn their own amendment to the Convention, leaving it to the Norwegians to keep up the position unilaterally. Denmark refused to do so and managed to get Sweden and Finland on its side. A political and juridical fight evolved about the affair. Helped by some pressure from the EP and after a stiff internal debate, in late April the Commission changed its mind and adopted the Nordic amendment, which was endorsed in June by the Council. The Commission even succeeded in pushing through the export ban during the Convention meeting with many exemptions (*Europe Environment* no. 462: I-5). The eventual effectiveness of the action cannot be denied, in sum, but the Danish self-will was looked upon critically, not only by the Commission and the other member states but also within the Nordic 'coalition'.

Episodes like the confrontation on the Basle Convention are therefore bound to remain the exception. Generally speaking, it must be concluded that the Nordic countries have insufficient critical mass to play a role in the environmental field comparable to that of the French-German co-operation on the integration process at large. Owing to its limited political weight, the risk of a Nordic 'green core' being isolated appears to be greater than its opportunity to function as a 'nucleus' for wider coalitions. When thinking of possibilities to broaden the basis of a 'green core

group', the crucial role of Germany is evident. Being by far the largest of the environmentally progressive countries in the EU, Germany's participation in such a group would give substance to the threat of a blocking minority and thus make it a power to be reckoned with by all member states. The construction of a standing environmental coalition led or at least joined by Germany seems very unlikely, however, not only in view of the many factors that would actually divide the members of such a coalition, but also because of the basically pragmatic and *ad hoc* character of alliance-building in the Council, for the reasons pointed out above.

The Commission

If new policies are to be initiated at the EU level, the Commission cannot be circumvented. The Commission has the exclusive right to submit proposals for new legislation to the Council. For that reason, good relations with the Commission are of crucial importance, particularly for member states attempting to push forward a policy field. For the new member states, the building up of such relations is among the highest priorities.

The part of the Commission most obvious in this regard is the Directorate-General for Environment, Nuclear Safety and Civil Protection (DG XI), which is in charge of the majority of environmental policies in the EU. DG XI is generally quite receptive to new developments in the policy field and is regarded by the 'green' member states primarily as an ally against 'unwilling' DGs and member states. In this context it is an illustrative detail that some of our interviewees talked about 'supporting' rather than 'influencing' DG XI. Contacts at the expert level, (participation in) the formulation of various kinds of preliminary policy proposals and position papers, and what may be called the strategic employment of nationals in Brussels are the most common ways for member states to exert influence on the Commission's policies, and we will now consider these ways in some detail.

Experts from the member states meet in Brussels basically for two purposes. In the first place, meetings of civil servants specializing in the issue at stake, usually from the relevant ministries or related government agencies, are convened by the Commission in the preparatory phase of a proposal for new legislation. The experts comment on the technical aspects of the proposal but are also supposed to give a first idea of the political support to be expected later in the Council. Second, there are several kinds of committee composed of national civil servants controlling the implementation of EU legislation, a system often referred to as 'comitology'. Both the committees in the preparatory phase and the implementation committees obviously give room for influencing the Commission's policy choices. Apart from that, they also function as a breeding-ground for new steps. An expert committee may identify the need for follow-up policies or it may be a suitable place for a member state to first test a new idea. Because of its large proportions and its opaque character, Pellegrom (1997) qualifies 'comitology' as 'a limitation on the coordinated input from the capitals, after all'. This may be correct from the point of view of central co-ordination by the Permanent Representations and, behind them, the Ministries of Foreign Affairs. From the perspective of policy-makers at the ministries and agencies directly involved, however, the evaluation may turn out

somewhat differently. In most cases, the expert taking part in the consultations for new legislation is from the same specialized unit in the ministry as the one delegated afterwards to the implementation committee regarding the directive in question, if it is not the same person. In addition to this, the same people are usually involved in preparing positions for the Council negotiations that take place in the mean time. This offers excellent opportunities for governmental actors at the professional level consistently to propagate certain views or priorities throughout the policy process. These opportunities are recognized by all 'green' member states. The Environment Ministries, particularly in the new member states, attach great value to a well-prepared and competent input into the various EU expert committees.

A second way to influence Commission policy is through various types of written statement. These can range from suggestions or designs for specific policy measures to general strategic memoranda. Apart from informal discussions with the Commission and, if relevant, other member states, such papers may be presented to the Environmental Policy Review Group (EPRG). This group was set up in the early 1990s in order to improve communication between the member states and the Commission, and it brings together the Directors-General of the Environment from all member states and the EU. A document that is well received by this forum can hardly be neglected by the Commission. A Dutch position paper on a new structure for environmental framework directives was launched this way in May 1995. Regarding proposals for a framework directive on ecological water quality, a route via the Council was followed. Dissatisfied with the first draft directive submitted by the Commission in late 1994, the Netherlands and a number of other member states decided to prepare quite detailed position papers containing alternative proposals. These papers were first discussed in the Council's Environment Group. Via the EP and the Council itself, the issue was eventually referred back to the Commission, which came up with an encompassing communication on 'European Community water policy' in February 1996 (COM(96)59; cf. *Europe Environment* nos 457, 465; also Van As 1995).

