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ISBN 978-0-333-71695-3 hardcover

ISBN 978-0-333-69352-0 paperback

Full details from www.palgrave.com

Environmental Policy in the European Union

John McCormick

palgrave

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First published 2001 by

PALGRAVE

Houndmills, Basingstoke, Hampshire RG21 6XS and

175 Fifth Avenue, New York, N.Y. 10010

Companies and representatives throughout the world

PALGRAVE is the new global academic imprint of
St. Martin's Press LLC Scholarly and Reference Division and
Palgrave Publishers Ltd (formerly Macmillan Press Ltd).

ISBN 978-0-333-77203-4 hardback

ISBN 978-0-333-77204-1 ISBN 978-0-333-98557-1 (eBook)

DOI 10.1007/978-0-333-98557-1

This book is printed on paper suitable for recycling and
made from fully managed and sustained forest sources.

A catalogue record for this book is available
from the British Library.

Library of Congress Cataloging-in-Publication Data

McCormick, John, 1954–

Environmental policy in the European Union / John McCormick.
p. cm. – (European Union series)

Includes bibliographical references and index.

ISBN 978-0-333-77203-4 – ISBN 978-0-333-77204-1 (pbk.)

1. Environmental policy – European Union countries. I. Title.
II. Series.

GE190.E85 M33 2000

363.7'056'094 – dc21

00-067097

10 9 8 7 6 5 4 3 2 1
10 09 08 07 06 05 04 03 02 01

Contents

<i>List of Tables and Figures</i>	vii
<i>Preface</i>	ix
<i>List of Abbreviations</i>	xiv

Introduction	1
---------------------	----------

PART I THE POLICY PROCESS

1 Policy Parameters	17
What is Environmental Policy?	18
The Priorities of European Policy	21
2 Policy Evolution	41
Phase I: Focus on the Common Market (1957–72)	42
Phase II: The Environmental Revolution (1973–86)	45
Phase III: The EU Establishes Legal Competence (1987–92)	55
Phase IV: Consolidation (1993–)	61
3 Policy Principles and Agenda-Setting	69
The Legal Basis for EU Policy	70
Policy Principles	75
Agenda-Setting	86
4 Policy Formulation	95
The European Council	96
Initiation: The European Commission	98
The Commission Policy Process	105
Consultation: The European Parliament and External Actors	111

5	Policy Adoption and Implementation	123
	Adoption I: The Council of Ministers	124
	Adoption II: Parliament	129
	Legitimation and Clarification: The Court of Justice	132
	Implementation: The Commission and the Member States	134
	Preconditions for Successful Implementation	142
	Improving the Quality of Implementation	148

PART II POLICY OUTPUTS

6	Chemicals and Waste	155
	Chemicals: The Problem	156
	Chemicals: The Policy Response	158
	Waste: The Problem	165
	Waste: The Policy Response	168
7	Air and Water Quality	180
	Air Quality: The Problem	181
	Air Quality: The Policy Response	184
	Water Quality: The Problem	193
	Water Quality: The Policy Response	195
	An Integrated Response to Pollution	205
8	Acidification	208
	Acidification: The Problem	209
	Early Policy Responses	212
	The Germans Increase the Pressure	214
	The British Come Around	222
	The Large Combustion Plant Directive	228
	Towards a Strategic Approach to Acidification	232
9	Nature and Natural Resources	237
	Biodiversity	238
	Genetically-Modified Organisms	245
	Fisheries	249
	Agriculture	253

Forestry	254
Energy	257
10 Ozone, Climate Change and the International Dimension	262
The EU as an International Actor	263
The Ozone Layer: The Problem	269
The Ozone Layer: The Policy Response	271
Climate Change: The Problem	277
Climate Change: The Policy Response	280
Conclusions	291
<i>Appendix: Treaty Provisions</i>	300
<i>Bibliography</i>	310
<i>Index</i>	320

