Policy-making in the European Union: the role of policy networks in EU environmental policy

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POLICY-MAKING IN THE EUROPEAN UNION: THE ROLE OF POLICY NETWORKS IN EU ENVIRONMENTAL POLICY

by

Julie Robinson

A Doctoral Thesis

Submitted in partial fulfilment of the requirements for the award of Doctor of Philosophy of Loughborough University

September 2002

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ABSTRACT

Research into the European Union (EU) increasingly focuses on the policy-making processes which take place within the EU, as distinct from trying to explain or predict the broad phenomenon of European integration. This thesis adopts a similar focus on EU policy-making. Policy-making in the EU is examined using a policy network approach. The main aim of the thesis is to assess how useful the policy network approach is as a means of explaining EU policy processes and policy outputs. The policy network approach is therefore applied not simply as a mechanism for describing patterns of interest intermediation but, rather, as a tool for explaining a new form of network governance in the EU. The thesis therefore aims to test the claims of the policy network literature that it can better account for policy-making in the EU than can more traditional approaches derived either from international relations (IR) or comparative politics (CP).

The thesis applies a policy network approach to the study of EU environmental policy-making. Three case studies – on air quality, landfill and drinking water legislation – are examined, in order to assess whether a policy network approach can help explain the development of EU policy in these areas. Overall the thesis finds a useful role for policy network analysis in helping to explain EU policy-making and policy outputs. At the same time, however, the thesis confirms the limitations of the policy network approach at EU-level. Policy network analysis must therefore be combined with both IR and CP approaches in order to gain a fuller understanding of how EU policy is made.

Keywords: policy networks; governance; EU policy-making; EU environmental policy; European integration; comparative politics
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<tr>
<td>BEUC</td>
<td>Bureau Européen des Unions de Consommateurs</td>
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<tr>
<td>CAFÉ</td>
<td>Clean Air for Europe</td>
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<tr>
<td>CAP</td>
<td>Common Agricultural Policy</td>
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<tr>
<td>CEC</td>
<td>Commission of the European Communities</td>
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<tr>
<td>CEN</td>
<td>Comité Européen de Normalisation</td>
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<tr>
<td>CP</td>
<td>Comparative Politics</td>
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<tr>
<td>DETR</td>
<td>Department of the Environment, Transport and the Regions</td>
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<tr>
<td>DEFRA</td>
<td>Department for the Environment, Food and Rural Affairs</td>
</tr>
<tr>
<td>DG</td>
<td>Directorate-General</td>
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<tr>
<td>DTI</td>
<td>Department of Trade and Industry</td>
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<tr>
<td>EAP</td>
<td>Environmental Action Programme</td>
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<tr>
<td>EC</td>
<td>European Community</td>
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<td>EEA</td>
<td>European Environment Agency</td>
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<td>EEB</td>
<td>European Environmental Bureau</td>
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<tr>
<td>EEC</td>
<td>European Economic Community</td>
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<td>ECJ</td>
<td>European Court of Justice</td>
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<td>ECSC</td>
<td>European Coal and Steel Community</td>
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<td>ELV</td>
<td>Emission Limit Value</td>
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<td>EMAS</td>
<td>Eco-Management and Audit Scheme</td>
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<td>EMU</td>
<td>Economic and Monetary Union</td>
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<td>ENDS</td>
<td>Environmental Data Services</td>
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<td>EP</td>
<td>European Parliament</td>
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<td>ERT</td>
<td>European Round Table of Industrialists</td>
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<td>ESA</td>
<td>Environmental Services Association</td>
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<td>ETUC</td>
<td>European Trades Union Congress</td>
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<td>EU</td>
<td>European Union</td>
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<td>FEAD</td>
<td>European Federation of Waste Management</td>
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<tr>
<td>FoE</td>
<td>Friends of the Earth</td>
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<tr>
<td>GMO</td>
<td>Genetically Modified Organism</td>
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<tr>
<td>IGC</td>
<td>Intergovernmental Conference</td>
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<td>IR</td>
<td>International Relations</td>
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<td>LI</td>
<td>Liberal Intergovernmentalism</td>
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<tr>
<td>MAFF</td>
<td>Ministry of Agriculture, Food and Fisheries</td>
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<td>MEP</td>
<td>Member of the European Parliament</td>
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<td>MLG</td>
<td>Multi-Level Governance</td>
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<tr>
<td>NFU</td>
<td>National Farmers’ Union</td>
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<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<td>NI</td>
<td>New Institutionalism</td>
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<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
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<td>OFWAT</td>
<td>Office of Water Services</td>
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<tr>
<td>PES</td>
<td>Party of European Socialists</td>
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<td>Acronym</td>
<td>Full Form</td>
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<td>QMV</td>
<td>Qualified Majority Voting</td>
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<td>SEA</td>
<td>Single European Act</td>
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<td>SEM</td>
<td>Single European Market</td>
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<td>TEU</td>
<td>Treaty on European Union</td>
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<td>UNECE</td>
<td>United Nations Economic Commission for Europe</td>
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<td>UNEP</td>
<td>United Nations Environment Programme</td>
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<tr>
<td>UNICE</td>
<td>Union of Industrial and Employers’ Confederations of Europe</td>
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<tr>
<td>WHO</td>
<td>World Health Organisation</td>
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<tr>
<td>WQO</td>
<td>Water Quality Objective</td>
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Explanatory Note

Terminology

The thesis uses the terms ‘European Union’ and ‘EU’ throughout, except where referring specifically to events or documents prior to the establishment of the EU. In such cases, the terms ‘European Economic Community’ (EEC) and ‘European Community’ (EC) are used as appropriate.

Treaty Articles

The thesis uses the original Treaty numbers applicable to specific EU directives. Hence, the three case studies examined, which were all developed under the provisions of the Single European Act, refer to the Single European Act article numbers. The new numbers introduced via the Amsterdam Treaty are used only when referring to this later period.

Interview sources

The interviews conducted for the thesis were undertaken on a confidential basis. Hence, interviewees are not identified directly in the main text of the thesis. A separate list of interviewees, giving the names of those interviewed, and corresponding to the numbers used in the text, is however available to the examiners and on request from the author.
CHAPTER ONE: EU POLICY-MAKING AND POLICY NETWORKS

Introduction

The emphasis of this thesis, as the title indicates, is on policy-making in the European Union (EU). My primary interest, put simply, is how policy gets made (see Bressers et al 1995: 19). This means focusing on the policy processes which occur every day in the EU, rather than trying to categorise the nature of the EU itself, or to predict where it is heading, using language and ideas derived from the study of international relations (IR). Nonetheless, this does not mean that we can ignore broader questions about European integration when we choose to focus on EU policy-making. Indeed, it is one of the main contentions of this thesis that it is not possible to make a neat distinction between EU politics and EU integration (Hix 1994: 23). Hence, analysis of the policy process must be undertaken with an awareness of the broader context of developments in European integration. Similarly, analysis of key events which move European integration forward – especially IGCs and Treaty amendments – should not overlook the substantial volume of EU policy which is produced between these history-making episodes (Peterson 1995a: 70) and which, in turn, can itself influence what occurs during these negotiations.

This thesis adopts a policy network approach to analyse processes of EU policy-making. However, the approach is not used simply as a comparative politics (CP) tool which sees no need for IR. Instead, the policy network approach is analysed in terms of the broader CP v. IR debate, and also as an approach which can capture elements of the policy process which seem to constitute a new form of governance in the EU. Despite this broad perspective, however, the thesis is also designed to offer a detailed and critical examination of the policy network approach. The utility of the approach – its potential, its claims and counter-claims, and its strengths and weaknesses – is explored by means of applying the approach to the analysis of environmental policy-making in the EU. The main aim is to assess just how useful the policy network approach is for analysing EU policy-making, and thereby to address some of the many questions about policy network analysis which are raised by a reading of the literature on the subject. Choosing a policy network approach
was therefore prompted in part by its potential to describe and explain processes of EU policy-making and EU governance but, also, by the ongoing debate within the policy network literature, and a desire to address these issues by conducting empirical research.

This opening chapter sets out the overall direction of the thesis, outlining the general structure and the key themes of the research. It begins by establishing the key debates about European integration and EU policy-making which are to be explored. It then explains how the policy network approach will be analysed, and how it will be applied in empirical research. It also discusses the choice of environmental policy as the policy sector from which the three case studies are taken. Finally, the chapter provides an outline of the overall structure which follows, and how this will develop the key issues raised.

**Studying the European Union**

By choosing to focus on policy-making in the EU, this thesis is primarily concerned with the EU as a polity – albeit still an incomplete and unique form of polity (Sbragia 1992: 13-22; Wallace and Wallace 2000: 532). The emphasis is thus on the policy processes which already occur in the EU, rather than on trying to foresee whether the EU will one day end up as a ‘normal’ political system. There has been a dual development in the literature on the EU in recent years, which has seen largely separate traditions focused either on polity-building or policy-making (Torreblanca 1998: 135). By studying policy networks, this thesis falls into the policy-making camp. At the same time, however, it does not view policy networks as simply reproducing the policy-making processes which occur at the national level. Instead, policy networks are viewed as part of a new system of governance in the EU, thereby recognising that the EU is not simply a re-run of the processes which have occurred in nation-states (Schmitter 1996: 25; Hix 1998: 41). The policy network approach is therefore adopted not simply as a direct transfer from the field of CP but, also, as an approach which can highlight emerging governance patterns which are not familiar CP territory.
Trying to find an approach which ‘fits’ the EU – ie which is not a straightforward transference of CP methods, is not an IR-focused theory, and offers the potential to describe and explain new patterns of governance – is a difficult task. The problem of settling on one approach reflects the long-running debate amongst EU scholars about how best to approach the EU. Put simply, we need to ask the fundamental question, “Of what is the EU an instance?” (Rosamond 2000: 14). This has led to the development of a number of distinct approaches (or conceptual lenses) (Cram 1997; Marks 1997) in the EU literature. First, IR theory has continued to play a strong role, with ongoing debates about the extent to which European integration has either enhanced or impeded the sovereignty of member states (eg Moravcsik 1991, 1993; Hoffmann 1966, 1989; Golub 1996a; Sandholtz and Stone Sweet 1998). Increasingly, though, this literature is countered by studies which focus on the day-to-day policy-making activity of the EU, looking at how the EU’s considerable policy output is achieved (eg Richardson 1994, 1996; Falkner 1998; Hix 1999). This literature often uses models or approaches already commonplace in the study of comparative politics within and across nation-states, in the belief that such approaches are now equally applicable at the EU level. In addition, however, there has in recent years been a governance turn in the EU literature (Rosamond 2000: 129; Jordan 2001: 195), which seeks to side-step the traditional CP-IR debate. This literature favours seeing the EU as being at the heart of a new type of governance, which challenges both the normal policy-making processes of CP and the normal conventions of IR (see Hix 1998; Kohler-Koch 1999; Jachtenfuchs 2001).

The development of these distinct strands within the EU literature has seen them occasionally competing, but all too often isolated from each other; as a result, “the absence of a research agenda specifically focused on studying how processes of policy-making and polity-building interact with each other is evident” (Torreblanca 1998: 135). The growing frustration of some scholars with this CP-IR divide has therefore led both to the emergence of new governance approaches to the EU, and to more eclectic or multi-model approaches which seek to incorporate the strengths of both CP and IR (Richardson 1996, 2001; Peterson and Bomberg 1999; Peterson 1995; 1997; 2001). Where these new, broader approaches have been tried, policy networks have often emerged as a crucial element. For example, Kohler-Koch and
Eising depict a new type of network governance at work in the EU - based on a new role for the state (as activator and mediator); new shared rules of behaviour (based on negotiation and joint problem-solving); new patterns of interaction (especially a blurring of the public and private spheres); and new levels of political activity, above and below the state (Kohler-Koch and Eising 1999: 25-26). Thus, network governance is not a concept applied directly from the CP literature; nor, however, does it fit the IR mould. Indeed, Kohler-Koch and Eising describe the EU as being at the interface of CP and IR (1999: 4). Similarly, broader multi-model framework approaches which seek to incorporate elements of both CP and IR also find a crucial role for policy networks. For example, Peterson and Bomberg’s (1999) framework accepts a role for IR (cf Rosamond 2000: 162), with intergovernmental and neofunctionalist theories seen as most applicable to the history-making decisions of the EU. However, such grand theories are seen as having little utility at a lower level of decision-making, where policy network activity is rife. Hence, Peterson and Bomberg conclude: “We would challenge any researcher investigating the European Union to deny that policy networks (or something like them) are an essential form of EU governance” (1999: 273).

The first question when deciding on the focus of this thesis, therefore, was how to approach the EU. Since the primary research interest is in policy-making, IR-based theories were discounted since they are not (nor are they intended to be) capable of analysing the day-to-day policy-making activity of the EU. Hence, the ongoing intergovernmentalist-neofunctionalist debate was rejected as a means of furthering an understanding of the EU policy process:

The continuing theoretical joust between neofunctionalists and intergovernmentalists fails to pose all of the possible questions about contemporary European integration because it problematizes the EU and integration in the preferred disciplinary terms of IR. While the two paradigms have much to say about the process, they are unable to capture the sheer complexity and dynamism of the emerging Euro-polity. (Rosamond 2000: 105).

As a result, the search for appropriate analytical tools turned to the CP approaches which are increasingly utilised by scholars studying the policy process in the EU. The CP tradition offers a wealth of approaches which can potentially be applied to the EU. This approach essentially means that we accept the EU as “a fully-
functioning political system” (Hix 1999: 357). As such, it seems logical, as Hix in particular has forcefully argued, that we should look to our extensive repertoire of CP models in order to analyse the EU. Hix’s argument is essentially that we do not need to re-invent the wheel, and that “to help understand how the EU works, we should use the tools, methods and cross-systemic theories from the general study of government, politics and policy-making” (Hix 1999: 2). Thus, even though the EU cannot be categorised as a state, it is nonetheless a political system which shares many of the policy-making attributes of a modern state.

In the search for appropriate analytical tools for studying the EU, however, the straightforward adoption of CP approaches can prove problematic. In particular, Hurrell and Menon’s response to Hix is a convincing one (see Hurrell and Menon 1996; Hix 1994, 1996). Hurrell and Menon’s riposte is, simply, that the EU is not a state like any other and that, as such, traditional CP approaches are not directly applicable. Hurrell and Menon point out that, even though the EU is increasingly concerned with normal political affairs such as “representation and participation, the distribution and allocation of resources, and political and administrative efficiency”, these activities are also inevitably and continuously pervaded by the more conventional “power and security considerations” which traditionally characterise relations between states (1996: 392). In order to fully take this dimension into account, Hurrell and Menon argue, we need to look beyond CP approaches:

> the nature of the EU system, the centrality of states and the continued importance of power considerations preclude successful explanations of EU ‘politics’ through the use of comparative government approaches alone. (Hurrell and Menon 1996: 397).

This thesis therefore follows Hurrell and Menon’s assertion that we cannot neatly separate EU integration and EU politics. If we are to take on board the broader IR dimension, CP approaches alone will not suffice. Hence, the search for relevant approaches then turned to the potential of the new governance approaches to the EU, which seek to overcome this persistent CP-IR divide. Turning to the governance literature, however, raises its own problems – not least because what is meant by the term governance is itself not always clear. The term has often been used as though its meaning is self-explanatory (Kohler-Koch and Eising 1995: 5). Governance should first be distinguished from government, to denote a distinct type
of political management: "Governance emphasises the interdependence between organisations, including non-state actors such as the voluntary sector, thus it is broader than government, changing the boundaries of the state and making them far less clear" (Carr and Massey 1999: 31).

This focus on governance, especially the combination of state and non-state actors, and the blurring of public and private distinctions, has led to the emergence of policy networks as a key approach for explaining how this governance activity is conducted. In terms of studying the EU, this approach has the benefit of going beyond a state-centric analysis; thus, the fact that the EU does not have a central government can be reflected by this new governance approach. Similarly, the governance approach accepts that there are different and overlapping levels of political activity; thus, the approach can cope with activity both on the national and supranational levels – hence, "The idea of governance, of governing without government, is an apt description of the multi-institutional, multi-level and multi-track policy process in contemporary Europe" (Carr and Massey 1999: 239). Scholars of EU governance also therefore reject the futility (Carr and Massey 1999: 233) of the IR-CP debate, in favour of an approach which can incorporate the insights of both these schools, and move beyond this dichotomy.

The approach adopted in this thesis, therefore, is to view the EU as a system of governance, in which policy networks can play a central role. This means accepting that the EU is not a re-run of polity-building or policy-making at the national level. Although the EU does now possess many of the policy-making attributes of a modern state, it also differs from a ‘normal’ state in a number of crucial ways. It does not possess a government in the traditional sense (see Bulmer 1998: 366). Moreover, it is still an integration project between sovereign states, and so normal policy-making activity will always be conducted with an awareness (however distant) of conventional power politics between nation-states. Whilst IR theories can capture this power politics, they cannot capture the detail of the substantial day-to-day policy-making activity which occurs in the EU. By using a governance approach, therefore, we are able to acknowledge the insights and shortcomings of both CP and IR approaches, and to move beyond them. Since policy network activity is claimed to be at the heart of European governance, this thesis will focus
in detail on the policy network approach. The choice of policy networks as the main focus of the thesis therefore emerges from an analysis of the fundamental question, “Of what is the EU an instance?” At the same time, however, the policy network approach has been chosen not just for its links with EU governance, but also because it raises its own set of interesting and challenging theoretical, methodological and empirical questions.

**Studying Policy Networks**

A policy network approach has already been widely applied to the study of policy-making in the EU (eg Richardson 1994; Bomberg 1998; Zito and Egan 1998; Daughbjerg 1999: Peterson and Bomberg 1999). The benefits and limitations of the approach have been the subject of keen debate. One of the key objectives of this thesis is to analyse the extent to which the EU operates a new style of governance which is centred around policy networks. Another key objective, however, is to analyse how much the policy network approach itself can really contribute to the process of describing and, more significantly, explaining policy-making.

The policy network approach emerged from a long tradition of political science literature which focused not on formal or highly visible politics – such as parties, parliaments and manifestos – but on informal, often hidden political processes – especially those between interest groups and the state. This kind of post-parliamentary approach (Richardson 2000: 1006) led to the development of now classic models such as policy communities, issue networks, subgovernments and iron triangles. These models have been extensively debated and compared, and made the subject of empirical testing both at national and (in the case of policy communities and issue networks) at EU level. The more recent developments in the policy network literature have sought to modify and update these various approaches, and have brought the insights of such models within the now generic policy network label (eg see Marsh and Rhodes 1992; Jordan and Schubert 1992; Van Waarden 1992; Börzel 1998). The definition of a policy network adopted in this thesis is that given by Börzel, who defines a policy network as:
a set of relatively stable relationships which are of non-hierarchical and
interdependent nature linking a variety of actors, who share common
interests with regard to a policy and who exchange resources to pursue these
shared interests acknowledging that co-operation is the best way to achieve

This definition allows the policy network approach to be used as a generic term,
able to encompass different network types.

Whilst the policy network approach is seen as a potentially fruitful means of
studying EU policy-making, it is also the subject of extensive criticism. Most
fundamental, perhaps, is the complaint that the policy network approach does not
really say anything new. Its focus on state-interest group relations, it has been
argued, offers little original insight – simply that “the process of governance
involves using networks of some kind (as it surely always did?)” (Richardson 2000:
1021). One of the challenges for this thesis, therefore, is to examine whether there
is more to the policy network approach than this. In other words, does the policy
network literature merely attach a new label to old insights about state-interest
group relations? (Jordan 1990b; Peters 1998b). Or, is the policy network approach
more complex than this – ie can it provide new insights into the policy process, and
go beyond simply describing state-interest group relations in new jargon?

A review of the policy network literature to date does not provide any conclusive
answers to this fundamental problem. Rather, a reading of the literature can instead
serve to raise many more questions than it answers. Whilst the policy network
model seems a promising means of understanding patterns of governance within the
EU, therefore, it also raises a number of important theoretical, methodological and
empirical questions. The decision to apply a policy network approach to the EU is
therefore an attempt to address some of these key questions in an empirical context
– rather than simply adding to the debate on a purely theoretical level. Although
this proved to be a difficult task, it also offered the opportunity to strongly test the
policy network approach, and to see whether it could stand up to the challenge of
explaining key elements of the EU policy-making process.

There are, of course, many other, probably more established and safer comparative
politics approaches which could be applied to a study of EU policy-making (see Hix
1994, 1998; Rhodes and Mazey 1995). However, the reason for choosing policy networks above these was, as stated earlier, because of its potential to straddle the CP-IR divide, and to take a new approach to the EU based on analysing governance. In addition, more established approaches (such as pluralist or corporatist approaches) did not present the same theoretical, methodological and empirical challenges. The aim of this thesis is not simply to discover how policy gets made in the field of EU environmental policy but, equally importantly, to discover how useful the policy network approach is as a tool for analysing the policy process.

Another important factor in the choice of policy networks was the European Commission’s own apparent interest in networks and networking. Policy network literature frequently refers to the Commission as the initiator, facilitator, ringleader, sherpa, or pivot of policy networks (see Richardson 1994: 141; Peterson and Bomberg 1999: 23-24). Since the Commission is also the formal initiator of most EU policy proposals, any study of EU policy-making must take into account the Commission’s practice of network-building and, in turn, how influential these networks may prove. The Commission may be driven, either by its own lack of resources or expertise, or by the sheer complexity of a policy problem, into assisting in the formation of, and then massaging the operation of, EU policy networks (Richardson 1996b: 42). Hence, another important question for this thesis was an examination of the Commission’s role in this context. Similarly, the thesis also identifies an important role for the European Parliament in establishing and managing its own policy networks. Like the Commission, the EP has much to gain by encouraging policy network formation – especially given its own limited and often overstretched resources during the policy process. This also enables the thesis to address one of the often neglected aspects of policy network analysis – ie how and why policy networks are formed (see Hay 1998). This enables a more dynamic approach, rather than taking a snapshot of a static policy network, without considering how or why it emerged. Moreover, if the Commission is able to develop and steer such networks, and if these networks can be shown to have an influence on the policy process, this also tells us something about the importance of supranational institutions in day-to-day policy-making, as a counter to the focus on intergovernmental bargaining. Hence, an important focus of this thesis is on the role of the Commission and the EP as members of – and indeed architects of –
policy networks. The tendency of the Commission and EP to build and then steer policy networks has not been adequately explored in the policy network literature, and yet it is a vital aspect of how these institutions operate within the EU policy process. The implications of this for both the new institutionalist and policy network approaches to the EU are also therefore considered.

The choice of a policy network approach in this thesis, therefore, essentially serves a dual purpose. Perhaps most fundamentally, it enables us to test the supposed strengths of the approach in an empirical context, and to reassess some of the claims and counter-claims contained within the policy network literature. At the same time, it enables us to examine how policy gets made in the EU, and whether an image of network governance is accurate or relevant. On a broader level, it can also help inform the intergovernmentalist-neofunctionalist debate, by looking at the relative importance of intergovernmental bargaining and supranational institutions in the EU policy process.