The third and probably the most effective method for a member state seeking to have an impact at an early stage is to penetrate into the Commission directly, that is, to place personnel at strategic places in the Commission. For this purpose the system of so-called national experts is very helpful. In many DGs, including DG XI, personnel temporarily 'on loan' from the member states play an important role. All member states make use of this by sending specialists in prioritized fields to the Commission. In this way, for example, the preparation of the Fifth Environmental Action Plan was led by a Dutch national expert (cf. Kronsell 1997). Shortly after its accession, Sweden seconded an expert to Brussels to help revitalize the area of acidification. Influencing the employment of regular EU personnel is more complicated, as this depends more on vacancies and other factors beyond the control of member state governments. Particularly for the lower ranks, one of the main things a member state can do is to try to ensure that it has a proportional share of the total number of employees. Stimulating sufficiently high-quality people to apply for jobs in the Commission appears to be a problem especially in Sweden, the most Euro-sceptic of the three new member states. Appointments at the level of Directors and Directors-General, and of course of Commissioners themselves, are strongly deter-

mined by political factors, thus leaving more room for strategic manoeuvres by member states. Conspicuous examples are the stable presence of the French at the highest level of DG VI (Agriculture) and the succession of two Dutch Directors-General in DG XI, Laurens-Jan Brinkhorst (1986–94) and Marius Enthoven (1994–7). National networks in the Commission consisting of both permanent and temporary staff can be very important. In the first place, they can function as a basis for ‘lobbying’ for concrete issues inside the Commission. Depending on the issue at stake, like-minded Commission officials from other member states can be relevant here as well. Second, such networks can help in diffusing a certain way of thinking about environmental problems and policies. New member states obviously have to make up arrears in this field but, as they are all well aware of the potential impact of such networks, this is mainly a matter of time.

The European Parliament

As the EP has often in the past delivered relatively progressive amendments and resolutions with regard to the environment (cf. for instance Judge 1992; Arp 1992), it may be seen as a partner, especially by the ‘green’ member states. Some of our interviewees, however, pointed to a certain unpredictability in the EP’s stances. This may have to do with the EP’s permanent involvement in an inter-institutional struggle for more power, which sometimes tends to prevail over substantive considerations. In the case of a further increase of the Parliament’s formal powers, moreover, influence on its positions will be sought by a growing range of interested actors and it is doubtful whether the ‘green’ image will be maintained to the same extent as it has been so far.

Member states maintain contacts to the EP mainly through ‘their own’ contingent of parliament members (MEPs). The best and most well-structured relations were reported to exist between the British MEPs and London, among other things in the form of briefings and regular meetings. Most ‘green’ member states see the UK as an example in this respect and are in different stages of improving their relations with national MEPs. A number of countries, including Germany, already inform ‘their’ MEPs of their positions in Council negotiations on a routine basis. Among the new member states, only Finland appears to be more or less regularly sending briefing notes on environmental matters to its MEPs. Austria as well as Denmark are currently working on this. In all six countries, direct meetings still take place largely *ad hoc*, with an obvious focus on major and controversial issues. Furthermore, contacts are not always initiated by the member states themselves. MEPs often seek information or assistance from their respective capitals or Permanent Representations. So this is one more way for member states to propagate their viewpoints, to be sure, but it indicates that cultivating contacts with the EP is hardly regarded as a top priority.

It should be added that, in this context, the EP is a considerably more important partner for the Commission. In the co-operation and co-decision procedures, amendments by the EP supported by the Commission are difficult to resist by the Council. A certain amount of co-ordination between the EP and the Commission in this sense is no exception.

CONCLUSION AND OUTLOOK

It must be stressed that this discussion on the strategies of the six 'green' member states in EU environmental policy was based on only one year, 1995. For the three new members, moreover, this was the first year of full membership. An evaluation of their role in particular should take into account that they were still in the process of defining their positions on the rolling train of the EU. Even with this limitation, however, there can be little doubt that Denmark is currently the most articulated 'green' member state in the EU. It is important to realize, however, that the Danish activism has a strong defensive tendency. In the 1980s, the predominant Danish strategy was that of a defensive forerunner. A focus on developing and maintaining strict national policies was combined with an uncompromising approach in Brussels. Furthermore, the central role of the 'environmental guarantee' in the domestic debate showed that the idea of opting out was always present. Denmark is currently placing more emphasis on the pusher potential of its forerunner position, or in the terminology of our scheme: its potential as a pusher-by-example. This may be associated, among other things, with the fact that the environment is one of the few fields where the Danish government may be able to convince the Euro-sceptical population of the assets of EU membership (see Andersen 1997; Liefferink and Andersen, forthcoming). Some major disappointments in the environmental field or a further decrease of Danish confidence in the EU, for instance in relation to the most recent Treaty revision, may change this situation. In that case, a retreat to more defensive strategies seems likely.