List of Tables and Figures

Tables

1.1	Key environmental issues	22
2.1	The evolution of EU environmental activity	50
3.1	Changes to Article 174(2)	79
4.1	Directorates-General of the European Commission	100
4.2	Organizational chart of the Environment DG	102
4.3	Stages in the EU environmental policy process	110
5.1	Frequency of meetings of the Councils of Ministers	132
5.2	Notification of national implementing measures for environmental laws	136
6.1	Key pieces of EU law on chemicals and pesticides	161
6.2	Key pieces of EU law on waste	172
7.1	Key pieces of EU law on air quality	187
7.2	Key pieces of EU law on water quality	198
8.1	Key pieces of EU law on acidification	217
8.2	Emission reductions under the 1988 Large Combustion Plant directive	230
9.1	Key pieces of EU law on biodiversity and GMOs	244
9.2	Key pieces of EU law on fisheries, agriculture, forestry and energy	252
10.1	Environmental treaties signed by the European Community	266
10.2	Key pieces of EU law on the ozone layer and climate change	275
10.3	CO ₂ emissions in the EU, 1990–96	286
10.4	CO ₂ emissions reductions in the EU	288

Figures

1.1	EU environmental laws by subject, 1958–99	26
2.1	EU environmental laws by year, 1958–99	64
5.1	Cases against which infringement proceedings were underway, by sector, February 2000	141

Preface

When most Europeans think about the European Union, the kinds of issues that come most readily to mind include the single market, agricultural policy, the euro, controversies involving the European Commission, and – more recently – attempts to build a common European foreign and security policy. These are the matters most often covered by European media, which devote much less time and space to the other policy areas affected by integration, such as transport, regional policy, development, consumer issues and – most notably – the environment. The unfortunate effect of all this has been to give the impression that the EU devotes most of its time to a select group of often controversial policy problems. In fact, its interests are much broader, and the implications of its work are much deeper.

In few places has the impact of European integration been more telling than in the field of environmental policy, where the European Union has helped encourage government, industry and citizens in the member states to develop a response to problems that are often better dealt with at the regional rather than the national level. The result has been an expanding body of law dealing with issues as varied as air and water quality, waste management, the control of chemicals, the use of pesticides, noise pollution, acid rain, fisheries management, energy efficiency and climate change. Reaching agreement on a joint response to such matters has not always been easy, and the effects of EU policy have been mixed, but there is now a broad consensus that the efforts made at the European level to develop policies on the environment have helped make the EU a cleaner, quieter and healthier place in which to live.

This book is designed to provide a broad-ranging overview and assessment of the environmental policy of the European Union. I wrote it for three main reasons. First, while EU environmental policy has been the subject of a growing body of research, most of it is very specialized. There are many excellent studies of particular environmental problems, of the character of EU environmental law, and of the effects of EU law on

the member states, but they all assume a high level of prior knowledge on the part of their readers regarding the EU policy process in general, and the EU record on the environment in particular. This book is designed to be a stepping stone between the general and the particular, to help clarify the parameters of EU policy, to explain and analyse its underlying motives and principles, and to help readers better understand the implications of that policy.

Second, it comes as a recognition of the growing maturity of the EU record on the environment, and is an attempt to draw more attention to that record. The literature on European integration is unbalanced in terms of the attention paid to economic and foreign policy issues, and it is time that the studies in these areas are joined on the bookshelves by more studies of the other policy areas in which the EU is active. Hopefully this will help add more balance to the debate about Europe, and draw more attention to the less controversial issues in which the EU has been involved.

Third, national governments on every continent are involving themselves in regional integration programmes. Many have developed cooperative policies on the environment because they have found that environmental problems go beyond national borders, and are inextricably linked to the development of regional and global markets. The European Union is the most advanced of the experiments in regional integration, and it is critical that we understand the strengths and weaknesses of that experiment if we are to understand the potential for regional integration as a means of addressing environmental problems more generally.

The book is not based on any particular theory or philosophy, nor does it attempt to justify existing models of the EU policy process, nor to construct new models. I tend to agree with the views of Helen Wallace in her introduction to the third edition of *Policy-Making in the European Union* (Oxford University Press, 1996, pp. 9, 11–12). Noting the existence of a ‘bewildering range of analytical approaches to European integration’, she expresses her preference for what she calls the seamless web approach: ‘Modern governance, at least in western Europe, involves efforts to construct policy responses at a multiplicity of levels, from the global to the local. The European arena constitutes points of intense interface and competi-

tion between levels of government and between public and private actors. What interests us is what clusters of factors generate an agreement that on specific issues the EU level should predominate as the preferred policy arena'. This is what interests me also.

The resulting book has two personalities: it is both a study of European environmental policy in particular, and of the EU policy process in general. When I began my research in 1995, there were very few published studies of the EU policy process, and it struck me during subsequent interviews in Brussels that much of what I was learning about the intricacies of that process had never been committed to print. Given my interest in the policy process generally and in environmental policy specifically, it seemed logical to combine the two. Hence this book can be approached either as a study of EU environmental policy that makes some broader comments about the EU policy process, or as a study of the EU policy process that uses the environment as a case study.