**Studying EU Environmental Policy**

The empirical part of this thesis centres on a study of EU environmental policy. Environmental policy was chosen for a number of reasons. First, it is an area which has already been the subject of other policy network studies at the EU level (see Bomberg 1994, 1998; Zito and Egan 1998; Peterson and Bomberg 1999; Zito 2000). This enables comparison of the thesis findings with findings of these earlier studies. In addition, one of the key findings of the existing literature is the image of the EU as a receptive target for environmental lobbying. The EU – and especially the Commission and European Parliament (EP) – are seen as especially open to environmental interests, and willing to accommodate them perhaps much more readily than their own national governments (Mazey and Richardson 1993; Greenwood 1997; Lowe and Ward 1998). As such, EU environmental policy has been depicted as a haven for broad, open, often ad hoc environmental issue networks. The Commission and the EP have gained valuable insight and expertise from these groups; in turn, environmental groups have embraced the opportunity to access environmental policy-makers. In this sense, then, if we are to find policy networks anywhere, then surely we should find them here?
In addition, the EU environmental policy sector is one which, at least initially, proceeded by stealth (Weale 1999: 37), rather than as a result of any overt commitment by EU member states. There was no formal adoption of environmental policy objectives in the Treaties until the Single European Act of 1986. By this time, however, the EC had already developed an extensive range of environmental policy measures. Hence, although there was no consistent high-level focus on environmental issues – in contrast to more traditional EU areas such as agriculture or coal and steel – the development of policy still continued to flourish. Again, this makes policy network analysis an ideal approach for analysing this development – ie how did the EU manage to develop such an extensive and, in terms of its impact on member states, highly significant, programme of environmental legislation, without the focus of attention from high-level political leaders? If policy network analysis is able to fulfil its fundamental claims, it should be able to illuminate this process of policy-making by stealth. Since many of the EU’s environmental measures have also had a significant, often, unexpected impact on member states (for example, leading to costly investment programmes to meet new EU standards), study of these developments can again potentially shed light on the broader debate between intergovernmental and neofunctionalist accounts. In other words, have Commission-steered policy networks shaped EU policies (Peterson and Bomberg 1999) in such a way that individual national governments have been subjected to policy developments which they were unable to veto or control?

Finally, the choice of environmental policy is also seen as a useful means of further exploring the concept of governance. Since governance is concerned with multi-venue, multi-level processes, it seems especially relevant to the field of environmental policy. Environmental problems are well-acknowledged to extend beyond national borders, and to present problems at multiple levels. This incorporates truly international, cross-border problems, such as climate change, air pollution or shipment of hazardous waste. It also incorporates the resonance of these problems at a local level, for example daily monitoring of local air quality levels, or establishment of local recycling schemes. The basic overlap of these levels of activity in environmental policy is encapsulated in the familiar environmental slogan, Think global, act local. Policy network analysis is, at least
potentially, able to capture these different levels of activity, and the interactions between them. Hence, an environmental policy network at the EU level can, in theory, incorporate participants both from a local level (eg local authorities) and from a global level (eg WHO, UNEP), as well as national and EU actors. Again, therefore, viewing the EU as a system of governance, with a crucial role for policy networks, seems especially relevant in the field of EU environmental policy.

**Research Methodology**

This thesis analyses the development of three pieces of EU environmental legislation – the revised drinking water directive of 1998 (1998/83/EC), the first ambient air quality daughter directive of 1999 (1999/30/EC), and the 1999 directive on the landfill of waste (1999/31/EC). These directives were chosen to represent distinct sub-sectors of EU environmental policy which could, nonetheless, be compared (see Wurzel 2002: 53). The aim was to enable comparison of findings in the three case studies, and therefore cases from the same broad policy sector, subject to the same EU decision-making procedures, and from around the same time, were selected. This comparative element was especially important, in order to assess the explanatory power of the policy network approach – ie could any differences in policy process and policy output be attributed to the differences in policy networks in each case? An assessment of the explanatory power of the policy network approach was the chief objective in carrying out the case studies – ie does the policy network approach help explain how policy gets made in these three instances? Before this question could be tackled, however, it was necessary to establish whether or not policy networks really existed in each case, rather than simply to assume this to be so. In other words: “Do networks exist in any meaningful sense, or are they mere constructs imposed by researchers for their own intellectual convenience?” (Peters 1998c: 21). The case studies are therefore concerned to establish both the existence and the relevance of policy networks (Börzel 1998b: 253). Further, it is important to consider exactly how we can measure the relevance of policy networks. A policy network approach seeks to link the internal characteristics and dynamics of policy networks to specific aspects of the policy process and to specific policy outputs. The case studies are therefore intended to examine whether and how policy network relevance can be measured.
The methodological approach used in carrying out this empirical research was a combination of documentary analysis and interviews with participants in the policy process. Documentary sources included official documents from the EU institutions—especially the Commission and EP—related to the development of the three directives, and the development of EU environmental policy more generally. In addition, the case studies included analysis of documentary material from environmental NGOs and other non-governmental sources. This documentary material was supplemented also by information relating to the broader development of EU environmental policy, such as Environmental Action Programmes (EAPs), Treaty provisions and European Council declarations. Interviews were conducted both in Brussels and in the UK. These included interviews with representatives of the European Commission, EP, Council Secretariat and Coreper, and also representatives of non-governmental interests such as the European Environmental Bureau (EEB) and Friends of the Earth (FoE). Interviews were conducted on a non-attributable basis, although a full list of interviewees is available separately from the thesis. Interviews were intended both to corroborate documentary evidence, and also to go beyond it. Evidence from those directly involved in the policy process was seen as a vital component of the empirical studies—especially given the focus of policy network analysis on informal, often hidden or ‘behind the scenes’ policy-making processes. The interviews were conducted between February 2001 and November 2001, and included two separate stays in Brussels, as well as visits to UK-based interviewees. The number of interviews was inevitably in part dictated by constraints of both time and resources, although the interviews where possible provide a mix of official and non-governmental actors in each case.

The official documentary evidence used includes material up to and including the sixth EAP, published in 2001. The case studies do not, however, examine the implementation of the three directives being studied—they examine the policy process up until the final agreement of the directives in the Council of Ministers. This thesis therefore refers to this final agreement as a policy output, rather than as a policy outcome. This follows Greenwood’s distinction (1997: 2), in which the outcome includes the effects of the policy once implemented, ie the end-result. It also follows Weale’s definitions (1992), which define policy outputs as “the laws,
regulations and institutions that governments employ in dealing with policy problems”, and policy outcomes as “the effects of those measures upon the state of the world”. (quoted in Jordan 1999a: 72). This thesis prefers the term output since this refers to the actual policy decision, rather than to what happens as a result. (The policy network literature, however, uses both terms, and sometimes fails to make a distinction; where this is the case, this thesis obviously follows the terminology of the original source).

**General Structure**

This thesis begins by analysing in Chapter 2 the range of approaches to the study of the EU – encompassing the CP and IR traditions (and the debate between the two), and the new governance approach. This chapter is intended to highlight some of the difficulties of analysing the EU, and in particular that there is a choice to be made about which approach to adopt and why. This choice requires us to think about how we view the EU – as an international organisation? a normal political system? a new system of governance? – which in turn can enable us to decide which theoretical approach to take. This again reflects Rosamond’s call for greater theoretical reflection: “To be blunt, we need to know what we want to get out of studying European integration, not in terms of what we want/expect our answers to be, but in terms of where we seek to locate our investigations” (2000: 14).

This thesis therefore locates its investigation of the EU in the new governance tradition, thereby seeking to avoid reinforcing the CP-IR debate and, in addition, seeking to test the image of the EU as a system of governance of which policy networks are a vital part. Chapter 3 then goes on to consider the policy network approach in more detail. This involves a critical analysis of the literature to date – incorporating the origins and development of the policy network approach, the key elements of the ongoing debate about its strengths and weaknesses, and an examination of how policy network analysis has been applied to the study of both national and EU policy-making. This survey also identifies the key theoretical, methodological and empirical questions which are the central focus of this thesis.
Having considered the theoretical approaches to the EU, and the strengths and weaknesses of the policy network approach, the thesis then turns to the empirical part of the analysis. Chapter 4 looks explicitly at some of the methodological problems associated with using policy network analysis for empirical research. Although many of these problems echo the broader debates about policy network analysis which are discussed in Chapter 3, it nonetheless remains important to discuss the specific methodological and practical issues which arise from applying policy network analysis to empirical research. This is followed by an overview of the development of EU environmental policy in Chapter 5. This is intended to provide the broad context for the detailed case studies which follow. In addition, it is used as an opportunity to show how the theoretical debates about CP, IR and the new governance may be applied to a specific EU policy sector. It is argued that an awareness of these broader developments is also an important element in understanding the overall context within which EU environmental policy networks operate. The thesis then turns to a detailed examination of the three case studies, focused on air quality, landfill and drinking water legislation (Chapters 6, 7, and 8 respectively). Finally, in Chapter 9, the overall conclusions of the thesis are set out. This includes discussion of the findings of the three case studies and, also, relates these empirical findings back to the key themes identified throughout the thesis in relation to the study of EU governance and the study of policy networks.
CHAPTER TWO: THEORISING THE EUROPEAN UNION: 
IR, CP AND THE NEW GOVERNANCE

Introduction
The study of the European Union (EU) has in recent years seen an increasing divergence of approaches, as traditional integration theory has been challenged by a variety of approaches more normally associated with the study of domestic politics. These developments have been criticised for leading to a somewhat phoney war between different approaches (Peterson 2001: 290), and have prompted scholars to revisit the classic dilemma identified by Puchala (1972), in which different theorists ask essentially different sets of questions about the same phenomenon (see also Peterson 2001: 293; Jachtenfuchs 2001: 259). Hence, the study of the EU has continued to follow a traditional international relations (IR) path; it has also begun to apply a range of comparative politics (CP) approaches taken from domestic politics; and it has also recently begun to combine the insights of both these strands in recognition of the EU as a sui generis phenomenon which neither classic IR nor CP can fully explain. This is turn has led to the depiction of the EU as a new form of governance, of which policy networks are a vital component.

Explaining European Integration: The Role of IR
The traditional IR approach to the study of the EU is at heart concerned with explaining the process of European integration - examining what drives the process forward and what the end result might be. Hence, European integration theory has focused more on the nature of relationships between, rather than within, states (Wallace and Wallace 2000: 530; Jachtenfuchs 2001: 249). This approach has also developed its own longstanding division between those who view national governments as the central actors in relations between states, and those who view the development of supranational institutions as ever more important. This now classic, some would say sterile, controversy (Risse-Kappan 1996: 59) has led to the parallel development of intergovernmentalist and neofunctionalist approaches to explaining European integration.
The functionalist and neofunctionalist approaches to European integration both look beyond the centrality of the state as the key actor in achieving integration. Early functionalist approaches focused instead on the need to overcome national divisions, and to concentrate on building co-operation in areas of policy which could supposedly be kept non-political and therefore non-controversial. Mitrany’s *A Working Peace System* outlines the benefits of such co-operation:

> It would indeed be sounder and wiser to speak not of the surrender but of a sharing of sovereignty: when ten or twenty national authorities, each of which had performed a certain task for itself, can be induced to perform that task jointly, they will to that end quite naturally pool their sovereign authority insofar as the good performance of the task demands it.

That may seem a limping way towards world community. Yet the eagerness for a finished constitution may actually hold up progress. (Mitrany 1943: reprinted in O’Neill 1996: 194-195).

Mitrany’s suggestions, although developed prior to the commencement of the European integration project, and although advocating a world - not a regional - community, nonetheless provided the theoretical backdrop (Caporaso and Keeler 1995: 30) for the early development of the ECSC and the EEC, and for the adoption of the Monnet method of European integration. However, the lack of an explicit theory of politics in Mitrany’s approach (Caporaso and Keeler 1995: 32) soon led to the development of neofunctionalist approaches which tried to give a more detailed explanation of how states could be induced to co-operate with each other, and how this co-operation would be sustained.

Neofunctionalism thus offered a more explicitly political account of European integration, based on its definition of *political integration* as “the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states. The end result of a process of political integration is a new political community, superimposed over the pre-existing ones” (Haas 1968: 16). Neofunctionalist scholars such as Haas focused on the role of political elites in driving forward integration – taken to encompass members of government, civil servants, spokesmen of political parties, and representatives of trade associations, organised labour and other groups (Haas 1968: 17). In addition, neofunctionalists focused on
the role of institutions in sustaining the integration process, and the ability of new supranational institutions both to create new loyalties amongst their members and, in turn, generate their own political preferences and demands:

Decision-makers in the new institutions may resist the effort to have their beliefs and policies dictated by the interested [national] elites, and advance their own prescription. Or the heterogeneity of their origins may compel them to fashion doctrines and develop codes of conduct which represent an amalgamation of various national belief systems or group values. (Haas 1968: 19).

Further, the integration process is, according to neofunctionalism, sustained also by the phenomenon of *spillover*, in which successful co-operation in limited spheres generates demands for extending co-operation into other areas (these demands coming both from national elites and from the newly formed supranational institutions). This *spillover* is both technical (crossing from one policy sector to another) and political (a transfer in the loyalties and expectations of national political elites to the supranational level) (Cram 1997: 16). In this sense, therefore, the continued predominance of the national government is called into question, as the scope of supranational institutions continues to expand.

According to intergovernmentalists, however, the national government continues to retain its power as the ultimate decision-maker at the European level. This approach derives its focus on the centrality of the state from classic realist assumptions about the power of nation states, rather than focusing on the potential for co-operation and pooling of sovereignty. Hence, scholars such as Hoffmann, in response to the neofunctionalist arguments put forward by Haas, saw little in the emergent European institutions to threaten the continued supremacy of nation states, finding instead that “there are co-operative arrangements with a varying degree of autonomy, power, and legitimacy, but there has been no transfer of allegiance toward their institutions, and their authority remains limited, conditional, dependent, and reversible” (Hoffmann 1966: 909). Hoffmann therefore preferred to highlight the logic of diversity which continues to exist amongst European nation states, rather than any logic of integration which draws them together (Hoffmann 1966: 881).
More recently, EU scholars have developed and refined the realist assumptions of intergovernmentalism, in part to respond to growing criticisms that a view of nation states as unitary actors (with a single set of preferences) is simply unsustainable. Moravcsik (1991) developed a theory of *intergovernmental institutionalism* which he contrasted specifically with *supranational institutionalism*, and thus with the neofunctionalist approach to the power of EU institutions. Moravcsik cited three key elements of his original intergovernmental institutionalist approach – intergovernmental negotiation between heads of government and their representatives, lowest common denominator bargaining, and strict limits on future sovereignty transfer (Moravcsik 1991:48-49). Hence, according to this view, the primary source of integration, and of the building of EU institutions, “lies in the interests of the states themselves” (1991: 56).

Moravcsik followed this with his theory of *liberal intergovernmentalism* (1993), in which the domestic pressures which inform the preferences of national governments are more explicitly taken into account. Moravcsik thus retains his focus on the centrality of national governments, but views their role in two sequential stages – “national preference formation and intergovernmental strategic interaction” (1993: 480). However, the EU’s supranational institutions still exist to facilitate the desired outcomes of member states, and have a marginal impact on inter-state negotiation: “In the intergovernmentalist view, the unique institutional structure of the EC is acceptable to national governments only insofar as it strengthens, rather than weakens, their control over domestic affairs, permitting them to attain goals otherwise unachievable” (1993: 507). Hence, the neofunctionalist account of supranational institutions prompting loyalty transfer and putting forward their own amalgamated policy preferences is unequivocally rejected.

Moravcsik’s theory of liberal intergovernmentalism has more recently been applied to the negotiation of the Amsterdam Treaty which, Moravcsik asserts, confirms his view of the continued centrality of national governments in the European integration process. Moravcsik identifies three key facets of the negotiations. First, a recognition by national governments of interdependence on specific issues makes them willing to negotiate. Second, agreement on these issues is reached by bargaining between national governments, with little input for supranational
institutions: “negotiations were efficient even without supranational entrepreneurs, who played a marginal role, and were dominated by national governments” (Moravcsik 1999: 69). Finally, national governments agree to delegate authority to supranational institutions in order to protect their intergovernmental agreements, and to bind their fellow member states to these agreements – producing what Moravcsik terms credible commitments. Thus, “[s]overeignty is delegated or pooled in order to ‘lock in’ compliance with particular arrangements or relative influence over future decisions” (Moravcsik 1999: 76). Delegating such authority to supranational institutions is thus still viewed as a move which best serves the national interests of the EU member states.

Explaining EU Policy-Making: A Role for IR?

Although these neofunctionalist and intergovernmentalist approaches have been applied primarily to the study of significant episodes in European integration, such as the negotiation of the Single European Act and the Maastricht and Amsterdam Treaties, they are nonetheless seen by some as also applicable to the more routine business of the EU, in terms of its day-to-day policy-making activity. Hence, various scholars have found that these IR-focused accounts are still at times a better explanation of the EU’s day-to-day activities than the CP approaches which have more recently been applied as alternatives (Huelshoff and Pfeiffer 1991; Golub 1996a; Zito 2000).

For example, a number of recent studies of developments in EU environmental policy have supported an intergovernmentalist thesis. Huelshoff and Pfeiffer’s study of air pollution and waste management policy at EU level (1991) finds a continued centrality for member state governments, and reasserts the intergovernmental over the neofunctionalist view. Huelshoff and Pfeiffer find that even though the political salience of issues such as air pollution and waste management has increased in recent years, the European Commission has been unable to take advantage of this and press for tough EU-level environmental standards. Instead, according to Huelshoff and Pfeiffer, the policies which have emerged in these areas still reflect above all “the demands of the foot-draggers in the EC” (1991: 155; see also Börzel 2002a). Huelshoff and Pfeiffer assert therefore
that despite the increase in the volume of EU environmental legislation and regulation particularly since the Single European Act (SEA), there is little evidence of the kind of spillover or growing power of supranational institutions which neofunctionalism predicts; rather, the power of member state governments remains central:

There are valuable lessons for theory in post-SEA environmental policy. The politics of EC environmental policy demonstrate the weaknesses of re-worked theories of regional integration which emphasise neo-functionalist spillover and the transfer of sovereignty to EC institutions ... Rather, national sovereignty remains a powerful force in EC politics, despite the 'Europhoria' of recent years and the renewed drive towards greater political integration in the EC (Huelshoff and Pfeiffer 1991: 138).

Huelshoff and Pfeiffer therefore find a use for IR theories in the analysis of specific EU policy sectors, and in analysing the detail of the policies which emerge, in addition to using IR theories to answer the 'big' questions about European integration as a whole.

Similar conclusions are reached in Golub's more recent study of waste management (1996a), which looks in particular at the development of the EU’s 1994 directive on packaging waste. Golub’s study again illustrates that the intergovernmentalist-neofunctionalist debate can be used to analyse policy-making within the EU, as well as the more high profile episodes such as IGCs and Treaty amendments. Golub therefore analyses the detail of the development of one specific piece of environmental legislation but, in addition, also uses his study of the development of this one directive “to contribute to the larger debate about whether EC integration strengthens the state, or rather empowers supranational institutions at the expense of national sovereignty” (Golub 1996a: 314). Once again, Golub finds that the ability of supranational institutions – namely the European Commission and European Parliament (EP) – to achieve their desired outcomes on this issue is limited. Golub instead highlights the power of member states in the Council of Ministers to weaken substantially the Commission’s original proposals:

Even if one assumes a certain amount of gamesmanship, whereby the Commission habitually puts forward extremely ambitious proposals and targets which it knows will be sacrificed during subsequent negotiations with the Council, the weakness of the Commission as an agenda-setter is striking ... the almost complete removal of its pre-draft objectives from the
final text reflects the extreme impotence of DG XI as an agenda setter. (Golub 1996a: 325).

Whilst emphasising the dominance of the Council of Ministers, however, Golub also recognises that this is not simply a case of out-and-out member state control. Since the final directive was determined by a qualified majority vote in the Council, this meant that not all member states had their preferences met. Further, the fact that member states were voting on a proposal drafted by the Commission and debated by the EP also indicates that the policy is not entirely within the control of member states. This is also indicative of the emergence of preferences held by the supranational institutions themselves, in line with neofunctionalist predictions, as opposed to these institutions merely carrying out the wishes of national governments.

Golub concludes by making a crucial distinction between power and influence among actors – ie member state governments still retain final decision-making power, but supranational institutions and their respective constituencies of interests are able to heavily influence the policy process. For Golub, therefore, this influential group of supranational institutions and interest groups leads us towards a diffuse form of multi-level governance. Golub advocates using both state-centric and multi-level governance models as complementary approaches. This combination is able to capture the significant influence of supranational actors and avoid over-estimating the power of member states, whilst at the same time acknowledging the ultimate decision-making power of national governments:

In terms of institutional influence, Parliament and the Commission can provide a repertoire of policy options. But in terms of power, they cannot prescribe specific policy outcomes. The ability to get people thinking about certain ideas constitutes an important but weak form of agenda-setting which does not threaten state-centric models … But as the packaging example illustrates, state-centric models are of equally limited value because they overestimate the ability of the Council to dominate the other institutions, and because they conflate collective Council authority with the preservation of national sovereignty and national autonomy. (Golub 1996a: 331).

Thus, Golub’s multi-level approach captures power and influence both at the national and EU levels, and therefore begins to move us beyond the either/or position demanded by scholars of traditional intergovernmental and neofunctionalist theory.
Beyond Intergovernmentalism v Neofunctionalism: A Role for Comparative Politics?

Increasingly, then, the classic intergovernmentalist-neofunctionalist debate has been applied not just to the study of European integration as a process, but also to the study of the EU as a significant policy-making arena in its own right. Whilst these developments have produced a broader application of traditional IR theories, they have also perpetuated the dichotomy between the two approaches. Furthermore, for many scholars this application of traditional IR theories to policy-making is in any event inappropriate. They prefer, instead, to treat the EU as a polity (or at least a partial polity, or a polity in the making) (Sbragia 1992: 13-22), rather than as an international organisation. They therefore increasingly prefer to apply models and approaches already commonly used to study policy-making in the domestic arena. For these scholars, the “general inapplicability of IR approaches to the study of EU policy-making means that we ought to look elsewhere (Hix 1994: 11). This has led in two directions. First, scholars have begun to use CP approaches, already familiar at the national level, to study EU policy-making. Second, scholars have alternatively begun to view the EU as a distinct form of polity, to which established CP models are themselves not directly applicable. This has led in turn to the emergence of a governance turn in EU studies (Rosamond 2000: 129), in which a new approach – drawing in part on both CP and IR, and centred on the concepts of policy networks and multi-level governance – is seen as the best way forward.