Considering its rhetoric in the accession debate, as noted above, Sweden could have been expected to assume a role close to that of Denmark. In the first year of membership, and perhaps partly owing to relative inexperience in EU work, Sweden did not immediately choose a confrontational strategy. Rather, it adopted a more constructive approach based on good arguments and expertise. The end of the four-year transition period, especially with regard to the important issue of chemicals and pesticides, however, may force Sweden to make a more explicit choice between meagre results at the negotiating table in Brussels and the preferences of the domestic constituency. Although ambitions in the accession debate had not been set as high as in Sweden, Austria appears to be in a somewhat similar situation. In daily policy-making, the country so far mainly acted in a constructive manner, but the explosive issue of road transport through the Alps may lead to a direct conflict between domestic and EU policies and trigger a greater emphasis on Austria's forerunner position. In both countries, moreover, increasing Euro-scepticism among the population may enhance these trends.

While in Sweden and Austria the tendency to develop explicit forerunner positions may thus, in the longer term, come to overhaul the constructive approach, Finland and the Netherlands seem to be more genuine constructive pushers. For Finland at this time, this can mainly be related to a wish to avoid any conflict that might endanger its crucial economic and security interests. How these factors will develop in the long run, as well as how they are perceived in the Finnish domestic context, remains difficult to predict. For the Netherlands, an open economy in the polluted core of the Continent, the constructive approach is based on the conviction

that, in the end, both the domestic environment and the national economy benefit more from international compromises than from unilateralism.

The remaining character in the tableau is Germany, the most important but at the same time the most ambiguous of the 'green' member states. Owing, among other things, to severe economic problems and an inability to catch up fully with the shift in EU environmental policy from a standard-oriented to a more processual approach (Pehle 1997), Germany has gradually lost the position of pusher-by-example that it had built up during the 1980s. What is left is not always clear. In some cases, such as climate policy, Germany appeared as the most reluctant 'green' member state. In other cases, including many of the more 'traditional' environmental issues, Germany is still among the forerunners, but the willingness to make active use of this in the EU context, for instance by (threatening) *Alleingang*, has diminished. This situation may lead Germany increasingly to behave as a defensive forerunner, concerned primarily with maintaining its own standards.

By moving from activist to more defensive strategies, Germany appears to have changed places with Denmark. Obviously, this has profound implications for the group of 'green' member states. Germany's participation is crucial for the formation of a successful 'green' alliance. The remaining five, if they are at all able to hold together, lack both the formal voting power and the political and economic impact to maintain pressure on EU environmental policy-making.

The German case makes it very clear that having strict domestic policies is not sufficient to be a 'leader' in EU environmental policy. While general strategic considerations prevent the formation of a standing environmental coalition, as discussed above, differences in the ways in which 'green' positions are articulated in the EU context may seriously thwart the building of 'green' alliances on an issue-by-issue basis.

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NOTES

- 1 Greece, Spain, Portugal and Ireland are usually counted among the 'laggards'. In several studies, in fact, a middle category of 'neutrals' is also distinguished, consisting of the UK, France, Luxembourg and, in most cases, Belgium and Italy (Krämer 1992; Sbragia 1996; Johnson and Corcelle 1995).

- 2 In each country either the Head of the Division for International Environmental Affairs or the EU co-ordinator (or in some cases both) at the Ministry for the Environment was interviewed, with the exception of Denmark where the Environmental Protection Agency (Miljøstyrelsen) was visited instead. In Sweden, both the Ministry and the Agency (Naturvårdsverket) were covered. At the Ministries of Foreign Affairs, internal organization showed more variation. Interviews were therefore held with either Heads or environment experts from the International Trade or Internal Market Divisions or with officials responsible for general European integration matters (and in two cases with both). For five countries, moreover, environment attachés at the Permanent Representations to the EU in Brussels were interviewed. All interviews were carried out between October 1995 and January 1996.
- 3 Art. 100A was amended and clarified in the Amsterdam Treaty, concluded in June 1997. After ratification, member states will be explicitly allowed not only to *apply* but also to *introduce* stricter national measures. The new Art. 100A(5) seems to suggest, furthermore, that this is possible regardless of whether the member state originally voted against or in favour of the harmonization measure. These changes are not pertinent to the present discussion, however.
- 4 It is interesting to note that in February 1996 a Danish ban on PCP, which had in fact been in force already for some years, was authorized by the Commission (cf. *Europe Environment* no. 472: I-10).

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