I have had a professional interest in environmental issues since the early 1980s, when I was living in London and working first for the World Wide Fund for Nature, and then for the International Institute for Environment and Development. That interest carried over into my academic research, where it combined with my research on the European Union to carry me naturally into a focus on the environmental policy of the EU. I am now a faculty member at Indiana University in Indianapolis, about as far away from the political struggles in Brussels as it is possible to be. The distance has its advantages though – I can watch developments in the EU without being sidetracked by the often very narrow coverage of EU affairs in the European media, and I can compare European approaches to environmental issues with those of the federal and state governments in the United States.

The key component in the research for this book was a six-week secondment to DGXI in Brussels in May and June of 1996. As well as taking part in meetings within the Commission, the Council of Ministers and Parliament, I also had the opportunity of talking with many of the officials of all three institutions, and of having access to documents relating to the development of policy and law within DGXI. Those six weeks turned out to be an invigorating research experience, and the

book would have been much poorer without the opportunities it provided.

I would like to begin by thanking Jonathan Davidson at the European Commission office in Washington DC for putting me in touch with Tom Garvey, deputy director-general of what was then DGXI, who in turn was responsible for getting me past the front door and for opening many other doors within the corridors of DGXI. I owe a particular debt of gratitude to Pat Murphy, my mentor for the six weeks, who introduced me to all the right people, pointed me in the right directions and made sure that I had access to the information I needed. He was a busy man and didn't need me periodically putting my head around his door, but he always found the time to talk to me (even over Sunday breakfasts), giving me many valuable insights into the workings of DGXI and the Commission more generally.

Also in DGXI I would like to thank Ute Koch for taking care of all the administrative details and showing me how things worked, Dawn Adie and Gian-Luigi Ruzzante for guiding me around the goldmine that is the library at DGXI, and Reinhilde Lambert and Marika Paukkunen for arranging my visits to the Council and Parliament. For taking time to talk with me and providing many valuable insights, I would like to thank Henning Arp, Nicholas Banfield, Jean-Guy Bartaire, Margaret Brusasco-MacKenzie, Goffredo Del Bino, Rob Donkers, Bertil Heerink, Jorgen Henningsen, Volker Irmer, Ludwig Krämer, Grant Lawrence and – outside the EU institutions – Tony Long at the World Wildlife Fund, and Regina Schneider and Karola Taschner at the European Environmental Bureau. I'm also very grateful to Suzette O'Brien, Cynthia Whitehead and Jerome Woodford for arranging accommodation in Brussels, and to John Balch for lending me his laptop.

The Office of Faculty Development at Indiana University in Indianapolis provided generous funding support for this project, and the Office of International Programs at Indiana University in Bloomington covered the costs of travel through a President's Council on International Programs research award. Marian Shabaan at the University Library at Indiana University in Bloomington did a great job of digging out material for me, and saved me hours of searching.

I spent the spring of 1999 on a sabbatical at the Centre for

European Studies at the University of Exeter, where I was able to teach a graduate seminar on EU environmental policy. I would like to thank Bogdan Szajkowski, Bob Lewis and Alan Davidson for setting up the sabbatical, the students – Michael Darvell, Barbara Fryszacka, Jeanette Loje, Martine Roussel and Dimitris Saharides – for providing a valuable and unwitting sounding board for my ideas, and Iain Hampsher-Monk, Andrea Hibbert and Keith Zimmerman for taking care of administrative matters in the Department of Politics. My thanks also to the staff of the Greenpeace office in Exeter for giving me access to their resources.

Steven Kennedy continued to be a paragon among publishers, displaying his usual efficiency, enthusiasm and professionalism, and the series editors and anonymous reviewers provided very helpful comments on earlier drafts of the book. Finally, my love and thanks to my wife Leanne for being as steady as a rock.