The use of CP and governance approaches, in preference to IR, has focused on explaining policy-making within the EU – in other words, “the everyday practice of agreeing EU policy, as opposed to the grand bargains that are struck relatively rarely” (Peterson 2001: 313). This has meant that those using CP and governance approaches are often asking a different set of questions to those using IR theory (again this reminds us of Puchala’s blind men and elephants metaphor) – although it is important to keep in mind that these two domains are not mutually exclusive, and that there is often a reciprocal albeit not immediately obvious relationship between everyday policy-making and grand bargains at the EU level (Cram 1997: 27).

The case for drawing on our wealth of existing models for the study of comparative politics was strongly made in the mid-1990s by Hix. Hix called for a clear
separation of EU politics and EU integration, and advocated the application of distinct approaches to each phenomenon (Hix 1994). Hix’s argument was founded on the assertion that “politics in the EC is not inherently different to the practice of government in any democratic system” (Hix 1994: 1). As such, we should take the EC system as a given and begin to analyse what goes on inside it, rather than focusing only on its evolution and ultimate destination. This in turn may leave us with the same ontological assumptions and methodological disagreements familiar to CP scholars (Hix 1994: 2-3). Nonetheless, it also gives us a whole range of CP approaches which, Hix argues, is more relevant to the study of EC politics than are the traditional range of integration theories. Hence, for example, Hix identifies a diverse range of pluralist, rational choice, sociological and institutionalist approaches which may be usefully transferred from the national to the EU level (1994: 23). These approaches are seen by Hix as more fruitful lines of inquiry than IR approaches, and as able to capture the fundamental left-right political dimension (which is a sign of the increasingly normal political activity of the EU) as opposed to the national-supranational dimension which is the sole focus of IR theory (1994: 20). A similar case is made by Rhodes and Mazey (1995) who also outline the potential usefulness of CP approaches (rational choice, pluralist and institutional/constitutional) to the study of the EU. Again, this is seen as an important step beyond the focus on IR theory, and as opening up a new field of inquiry. This means that EU scholars therefore need to recognise “two related sets of questions: explaining and assessing the process of European integration; and evaluating the policymaking capacity, structures, and processes of the EU” (Rhodes and Mazey 1995: 7).

Both Hix (1994) and Rhodes and Mazey (1995) also admit that there remains a relative lack of application of these CP approaches to the EU, in comparison with the strong tradition of applying IR theory. However, there is a growing literature which looks at the policy-making capacity of the EU, and which concerns itself primarily with the EU’s everyday activity rather than with historic landmarks in the European integration project. For example, the institutionalist approaches referred to by Hix and Rhodes and Mazey have emerged in this context. In turn, this has also led to the emergence of a new intergovernmentalism-institutionalism debate,
echoing the concerns of the traditional intergovernmentalism-neofunctionalism controversy.

**The Role of Supranational Institutions: The New Institutionalism**

The application of institutionalist approaches to the EU has led to a wealth of material emerging under the *new institutionalist* banner (e.g., Pierson 1996; Bulmer 1998; Aspinwall and Schneider 2000). This literature provides a focus on the role of supranational institutions, and thus echoes a key theme of the neofunctionalist literature. However, new institutionalism also focuses on the policy-making activity of the EU, not just on what drives integration forward. As such, it offers another useful counter to traditional IR theories. One example of using an institutionalist account to explain the normal political activity of the EU is found in Pierson’s analysis of the development of EU social policy (Pierson 1996; see also Leibfried and Pierson 1995; Pierson 1998). In this account, Pierson, whilst acknowledging the continued role of member state governments as “the most powerful decision makers” in the EU, nonetheless feels it is imperative also to explain the phenomenon of member state constraint and the emergence of gaps in member state control (Pierson 1996: 126-134). Pierson finds that intergovernmentalist accounts cannot explain the ability of the EU’s institutions to limit member state activity, or to expand into areas where there are gaps in member state control. Instead, Pierson identifies a range of factors which can lead to supranational institutions taking control of certain issues. Pierson identifies four such factors. First, he cites the level of autonomy of supranational institutions, in terms of their tendency to seek to maximise the powers granted to them by member states, and to develop their own preferences rather than act simply as instruments of national governments. Second, he highlights the restricted time horizons of national governments, which usually consider short-term political factors ahead of any longer-term consequences of granting power to supranational institutions. Third, Pierson highlights the potential for unintended consequences, leading to gaps in member state control: “Complex social processes involving a large number of actors always generate elaborate feedback loops and significant interaction effects that decision makers cannot hope to fully comprehend” (1996: 136). Finally, shifts in the policy preferences of member state governments over time can have a significant effect (for example,

Hence, according to Pierson, there are a number of ways in which member states can be constrained by the EU institutions which they have created, and there exists the potential for numerous gaps in member state control, which EU institutions are ready and willing to fill. Pierson therefore rejects the ability of intergovernmentalist approaches to explain these phenomena:

Arguments about intergovernmental bargaining exaggerate the extent of member state power. In their focus on grand intergovernmental bargains, they fail to capture the gradually unfolding implications of a complex and ambitious agenda of shared decision making. Although the member states remain extremely powerful, tracing the process of integration over time suggests that their influence is increasingly circumscribed. The path to European integration has embedded member states in a dense institutional environment that cannot be understood in the language of interstate bargaining (Pierson 1996: 158-159).

Pierson also acknowledges the compatibility between institutionalist and neofunctionalist accounts of the EU – recognising their shared focus on the key role of supranational institutions. For Pierson, however, an historical institutionalist account can offer a better explanation of the reasons for member state constraint by supranational institutions (1996: 147). This growing institutionalist v. intergovernmentalist debate is also discussed more recently by Puchala (1999), who contrasts the fundamental assumptions of the two approaches. Hence, in intergovernmentalist accounts, the national governments are clearly “the initiators, promoters, mediators, legislators and promulgators of deepening and broadening European integration” (1999: 319). For neofunctionalists, by contrast, “international institutions, once established, take on a political life of their own, and the rule-making authority delegated to them by states collectively binds and bounds governments by locking in patterns of collective behaviour and ratcheting supranationality” (1999: 318).

Puchala refers here also to Armstrong and Bulmer’s work on the development of the Single European Market (SEM), which also attempts to bridge the gap between examining a history-making event and the detailed day-to-day operation of a
substantial EU policy area. Thus, Bulmer (1998) describes the study of the SEM using a historical institutionalist approach as a means of examining both the step-change of the political agreement on the SEA and SEM and the operationalisation of the SEM project over the following decade (Bulmer 1998: 376). Bulmer also uses this institutionalist approach not to predict the end-goal of European integration, but to look at the EU as a system of governance (1998: 368). In doing so, he does not (or perhaps cannot) clearly demarcate EU politics and EU integration, as suggested by Hix.

Bulmer, like Pierson above, sees an institutionalist analysis as a more productive approach than either purely intergovernmentalist or neofunctionalist accounts. In the development of the SEM, he cites important institutional factors such as Commission entrepreneurship, European Court of Justice (ECJ) rulings (especially the Cassis case), and institutional contact with a range of transnational interests as especially important (1998: 378). Bulmer also cites the importance of the extension of qualified majority voting and the co-operation procedure as key institutional developments, the operation of which following the conclusion of the SEA further “reinforced dynamism in the institutions” (1998: 379). In addition, Bulmer cites EU institutions such as the Commission as key players, rather than merely arbitrators or facilitators (1998: 380-381). For these reasons, then, Bulmer follows Pierson in finding an institutionalist approach more useful than traditional intergovernmentalist or neofunctionalist theories. Again, this is in part due to the focus of inquiry – ie Bulmer and Pierson are both concerned primarily with understanding significant policy developments within the EU, rather than discovering the end point of European integration. In this sense, they both wish to move beyond the national-supranational dimension identified by Hix, and instead focus on what the EU achieves as a polity.

The recent institutionalist turn in the study of the EU thus reflects overall a growing dissatisfaction with the intergovernmentalist-neofunctionalist stand-off (George and Bache 2001: 20), and a growing recognition that the grand bargaining which produces historic change in the EU cannot always easily be separated from the EU’s day-to-day policy-making functions. Zito’s study of EU environmental policy takes this still further, looking not just at the role of supranational institutions per se, but
also, crucially, at how they interact with ideas and interests held by a variety of actors in the EU policy process (Zito 2000). Zito starts with the shared institutionalist assumption that neither an intergovernmental nor a neofunctionalist account can explain fully the development of EU policy. Instead, Zito highlights “the substantial policy influence of a number of actors normally not accorded much importance in either the neofunctionalist or the realist/intergovernmentalist accounts” (2000: 4). Zito emphasises in particular the role of small member states, the role of the European Parliament, and the role of international actors (such as the UN Environment Programme and the OECD). He focuses on how well these actors are able to take advantage of the EU’s complex institutional environment. Zito finds that combinations of these actors are able to form powerful entrepreneurial coalitions which can force issues onto the EU agenda, and subsequently maintain the profile of such issues.

For example, Zito’s study of the development of EU hazardous waste policy identifies an entrepreneurial coalition centred around the EP and various environmental interest groups. This coalition had ultimately to defer to the power of member state governments in the Council of Ministers for a final policy decision; nonetheless, Zito finds that “the terms of the policy debate had been defined by the ecologically oriented coalition that publicised various waste incidents” (2000: 150). Following his institutionalist analysis, therefore, Zito basically accepts the crucial power of intergovernmental bargaining in the EU. However, he also asserts the independent role of EU institutions and, furthermore, the need to broaden our analysis to see how institutions interact with coalitions of actors which bring their own ideas and interests to the policy process. This combination of elements also echoes the literature on policy networks as applied to the EU, in which traditional intergovernmentalist accounts and the new institutionalist accounts can often complement the insights of policy network analysis.

**The EU as a Pluralist System?**

The new institutionalist approach to the study of the EU is one of the most common approaches in the attempt to move away from an explicitly IR focus. As Zito’s analysis shows, however, this focus on institutions has itself been the subject of
criticism, for failing to explain key aspects of the EU policy process. Zito has sought to address this by incorporating an analysis of the impact of a range of interests and ideas on the EU's supranational institutions. There are, however, also a number of other approaches – again, with a CP rather than IR foundation – which have been put forward as alternatives. In particular, the role of interests has been captured as part of the wide range of pluralist approaches which have been applied to the study of the EU (Hix 1994; Rhodes and Mazey 1995). The broad, umbrella pluralist term can be seen to encompass a range of models of state-interest group relations. These models, already familiar as CP approaches, take the emphasis away from formal state or institutional structures, and instead look at the crucial input of various combinations of social and economic interests. Within this broadly pluralist category we can also include the use of the policy network approach to study the EU. This employs policy networks as a CP approach, although policy networks can alternatively be viewed as a key component of the new governance approach to the EU (see below).

These pluralist models of course include the classic pluralist depiction of the EU as an extremely open arena for the operation of all kinds of interest groups – what Wessels has termed an open city (Wessels 1997: 17). At the opposite end of the spectrum, these models also include reference to a more restrictive, corporatist-style arena in which a limited number of well-established and well-resourced interests (usually already predominant at the national level) are able to dominate many aspects of the EU policy-making process. As a result of this diversity, the use of the policy network approach as a generic term to capture these varied models of interest intermediation has begun to dominate the pluralist literature now being applied to the EU.

According to this broad pluralist approach, therefore, the ability to understand EU policy-making cannot be confined either to the intergovernmentalist focus on the power of national governments or to the neofunctionalist and institutionalist focus on the increasing autonomy of supranational institutions. Instead, this pluralist tradition views analysis of the operation of interest groups at the EU level as an essential component in the explanation of EU policy outcomes. This also in part echoes the neofunctionalist focus on the predicted role of elite groups of interests in
driving forward the integration process: "Increasingly, groups themselves have recognised the logic and momentum of the greater 'Europeanisation' of solutions. They are, therefore, beginning to play a significant role in the process of European integration, as predicted by the neofunctionalists." (Mazey and Richardson 1995: 341).

Within this broadly defined pluralist approach, then, there are different understandings of the EU policy process. The idea of the EU as an open city, characterised by a high number of loose, open and constantly shifting networks vying for access to EU policy-makers, is prevalent. EU environmental policy is frequently cited as a classic example of this kind of scenario (Mazey and Richardson 1993; Greenwood 1997; Bomberg 1998; Peterson and Bomberg 1999). Environmental groups are seen as historically able to 'punch above their weight' in the EU, and to raise the profile of environmental issues despite the strength of the business, industrial and agricultural interests ranged against them. In this, their institutional allies – the European Commission and the European Parliament – have invited and encouraged interest group involvement, with loose coalitions of interest groups thus able to "contribute to European integration in the manner predicted by neofunctionalist theory and hence, in a manner likely to be attractive to the Commission" (Mazey and Richardson 1993: 117).

The overarching view of the EU as a pluralist system, offering interest groups almost unlimited opportunities for access, has in recent years been countered by studies which identify a more corporatist style at work in the EU. This is especially so given the sectorised nature of EU policy-making, and the need to differentiate pluralist and corporatist sectors or sub-sectors, rather than simply labelling the EU as a predominantly pluralist system (Falkner 1998: 40). Hence, for example, Falkner identifies the growth of a corporatist policy community in the field of EU social policy, comprised of the European Commission, and representatives of major employers' (UNICE) and labour (ETUC) groups (Falkner 1998: 185). Using these pluralist and corporatist CP approaches can help differentiate styles of day-to-day policy-making in the EU, and highlight important sectoral distinctions, in recognition that "the EU can be expected to stay a mixed system whose public-
private interaction patterns vary according to sectoral or policy-specific regimes” (Falkner 1998: 188).

This emphasis on the key role of organised interests has also been put forward as a counter to the claims made by the intergovernmentalist school about the centrality of national governments. This has been argued specifically by Cowles (1995), whose focus on the role of business and industrial interests in the establishment of the Single European Market and the Single European Act challenges Moravcsik’s intergovernmentalist account of these developments. Cowles finds that neither intergovernmentalism nor neofunctionalism can properly account for the single market programme. Instead, she highlights the role of the European Round Table of Industrialists (ERT), which was established in 1982 by a group of Chief Executive Officers (CEOs) from a number of major European companies. This group, which promoted the benefits of the single market, is seen by Cowles as a key actor in influencing the attitudes both of the European Commission and key member states. For example, members of the ERT met with the new leader of the Commission, Jacques Delors, and his cabinet; they also met with individual national leaders, such as Francois Mitterand. Cowles therefore rejects Moravcsik’s assertion that the SEM “appears to have been launched independently of pressure from transnationally organised business groups” (Moravcsik 1991: 45). Instead, she sees the ERT as a decisive factor in influencing the preferences and negotiating positions of member states in the production of the SEA. This role for transnational groups, then, goes beyond conventional statecraft:

On the contrary, the ERT succeeded in politicising the need for a unified market through high-profile projects and meetings with leading officials. For the first time in Community history, European CEOs organised themselves to address European policy matters publicly in an effort to set the agenda for the single market programme (Cowles 1995: 521).

Again, therefore, IR based theories are seen as inadequate in explaining both the agreement of and subsequent implementation of the SEM. Instead, a focus on business interests – more familiar in studies of domestic politics – is seen as a more powerful source of explanation.
Beyond CP v IR: The New Governance

Hence, the use of various CP approaches, and the focus on activity both within and outside formal institutional arenas, is seen as an advance on the traditional intergovernmentalist-neofunctionalist and intergovernmentalist-institutionalist debates. More recently, however, the developments in both CP and IR approaches to the EU have been challenged by the emergence of a new approach, based on the EU as a system of governance. In this approach, study of the EU is not confined simply to the study of the integration process which has been the preoccupation of IR scholars. Nor, however, does this approach accept that we can simply transfer CP approaches to the study of the EU. Rather, the governance turn in the EU literature (Rosamond 2000: 129; Jordan 2001: 195) proposes both to consider these two approaches but, at the same time, move beyond them. Thus, the governance approach accepts the need to view EU integration and EU politics as linked, rather than separating the two and applying IR approaches to the study of EU integration, and CP approaches to the study of EU politics. At the same time, the governance approach also accepts the need to see the EU as a unique kind of polity, which therefore needs its own approach, and which cannot be equated directly with a normal state, or studied using normal CP approaches. From these basic assumptions, therefore, a new literature on the EU as a system of governance has begun to develop. This literature, too, encompasses the policy network approach, which can be characterised not simply as a CP approach for the study of state-interest group relations, but also as a feature of a wholly new type of governance.

This reconnection of CP and IR approaches was also suggested in response to Hix’s call (1994) for the separation of EU politics and EU integration. Hurrell and Menon, in their direct reply to Hix’s article, assert that the EU, since it is not a state like any other, cannot be studied using only the normal language of comparative politics (Hurrell & Menon 1996). Instead, they argue, there are a number of crucial elements which distinguish the EU from a normal state. In particular, they cite the continuing prominence of “power and security considerations, the constraints on inter-state co-operation and the abiding concern with autonomy and national independence – what one might call the traditional first-order issues in international relations” (Hurrell and Menon 1996: 392). In other words, even though the EU is increasingly concerned with normal political issues such as the allocation and
redistribution of resources (Hix's left-right dimension), this is nonetheless always carried out against a backdrop of national self-interest. Hurrell and Menon see traditional CP approaches as unable to capture this inter-state rivalry; as a consequence, they advocate the use of both CP and IR approaches to adequately explain developments in the EU. Hurrell and Menon therefore find the notion of the separate study of EU integration and EU politics as simply untenable (1996: 388). (Hix's subsequent reply denies a clear distinction between integration and politics, but maintains that CP approaches remain better equipped than IR theory to understand the normal politics of the EU) (Hix 1996).

This debate reflects a broader literature on the need to overcome the CP v IR debate within EU studies (Risse-Kappan 1996; Rosamond 2000; Wallace and Wallace 2000; Jachtenfuchs 2001). Echoing the concerns of IR theorists to try to move beyond the intergovernmentalist-neofunctionalist divide, EU scholars increasingly call for approaches which bridge the CP v IR gap. As Risse-Kappan states, therefore, when studying the EU the boundaries between domestic and international approaches have to be crossed (Risse-Kappan 1996: 54). This has in part been met by the increasing use of governance approaches to the EU. In other words, the concept of governing without government (Rhodes 1997: 59; Hix 1998: 40) is seen as particularly apt for the study of the EU, which has increasingly developed the policy-making attributes of a modern state without the traditional central political executive.

The concept of governance has in recent years become a buzzword in political science (Kohler-Koch and Eising 1999; i). It has been applied to the analysis of domestic politics, to the analysis of the EU, and to analysis of wider international processes. It is seen as a concept well-suited to capturing above all the changing role of the state – in the domestic, European and international arenas. The term itself, however, has not always been adequately defined or explained, and has too often been imprecisely employed as a concept whose meaning is taken to be self-explanatory (Kohler-Koch 1999: 5; Jordan 2001b: 198). In a domestic context, the concept has been clearly elaborated by Rhodes (1997), who outlines a number of different meanings of the governance term, and also lists a number of crucial factors which a governance approach can highlight. The most significant factors for
Rhodes are the use of the governance term to denote a "minimal state" and the development of "self-organising, interorganisational networks" (Rhodes 1997: 47). Rhodes develops this concept of governance in the context of changes in the British system of government, and a perceived hollowing out of the state, with functions traditionally carried out by British central government being moved elsewhere (through Europeanisation, privatisation, and the development of executive agencies) (1997: 53). The key characteristics identified by Rhodes in relation to governance—such as interdependence, resource exchange, common rules of the game and significant autonomy for policy networks from the state, are all familiar components of governance as it has been applied both to domestic and EU politics.

This concern with the changing role of the state is reflected also in the use of the governance approach at an EU level. Since the EU does not have a government as commonly defined with reference to nation states, the concept of governance is seen as especially well-suited to explaining what goes on within the EU:

The EU does not resemble, or have, a government, so governance offers some descriptive purchase on the character of the polity. Moreover, within Europe the integration process has been inextricably bound up with the transformation of both the traditional system of 'nation states' and of the role of individual member states (Bulmer 1998: 366).

The idea of the EU as a system of governance is therefore concerned with examining how the EU carries out its policy-making and policy-implementing functions without the full apparatus of a modern state. Scholars of governance focus on the lack of a single, central co-ordinator, the lack of an established hierarchy of actors, the integration of different levels of government (supranational, national and sub-national), the interdependence of actors, and the opportunities for a wide range of interest groups and experts to play a key role in the policy process (Hix 1998: 39-40): "In other words, 'new governance' is in stark contrast to the classic state-centric, command-and-control, redistributive and ideological processes of 'government' and 'politics'" (Hix 1998: 39). Moreover, the most suitable concept for bringing these various elements together is arguably the policy network concept (Kohler-Koch 1996; Hix 1998; Kohler-Koch and Eising 1999). This gives a picture of EU governance as "a system of multi-level, non-hierarchical, deliberative and apolitical governance via a complex web of public/private networks and quasi-autonomous executive agencies" (Hix 1998: 54).
**Multi-Level Governance**

When applied to the EU the concept of governance has also been incorporated more specifically into a form of *multi-level governance*, which tries to bring together analysis of similar processes occurring at both the national and supranational levels (as well as incorporating sub-national and international elements). This multi-level governance model has been contrasted directly with the state-centric approach favoured by intergovernmentalists (Hooghe and Marks 1997; Marks *et al* 1996). It has also been differentiated from neofunctionalist accounts (Jordan 2001b). Hence, multi-level governance again tries to move beyond the traditional intergovernmentalist-neofunctionalist divide. Essentially the multi-level governance approach asserts that “European integration is a polity creating process in which authority and policy-making influence are shared across multiple levels of government – subnational, national and supranational” (Marks *et al* 1996: 342). Hence, although member state national executives retain a crucial role in EU politics and European integration, they no longer monopolise these functions. Instead, these functions are shared with the EU’s institutions (Commission, Parliament and ECJ). Further, member state executives can lose control to alliances of domestic and/or transnational interests or authorities, who may opt to bypass national governments and liaise directly with EU institutions (Marks *et al* 1996: 346).

Marks *et al* apply their analysis to different stages of the EU policy process – initiation, decision-making, implementation and adjudication. At every stage, Marks *et al* argue, it is impossible to deny the constraints imposed on member states by the EU’s supranational institutions. Even at the decision-making stage, where member state governments are usually seen to dominate the Council of Ministers, Marks *et al* state that member state power is not absolute; for example, in the decision-making procedures of co-operation and co-decision, “the Council is locked in a complex relationship of co-operation and contestation with the two other institutions. This is multi-level governance in action, and is distinctly different from what would be expected in a state-centric system” (1996: 365). Hence, according to multi-level governance, national governments are constrained both from above, by the EU’s supranational institutions, and from below, given the opportunities for sub-national actors to liaise directly with EU institutions and simply bypass their
national executives. Again, therefore, the language of multi-level governance emphasises the loss of control seemingly experienced by national executives, and the increasing autonomy both of supranational institutions and of networks of actors which span the different levels of government.