Links to Web sites relating to European Union environmental policy can be accessed via the author's 'The EU on the Web' links page at the EU Resource Area of the publisher's Web site at <http://www.palgrave.com/politics/eu/euontheweb.htm> or by going directly to the relevant page on the author's Web site at <http://php.iupui.edu/~jmccormi/enviropolicy.htm>

JOHN MCCORMICK

List of Abbreviations

ACE	Actions by the Community Relating to the Environment
ACEA	European Automobile Manufacturer's Association
ACNAT	Actions by the Community for Nature
ACP	Africa, Caribbean, Pacific countries
ALTENER	Programme for the Promotion of Renewable Energy Sources in the Community
BAT	best available technology/techniques
BATNEEC	best available technology not entailing excessive cost
CAP	Common Agricultural Policy
CEECs	Central and Eastern European Countries
CEGB	Central Electricity Generating Board (UK)
CFP	Common Fisheries Policy
CITES	Convention on International Trade in Endangered Species
COE	Community Operations Concerning the Environment
COREPER	Committee of Permanent Representatives
CORINE	Coordination Information Environment
DG	directorate-general
EAP	Environmental Action Programme
ECPS	Environment and Consumer Protection Service
EDG	Environment directorate-general
EEA	European Environment Agency
EEB	European Environmental Bureau
EFTA	European Free Trade Association
EINECS	European Inventory of Existing Chemical Substances
EIONET	European Environment Information and Observation Network
ELV	emission limit value, <i>or</i> end-of-life vehicle
EMAS	eco-management and audit scheme
EMEP	Co-operative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe

ENDS	Environmental Data Services
EP	European Parliament
EWG	European Waste Catalogue
GMO	genetically-modified organism
IIASA	International Institute for Applied Systems Analysis
IMPEL	EU Network for the Implementation and Enforcement of Environmental Law
IPCC	UN Intergovernmental Panel on Climate Change
IPPC	integrated pollution prevention and control
LCP	large combustion plant
LIFE	Financial Instrument for the Environment
LRTAP	long-range transboundary (or transport of) air pollution
MEP	Member of the European Parliament
NCB	National Coal Board (UK)
NGO	non-governmental organization
NIMBY	not in my back yard
ODS	ozone-depleting substances
OECD	Organization for Economic Cooperation and Development
PHARE	Poland and Hungary Assistance for Economic Restructuring
PIC	prior informed consent
QMV	qualified majority voting
SAVE	Specific Actions for Vigorous Energy Efficiency
SEA	Single European Act
SST	supersonic transport
TAC	total allowable catch
UNECE	UN Economic Commission for Europe
UNEP	UN Environment Programme
WEEE	waste electrical and electronic equipment
WQO	water quality objective
WWF	World Wide Fund for Nature
CFC	chlorofluorocarbon
CO	carbon monoxide
CO ₂	carbon dioxide
HCFC	hydrochlorofluorocarbon
NH ₃	ammonia
NO ₂	nitrogen dioxide

NO _x	nitrogen oxides
O ₃	ozone
PCB	polychlorinated biphenyl
PCT	polychlorinated terphenyl
SO ₂	sulphur dioxide
SPM	suspended particulate matter
UV-B	ultraviolet B
VOC	volatile organic compound

Three Explanatory Notes

European Union law

EU law comes in three main forms: regulations, directives and decisions. When a piece of law is adopted, it is given a number which consists of the year of adoption and the sequential number of the law in that year. For regulations, the sequential number comes first and the year comes second, hence the 1991 regulation on the ozone layer is 594/91. With directives and decisions, the opposite is true, so that the 1996 directive on air quality is 96/62 and the 1999 decision on packaging waste is 99/177.

Every piece of law consists of five main sections: the title (which has several elements, including the number and the type of law), the powers on which the law is based (such as Article 175), a series of recitals which explain the background, the aims and the objectives (which always begin with the word ‘Whereas’), the key provisions (which are divided into articles), and the date by which the law must be transposed or implemented.

A complete listing of EU environmental legislation including year, number, title and brief description compiled by the author is available at the EU Resource Area of the publisher’s Web site at <http://www.palgrave.com/politics/eu/>

Terminology

I have used the term European Union throughout except where referring exclusively to a period or an issue which applies directly to the European Economic Community or the European Community.

Article numbers

The Treaty of Amsterdam introduced a new numbering system for the Articles of the EC and EU treaties. Throughout the book

I use this new system except where referring in a time-specific sense to the numbers used prior to Amsterdam. Listed below are the pre- and post-Amsterdam equivalents of articles referred to in the book:

<i>Old</i>	<i>New</i>	<i>Old</i>	<i>New</i>
2	2	130r	174
3b	5	130s	175
3c	6	130t	176
30	28	155	211
36	30	169	226
100	94	171	228
100a	95	235	307\

The key treaty provisions relating to environmental policy are summarized in the Appendix on page 300.