This multi-level governance model has been applied most notably to the development of EU regional and cohesion policy, where it has been used in particular to emphasise the input of sub-national actors (Hooghe 1996; Marks 1993). However, scholars have also begun to apply it to other areas, including environmental policy (Fairbrass and Jordan 2001). Fairbrass and Jordan’s analysis of the development of EU biodiversity policy (such as the Habitats Directive of 1992) supports the multi-level governance view that a state-centric account cannot adequately explain the EU policy process. Instead, Fairbrass and Jordan point to the importance of the activism of EU environmental groups in alliance with the Commission and EP, and to the effects of a number of ECJ rulings which reinforced a range of environmental standards which had been contested by member state governments. Both these factors reduced the ability of national governments to control policy outcomes:

> Despite the best efforts of member states to recapture control over policy ...the emerging case law continues to place constraints on their autonomy and member states have been unable to monopolise policy development in the EU. Thus, environmental groups have been able to circumvent national barriers by exploiting the opportunities created by EU policy-making. (Fairbrass and Jordan 2001: 514).

This multi-level governance approach, therefore, is seen as a means of bridging the gap between intergovernmentalist and neofunctionalist analysis – by recognising both the continued power of member state governments and the real autonomy of the EU’s supranational institutions. There remains, however, the classic problem identified by Puchala (1972) of determining precisely which aspects of the EU or of European integration are being investigated. Thus, for Jordan, despite finding a use for multi-level governance as indicated above, the state-centric v multi-level governance dispute can still be characterised fundamentally as a dialogue of the deaf; in other words, the two approaches are still largely focused on different phenomena:
Currently, LI [liberal intergovernmentalism] concentrates on the high politics of the big history-making alterations to the Treaties, whereas MLG addresses the low politics of policy development and local-level implementation in a small number of sectors. (Jordan 2001b: 204).

Looking at the EU as a system of governance, therefore, or as a system of multi-level governance, is offered as a means of moving beyond traditional state-centric models of the EU. It is also a means of capturing the new processes of governing emerging within, above and below the state. Although it is not a solution for the longstanding divisions which have developed within and between IR and CP theories, or between intergovernmentalist and neofunctionalist accounts, it is another important step forward in seeking to overcome these entrenched divisions.

Epistemic Communities and Advocacy Coalitions

This move away from state-centric approaches to the EU, and the stronger focus on the detail of policy formulation by a range of actors and interests beyond the state, has also seen EU scholars turn towards concepts such as epistemic communities and advocacy coalitions as a means of explaining EU policy development. These models have been categorised, along with policy networks, as part of an increasing array of actor-based models (Richardson 1996b: 40-46; Rosamond 2000: 125-126) applied to the EU (although it is, in fact, more common to see analysts taking a structural, rather than actor-based, approach to policy networks, in line with Marsh and Rhodes's' emphasis on structure - Marsh and Rhodes 1992: 9). In looking at epistemic communities and advocacy coalitions, analysts emphasise respectively the particular expertise and policy beliefs which actors bring to the policy-making process. This too echoes the key concerns of the policy network approach - ie in looking at what resources non-state actors bring to the policy process, and at how they utilise these resources in order to affect policy outputs.

The epistemic communities model developed by Haas focuses on the role of the specialist knowledge and expertise which actors can bring to the formulation of policy. Epistemic communities are, put simply, "networks of knowledge-based experts" (Haas 1992: 2) and thrive in conditions of political uncertainty. In this context, epistemic communities can perform a number of vital functions in the
policy process – by “articulating the cause-and-effect relationships of complex problems, helping states identify their interests, framing the issues for collective debate, proposing specific policies, and identifying salient points for negotiation” (Haas 1992: 2).

For example, this approach has been applied to the EU as a means of explaining the development of the agreement in the Maastricht Treaty on Economic and Monetary Union (EMU) (Verdun 1999). Verdun’s study focuses on the specific role of “knowledge, expertise, ideas and expert committees” (1999: 308) in the development of the Treaty framework for EMU, rather than on macro-level factors such as “the historical background and changes in the global political economy” (1999: 310). She finds that the committee of monetary experts (known as the Delors Committee) set up to produce a blueprint for EMU did, in fact, fulfil the role of an epistemic community as defined by Haas. This Committee comprised the then twelve member state central bank Presidents/Governors, plus a number of independent experts and members of the European Commission, and was chaired by Jacques Delors. The final decision to incorporate EMU into the Maastricht Treaty was of course taken at the highest political level. However, the Committee’s blueprint was, according to Verdun, very closely adopted, and showed the reliance of the member states on the expertise which the Committee incorporated:

The opinion of these particular experts was considered to be important, not only because of their ‘objective knowledge’ about monetary matters, but also because of their position, ie central bank presidents or, in the case of the independent experts, prominent monetary experts. Their institutional position and previous record contributed importantly to how their recommendations were valued by the outside world (Verdun 1999: 321).

In terms of how the epistemic community is able to exert its influence, Haas further identifies four key steps. First, the epistemic community can influence policy innovation – by framing the nature of the policy debate and thereby guiding decision-makers as to “the choice of appropriate norms and appropriate institutions within which to resolve or manage problems”. Second, epistemic communities facilitate policy diffusion, via transnational communication of new ideas in conferences, publications, and through other media. Third, epistemic communities influence policy selection, by presenting new policy options in conditions of uncertainty, or by helping to confirm the pre-existing preferences of decision-
makers. Finally, epistemic communities can encourage *policy persistence*, especially when epistemic communities remain cohesive and are agreed on future policy direction, and are able to move their ideas towards the status of orthodoxy (Haas 1992: 275-385; Verdun 1999: 314).

Using epistemic communities in this way, therefore, again highlights the changing role of the state in the policy process, and the valuable resources which non-state actors can bring to the development of policy. This is a model which is seen as particularly useful in the analysis of EU policy-making, especially in analysing areas in which EU policy-makers are moving into new or uncertain territory, and need the guidance of these networks of knowledge-based experts. This applies well to environmental policy, since the EU institutions (often lacking their own independent experts) rely heavily on the advice of outside expertise:

> Applying this perspective to EU policy-making, the more complex and ambiguous the policy problems, the greater the entrepreneurial role epistemic communities will have in EU policy. The policy ambiguity creates uncertainty in the decision-makers’ minds; they will search for information to inform their choices (Haas 1992: 12-16). This search enables an epistemic community to provide information that excludes or enhances different alternatives (Zito 2001: 588).

The advocacy coalitions model, by contrast, focuses on the role of shared beliefs (as opposed to expertise) among policy actors. It takes a longer-term perspective of the policy process than the epistemic communities model. Sabatier describes the objective of the advocacy coalition model in the following terms: “Its goal was to provide a coherent understanding of the major factors and processes affecting the overall policy process – including problem definition, policy formulation, implementation, and revision in a specific policy domain – over periods of a decade or more” (Sabatier 1998: 98). The advocacy coalition model takes a sectoral view – looking at activity within what Sabatier terms *policy subsystems*, and at how competing advocacy coalitions within subsystems manage to promote their policy beliefs. Essentially, an advocacy coalition will be “composed of actors from various governmental and private organisations who both (a) share a set of normative and causal beliefs and (b) engage in a non-trivial degree of co-ordinated activity over time” (Sabatier 1998: 103). Further, Sabatier differentiates these shared beliefs into deep core, policy core and secondary aspects, with deep core
beliefs being the most resistant to change, and secondary aspects the easiest to change.

This advocacy coalition approach has been used, for example, to study changes in the steel sector of the EU, over the period of the development of the ECSC from 1951 to the present day. Dudley and Richardson’s study (1999) looks at the gradual replacement of the sector’s interventionist stance with a more free market approach. Dudley and Richardson see the advocacy coalition model as a useful means of illustrating this change. They note the impact of *external perturbations* affecting the steel sector, in particular the growing problem of overproduction, and the slump in prices during the late 1980s-early 1990s. These changing circumstances served to create a window of opportunity for new actors and new ideas (Dudley and Richardson 1999: 233). At this point, an advocacy coalition promoting new ideas (ie an end to intervention, and the introduction of privatisation) was able to challenge the long-held interventionist hegemony of the EU’s steel policy community: “By the late 1980s, this policy community was breaking up, while the ‘frame’ which sustained it was also being challenged by an alternative ‘frame’ espoused by a burgeoning new advocacy coalition” (Dudley and Richardson 1999: 236).

Dudley and Richardson therefore see the advocacy coalition model as a useful addition to attempts to explain EU policy-making, and as a means of explaining how coalitions of actors can respond to external events, in order to promote their own beliefs and ideas. This also fits with Sabatier’s emphasis on external factors affecting advocacy coalitions – what he terms “changes in the real world” (1998: 105) – thus acknowledging that the advocacy coalitions model does not propose to offer a complete explanation of policy-making, but to focus on the important role of beliefs and ideas in influencing policy outcomes.

Sabatier also reinforces the applicability of his model to the study of EU policy-making. First, he finds it relatively easy to identify advocacy coalitions operating at the EU level, comprised of “administrative agency officials, interest group leaders, and researchers from various countries forming, for example, environmental or industry-based coalitions” (1998: 121). In addition, Sabatier sees advocacy
coalitions as suited to the practice of *venue shopping*, ie seeking out the most receptive EU institution or level of government to promote their ideas. Further, the focus on different types of beliefs can, it is claimed, help explain the different types of policy change which occur, and the development of the policy subsystems themselves (from nascent to mature) (Sabatier 1998: 121). Again, therefore, advocacy coalitions are offered as a useful contribution to explaining EU policy within a number of different sectors.

**Towards a Broader Analytical Framework?**

Recently, more ambitious scholars have attempted to capture the insights of these various IR, CP, governance and multi-level governance approaches by incorporating them into an overarching analytical framework for studying the EU. Such approaches fundamentally argue that we can overcome the frustrations of the apparent dialogue of the deaf by recognising more explicitly the strengths and limitations of each approach. What is advocated, therefore, is a *portfolio or eclectic* range of models, as part of a recognition that no single model can ever hope to explain the EU polity or its development (Peterson 1995; Richardson 1996, 2001; Peterson and Bomberg 1999; Peterson 2001). The most promising of these frameworks is that put forward by Peterson (1995, 2001; Peterson and Bomberg 1999). Peterson's framework is based on different types of decision within the EU – *history-making*, *policy-setting* and *policy-shaping*. For each type of decision, Peterson argues, there is a best approach for analysing activity. Hence, *history-making* decisions are still best explained by traditional IR theories; *policy-setting* is best explained by an institutionalist approach; and *policy-shaping* is best explained by means of policy network analysis. Peterson's framework is designed to accommodate the strengths of these various approaches, whilst at the same time avoiding over-stretching their usefulness (2001: 310). Peterson sees this framework as able to capture both the big steps in European integration which concern IR theorists, and as able to capture the day-to-day policy-making activity of the EU which concerns CP scholars.

A similarly broad approach is adopted by Richardson (1996; 2001), who breaks down the EU policy process into different *stages*, rather than different types of
decision. Again, Richardson argues that one approach cannot hope to explain all of these stages. Hence, Richardson advocates the use of policy network, epistemic community and advocacy coalition models in explaining agenda-setting and policy formulation, but argues that the decision stage is still characterised by the dominance of national governments, and therefore requires a fundamentally state-centric approach (2001: 6). For Richardson, like Peterson, such an eclectic approach is unavoidable: “The complexity of the EU policy process means that we must learn to live with multiple models and learn to utilise concepts from a range of models in order to help us to describe it as accurately as possible.” (2001: 23).

This multi-model approach is therefore part of a further attempt to overcome the traditional divide between intergovernmentalist and neofunctionalist scholars, and between CP and IR. Using such a broad theoretical framework, or employing a definition of governance which captures new patterns of activity at multiple levels, is increasingly seen as preferable to the confines of either a CP or IR approach. Whilst there are those who continue to argue for the applicability of already familiar CP models to the EU (Rhodes and Mazey 1995; Hix 1998, 1999), there are also those who emphasise the need not to overlook the insights of traditional IR theory (Rosamond 2000). Attempts to combine these insights, therefore, are part of a drive to produce a more complete explanation of the operation and development of the EU, and to try to move beyond old, perhaps sterile, dichotomies. Adopting a multi-model approach is therefore increasingly presented as a more realistic alternative to trying to make one theoretical approach explain all aspects of the EU.

**Beyond the EU? Towards Global Governance**

The recent focus on governance as an appropriate concept for the study of the EU also has the advantage of being able to incorporate an international or global dimension. In other words, many of the processes and characteristics encompassed by the governance approach apply not only to nation states and to the EU, but also beyond. Hence, the focus of governance models on activity at different levels (sub-national, national, EU and international), on the changing role of the state, on the lack of central steering or hierarchy, on the growth of interdependence and resource exchange, and on the importance of a range of non-governmental actors, all has
increasing relevance on an international level. These changes have led scholars to talk of an emerging system of *global governance* (Rosenau 2000; Halliday 2000), in which the EU is often a key player (Sandholtz and Stone Sweet 1998).

These governance changes are triggered by a series of developments: “The role and salience of national borders are changing because of the pressures of market integration, social exchange, cross-border issues such as those of crime and environmental quality, and new conceptions of security” (Laffan et al 2000: 189). These new pressures challenge the traditional authority and capability of the state to govern, and so produce, it is argued, new mechanisms and institutions of governance beyond the nation state. This can involve new systems of governance at the EU level. Sandholtz and Stone Sweet argue that increases in cross-border transactions (for example, related to the market, social exchange, crime or the environment as outlined above) lead directly to pressures for “Euro-level rules, coordination and regulation” (1998: 11). For Sandholtz and Stone Sweet, this pressure is leading to the establishment of supranational governance in the EU, and the strengthening over time of the EU’s supranational institutions. Further, they argue that this focus on governance can help explain why European integration is much deeper in some sectors than in others, ie:

> In sectors where the intensity and value of cross-national transactions are relatively low, the demand for EC-level coordination of rules and dispute resolution will be correspondingly low. Conversely, in domains where the number and value of cross-border transactions are rising, there will be increasing demand on the part of the transactors for EC-level rules and dispute-resolution mechanisms (Sandholtz and Stone Sweet 1998: 14).

However, the impetus for new and more effective governance mechanisms need not, and indeed does not, confine itself to the European level. Instead, these pressures can lead to the establishment of new regimes, rules and institutions which are international in scope (either separate from or incorporating the EU). The field of environmental policy is a prime example of this development. Thus, for instance, scholars increasingly look to the development of environmental policy not simply as a national, or even European, concern but instead as an international process (Jupille and Caporaso 1998; Lenschow 1999; Sbragia and Damro 1999; Sbragia 2000). The demand for new governance structures comes from a perceived loss of problem solving capacity of central governments when it comes to environmental matters,
and from the inescapably cross-border nature of many environmental problems (Lenschow 1999: 42). Thus, solutions are often situated in an international, rather than national or European, context – typified by the recent negotiation of the Kyoto agreement on climate change (Sbragia and Damro 1999; Oberthür 1999).

When analysing the nature of EU governance, therefore, it is important to remember that the interlocking of the national and EU levels, and the embedding of the national in the European (Laffan et al 2000: 74-84), can be viewed also within this broader international context. Indeed, as Laffan et al remind us, the debates surrounding new patterns of governance in the EU can and should have wider resonance: “The evolving European policy system contains important elements that are of general relevance and may, indeed, provide clues to the patterns of governance that will be common in an increasingly interdependent world” (Laffan et al 2000: 219). This observation applies also to the linkages between governance and policy networks. In other words, policy networks, like the pressures for new governance structures, need not be confined to either national or EU borders. Hence, scholars of policy networks are slowly coming to recognise that the broader international dimension of governance can also be extended to the study of international policy networks (Coleman and Perl 1999; Richardson 1994). Similarly, the concept of multi-level governance can also be extended in this way: “There is no reason to assume that multi-level governance will emerge only in the European Union.” (Coleman and Perl 1999: 701).

Summary
This chapter has discussed the range of approaches available for theorising the EU. This includes well-established IR approaches, which focus principally on the study of the process of European integration. It also encompasses various CP approaches which, it is argued, are increasingly appropriate as the EU functions more and more like a normal political system. The range of approaches has also recently been extended to incorporate new governance models, which seek to overcome the entrenched stand-off between CP and IR. Increasingly, the study of the EU as a system of governance, which is not directly compatible with the traditional fields of inquiry of either CP or IR, seems a more compelling approach. In turn, the study of
policy networks as one of the most significant elements in the new governance approach offers much potential for studying the fragmented, decentralised, non-hierarchical and interdependent system of governance which seems to be emerging – whether on a national, EU or international scale. The next chapter therefore looks in more depth at the particular strengths and weaknesses of the policy network approach, and at its applicability to the study of the EU.
CHAPTER THREE: THE POLICY NETWORK APPROACH

Introduction
The policy network approach has been used extensively to analyse both domestic and EU politics over recent years. It has been described as a dominant paradigm for the study of policy-making generally (König 1998: 387), and as “one of the main analytical tools in the analysis of a multi-level EU” (Richardson 1999: 195). This chapter begins by looking at the development of the policy network approach, and its emergence from a range of earlier models of state-interest group relations. Policy network analysis emerged as a critique of some of these classic models but has, in turn, itself been the subject of much criticism. These issues are examined first by looking at policy networks in the analysis of domestic politics, including consideration of the different schools or traditions which have developed around the concept. The role of policy networks in the analysis of EU policy-making is then examined, in order to weigh up the apparent advantages and disadvantages of using the approach at the EU level.

Origins and Development
The policy network approach developed as part of a growing awareness amongst political scientists of the limitations of standard approaches to the study of policy-making in liberal democracies, and in particular as a counter to the “picture-book account of policy-making through party manifestos and Parliament” (Jordan 1990b: 293). Instead of emphasising such formal mechanisms, political scientists began to look for less overt processes of policy-making, focused primarily on the relationship between interest groups and the state. This led to a range of models – such as the identification of subgovernments, iron triangles and issue networks in US political science, and the various versions of pluralism and corporatism put forward in the British literature. Akin to these new models, the policy network approach emerged as a critique of, and an alternative to, these early models (Marsh and Rhodes 1992: 4; Rhodes 1997: 30; Marsh 1998: 4). Fundamentally, the policy network approach offered a new means of developing “an overarching characterisation of public-private relations” (Van Waarden 1992: 31). More recently, the use of policy
networks has been broadened by some scholars to encompass not just state-interest group relations, but in addition to capture a distinctly new form of governance (Rhodes 1997; Börzel 1998).

The development of the US literature on subgovernments and iron triangles looked at the increasingly routine and exclusive relationships between government officials and interest group representatives in US policy-making. The US subgovernments consisted of groups made up of “members of the House and/or Senate, members of Congressional staffs, a few bureaucrats and representatives of private groups and organisations interested in the policy area” (Ripley & Franklin 1984: 10, quoted in Jordan 1990b: 321). This model emphasised the informality and sectorisation of policy-making, and the role of these small networks in addressing common policy concerns. Similarly, the iron triangle approach emphasised, as the name implies, the importance of three sets of actors – the relevant central government agency, Congressional committee and interest group (Marsh 1998: 5). The focus of both these models on interdependent actors operating in distinct policy sub-sectors echoes that of the subsequent policy network approach. In the UK, a similar emphasis on policy-making at a sub-governmental level, in similarly almost impenetrable structures, led to the development of the concept of the policy community. This literature emphasised the importance of “the government-civil service-pressure group network” (Richardson & Jordan 1979: 41), and again the ability of these actors to operate as an exclusive and autonomous community, building on their common interest in a specific policy area. For example, Grant et al (1988) applied this approach to a comparative study of the chemicals industry in the UK, the then West Germany, and the EC. They found that “economic sectors have a political identity and life of their own which is to some extent distinctive and insulated from that of other sectors” (1988: 10). Policy-making is therefore seen as best viewed in sectors (such as, in this instance, the chemical sector) and even sub-sectors (for example, pharmaceuticals, agricultural chemicals, or paints), which each have their own established policy community, with shared goals and a common policy agenda.

This emphasis on well-established and exclusive policy communities, iron triangles and subgovernments eventually produced a counter-literature (Jordan 1990b: 328),
both in the US and UK. This literature questioned the order, predictability and exclusivity of such models, and instead sought to emphasise a much more fragmented, irregular and *ad hoc* policy-making process (Jordan 1990b: 329). This is embodied in Heclo’s frequently cited concept of an *issue network*:

Iron triangles and sub-governments suggest a stable set of participants coalesced to control fairly narrow public programs which are in the direct economic interest of each party in the alliance. Issue networks are almost the reverse image in each respect. Participants move in and out of the networks constantly. Rather than groups united in dominance over a program, no one, as far as one can tell, is in control of the policies and issues. (Heclo 1978: 102)

The issue network approach, therefore, retained a focus on the relationship between interest groups and the state, and on the sectorised policy-making arena. It rejected, however, the idea of stable and inaccessible communities, in favour of much more open and unpredictable networks. These two contrasting approaches are of course taken on board by the development of the broader policy network concept, in which policy communities and issue networks are brought together, as two ends of a *continuum* for analysing relationships between groups and the state (Marsh and Rhodes 1992).

These two contrasting approaches are also reflected in the broader pluralist and corporatist traditions of studying state-interest group relations. The focus on policy communities and issue networks, and the development of an overarching policy network approach, emerged out of an awareness of the perceived shortcomings of these classic pluralist and corporatist models. In particular, pluralist and corporatist approaches were seen as unable to keep pace with the changing nature of the policy-making process – the increased level of complexity, specialisation and fragmentation across a wide range of policy sectors. Classic pluralist accounts emphasised the importance of the distribution of power between groups, and argued that power and resources are dispersed amongst a wide range of groups in society, which all therefore have an opportunity to influence the policy process. This is encapsulated in Schmitter’s classic definition:

Pluralism can be defined as a system of interest representation in which the constituent units are organised into an unspecified number of multiple, voluntary, competitive, non-bureaucratically ordered and self determined (as to type or scope of interest) categories which are not specially licensed, recognised, subsidised, created or otherwise controlled in leadership
selection or interest articulation by the state and which do not exercise a monopoly of representational activity within their respective categories. (Schmitter 1970, quoted in Marsh 1983: 2)

This classic model has been extensively revised and qualified, in recognition of its limitations. In particular, the insights gained from the development of models of policy communities and issue networks described above have led to the development of so-called reformed pluralism (Smith 1990), which incorporates policy communities and issue networks to build on the classic pluralist assumptions. Hence: “Reformed pluralists improve on the classic pluralist position by recognising that certain policy areas may be competitive and open whilst others have institutionalised relationships which make access for excluded groups very difficult.” (Smith 1990: 313).

These revisions of course acknowledge the corporatist critique of classic pluralist positions. Corporatism has been defined in the following terms:

Corporatism can be defined as a system of interest representation in which the constituent elements are organised into a limited number of singular, compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognised or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports. (Schmitter 1970, quoted in Marsh 1983: 2).

This corporatist approach therefore rejects the classic pluralist assertions of dispersal of power and equality of opportunity of access, and instead emphasises the more orderly, controlled, limited and even monopolistic relationship between groups and the state. In addition, this model emphasises the power of capital, and the structured relationship between capital, organised labour and the state. This leads to a set of hierarchical but nonetheless close relationships between groups and the state, and the continuous reinforcement of a “basic consensus about how the political and economic system should work” (Rhodes 1997: 31).

In essence, both pluralism and corporatism are criticised by those advocating a policy network approach as being too blunt an instrument for understanding the policy-making process. Hence, one key advantage of the policy network approach lies in its ability to disaggregate the policy process, ie to recognise that relations
between governments and interest groups can vary significantly between policy sectors (Smith 1993: 7; Rhodes 1997: 31-32). The policy network approach, therefore, is offered as a meso-level concept, able to give a more sophisticated analysis than the macro-level approach of pluralism and corporatism (Rhodes 1997: 31-32). In addition, this focus on policy networks can also, its supporters claim, better highlight the changing role of the state; for example, Grant et al's study of the chemicals industry again illustrates this point: “In particular, the chemical industry does not seek co-ordination through continuous political bargaining, one hallmark of corporatism, but rather autonomy from the state to pursue its own solutions.” (1988: 10).

The policy network approach is therefore offered as an improvement on classic pluralist and corporatist models, and as a means of building on the important insights from earlier literature on subgovernments, iron triangles, policy communities and issue networks. However, the ability of the policy network approach to go beyond the classic corporatist and pluralist assumptions – ie to show that the policy network approach really does have added value (Bressers et al 1995: 8) – has been widely disputed. This is discussed in more detail below.

**Definitions and Typologies**

The increasingly popular use of the policy network approach to analyse both domestic and EU policy-making has been accompanied by a well-documented "profusion of terminology" (Bressers et al 1995: 1). This focus on definitions and typologies in part reflects the broad usage of the concept, and its ability to encompass a wide range of policy-making styles. At the same time, however, the focus on terminology has too often been at the expense of the more interesting questions of whether and how policy networks impact on the policy process: “The concentration on producing comprehensive typologies has left too little room for analysing the impacts of the existence of a particular form of network” (Thatcher 1998: 397). Authors have also been criticised for their sometimes lax or ambiguous usage of policy network terms, which has further fuelled these criticisms.
The simplest and clearest use of the policy network approach is as a generic term, which encompasses a range of more precise definitions (Jordan and Schubert 1992: 10; Rhodes 1997: 43). The term policy network can, in this way, be used to reflect a broad range of models used to describe state-interest group relations – therefore encompassing various types of pluralist and corporatist models, as well as the policy communities, issue networks, subgovernments and iron triangles referred to above. Authors such as Jordan and Schubert state that, in any case, all these approaches are essentially “part of the same conceptual family” and, therefore, bringing them together under the generic policy network label is a useful step in organising our understanding of the modern-day policy-making environment (Jordan and Schubert 1992: 26).

The generic use of the term policy network, therefore, focuses on the use of policy networks as a means of analysing state-interest group relations. Hence, policy networks are useful in studying interest intermediation (Schubert and Jordan 1992: 1; Rhodes 1997: 29), which is a more modest claim than the usage of policy networks as a new form of governance. This generic approach enables greater coordination of approaches which move away from analysis of parliaments, parties and manifestos, and towards an analysis of the relationship of interest groups with officials involved in the policy-making process. This focus on interest intermediation has, in turn, led to the development of various typologies, the most commonly used of which is that developed by Marsh and Rhodes. Marsh and Rhodes introduced the idea of a continuum of policy network types, ranging from a corporatist-style policy community to a looser, pluralist-style issue network (Marsh and Rhodes 1992). These types of policy network are differentiated according to several key dimensions – most recently refined by Marsh to include membership, integration, resources and power (Marsh 1998). Thus, for example, a policy community is a type of policy network characterised by limited and restricted membership, a high degree of integration (ie frequent interaction) between members, a fairly even distribution of resources within the network, and accordingly a balance of power between members. By contrast, an issue network is a type of policy network characterised by much more open membership, a looser, less integrated structure, more varied distribution of resources within the network,
and therefore an unequal balance of power between network members (Marsh 1998: 16).

Other authors have developed their own typologies, identifying their own key dimensions, in order to differentiate types of policy network. Jordan and Schubert, in their typology, identify three key aspects – the level of institutionalisation of the network (its stability or fluidity), its policy scope (whether sectoral or trans-sectoral), and the number of participants (whether relatively open or closed) (Jordan and Schubert 1992: 12). Van Waarden picks out seven key dimensions – categorising policy networks according to actors, function, structure, institutionalisation, rules of conduct, power relations, and actor strategies (Van Waarden 1992: 32). These typologies isolate key factors which determine the nature and type of policy networks; they also illustrate the common ground between the different models developed in recent years: “It is as important for this exercise when we discover that there are fundamental similarities in the content of these concepts as when we are able to refer to distinctively different implications” (Jordan and Schubert 1992: 18). Although identification of these key dimensions is offered as a means of refining and utilising the policy network concept, it has sometimes meant the dimensions and types of network are difficult to apply empirically:

Several of the ‘dimensions’ that form the basis of categories are difficult to operationalise, or are unlikely to generate agreement between the different researchers ... Moreover, the use of several ‘dimensions’ results in the production of typologies that are so complex as to be unusable in empirical analyses (Thatcher 1998: 396).

This application of the generic policy network approach to interest intermediation is therefore one significant usage. More recently, however, the approach has been used in a more ambitious way, as a means of analysing a new type of governance (Rhodes 1997; Börzel 1998; Kohler-Koch and Eising 1999). In this context, the policy network approach is not simply a means of describing the relationship between groups and the state. Instead, it is a powerful analytical tool for studying a new type of governing. The policy network approach in this context is seen as able to capture an informal, non-hierarchical, interdependent, fragmentary, multi-level and fluid policy process. Networks are contrasted in particular with hierarchies and markets as a means of analysing the policy process. Hence, in this context:
A policy network includes all actors involved in the formulation and implementation of a policy in a policy sector. They are characterised by predominantly informal interactions between public and private actors with distinctive, but interdependent interests, who strive to solve problems of collective action on a central, non-hierarchical level". (Börzel 1998b: 260).

This usage of the policy network term reflects its proponents’ belief in a tendency towards governing without government (Rhodes 1997; Hix 1998) and a process of hollowing out of the state (Rhodes 1997). Hence, the emphasis shifts from a state-centred analysis, in which the state is viewed as being at the centre of a range of pluralist- or corporatist-style networks, to a less hierarchical analysis, in which the state is one actor in a much more informal and interdependent process:

Unlike other theories which share a state-centric conception of governance based on a single (national) authority of hierarchical co-ordination in public policy-making, the policy network concept is able to conceptualise the emergence of political structures which are characterised by ‘governing without government’. (Börzel 1998b: 266).

Policy networks in this context, therefore, become central to the analysis of policy-making, rather than being confined to a description of how interest groups interact with the state. This more ambitious use of the policy network approach has prompted further criticism – ie whether the approach is at best a useful metaphor, or whether it can be used as a means of explaining policy outputs in modern systems of governance.

Since this thesis aims to test the utility of the policy network approach in empirical research, and aims also to examine the more ambitious claims made of policy networks as a form of governance, it uses Börzel’s definition of a policy network (1998b: 254). This is, by Börzel’s own admission, a fairly minimal or lowest common denominator definition. It does, however, capture the most important dimensions of policy networks - including relative stability/instability, degree of hierarchy, interdependence, shared policy interests, and resource exchange. These are the key features of policy networks which, it is claimed, increasingly characterise a new form of governance. In addition, this minimal definition avoids becoming overly-focused on questions of definitions and typologies, in favour of examining how effectively the policy network concept can be used in practice.
The Policy Network Approach in Domestic Politics: Strengths and Limitations

The development of an extensive range of definitions and typologies underlines the now pervasive use of the policy network approach, and its application to a range of policy areas across many different countries. Those using the policy network approach have claimed it holds a variety of advantages – from being a useful metaphor to describe relations between interest groups and the state, to being a tool for explaining specific policy outputs and outcomes, to being a term which denotes a distinctly new form of governance. These various uses – and the strengths and weaknesses of each – are explored more fully in discussing some of the studies referred to below.

The apparent strength of the policy network approach lies in its ability to capture the full range of actors involved in policy-making, and the nature of relations between them. This means we are able to analyse the structure of these relations, as well as the content of what is discussed (Börzel 1998b: 255). More specifically, policy networks highlight the informality, interdependence and lack of hierarchy in network relations. This is seen as a more accurate analysis of modern-day policy-making than a state-centric approach which sees the central government as the pinnacle of a hierarchy. In addition, differences between policy sectors can be identified using the meso-level approach of policy networks, rather than a macro-level analysis which takes state-interest group relations as a whole. This more fragmented, and often crowded, policy-making environment is thus the focus of the policy network approach:

Policies are formulated to an increasing degree in informal political infrastructures outside conventional channels such as legislative, executive and administrative organisations. Contemporary policy processes emerge from complex actor constellations and resource interdependencies, and decisions are often made in a highly decentralised and informal manner. (Kenis and Schneider 1991: 27)

These informal political infrastructures and complex actor constellations are seen as the real venue for policy-making, and hence have become the focus of policy network analysis. Moreover, it is the nature of the policy networks themselves which is seen as crucial to determining policy outputs. Hence, the policy network approach does not seek merely to describe networks of actors, in order to uncover who is involved in the policy process; rather, it embarks on this description in the
belief that, by uncovering the structure of the policy networks involved, we can also uncover which actors are decisive in the policy process, and how the nature of relations between actors in the policy network determines policy outputs.

One of the most commonly used examples of policy network activity is the agricultural sector. Policy network analysts have cited agriculture as a classic case of a policy sector in which the nature and structure of policy networks has a direct influence on the policy which emerges (or indeed fails to emerge) (Smith 1992; Smith 1993; Greer 1994; Adshead 1996; Marsh and Smith 2000). Smith, for example, is clear about the benefits of adopting a policy network approach in his study of the British agricultural sector: “policy communities and networks can be used as explanations of policy outcomes rather than purely as descriptions of government/pressure group relations” (Smith 1992: 49).

The agricultural sector is seen to exhibit a specific type of policy network, the *policy community*, which Smith adopts from the continuum of policy network types developed by Marsh and Rhodes. A *policy community* refers to a policy network which is closed to outsiders, is highly integrated, shares a common view of the policy sector, and plays by a set of commonly held rules. In the case of the British agricultural sector studied by Smith, the policy community is dominated by the former Ministry of Agriculture, Food and Fisheries (MAFF) and the National Farmers’ Union (NFU). This close relationship between the main government department and the main farmers’ union has its origins in pre- and post-war economic conditions which gave the agricultural sector a privileged position. This privileged relationship has been maintained, in spite of a range of pressures for fundamental change in the agricultural sector. According to Smith, the continuation of the fundamentally productionist stance of central government – and the rejection of pressure from consumers and environmentalists for fundamental change in the sector – is directly attributable to the existence and nature of the agricultural policy community: “So when economic conditions changed, the status quo was maintained by the closed policy community so as to ensure that policy was made within a small group who had shared values on the goals of agricultural policy” (Smith 1992: 40).
Furthermore, this policy community has to date been successful in its strategy of damage limitation, whereby demands for change have been mediated and deflected by the joint efforts of MAFF and the NFU, resulting in relatively minor change for the agricultural sector, and change in which the agricultural policy community is still able to take the initiative (Smith 1992: 43-44). Pressure from other interests, particularly consumers and environmentalists, have been largely held at bay, according to Smith, because of the lack, in these sectors, of an equivalent policy community, or close relationship between the relevant government department and a coherent body of interests.

This policy community also highlights some of the features of policy networks referred to above - ie the informality, interdependence and lack of hierarchy commonly attributed to policy networks. In this case, MAFF and the NFU have both operated in a way which illustrates their mutual dependence. The NFU has been allowed privileged access to government, on the understanding it behaves responsibly and does not make excessive demands; in return, MAFF has benefited from a simpler, more predictable policy environment, with demands voiced through a single channel (Smith 1992: 35). The mutual advantage of this relationship further increases the difficulty for outsiders to gain access to this policy arena. The British agricultural sector has therefore been described as “the paradigm case of a closed policy community” (Marsh & Smith 2000: 12).

The impact of policy networks on the policy process is further illustrated by Daugbjerg’s recent study of agricultural policy in Denmark and Sweden (Daugbjerg 1998). In this study, Daugbjerg employs the continuum developed by Marsh and Rhodes, and looks at how the key dimensions of the policy network types described by Marsh and Rhodes – membership, integration, resources and power – affect agricultural policy in the two countries. Daugbjerg’s study looks at the issue of nitrate contamination of ground and surface water by agricultural processes, and at how agricultural policy networks in Denmark and Sweden were able to respond to this environmental challenge. Daugbjerg finds that in Denmark the existence of a closed, tightly integrated policy community, with a shared understanding of the objectives of agricultural policy and of the rules of the game, was well-equipped to produce a policy response which protected Danish agricultural interests. By
contrast, in Sweden the existence of a more open, less cohesive and less consensual policy network meant that Swedish agricultural interests were less well-placed to resist the pressures from environmentalists. As a result, Danish farmers succeeded in maintaining the longstanding principle of state responsibility, whereby the state adopts an interventionist approach to agriculture, and bears much of the economic burden of the sector (Daugbjerg 1998: 75). By contrast, Swedish farmers found themselves having to bear more of the responsibility via the polluter pays principle, whereby the costs of pollution are reimposed on farmers, in cases where they are the source of pollution.

For Daugbjerg, the different policy outcomes in the two countries are attributable to differences in the type of policy network – put simply, “network structures make a difference” (Daugbjerg 1998: 78). More specifically, Daugbjerg focuses on the key dimension of the level of cohesion within the policy network – hence, the Danish network (akin to a policy community) benefited from the cohesive structure and common understanding between network members:

The Danish agricultural policy network comes closer to a policy community on the Marsh and Rhodes continuum (Marsh & Rhodes 1992: Rhodes & Marsh 1992) than the Swedish one. Thus, Danish farmers were able to achieve support from the Ministry of Agriculture and could, thus, transfer the state responsibility rule from agricultural policy making to nitrate policy making to a larger extent than their Swedish colleagues. The alliance with the Ministry of Agriculture was a very important political resource for Danish farmers. The structure of the Danish agricultural policy network favoured the interests of farmers much more than the Swedish network. (Daugbjerg 1998: 88)

We can witness a similar impact of the structure of policy networks in a different sector, if we look at Kasa’s recent study of attempts in Norway to introduce carbon taxes as a measure to protect the environment by curbing greenhouse gas emissions (Kasa 2000). Kasa’s study focuses on the extent to which key industries – all with the potential to be heavily taxed for their greenhouse emissions – were able to fend off the environmental lobby’s demands for change. Kasa finds that a group of the most energy-intensive industries (therefore likely to pay high levels of carbon tax) were able to gain exemptions from carbon tax measures, and yet other industries, such as off-shore petroleum and transportation (also likely to be significant polluters), were unable to secure similar exemptions. By adopting a policy network
approach, Kasa sees an immediate benefit over a more traditional corporatist analysis – stating that corporatism “fails to deal explicitly with situations where there is a discrepancy between a group’s economic importance, and its political impact” (Kasa 2000: 105). In other words, although the petroleum, transportation and energy-intensive industries (especially the metallurgical sectors based on ferro-alloys and aluminium) share similar levels of economic importance in Norway, it was only the energy-intensive industries which were able to secure the carbon tax exemptions. In order to explain this, Kasa looks to the nature of the policy networks in each sector.

Like the agricultural cases referred to above, an important factor in the strength of Norway’s energy-intensive industries was the historical relationship between this sector and the government:

Due to the fact that the metallurgical industry is a centre-piece of the post-war state-led industrialisation drive, this industry traditionally enjoys privileged access to government agencies, most importantly the Ministry of Trade and Industry as well as the Ministry of Petroleum and Energy. These industries also benefit from the disproportionate representation of scarcely populated regions in the Parliament, as well as a close relationship to both the Labour and Conservative Parties.

(Kasa 2000: 108).

As a result, these energy-intensive industries benefited from membership of a tightly integrated, closed policy community, which had a high degree of internal consensus and a balanced distribution of power and resources amongst its members. Kasa too applies Marsh and Rhodes’s continuum of policy network types, and utilises their focus on the key criteria of membership, integration, resources and power. The membership of this kind of policy community is, argues Kasa, crucial to the ability of the energy-intensive industries in Norway to resist pressures for carbon taxes, and to secure exemptions. In particular, the metallurgical industry had privileged access to key government departments and major political parties, initiated in the post-war industrialisation phase, but maintained via the continuation of a strong policy community. Hence, for Kasa the application of a policy network approach is again a means of explaining policy outcomes: “Thus, there are strong indications that differences in network cohesion and institutionalisation of access to decision-makers explain policy outcome diversity in this case.” (Kasa 2000: 117).
However, such applications of the policy network approach have also been heavily criticised. The assertions made by authors such as Smith, Daugbjerg and Kasa, that policy networks offer a valuable insight into explaining policy outputs, have been disputed by those who would confine the policy network approach to the status of a useful metaphor for describing relations within policy sectors, but little more. The most notable critic in this regard has been Dowding (1995; 2001), who views the application of the policy network approach simply as “metaphorical heuristics” (Dowding 1995: 139) with no explanatory power. In order to develop explanatory power, Dowding argues, the policy network approach needs to focus upon the characteristics of the actors who comprise the networks (he suggests applying a bargaining model or game theory to achieve this) (Dowding 1995: 145). In other words, for him at least, “the policy network approach is driven by properties of the actors” (1995: 150), and so the categorisation of different types of network structure (such as Marsh & Rhodes’s continuum) explains nothing. Marsh, in particular, has responded to these and other criticisms by introducing a dialectical model of policy networks (Marsh 1998; Marsh and Smith 2000). This model focuses on three sets of relationships – between agency and structure (which is relevant to Dowding’s criticism), between a network and its context, and between a network and related policy outcomes. This model focuses on the two-way relationship between these various factors, rather than a unidirectional approach. Marsh and Smith present this as a critique of existing network approaches (including their own), and as a means of further enhancing the explanatory power of policy networks. This includes looking at the behaviour of actors within the network (ie in addition to looking at the structure of the network as a whole), and looking at the broader policy and political environment in which the network is situated. For Dowding, however, this dialectical model does little more than state the obvious:

Of course agents affect structures, how could they not? Of course structures affect agents, how could they not? How could networks not affect the outside world if they affect anything? How could a network operate without being affected by the world around it? As for the final category, surely the whole network literature is about explaining how policy outcomes occur through network activity, and how could anyone think that past outcomes do not affect future network developments? (Dowding 2001: 99-100)

This response by Dowding (and others, see Evans 2001; Raab 2001; and Marsh and Smith’s own response 2001) only prolongs the arcane debate about the merits of
policy network analysis, and the seemingly never-ending story about definitions and typologies (Blom-Hansen 1997: 672). It is perhaps only when we take up Marsh and Smith's own challenge that the policy network approach must stand or fall according to its utility for conducting empirical research (Marsh & Smith 2000: 11) that we can move beyond such theoretical disputes and evaluate how effective or valuable the approach really is in helping to explain policy outputs and outcomes.

The explanatory power of the structure of policy networks, based on aspects such as the network's cohesion, and the longstanding relationship between interests and the state has, as we have seen above, been advocated by many policy network scholars. For others, however, applying policy networks has turned out to be less fruitful in terms of explaining policy outputs. Instead, some scholars have concluded that policy networks are indeed limited in the extent to which they can have explanatory value, albeit still useful in terms of mapping the relations between groups and the state. For example, Daguerre's recent comparative study of child care policy in England and France (2000) is sceptical about the power of policy networks in being able to explain changes in this policy sector. Daguerre is able to identify policy networks in both countries - essentially policy communities comprised of the relevant central government departments and child care professionals. These policy communities displayed the classic characteristics identified in Marsh and Rhodes's definition - hence, marked by "a strong degree of ideological cohesion, a high frequency of interaction, and continuity in membership" (Daguerre 2000: 250). When considerable pressures began to emerge in the child care policy sector during the 1980s, however, these tightly-knit, stable and well-established policy communities were unable to continue to control the policy agenda in their respective countries. The impact of economic constraints imposed on the sector by central government, and the impact of a series of highly publicised child abuse scandals, in effect simply overwhelmed the policy communities in both England and France (Daguerre 2000: 245). Hence, instead of the policy communities being able to moderate demands for change, and adjust their position accordingly, the policy communities were overtaken by external events - or what Daguerre terms exogenous shocks. In this instance, therefore, the structure of the policy community is not a decisive factor in determining policy outputs.
Daguerre therefore questions the ability of the policy network approach to account for policy change in the child care sector, finding instead that “in both countries, the ability of policy communities to resist external pressures had been challenged by the powerful impact of exogenous shocks such as financial constraints and major child abuse scandals, especially in England” (Daguerre 2000: 256). Policy-making instead moved outside the policy community, to a new policy arena which the well-established interests could no longer control. Here, too, we see the importance of the politicisation of a policy area. In other examples, such as agriculture, policy communities have often benefited from a generally low level of political salience on key issues (Smith 1992: 35; Daughjerg 1998: 75). Daguerre finds however that once child care policy had become a highly politicised issue, the policy community was no longer able to control the agenda; hence, for example: “In England, child abuse inquiries and the ideological shift generated by the Thatcherite revolution forced the existing policy communities into a reactive mode” (Daguerre 2000: 257). Hence, for Daguerre, the policy network approach is of limited value in explaining policy change in the child care sector in England and France. Instead, she focuses on the significance of external demands on, and increased political salience of, the sector, and argues that a more restrictive, less ambitious use of the policy network approach is more realistic (Daguerre 2000: 245).

Daguerre’s study highlights some of the fundamental difficulties with the policy network approach. In particular, it highlights the need to relate the policy network to external events (what Marsh and Smith term the dialectical relationship between network and context), the tendency of policy networks to operate in depoliticised arenas, and the tendency of policy networks to explain stability or continuity in policy sectors rather than policy change. Other studies have drawn similar conclusions. For example, Maloney and Richardson’s study (1995) of changes in water policy in England and Wales during the 1980s also highlights the gaps in the explanatory power of the policy networks approach. Maloney and Richardson again stress the importance of a series of external developments which impacted on the water policy sector – especially the privatisation and Europeanisation of the sector in the 1980s, and the overall emergence of a new ideological climate under Mrs Thatcher (Maloney and Richardson 1995: 159). In this context, given the new level of politicisation of water policy, the well-established water policy community was
again overtaken by events, and lost control of the agenda: “In total, exogenous shocks were, over time, probably more important as a source of policy change than were policy network characteristics” (Maloney and Richardson 1995: 174).

In addition, the emergence of new sets of interests – particularly environmentalists and consumers, at the EU as well as national level – led to a shift away from a tightly-controlled and exclusive water policy community towards a much more open and unpredictable issue network. This change in the type and structure of policy network (towards the opposite end of Marsh and Rhodes’s continuum) further reduced the ability of established interests to control the agenda, and destroyed the "cosy milieu of decision-making” which the water policy sector had previously enjoyed (Maloney and Richardson 1995: 162). Again, in this context, the structure of policy networks appears a much less decisive factor in policy-making, with the long-established policy community having to react to, rather than create, policy (Maloney and Richardson 1995: 174).

Hence, we can see from the above studies, which encompass various policy sectors across various countries, that there are a number of potential benefits and limitations of the policy network approach. Whilst some scholars proclaim the strengths of the approach as a means of explaining policy outputs, others are much less convinced of its explanatory power. For Marsh and Rhodes, and their popular and often-used model, the key to explaining policy-making through network activity lies in the concepts of power dependence and resource exchange, the latter being described as the explanatory motor of their approach (Rhodes 1997: 9). Hence, the resources each actor brings to the policy network, and how effectively they are able to use these resources to gain advantage, is a decisive factor in determining policy outputs. This approach also emphasises the downplaying of the role of the state, which is another key feature of policy network analysis. In other words, the state is no longer pre-eminent in its possession of the most vital resources; instead it must co-operate with other powerful actors – bringing about the non-hierarchical element commonly attributed to policy networks, and the subsequent blurring of the divisions between the roles of public and private actors in a policy network environment: “The government is no longer seen as in a superior, directive, role, but as one actor among a number with roughly equal power. Public policy making
in networks is about cooperation and consensus building; it involves an exchange of resources between the actors" (Marsh 1998: 9). There is thus no overall consensus about the ability of the policy network approach to explain domestic policy-making, and many scholars remain unconvinced of its added-value over more traditional pluralist or corporatist models.

Policy Networks as a New Form of Governance?
The disputed explanatory power of policy networks is also at the centre of the broader governance approach to using policy networks, which has been put forward as a more wide-ranging and ambitious usage of policy networks than that associated with analysing interest intermediation. For those who argue that policy networks constitute a new type of governance, the changing role of the state remains a central focus. For example, Rhodes’s later work on policy networks and governance focuses on the so-called hollowing out of the state - whereby the state begins to lose its central position, with power dispersed both upwards to the EU (and beyond) and downwards to local/regional government, as well as being shared with a number of powerful non-governmental interests who play a key role in policy networks (Rhodes 1997). As such, the state becomes an actor within policy networks (differentiated by policy sector or sub-sector) and has to share and exchange resources. In this sense, we are, according to Rhodes, witnessing the development of a new type of governance, which he defines as characterised by “self-organising, interorganisational networks characterised by interdependence, resource exchange, rules of the game and significant autonomy from the state” (Rhodes 1997: 15).

This approach, adopted primarily by Rhodes amongst British policy network scholars, also echoes that of the European literature on network governance (Börzel 1998b; Kohler-Koch and Eising 1999). For example, Börzel’s definition of governance confirms a very similar approach; she states that policy networks, as a type of governance, “reflect a changed relationship between state and society. There is no longer a strict separation between the two” (Börzel 1998b: 260). Börzel therefore recognises the common ground between the interest intermediation and governance approaches to policy networks, and between the differing national traditions which have developed. In fact, the approaches are not mutually exclusive
Börzel 1998b: 255), and share many of the insights which using the policy network approach has brought.

This emphasis on downgrading the role of the state, however, remains problematic for both the interest intermediation and governance approaches to policy network analysis. We only have to look at the examples given earlier to see the state's continuing influence. For example, in Daguerre's study of child care policy and Maloney and Richardson's study of water policy, well-established and supposedly privileged policy networks were simply overwhelmed by events, once the state was forced to (or chose to) change the broader political agenda for both policy sectors. In both cases, policy networks became reactive rather than proactive, and were marginalised whilst the central government put in place a radically new policy agenda. Indeed, these networks did not survive this upheaval, and instead the change in policy agenda was followed by a change in the personnel of the networks themselves. Hence, in these circumstances, the established policy network in each case became a victim of, not an initiator of, policy change, and in turn new policy networks emerged in each sector as the product of, not the driver of, this policy change (Maloney and Richardson 1995: 174). Of course, when well-established policy communities such as these can be so emphatically bypassed and marginalised, it does fundamentally call into question the ability of their presence to explain policy outputs.

In response to such criticisms, policy network scholars have sought to clarify the usage and ambitions of their approach. Hence, although its supporters reject the restriction of the approach to nothing more than a metaphor, they have at the same time acknowledged that it is not a fully comprehensive or complete account of policy-making (Marsh 1998; Marsh & Smith 2000: Daguerre 2000). As a result, policy networks are increasingly employed as a meso-level concept, which offer a partial, yet still significant, explanation of policy-making and policy change. This meso-level approach means using policy networks to analyse specific sectors or sub-sectors of policy-making (this in itself has a variety of uses – for example, we can analyse environmental policy as a sector, or water quality policy as a sub-sector, or indeed drinking water quality as a further sub-sector). A meso-level approach can further be linked to a macro-level and micro-level perspective. Hence, a macro-
level focus emphasises "the broader structures and processes of government within which any network operates" (Marsh 1998: 15). A micro-level focus emphasises "the individual actions and decisions of actors within the networks" (Marsh 1998: 15). These different levels of analysis also reflect the dialectical approach of Marsh and Smith, and thereby also raise the same criticisms from Dowding as discussed above.

Such a multi-level approach is thus put forward as a means of strengthening policy network analysis, and marks an admission by policy network scholars that the approach has "little utility as an explanatory concept unless it is integrated with macro-level and micro-level analysis" (Marsh 1998: 15). This, too, applies both to the interest intermediation and governance approaches. For example, those in the governance school have similarly accepted Marsh’s idea of the need for more focus on agency within policy networks, as well as structure – hence, for example, the suggestion by Börzel to look to incorporate a range of rationalist-institutionalist or cognitive approaches into network analysis (Börzel 1998). Again, this is seen as necessary in order to boost the overall explanatory potential of the policy network approach.

Overall, then, the policy network approach has developed into a middle-range approach to analysing new patterns of governance, based on examining the changing nature of the relationships between interest groups and the state. This approach is not the panacea it is sometimes painted as, and does not mark a decisive paradigmatic shift as is sometimes claimed. Nonetheless, it has been extensively used to offer a range of insights into modern-day state-interest group relations, and new patterns of governance. Not least, its promise has meant it has also been extensively employed to analyse policy-making and governance within the EU. The key emphasis of the policy network approach on the changing role of the state, and on the increasing mobilisation and effectiveness of organised interest groups operating across multiple levels of government, means it is perhaps not surprising that the approach is viewed as containing much potential for explaining what is happening at the EU-level. The next sections look more closely at how the policy network approach has been applied and developed at EU-level, and at to what extent
the familiar strengths and weaknesses of the approach are replicated at this level of analysis.

**Policy Networks in the European Union**

The insights gained from using a policy network approach are seen as equally (if not more) applicable in studying policy-making within the EU. Policy networks are seen as a vital component in the multi-level system of the EU, in which policy-making and implementation occur across a variety of levels and incorporate a variety of governmental and non-governmental actors. This combination of levels, venues and actors is seen as something which the policy network approach is particularly well-suited to capturing. The approach has therefore been used to analyse an increasing number of EU policy sectors and policy outputs.

Those studying the EU have, for example, analysed the EU’s agricultural policy sector, which has been cited at the national level as an archetypal case of how policy networks can influence policy outputs. Daugbjerg has applied his policy network approach not just to national agricultural policies, but also to a study of the EU’s Common Agricultural Policy (CAP). Daugbjerg finds policy network analysis a useful approach in helping to explain the nature of CAP reform, and in particular the lack of any fundamental changes to the CAP despite significant internal and external pressure. Daugbjerg examines the MacSharry reforms of the early 1990s which, although labelled "the most far-reaching reform in the history of EC agricultural politics" were in fact a relatively moderate programme of reforms which did not fundamentally challenge the long-held West European and EU interventionist policy paradigm (Daugbjerg 1999: 408-9).

Daugbjerg attributes this lack of fundamental change to the strength and cohesion of the EU’s agricultural policy network. Echoing his findings in relation to national agricultural policies, Daugbjerg finds a crucial role for agricultural policy communities: “members of cohesive policy networks are able to form strong coalitions defending the status quo. However, in order to have reform demands removed from the agenda, policy network members may agree to give concessions to reformers. These concessions may be moderate changes” (Daugbjerg 1999: 414).
Hence, the key policy network dimensions in this context are the stability and cohesion of the network which, along with the network’s high levels of specialist and technical knowledge of the sector, and its ultimate responsibility for ensuring the effective implementation of reforms, make it a formidable obstacle to policy change.

Furthermore, Daugbjerg cites the EU’s broader institutional structure as another key factor inhibiting policy change. Thus Daugbjerg addresses the issue of the need to situate policy networks in a wider environment, and to consider the relationship between a network and its context. He also therefore accepts that policy network analysis can provide only a partial explanation. Daugbjerg finds that the EU is comprised of a number of different, often competing, decision-making centres, and that this further decreases the chances of policy reform being successful. In other words, decision-making authority within the EU is dispersed and fragmented, and reform proposals must be able to accommodate the priorities and preferences of these various sources of authority, if reform is to be successful (Daugbjerg 1999: 422). Overall, therefore, Daugbjerg finds that an analysis which combines the study of policy networks with a study of the broader institutional context within which networks operate, offers a more powerful explanation of the progress of policy reform in the EU’s agricultural sector:

The existence of a cohesive policy network in the sector in which reform is put onto the agenda limits the opportunities for fundamental reform. Members of such a network can form a strong coalition resisting change. Political systems in which the structure disperses political power to several decision-making centres provide many veto points which can be used, often successfully, to mobilise opposition to reform. (Daugbjerg 1999: 423)

By combining a policy network and institutionalist analysis, therefore, Daugbjerg recognises the need for a multi-model approach (Richardson 1996, 2001; Peterson 2001) which EU scholars have begun to argue is essential to fully understand EU policy development.

This emphasis on the importance of the structure of policy networks in influencing policy outputs is also discussed in Bomberg’s recent study of policy networks in EU environmental policy (1998). Bomberg finds the policy network approach a particularly useful tool in analysing “the relatively new system of EU environmental
policy-making”, and also sees the environmental policy sector as a useful contrast to more entrenched policy sectors such as agriculture (Bomberg 1998: 168-9). The relatively new environmental policy field potentially offers new actors and interests a chance to become involved in policy development, rather than having to try to break in to well-established and often inaccessible policy domains. Bomberg examines two recent pieces of EU environmental legislation – on car emissions and packaging waste – in order to assess the opportunities for policy networks to influence policy in each case.

Bomberg finds that, in both cases, the policy networks surrounding each issue were akin to the more open, fluid and accessible issue networks identified by Marsh and Rhodes, rather than the closed policy communities typical of agricultural policy. Whilst giving opportunities for some environmental actors to gain access to the policy process, however, the relatively open and fluid network structures also on occasion proved a hindrance to the networks’ overall effectiveness. In the development of the 1989 directive which limited emissions from small cars, the policy network which developed became a powerful influence in pushing forward the environmentalist agenda on this issue. This policy network, centred around the European Parliament and environmental NGOs, was able to persuade the Council of Ministers to accept tougher environmental legislation than that initially proposed – by building an active and concerted coalition on green issues, by garnering the high level of public support on this issue, and by exploiting splits within the Council of Ministers (Bomberg 1998: 175).

By contrast, in the development of the EU’s 1994 directive on the reduction of packaging waste, the openness of the policy network ultimately served to reduce its effectiveness to influence the policy output. The policy network was infiltrated by powerful industrial groups, who offered key technical advice needed by both the Commission and the Parliament, and who had the resources to conduct an intensive and sustained lobbying campaign – both of which the green coalition were unable to match. As a consequence, the Council of Ministers finally agreed less stringent targets on the reduction and recycling of packaging waste than those favoured by green groups. In this case, therefore, the network was not able to resist pressure from industrial interests.
In both cases, Bomberg cites the structure of the relevant policy network as a decisive factor in the final policy outcome – noting in particular “the extent to which key characteristics of an issue network - its shifting, uneven balance of resources and permeability - can shape policy outcomes” (Bomberg 1998:176). Like Daugbjerg, Bomberg also recognises the need to ally a policy network approach to broader analysis of the EU’s institutional and historical framework. The policy network approach offers a valuable means of studying the interaction and influence of interest groups and officials, and offers a stronger analysis than other approaches which often over-estimate the power of member states at the EU level (Bomberg 1998: 182). Nonetheless, Bomberg accepts that a macro-level analysis – for example, looking at how Treaty revisions such as the Single European Act and Maastricht Treaty affect environmental policy – must support a policy network analysis. Hence, like Daugbjerg she limits the claims which should be made of policy network analysis, stating that “the primary purpose of network analysis is to explain the way in which meso-level decision making affects policy outcomes. It is of limited use in explaining ‘macro’ developments which may impinge on the policy-making process and outcome” (Bomberg 1998: 183). Again, therefore, the argument for a multi-model approach to the analysis of EU policy-making is evident.

A further assessment of the role and value of policy network analysis in the study of EU environmental policy is found in Zito and Egan’s study (1998) of the development of the EU’s eco-management and audit (EMAS) regulation, agreed in 1993. Zito and Egan again adopt Marsh and Rhodes’s framework, thus focusing on essential characteristics of policy networks such as membership, stability, cohesion, resources and power. They identify a very loose, pluralistic issue network in the development of the EMAS regulation, centred around the European Commission and various national and European interest groups (Zito and Egan 1998: 112). Despite identifying a policy network, however, and being able to measure it against the criteria set out by Marsh and Rhodes, Zito and Egan are in the end sceptical about how much identifying and describing the policy network actually tells us about the development of this policy. Like Bomberg, Zito and Egan are keen not to over-state the power and influence of member states in the EU policy process;
however, they find that focusing on policy networks is not necessarily the antidote to this. This is especially true when one looks at the decision-making stage of the policy process. In other words, whilst policy networks may be influential, even central, during the agenda setting and formulation of policy (and indeed afterwards in its implementation) they are less prominent when final policy decisions are taken. At this crucial stage, they argue, the power of member states should indeed be duly recognised:

The European environmental standards network changes as the EMAS story unfolds. At the policy formulation and decision-making stages, the standards network that interacted with the Commission had all the characteristics of a very loose, pluralistic issue network. The Commission consulted with various national and European level interest groups, with very different viewpoints on European environmental management standards. This network seemed to have less impact on the final proposal than the direct pressure of the member state governments reflecting multiple and often contradictory constituences. (Zito and Egan 1998: 113).

Again, therefore, Zito and Egan advocate combining policy network analysis with perspectives which can capture this decisive intergovernmental negotiation, and once again recognise the useful but limited role which policy network analysis can play in the explanation of policy-making at the EU level.

This differentiation of the policy process into different stages enables us to pick out more clearly the potential benefits of using a policy network approach. If we accept the limitations of the approach, and the need to use it in conjunction with other perspectives, then policy network analysis can offer a useful insight into the policy process. Indeed, many scholars have found it particularly apt at the EU level. The focus on networks of public and private actors and their crucial role in the formulation of policy often helps bring out the specific nature of the EU policy process. For example, policy network analysis can capture the insular, sometimes incestuous, nature of EU policy networks (Peterson & Sharp 1998: 182), often with the Commission as ringleader (Peterson & Sharp 1998:187). It also emphasises the often depoliticised environment in which much of this policy formulation occurs (Peterson 2001: 310). This applies not only to the sectors discussed above, but is seen as broadly typical of the EU policy process. Peterson and Sharp, for example, find similar policy network activity in their examination of EU technology policy:
Outcomes are less a consequence of which interests win in inter-institutional competition at a systemic level, and more a consequence of the kinds of networks that emerge in a certain area of technology, such as telecommunications or biotechnology. Considerable autonomy and power to determine policy is usually on offer to networks that can present a common front, while linking a wide array of actors in European technology policy (Peterson & Sharp 1998: 64).

Although Peterson and Sharp recognise the intervention of high politics in setting the broader agenda for research and development in the EU, they nonetheless see policy network analysis as a valuable means of filling in the gaps, in terms of analysing the day-to-day development of technology policy, which is punctuated by relatively infrequent episodes of high-level political steering. As part of this day-to-day activity, the classic features of policy networks are once again highlighted:

Policy networks tend to form around specific technological sectors. Actors with valued resources – expertise, ideas, and political nous – get access to these networks, while others are excluded. Usually, actors have incentives to share their resources, and they engage in bargaining designed to maximise both their collective benefits, as well as their individual share of the loot (Peterson & Sharp 1998: 187).

Again, therefore, policy network analysis offers a means of studying the detail of the interaction between interest and officials, and thus going beyond a focus on intergovernmental bargaining or state power. In this respect, policy network analysis offers a perhaps limited but nonetheless crucial insight into the EU policy-making process.

Those who apply a policy network approach to the EU do so in the belief that the EU today has many of the policy-making attributes of a modern state (Richardson 1996: 26). In this sense, it is a logical step to transfer models used with increasing success in the study of national politics (ie CP approaches) to the study of the EU. Indeed, the EU has been described as a hothouse for policy networks (Peterson 1995b: 390). However, policy networks in the EU are also seen as a key element in a new form of governance at the European level, rather than as simply replicating the policy-making processes which occur at national level. The concept of governing by policy networks is seen as particularly relevant at the EU level for a number of reasons. EU policy-making in many areas (for example, the agricultural, environmental and technological sectors discussed above) is characterised by a high level of involvement of technical and formally apolitical actors (Peterson 1997: 4),
who are a key component of policy networks. Thus the policy network approach can illuminate the work of bodies such as Council working groups and Commission working groups, where technical expertise is central to policy formulation and in helping to reach early policy decisions. Further, the policy network approach enables us to study the segmented and sectorised EU policy environment, by isolating the role of relevant policy networks in different sectors and sub-sectors of EU policy-making (Peterson 1997: 5). In addition, the policy network approach highlights the role of informal bargaining in the EU policy process and the inability of the EU institutions always to control bargaining within a stable institutional environment (Peterson 1995a: 75).

If the policy network approach seems a useful means of capturing these various aspects of EU policy-making, we must also consider exactly how the policy network approach can achieve this. One solution is expressed succinctly by Peterson, who suggests that using a policy network approach essentially provides us with "the interesting and testable hypothesis that the internal characteristics of policy networks in different sectors are a primary determinant of EU policy outcomes" (Peterson 1995a: 80). This of course fits with the recent studies carried out by those such as Bomberg, Daugbjerg, and Zito and Egan, in which characteristics such as the policy networks' cohesion and stability are evaluated for their ability to determine policy outputs in each case. The policy network is seen as a crucial element in the EU policy process, since it acts as a venue for the negotiation of many of the key policy issues in a given sector, in an often predominantly technical and apolitical environment. Network members who have the most important resources to exchange within the network are thus considered to be in the most powerful position to influence policy. Hence, for example, technical experts could be indispensable to the European Commission, given its relatively resource poor status (Peterson 1997: 8). Similarly, the European Commission as the initiator of legislative proposals, and the apparent ringleader of many policy networks, is itself an indispensable ally of those technical experts or other interests who wish to access the policy process at this crucial formative stage.

As already noted, the role of policy networks in the policy process is not a comprehensive explanation of policy outputs or outcomes. The shortcomings
identified when applying policy networks to the analysis of domestic politics also re-emerge when studying the EU. As a result, those advocating the study of policy networks at the EU level have been careful to point out the limitations of the approach, and to link it to other theories. This can be done in a number of ways. Richardson, for example, divides the EU policy process into several stages—agenda-setting, formulation, decision and implementation (Richardson 2001: 6)—and acknowledges that whilst a policy network approach is a useful means of analysing especially the formulation of policy, it is less helpful at other stages. As a result, we need to look for additional models or approaches to illuminate these other stages. By contrast, Peterson divides the policy-making process into different types of decision—history-making, policy-setting and policy-shaping—and claims that a policy network approach is a valuable analytical tool in the study of policy-shaping decisions, but of little use in the analysis of other types of decision (Peterson 1995, 2001; Peterson & Bomberg 1999). This is not, however, to underestimate its contribution:

Policy networks are primarily involved in policy formulation, or the development of policy options at relatively early stages of policy process, before policy is 'set' by political actors. Policy networks may control the decision-making process and limit the range of choices being considered up to and including the point when political decisions are taken to choose a particular policy option (or perhaps to make no choice at all). The point is that the more that policy networks can ensure that options are not reformulated at the relatively late stages of the decision-making process, the more powerful they are (Peterson 1995b: 397).

If used in this more precise and circumspect way, the policy network approach has the potential to make a vital contribution to the analysis of EU policy-making.

The emphasis on the role of the Commission as initiator of legislation and ringleader of policy networks, and the vital importance of early policy decisions within often Commission-sponsored networks, provides a valuable insight into the EU policy process. The nature of this early phase—characterised by informality and a lack of hierarchy, by the prominent role of technical experts, by the exchange of resources between network members, and by the formulation of a number of key policy decisions which shape the overall policy outcome—makes the policy network approach a valuable tool at this level. Again, focusing on this level of activity helps counter approaches which over-estimate the power of the state, and
which focus on a more traditional intergovernmental analysis, at the expense of examining the more mundane day-to-day policy work of the EU. As Peterson has noted, following the conclusion of overarching, sometimes vague, intergovernmental agreements, it is often left to policy networks to flesh out these high-level political commitments into detailed, workable policies – in other words, the Commission and its policy networks are charged with filling in the details of these broad intergovernmental agreements (Peterson 1997: 11).

Of course, these apparent strengths of the policy network approach have been disputed by those who remain sceptical about its applicability at the EU level. The well-documented Peterson v Kassim debate captures these objections (Kassim 1994; Peterson 1995). Kassim’s scepticism is based on three fundamental criticisms. First, he cites the “elusive fluidity” of EU institutions and the EU policy process, and states that such a fluid, fragmented system does not lend itself to capture in “durable patterns of interest intermediation” such as policy networks (Kassim 1994: 21). Second, Kassim highlights the importance of EU institutions, which he feels is downplayed by the policy network approach, which lacks sensitivity to “institutional power, interest or strategy” (Kassim 1994: 23). Third, Kassim highlights the problem of delineating the boundaries of policy networks at the EU level, given the multiple number of actors (national, EU and international) which exist, and the fragmentation within actors (such as the Commission’s subdivision into DGs, and the Parliament’s division into committees). Peterson’s response is essentially to reject Kassim’s assertion of an essential paradox in the application of approaches such as policy networks, namely “that what makes their application to the policy-making process of the EU most plausible also undermines it” (Kassim 1994: 21). In other words, the fluidity, fragmentation, institutional complexity and shifting boundaries of networks within the EU are to Peterson precisely what makes the application of a policy network approach so worthwhile. Indeed, Kassim is prepared to acknowledge that these characteristics are poorly captured by more traditional integration theories, and that the search for alternative approaches is a necessary endeavour: “The EU policy process cannot be reduced to institutional interaction between Union institutions or to the activities of Union institutions and national governments” (Kassim 1994: 16).
Using policy networks at the EU level is therefore an attempt to move beyond these more traditional intergovernmental and institutional approaches. To do this, however, supporters of the policy network approach have to be realistic about its aims and limitations. In particular, the main criticisms of policy networks – categorised succinctly by Rhodes, Bache and George under the five headings of “explanation, level of analysis, institutions, boundaries and policy” (Rhodes et al 1996: 377) – must be addressed more thoroughly. In other words, we need to be clear first of all about what policy networks can explain (ie to show that they are more than just descriptive). Second, we need to apply policy networks at an appropriate level (whether this is termed policy formulation, policy-shaping, the meso-level, etc). Third, we need to relate the role of policy networks to their broader institutional context. Fourth, we need to be able to identify the boundaries of policy networks as part of empirical testing. Finally, in terms of policy, we need to specify the sector or sub-sector under investigation, and the stage of the policy process being explained. Addressing these criticisms should enable a more rigorous and targeted application of the policy network approach, as a result of which its benefits for analysing certain aspects of the EU policy process should become more visible and less contentious.

Summary

This chapter has examined the development and usage of the policy network approach both as a model of interest intermediation and as a new form of governance. The analysis shows the benefits of using a policy network approach - particularly at the EU level, where the emphasis of policy networks on interdependence, resource exchange, informality and lack of hierarchy in the policy process seems especially relevant. However, these benefits have been disputed by scholars who question both the explanatory power of the policy network approach, and the applicability of the approach in empirical research. The next chapter continues the examination of the policy network approach by looking at some of the methodological issues which arise from applying the policy network approach empirically. This aims to build on some of the issues raised in this chapter, and also to explain the research methodology used in the empirical case studies which follow.
CHAPTER FOUR: APPLYING POLICY NETWORKS: EMPIRICAL SOLUTIONS TO METHODOLOGICAL PROBLEMS?

Introduction
The policy network approach has been vaunted as a valuable means of studying policy-making both at the national and EU levels, and as a means of capturing elements of the policy process which seem to constitute a new form of governance. At the same time, however, the approach has been the subject of much criticism, especially with regard to the crucial question of its explanatory power. Policy network scholars have admitted that the approach will essentially stand or fall according to its utility for empirical research (Marsh and Smith 2000: 11), and that many of the debates surrounding policy networks are best answered by means of empirical testing. Applying the policy network approach empirically, however, raises its own dilemmas. Before applying the approach, we need to be clear about fundamental issues, such as how we define a policy network, and what exactly our research objectives are. For example, are we looking merely to identify and describe a policy network/networks, or are we looking to identify policy networks as a means of explaining specific policy outputs? In addition, the use of the policy network approach raises a number of broader methodological questions – for example, in relation to the use of case studies, and the value of a comparative approach, and the use of documentary and interview material as evidence. This chapter examines in more detail some of the key methodological issues raised by using policy networks for empirical research. It also explains the selection and purpose of the three case studies which follow, and how these three case studies seek to apply the policy network approach to specific examples of EU policy-making.

Applying Policy Networks: Thinking About Methodology
Using policy networks for empirical research raises a number of methodological questions, many of which are by no means unique to policy network analysis. First, it forces us to ask whether we are describing or explaining, and highlights the need to be more specific about the aims of using a policy network approach, and about
what can realistically be achieved. Second, it raises related questions about the relationship between cause and effect – ie by merely identifying or describing a network, we are not demonstrating its impact on the policy process, or on policy outputs and policy outcomes. Third, the policy network approach raises fundamental questions about the relative importance of structure and agency, and whether empirical study should focus primarily on the structure of policy networks, or on the behaviour of the actors within them. Finally, using policy networks raises the level of analysis question, ie the distinction between macro-, meso- and micro-level analysis, and which of these is most appropriate for policy networks.

The ability of the policy network approach to explain policy-making, whether at national or EU level, has been extensively debated. These debates have been discussed in Chapter 3, and hence are not repeated here. From a methodological perspective, however, this is a crucial question – especially in terms of establishing research objectives, and whether policy networks are to be employed as a descriptive/metaphorical device, or as an explanatory tool. The lack of clarity on such issues has been identified elsewhere, with scholars asking: "Just what, if anything, is being claimed when it is argued that policy networks exist and play an influential role in the policy process? What can be claimed?" (Bressers et al 1995: 2). The cases examined in this thesis seek explicitly to utilise policy networks as an explanatory rather than merely a descriptive tool. Hence, the case studies are intended not simply to identify or confirm the existence of policy networks, but to examine the impact of policy networks on the policy process and policy outputs in each case. Hence, the case studies go beyond describing, and into explaining – nonetheless taking a critical approach to the capacity of policy networks to fulfil this explanatory function. This echoes Börzel’s crucial distinction between establishing the existence and relevance of policy networks (1998b: 253). In other words, the initial task must be to establish the existence of policy networks. Following this, however, an explanatory approach must also seek to establish the relevance of policy networks in the policy process. Policy network scholars have acknowledged that even the first of these tasks is challenging, and the second, therefore, even more so: “First, it still remains to be shown that policy networks do not only exist in European and national policy-making but are also relevant for policy process and policy outcome …” (Börzel 1998b: 267).
Related to this question of establishing relevance is the broader question of identifying cause and effect relationships. Of course, this question is not confined to policy network analysis, but the issue of demonstrating the effect of policy networks upon policy outputs is again a crucial one, if we are to utilise the policy network approach for its explanatory power. Many policy network scholars do assert a clear cause and effect relationship in this context, and talk about a link between a policy network's presence/characteristics, and eventual policy outputs (see Peterson 1997: 7; Börzel 1998b: 258; Daughbjerg 1999: 412). This establishment of a link between policy network properties and the policy process is crucial. A policy network has to affect the policy process – not merely exist – if it is to be an explanatory factor. However, establishing or demonstrating such a link is problematic, as other scholars have pointed out. Marsh, for example, admits that the causal mechanisms which link policy networks to policy outcomes are seldom made explicit (1998: 7; see also Peters 1998c: 23, who refers to “the implicit causal analysis contained within the network approach”).

In order to make this link more explicit, and to be clearer about the causal mechanisms at work, it is again necessary to adopt a critical approach. First and foremost is the task of identifying a policy network or networks in the chosen field of inquiry. Then, if such networks can be identified, it is necessary to measure their impact on the policy process. For example, did policy networks produce policy proposals which shaped the final policy output? (Peterson and Bomberg 1999). Similarly, did the policy networks take initial policy decisions, thereby reducing the chances of the policy being reformulated outside the network at a later stage? (Peterson 1995: 397). Did policy networks utilise key resources (knowledge, expertise, insider contacts, economic pressure?) in order to influence decision-makers? In other words, it is necessary to look for links, or cause and effect, between policy networks and policy outputs, if the approach is to claim some explanatory power. In order to do this, it is necessary to specify to which dimensions or characteristics of policy networks we attribute explanatory power – returning us to Peterson's practical assertion of “the interesting and testable hypothesis that the internal characteristics of policy networks in different sectors are a primary determinant of EU policy outcomes” (Peterson 1997: 80). Another
important aid in this search for explanatory power (also hinted at in Peterson's assertion) is to adopt a comparative approach, in order to gauge the varying effects of policy networks in a number of different cases. (Both the identification of key policy network dimensions and the benefits of comparative analysis are discussed in more detail below).

Also fundamental to the application of the policy network approach in empirical study is the debate about the relative importance of structure and agency. Again, this is a debate by no means confined to policy network analysis. It has, however, been the source of fierce debate between policy network supporters and critics, and even within the policy network camp itself. This structure-agency debate relates essentially to the relative autonomy of structures (often broadly defined) in relation to individuals or agents. In other words, do individuals act freely, or are they constrained by the structures around them, or of which they are a part? (see Hay 1998; Marsh 1998; Marsh and Smith 2000). In terms of policy networks, this has seen the development of a dual approach within the literature – with some scholars stressing the structure of the policy networks as key, and others emphasising the role of individual agency within policy networks. At times, the stance adopted by scholars has, on this point too, been implicit rather than explicit. More recently, however, this dual approach has been acknowledged more openly by those calling for a dialectical approach to policy network analysis, in which the role both of individuals within networks and the role of network structures are acknowledged. Hence, this new dialectical approach attempts to reconcile the opposing standpoints of the traditional structure-agency debate, and thereby to overcome “the artificial and polarising dualism between structure and agency” (Hay 1998: 42).

Of course, as Dowding argues in his strident criticism of the structural approach to policy networks (Dowding 1995; 2001), it is impossible to isolate completely the separate roles of structure and agency (hence Dowding’s plea, “Of course agents affect structures, how could they not? Of course structures affect agents, how could they not?”) (2001: 99-1000). This thesis, however, adopts a predominantly structural approach to policy networks. By definition, policy networks are structures. Hence, what we are interested in when we study them is how the structure (the network) affects the policy process. Of course this entails looking at
how individual policy network members behave, but this behaviour occurs within a structured network context. As such, the primary emphasis of policy networks is surely – as Peters suggests – on the impact of the network as a collective entity, and not on the actions of its individual members? - “If network is useful as a concept then there should be some collective explanatory feature, not just a derivative of the individual components.” (Peters 1998c: 25, emphasis added).

This is echoed in the work of Marsh and Rhodes, who adopt an explicitly structural approach to policy networks, and thereby “downplay the importance of agents” (Marsh 1998: 11). Hence, Marsh and Rhodes emphasise a number of structural factors in their policy network approach – for example, the degree of integration, cohesion or interdependence within the network. Indeed, their very definition of policy network types, in their continuum or typology, is based on structural factors (thus, at one end we find a policy community, which denotes a tightly integrated structure which is largely impenetrable to outsiders and, at the other end of the continuum, an issue network which denotes a much looser structure, less integrated and cohesive, which is more accessible to outsiders). In turn, those adopting the Marsh and Rhodes model for empirical study have similarly highlighted structural factors – such as the cohesion and integration of networks – as being decisive (see Zito and Egan 1998; Daugbjerg 1999; Kasa 2000). The case studies which follow, therefore, focus on the role of policy networks as structures, and look to a number of structural features of the policy network as potential explanatory factors. This is not to say that the role of individual agents should be ignored; however, these individuals are viewed as acting within the broader network context.

This focus on the relative autonomy of structures and agents is also relevant to the level of analysis question in the policy network debate. The policy network approach is usually situated at the meso-level (although this term has itself been used with a variety of meanings) (see Marsh 1998: 15). Using policy networks as a meso-level concept means adopting a structural approach; at this level, therefore, the emphasis is on “questions concerning the structure of networks and the patterns of interaction within them” (Marsh 1998: 15). This therefore distinguishes policy network analysis from a micro-level approach which would focus on individual behaviour, and from a macro-level approach which would focus on the broader
political, economic and social context within which a policy network is situated. Again, this is not to say that we can ignore activity at these other levels. Rather, such a distinction further emphasises that a meso-level approach is, in fact, only a partial explanation of the policy process. Hence, although policy network structures are the primary focus of analysis, this does not mean we can afford to overlook either the individual behaviour of actors within (or indeed outside) policy networks, or the broader environment within which networks operate.

The cases examined in this thesis, therefore, employ policy networks as a meso-level concept. This means taking a primarily structural approach. The cases also follow the additional meaning of the meso-level concept which stresses the sectoral nature of policy-making, rather than taking a broad approach to EU policy-making in general. Further, using policy networks as a meso-level concept means that they are viewed as leading towards a partial, not complete, explanation of policy outputs. This echoes the conclusion of others that no single theory or approach can explain the EU policy process (Peterson and Bomberg 1999; Peterson 2001; Richardson 2001). In turn, employing policy networks as a partial explanation leads us to look for other theories or approaches which may complement or further this partial analysis. Hence, the case studies used here do look to other approaches in order to provide a more complete explanation of the agreement of the particular directives being studied. Hence, the case studies focus on the impact of networks as structures, but also take into account individual behaviour within the networks, and the broader context within which the networks operate.

Applying Policy Networks: Definitions and Dimensions
Applying a policy network approach, then, raises a number of broad and often familiar methodological questions. These questions are the subject of ongoing academic debate, and issues such as describing v. explaining, and structure v. agency, are not ones which can be conclusively settled by any amount of empirical investigation. This does not mean, however, that we should not at least be aware of such difficulties, or that we should avoid raising such issues. Rather, this is part of the process of being both more reflective about our theoretical assumptions, and more rigorous in our means of empirical testing (Rosamond 2000: 190-191). When
applied to policy networks, this kind of reflective approach and empirical rigour is especially important, given the sometimes loose application of the approach in empirical study, and the confusing array of policy network definitions and typologies. This again reflects criticisms already voiced elsewhere about the policy network approach: "Often, authors have only a vague and sometimes ambiguous idea of what a policy network is and hardly make it explicit" (Börzel 1998b: 254).

Hence, when using the policy network approach in empirical research, it is important to be clear at the outset about a number of fundamental issues, such as how we define a policy network, and what variables or dimensions of the network we look to in order to explain policy outputs or outcomes. In other words, we need to acknowledge at the outset:

the importance of designing empirical studies not around a general idea of networks, but by incorporating some underlying dimensions or variables of network types which are both measurable and plausibly related to causes or effects ... Otherwise, network researchers risk getting stuck with vague insights that prove useful only as a preliminary eye-opener rather than as a crucial stage in the development of empirical network theory (Bressers et al 1995: 216).

This thesis, by adopting Börzel's definition of a policy network, focuses on a number of important dimensions or variables of policy networks. Börzel's definition highlights in particular the degree of relative stability/instability of policy networks; the existence of/lack of hierarchy; the degree of interdependence; the existence of common interests; the exchange of resources; and the degree of co-operation between network members. These are all fundamental to the policy network approach. Even such a minimal definition can be problematic, however, as Börzel herself acknowledges, when she states her definition is "not completely uncontroversial" (1998b: 254). For example, this definition describes policy networks as relatively stable. As other scholars have highlighted, however, policy networks may be anything but – they can be fluctuating, highly permeable and transitory phenomena (see Kassim 1994). Further, Börzel's definition refers to common interests, common goals and co-operation. This too can be problematic – identifying common interests is useful in the sense that all policy network actors share an interest in a given issue (they can all be considered stakeholders) (see Richardson 1996: 10; Peterson and Bomberg 1999: 8). However, common goals

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and co-operation do not necessarily follow – policy networks may have different or competing interests within them, and so co-operation cannot be assumed, and relations may be conflictual as well as consensual (Richardson 1996a: 7).

Nonetheless, Börzel’s definition is a useful one, and it captures key characteristics of policy networks in a way which some other – still broader – definitions lack. For example, using the term policy network in a catch-all way, to denote that “policy-making and implementation involves a large number and wide variety of public and private actors from the different levels and functional areas of government and society” (Hanf and O’Toole 1992: 169) does not really tell us much. Such broad definitions only feed the criticisms of the policy network which question its explanatory power. In other words, the policy network approach needs to demonstrate that it provides some added value, and that it does not simply reproduce insights of older, more established theories under a new name (see Bressers et al 1995: 8; Peters 1998b: 409). In order to move forward from these criticisms, therefore, policy network scholars have begun to advocate tighter definitions of policy networks, as a step towards trying to demonstrate their enhanced explanatory power over other approaches:

there is always a danger that once a useful tool of analysis is identified, it might be over-used. If we define or use the concepts loosely, then we may see networks and/or communities everywhere. Certainly the vast bulk of government policy-making is preceded by a process of consultation, even if that consultation is cursory and/or involves a limited number of groups. Does such consultation constitute a network? Our definitions need to be much more precise and exclusive. There is little point in defining all consultation as the equivalent of a network or conflating different types of policy network. (Marsh 1992: 169)

This thesis thus seeks to apply a precise definition of policy networks to a number of specific case studies. In turn, using a clear definition enables us to isolate the important dimensions or variables of policy networks, which are the key to the explanatory power claimed by supporters of the policy network approach. This means that we are looking not simply to identify structures which fit the definition of a policy network but, more importantly, to assess the impact on the policy process of a number of important structural features or variables of the network. Hence, the policy network(s) relative stability/instability, hierarchy/lack of
hierarchy, degree of interdependence, exchange of resources, and degree of co-operation and common interests between policy network members or stakeholders are seen as the key to explaining the impact of the policy network. Thus, we are looking not just to describe these features in each case but, in addition, to gauge the impact of these features on the ability of the policy network to affect the policy process. By focusing on such features, we are also using dimensions or variables which can realistically be applied in empirical research, thus avoiding the pitfalls of adopting a complex range of variables which becomes difficult to operationalise or even unusable in empirical analysis (Thatcher 1998: 396). In this context, then, although policy networks may always by their very nature remain "opaque and difficult to study" (Peterson and Bomberg 1999: 27), it is possible to apply a clear definition, and to focus on a set of clear variables, when using policy network analysis.

In this study, therefore, Börzel’s definition is applied to three separate case studies. In each, the first task is to establish the existence of a policy network, i.e. can we identify a structure which fits Börzel’s definition in the three policy sub-sectors under investigation? Second, and much more important in terms of examining the explanatory power of policy networks, is the question of whether we can establish the relevance of policy networks in each case. In order to do this, we need to consider the impact of the structure of the policy network/networks upon the policy process. This, in turn, means focusing on a number of important structural features, as identified above.

These structural features are derived from Börzel’s definition, although they also fundamentally echo those emphasised by other policy network scholars. For example, Peterson identifies three similar key variables – stability, relative insularity and patterns of resource dependence – in his analysis (1997: 8). Marsh and Rhodes similarly highlight the importance of a number of dimensions - namely, membership, integration, resources and power. These dimensions focus on issues such as the number of network participants, the frequency of interaction, continuity of membership, distribution of resources between network members, and the relative power of members within the network (Marsh 1998: 16). These factors are seen as crucial to explaining the impact of the policy network and, it is claimed, do
more than merely describe network relations. Again, these factors relate to structure of the policy network, more than to the role of individual agency (although, as stated earlier, the structure of policy networks is seen as one – but not the – explanation of policy outputs). By focusing on these dimensions, then, we are able to operationalise a precise definition of a policy network and to specify key policy network variables, in a way which allows policy network analysis to be employed directly in empirical research. It is important to remember, however, that analysis of these policy network dimensions or variables is not in itself enough to provide an explanation of policy outputs. Rather, it is one important part of any such explanation.

Applying Policy Networks: A Case Study Approach

Using Comparative Analysis

Having specified what is meant by the term policy network, and having determined the key explanatory dimensions or variables to be investigated, the next task in an empirical study of policy networks is to choose the specific case or cases to which this approach is to be applied. A case study approach and, increasingly, a comparative case study approach, is the main methodological approach to studying policy networks (Marsh 1998: 189). Within policy network analysis, this has taken a number of forms. These range from examining the same policy sector in different countries (Bressers et al 1995; Daugbjerg 1998; Daguerre 2000), to looking at different policy sectors within one political system (whether national or EU) (Marsh and Rhodes 1992; Peterson and Bomberg 1999), to focusing on a single case study (Richardson 1994; Kasa 2000; Marsh and Smith 2000). Again, the selection of case studies raises its own methodological questions, whether this involves the selection of a single case, or a comparative analysis. Essentially, a case study approach always necessitates a choice between a small number of case studies (perhaps a single case study) which can be studied in great detail, and a larger number of case studies which are likely to be explored in less depth. This entails a well-documented trade-off between detail and generalisability, depending upon one’s research priorities (Mackie and Marsh 1995: 178; Peters 1998a: 5). Focusing on a single case study may enable the research to be conducted in great detail, but may
have little broader relevance (or *generalisability*). By contrast, focusing on a number of cases potentially increases the broader applicability of one's findings, although may mean sacrificing some of the depth of one's research. In addition, however, using a number of cases introduces a *comparative* element, which can be crucial in seeking explanatory factors. Hence, looking for points of comparison – whether similarities or differences – across cases boosts the explanatory power of the case studies, above that of a single case study which is not able directly to compare the effects of supposed explanatory factors.

This thesis therefore adopts a comparative approach, since its principal aim is to investigate the explanatory power of policy networks. The cases chosen are all from the field of EU environmental policy, and all focus on the development of an individual EU directive. The three directives chosen were also concluded at around the same time (1998-1999), which means they were all subject to the same decision-making procedure (the co-operation procedure between EP and Council of Ministers, and QMV in the Council of Ministers). This is intended to provide consistency between the three cases, and to follow Marsh in trying to "hold at least some elements of the context constant" (1998: 16). In turn, this should enable us to focus on differences in the networks in each case, rather than on different background conditions, when looking to explain policy outcomes – again, applying Marsh, "so that any evidence of different network structures and different outcomes would suggest that the network is having some effect on the outcome" (1998: 16).

The choice of cases is also, inevitably, influenced by practical considerations. Hence, three relatively recent directives were investigated in order to increase accessibility to those directly involved in the negotiation of the directives, and especially to increase the chances of being able to interview those involved. *Three* cases were chosen in order to facilitate comparison, without losing too much detail. As with most methodological questions, such a comparative approach is not flawless or above criticism – one could always wish for more cases, fewer variables, etc. Nonetheless, we can try to make comparative analysis as robust as possible, and accept that, in social science research, "the trick is to acknowledge, and cope with, as many of the problems as possible" (Mackie and Marsh 1995: 180), rather than to seek to eliminate them.
Evaluating Source Material

Having identified the appropriate number and type of cases, the next question for empirical research is how to go about gathering information on these cases. The main methodological approach adopted in the literature is to use a combination of documentary and interview material. Again, this is the approach adopted here. Analysis of documentary evidence gives us a rich source of material – encompassing a wealth of data from the EU institutions involved (with the notable exception, of course, of the Council of Ministers), and from non-governmental actors. This material can provide us with the *formal* positions of stakeholders at various stages, and can enable us to map closely the progress of individual policy proposals. However, since policy network analysis also focuses on the crucial role of *informal* discussion and negotiation between stakeholders, interviewing policy network participants first-hand is also a vital part of empirical research. Gathering information on the content of such informal negotiations – and hearing the participants’ own views on the value of such negotiations (what Peterson and Bomberg refer to as the *oral wisdom* of their interviewees) (1999: 1) – is a vital element in policy network analysis. Without it, we are left with only the formal content of official documentation which, policy network scholars would argue, can only tell us part of the story.

Once again, however, the use of interviews as part of empirical research has its own shortcomings. Essentially, interviews can perform a dual function – both by adding new information to our overall knowledge of the policy process and, in addition, by corroborating information gained elsewhere (either from documentary sources or from other interviewees) (see Davies 2001: 35). However, the first-hand accounts of interviewees are likely to be both subjective and selective, and therefore must be viewed as one interpretation of events, rather than as a definitive account. Interviewees are reliant on memory and thus may not give a complete or accurate account; in addition, they are likely to wish to portray the extent of their involvement in a positive light, and unlikely to admit that their presence made no material difference to the policy output! Despite these shortcomings, however, interview material can still provide a valuable – albeit not definitive – insight into the activity within policy networks, and into the overall development of policy. As such, their contribution is still an immensely valuable one:
Thus, elite interviewing should not be conducted with a view to establishing 'the truth', in a crude, positivist manner. Its function is to provide the political scientist with an insight into the mind-set of the actor/s who have played a role in shaping the society in which we live and an interviewee’s subjective analysis of a particular episode or situation. (Richards 1996: 200).

As such, elite interviewing is “not a precise skill” (Richards 1996: 200). Nonetheless, policy network scholars can at least be explicit about the fundamentals of the interview process – specifying who they interviewed (as far as the need for confidentiality will allow), over what timescale, and for what purpose. This is another area in which existing policy network literature can be criticised. Scholars are frequently vague about the extent and purpose of their research interviews, and often fail to reflect explicitly on the benefits and limitations of interview research. For example, one recent article on EU environmental policy networks specifies the methodology used only in a brief footnote on the first page (Richardson 1994: 139); another study of EU environmental policy-making confines discussion of the nature of interviews conducted to the Acknowledgements at the front of the book (Zito 2000: xi). (Of course, there are constraints imposed – particularly by the length of journal articles – which limit the amount of space which tends to be given to such methodological details).

The three case studies included in this thesis all use interview material as an important component, whilst at the same time acknowledging the difficulties which the use of such material entails for empirical research. The interviews conducted include a mix of governmental/official and non-governmental actors in each case, in order to try to gain the views of a range of key stakeholders in each area. This interview material is used to supplement documentary material and, often, to corroborate other interview accounts of the same events. This interview process was also surprisingly beneficial in helping to establish the links between stakeholders, which is another contentious aspect of policy network analysis. As other scholars have emphasised: “Literally, ‘network’ should mean that the various actors do interconnect in some way” (Richardson 1996b: 38). Again, it is too often the case that links between policy network participants are assumed or implicit in empirical research, rather than explicitly discussed. One of the added benefits of conducting research interviews for this thesis was that interviewees would often
refer to each other and, indeed, recommend each other as useful sources of information. This type of cross-referencing made it easier to find *interconnections* between actors - i.e. with interviewees proving to be aware of the importance of the presence of others in the network, and thereby helping to provide evidence of links between them, rather than recounting events as *separate* participants in the same policy process. This also echoes Richardson’s suggestions for starting out on empirical policy network research:

> identifying the range of actors involved and trying to see if they can realistically be described as networks is at least the starting point for understanding how the system of making EU policies works. Sensible research questions are, ‘who has an interest in this policy problem? How are they mobilised and organised? What is the timing and nature of their involvement in the policy process? Do they develop stable relationships with each other? (Richardson 1996a: 10).

Again, therefore, these are all questions which can benefit from speaking to the actual participants involved, rather than relying solely on analysis of documentary material.

**Summary**

Using policy network analysis, therefore, raises a number of difficult methodological questions, both in relation to the policy network approach itself, and in relation to broader political science issues such as the use of comparative analysis and the value of interview material. This thesis seeks to be aware of these methodological issues, but not to let them become obstacles to empirical research. Whilst we can be endlessly reflective about such methodological issues, in the end, as Marsh has recently argued, “a large number of the questions raised in the network literature are empirical questions which cannot be resolved by theoretical fiat…” (Marsh 1998: 12). The case studies which follow are therefore intended to test the explanatory power of the policy network approach in a number of specific cases, rather than to confine the debate on the explanatory power of policy networks to a theoretical level.

In addition, the case study approach – looking at the development of three EU environmental directives – fits the focus of this thesis on *policy-making* in the EU.
In other words, examination of these three directives enables us to look in depth at the EU policy process, and the role of policy networks within it. This is the centre-piece of the investigation, rather than a macro-level analysis which focuses, for example, on how the environmental provisions of the Single European Act or Maastricht Treaty were agreed. Whilst such macro-level developments of course provide an important context for what happens on a day-to-day basis, the chief focus of the cases which follow is on the meso-level of EU policy-making, and the production of specific EU policy outputs. The cases are therefore intended to test how valuable the policy network approach is as a tool at this level of analysis, and what it can tell us about the “everyday grind” (Jordan 1998: 234-5) of EU policy-making. The following chapter, however, first provides an overview of the development of EU environmental policy. This wider perspective, it will be argued, is important for its ability to help situate EU environmental policy networks within their broader context. It is also important to consider these macro-level developments if we accept that a meso-level policy network approach will not provide us with all the answers.
CHAPTER FIVE: ENVIRONMENTAL POLICY IN THE EUROPEAN UNION

Introduction

The development of European Union (EU) environmental policy reflects a number of the broader academic debates about the EU. This includes debate about the very nature of the EU itself, about the EU’s impact on member states, and about the EU’s policy-making capacity. For example, analysis of EU environmental policy has been used to support both sides of the intergovernmentalist-neofunctionalist divide (Huelshoff and Pfeiffer 1991; Golub 1996a; Weale 1996; Zito 2000). It has also been used to argue both for the importance of history-making episodes such as IGCs, and to demonstrate the importance of the EU’s day-to-day policy-making activity (Jordan 1998; Peterson and Bomberg 1999; McCormick 2001). Further, EU environmental policy has also been studied as a form of multi-level governance (Brown 1999; Jordan 1999; Fairbrass and Jordan 2001) and, in addition, as an illustration of recent trends towards a system of global governance which extends beyond the EU (Jupille and Caporaso 1998; Sbragia 1998; Lenschow 1999). This chapter gives a chronological account of the main developments in the field of EU environmental policy, in order to provide the broader, macro-context for the three case studies which follow. This survey of environmental policy also considers how these developments relate to the issues raised about how we view the EU – for example, where environmental policy might fit the language of IR, CP or the new governance.

1957-1976

The Treaty of Rome: Building the Common Market

The 1957 Treaty of Rome which established the EEC made no explicit provision for the development of a common European environmental policy. The Treaty did aspire to create within the new EEC “a harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standard of living and closer relations between the states belonging to it” (Article 2, EEC Treaty). The balanced and harmonious nature of
this development, however, related more to aspirations of evening-out economic and regional disparities across the EEC, rather than to any modern-day notion of sustainable development in which the balance and harmony is that between economic growth and environmental protection.

The first moves in the direction of a more explicit EEC environmental policy came in 1972, in the shape of the Paris summit of EEC Heads of State and Government. During this summit (which was in turn a response to early UN initiatives on the environment), the EEC leaders for the first time acknowledged environmental protection as a legitimate concern of the EEC. Hence, the leaders declared in Paris that:

economic expansion is not an end in itself ... It should result in an improvement in the quality of life as well as the standards of living. As befits the genius of Europe, particular attention will be given to intangible values and to protecting the environment so that progress may really be put at the service of mankind. (CEC 1973: 5)

As a result of this summit, the EEC institutions were invited by Europe’s leaders to draw up a programme of action to develop an EEC environmental policy. This was followed in 1973 by the publication of the first Programme of Action of the European Communities on the Environment (CEC: 1973).

This first Environmental Action Programme (EAP) set out a broad agenda for the development of EEC environmental policy, and many of its key themes and objectives are in fact evident throughout subsequent EAPs, up to and including the sixth and latest EAP issued in 2001. In general, the first EAP aimed to reconcile the objectives of economic expansion and preservation of the natural environment (CEC 1973: 5). In setting out the means for achieving this, the first EAP outlined a number of now familiar themes. These included preventing the creation of pollution at source; taking environmental effects into account at the earliest possible stage of planning and decision-making; improving scientific and technical knowledge as the basis of effective action on the environment; the principle that the polluter should pay; the introduction of an international dimension (including both an awareness on the part of member states of how internal measures may impact on the environment of fellow member states, and also awareness of the needs of developing countries); education to promote wider public awareness of
environmental issues; and establishing the best level of action for environmental policies (whether local, regional, national, Community or international) (CEC 1973: 6-7).

These key principles bear remarkable similarity to many of those still espoused in the most recent EAPs, which guide environmental policy activity from 1992-2000 and from 2001-2010 (see COM (93) 23 and COM (2001) 264 respectively). The first EAP issued in 1973 can thus be seen to have anticipated some of today’s most pressing environmental problems – in particular, the need for effective implementation and enforcement, and the need to incorporate environmental considerations into other policy areas. Hence, the first EAP stated that “common action on the environment implies that if compliance with Community or national regulations is to be effectively controlled, infringements against these negotiations will be dealt with with severity” (CEC 1973: 10). With reference to cross-sectoral policy integration, the first EAP highlighted that environmental objectives would need to be pursued “in the context of other sectoral policies (social affairs, agriculture, regional policy, industrial policy, energy policy, etc …)” (CEC 1973: 8).

Thus, with the production of the first EAP, the EEC marked the beginning of what it hoped would be the development of a comprehensive and co-ordinated European-level environmental policy. The first EAP was designed to deal with areas of immediate priority (it was, therefore, remedial in orientation rather than preventive) (Judge 1993: 188). It was anticipated that the 1973 EAP would then be built upon and supplemented by a series of further EAPs, to govern the long-term development of EU environmental policy. Hence, by 2001, the EU was publishing its sixth in a continuous series of EAPs.

**Safety in Intergovernmentalism?**

This early phase in the development of EEC environmental policy was initiated by political agreement at the highest level. The Paris summit of Heads of State and Government had called on the EEC institutions to devise a programme of action in relation to the environment; thus, as the European Commission itself later
acknowledged, this high level political agreement gave "decisive political impetus" to the establishment of an EEC environmental programme (CEC 1973: 3). Furthermore, the elaboration of the EEC's environmental objectives within a series of EAPs meant that the framework for environmental policy was non-binding on member states: "Member states could easily afford to adopt by declaration or resolution, which are non-binding acts, extensive and ambitious EAPs, secure in the knowledge that any ensuing legislation would need their unanimous approval." (Syngellakis 1999: 169).

Thus, the absence of any explicit or legally binding provision for environmental policy within the Rome Treaty, and the establishment of a framework for environmental policy within a non-binding EAP (an example of soft law), meant that, during this early phase, member states felt secure in the belief that they were closely able to control the future development of EEC environmental policy. Moreover, even when the Commission began introducing proposals for environmental legislation (using the Treaty provisions of Article 100 and Article 235), member states remained comfortable with the requirement for unanimity which both these Articles contained. As such, this early phase seems to support an intergovernmentalist analysis of the development of environmental policy (Syngellakis 1999: 169). As subsequent developments show, however, the member states' security in their apparent control of EEC environmental policy began to seem increasingly short-sighted, as the EEC, and then the EC and EU, began to increase its policy competence with regard to the environment, and to present member state governments with a host of unanticipated, costly and demanding environmental obligations.

1977-1986

Building an Environmental Acquis

The EEC followed this initial phase of activity with the publication of a second EAP, issued in 1977, to cover the period 1977-1981. The second EAP confirmed that environmental protection should be regarded as one of the fundamental tasks of the Community (CEC 1977: 5). It also put environmental concerns into the context of the economic success of the common market - "the unprecedented economic
progress which has enabled western countries to fulfil their essential needs within a few decades is now encountering obstacles. Amongst such obstacles is the limit on natural resources." (CEC 1977: 5). The second EAP also made reference to heightened public interest in environmental issues - stating that public opinion had been alerted to the physical limits to material growth, and that sections of the population were increasingly concerned about some aspects of economic development (CEC 1977: 5). Hence, the EEC also acknowledged the need to further address growing public awareness of environmental issues. This period is notable also for the establishment of DG XI (dealing specifically with environmental policy) within the European Commission in 1981. Environmental issues had previously been the remit of a small Environment and Consumer Protection Service in DG III (the Directorate dealing with industrial policy) (McCormick 1998:192).

The advance of the EEC's environmental policy continued with the production of a third EAP, covering the period from 1982 to 1986. The third EAP was perhaps most notable for seemingly elevating the status of environmental policy - ie for the first time appearing to give it equal status to economic development and the functioning of the common market (Hildebrand 1993: 22). The third EAP stated that, whereas previously the central concern of the EEC was to ensure the correct functioning of the common market, there was now a recognition that it was equally important to acknowledge the environmental limits to growth (CEC 1983: 3).

Indeed, within the context of faltering economic growth during this period, the third EAP stated that environmental protection cannot be diluted in times of economic hardship:

At a time when the economic situation of the Community and of the Member States continues to worsen, the question arises as to whether or not the Community environmental policy should be modified ... However, environmental policy is a structural policy which must be carried out without regard to the short-term fluctuations in cyclical conditions, in order to prevent natural resources from being seriously despoiled and to ensure that future development potential is not sacrificed (CEC 1983: 4).

The legislative output during these early stages of EC environmental policy was significant. In its ten-year review of environmental policy in 1984, the Commission identified over 100 legal instruments concerning the environment - covering a range
of areas including water quality, air quality, control of chemicals, prevention of noise pollution, disposal of waste, and protection of natural habitats (CEC 1984). These measures had primarily been adopted using Article 100 and Article 235 of the Rome Treaty. Article 100 allowed for the harmonisation of measures to promote the smooth functioning of the common market. Article 235 allowed the EEC to take measures to advance the objectives of the Community, where these were not otherwise provided for in the Treaty. Thus, although the development of a European environmental policy during this period still had no formal legal base, the EEC – and the European Commission in particular – became something of a legislative factory for the production of environmental law during this time (Ward 1997: 178).

The first three EAPs thus proved to be an effective framework for the development of a continuous stream of EC environmental policy initiatives. Even at this relatively early stage, however, the Commission had begun to identify problems in the overall progress of environmental policy. Its 1984 review cites in particular "the slow-moving nature of the decision-making processes in the Community institutions" (and especially the requirement for unanimity), and problems overcoming different national traditions in environmental policy-making and implementation. (CEC 1984: 15). The Commission's review also highlights a general shortage of the kind of scientific and technical knowledge needed to help solve environmental problems. In addition, it pleads a lack of resources (both in terms of staffing levels and financial resources) to deal with environmental policy within the Commission itself.

The EC and the SEA

This rather downbeat assessment by the Commission of ten years of environmental policy was rapidly overtaken by the agreement of the 1987 Single European Act (SEA). The SEA at last provided a firm legal base for environmental policy. The SEA included a new Title on environmental policy, and thus marked a watershed in the development of EEC - which now became EC - environmental policy (Syngellakis 1999: 170). Title VII of the SEA set out the objectives of EC environmental policy - namely, to preserve, protect and improve the quality of the
environment; to contribute towards protecting human health; and to ensure a prudent and rational utilisation of natural resources (Article 130r.1). It also reaffirmed key principles, ie "that preventive action should be taken, that environmental damage should as a priority be rectified at source, and that the polluter should pay" (Article 130r.2). Other significant provisions included an important reference to making environmental protection a component of other EC policies (Article 130r.2), and a reference to determining the appropriate level of action for environmental policy (ie whether at EC or Member State level) (Article 130r.4).

In terms of decision-making procedures, the new Environment Title still favoured unanimity. More generally, however, the SEA also introduced the co-operation procedure in the European Parliament, in cases where QMV applied in the Council of Ministers. In addition, the SEA also introduced a new Article 100a - designed to speed up the completion of the internal market - which operated using QMV and the co-operation procedure. Crucially, this meant environmental law could potentially be passed under Article 100a, as well as under the specific new environmental provisions. Further, the SEA allowed for more stringent national provisions, if these would aid environmental protection and were not motivated by a desire to create barriers to free trade (Article 100a.4). The SEA therefore marked a significant advance in the development of an EC environmental policy. As Hildebrand notes, the provisions contained in the SEA overall fulfilled a number of significant functions for EC environmental policy - they gave symbolic support to the policy, they gave it a specific legal base for the first time, and they set broad objectives which envisaged an expansive rather than restricted development of environmental measures (Hildebrand 1993: 34).

1987-1996

Post-SEA: 'Ratcheting Supranationality'?

The status of the 1987 SEA as a watershed event for the development of EC environmental policy becomes even more apparent if we look at the years following its entry into force. This post-SEA period began steadily, and predictably, with the
production of the fourth EAP, covering the period 1987-1992. This fourth programme did not depart significantly from the path carved out by previous EAPs, although it was used as a further opportunity to underline the importance and newfound status of EC environmental policy during this period. The fourth EAP therefore stated: “It is no longer seriously contested that environmental protection policy has a central part to play in the whole corpus of Community policies and that environmental protection needs to be taken into account as a fundamental factor when economic decisions are taken” (CEC 1987: 6).

Due to the changes introduced by the SEA, however, and especially the new legal bases available to EC environmental policy-makers, this post-SEA phase soon became crucial to the overall development of EC environmental policy. In the five years which followed the SEA, the EC produced more environmental legislation than it had in the previous twenty years combined (Jordan 2001a: 657). Indeed, as Jordan argues, the impact of the SEA and its consequences for EC environmental policy only emerged fully in the longer term: “If we fast-forward a decade to the mid-1990s, we can see that it was only when the SEA was implemented and the locus of policy development returned to the functional level of the Environment Council, that unforeseen consequences began to manifest themselves” (Jordan 2001a: 659).

Hence, the emphasis in the new Environment Title of the SEA on unanimity may have left member states initially confident about the continued intergovernmental character of EC environmental policy-making. The broader context of the SEA, however, shows us that this security proved to be misplaced. Crucial to the effect the SEA had on environmental policy was the inclusion of Article 100a as a measure aimed at speeding up the completion of the Single European Market (SEM). Article 100a was designed to facilitate harmonisation of standards across member states, as the quickest method of achieving the internal market; in addition, however, it incorporated reference to environmental, health and safety, and consumer issues (Article 100a.3), where a high level of protection was expected. As a result, there was now scope within the Treaties to adopt environmental legislation using the new Article 100a, and its associated processes of QMV in the Council of Ministers and the co-operation procedure in the European Parliament.
(EP). This in effect meant that much EC environmental legislation was in fact adopted using Article 100a, rather than the new environmental provisions set out in Article 130 (where unanimity was still the norm).

The constitutional implications of this dual Treaty base for environmental policy proved to be profound (Scott 1998: 7). More specifically, the existence of alternative legal bases in the SEA left room for dispute, and led to the European Court of Justice (ECJ) being called to rule, in a number of important cases, on the correct legal base for environmental measures. Two of the most notable cases in this regard were the Danish bottles case of 1988 (Case 302/86 Commission v Denmark, [1988] ECR 4607) and the Titanium Oxide case of 1991 (Case C-300/89 Commission v Council, [1991] ECR 2867). In the Danish bottles case, the ECJ was asked to rule on Denmark’s national practice of specifying certain packaging requirements in relation to beer and soft drink imports. These requirements were aimed at ensuring a high level of recycling. The European Commission took the case to the ECJ, claiming that Denmark’s packaging requirements were a barrier to free trade and therefore contravened the operation of the SEM. The ECJ ruled, however, that Denmark’s measures were genuinely in the interests of the environment and, as such, were compatible with one of the fundamental objectives of the EC, namely environmental protection (see Koppen 1993: 140-141; McCormick 2001: 133-134).

The Titanium Oxide case of 1991 addressed more specifically the use of Article 100a and Article 130. In this case, the Commission asked the ECJ to annul a directive (Directive 89/428/EC) which harmonised measures for dealing with waste produced by the titanium oxide industry. The Commission argued that the directive should not have been adopted using Article 130, since it was first and foremost a single market measure, rather than an environmental measure. Thus, the Commission was arguing for the use of Article 100a which, of course, would mean such policies being subject to QMV and the co-operation procedure, rather than to unanimity. The ECJ accepted the Commission’s argument, and the titanium oxide directive was annulled (see Hildebrand 1993: 32; Scott 1998: 7-9; McCormick 2001: 57).
The securing of continued unanimity for environmental measures within the SEA thus proved less of a victory than member states had envisaged. Indeed, the linkage of environmental, health and safety, and consumer issues to Article 100a has been described as a European Commission master-stroke in the pursuance of its environmental objectives (Jordan 2001a: 655). Moreover, the Commission has often been effectively aided and abetted by the ECJ, and the Court’s willingness to endorse the use of Article 100a and thereby bypass the unanimity requirement of Article 130 (Jordan 2001a: 659). In this way, the Commission has taken the initiative in responding to the shortcomings of EC environmental policy-making which it identified in its own ten-year review – in particular, the slow decision-making procedures (especially the requirement for unanimity), and the existence of different national preferences and traditions. The Commission has also embraced its watchdog role as guardian of the environmental provisions of the Treaties and, in conjunction with the ECJ and EP, has continuously sought better enforcement of the EC’s environmental legislation (Scott 1998: 149).

In the aftermath of the SEA, therefore, the progress of EC environmental policy does indeed seem to fit the depiction of the EC’s supranational institutions successfully ratcheting supranationality (Puchala 1999: 318). In other words, the EC institutions – Commission, EP and ECJ – were able to promote a pro-environment agenda, rather than merely being stuck in a series of lowest common denominator policy outputs dictated by the veto power of the less enthusiastic member states (the foot-draggers identified by Huelshoff and Pfeiffer). As a result, the formally intergovernmental character of EC environmental policy did not prevent the progressive building of a substantial environmental acquis. This process of task expansion is referred to also in Zito’s analysis of the progress of EC environmental policy, in which he acknowledges the roles both of national governments and supranational institutions in achieving this expansion (Zito 1999). The ostensibly intergovernmental character of EC environmental policy, therefore, did not stop significant progress, often instigated by the supranational institutions of the European Commission, EP and ECJ. Of course, intergovernmentalists would argue that this expansion fundamentally served the interests of national governments, and that is why it was agreed. The significant political and economic implications of this expanding EC environmental acquis for member states,
however, were certainly not fully anticipated by national governments, who have often struggled (and indeed still struggle) to meet the stringent environmental standards now required of them.

The Maastricht Treaty

The next major landmarks in the development of EC environmental policy occurred in 1992, with the signing of the Maastricht Treaty (and with it the creation of the EU), and the production shortly afterwards of the fifth EAP. In effect, the Maastricht Treaty, or Treaty on European Union (TEU), formalised and consolidated many of the environmental developments of the post-SEA period. As such, the TEU's environmental provisions seem to belie many of the arguments put forward by intergovernmentalists. In other words, the IGC which produced the Maastricht Treaty was not – at least in terms of environmental policy – simply a stand-alone series of negotiations dominated by member state governments. Rather, it was a process informed by years of prior, day-to-day policy activity since the conclusion of the previous IGC and the SEA. Thus, the environmental provisions of the TEU are only partially explained using an intergovernmentalist approach. We need also to view these Treaty negotiations as events which "codify what has already taken place; integration, in other words, occurs during the intervening periods" (Jordan 2001a: 650). Analysis of the development of EU environmental policy therefore again reflects broader disputes between intergovernmentalism and neofunctionalism, and between CP and IR. It is difficult to isolate grand bargains from the more incremental policy-making and institutional development of the EU and hence (in Hix's terms) to separate EU integration from EU politics.

The TEU further increased the prominence of environmental policy within the Treaties, referring in Article 2 to the goal of "sustainable and non-inflationary growth respecting the environment". The key principles and objectives set out in the SEA were retained. However, decision-making procedures were altered, making QMV the norm for environmental decisions, rather than unanimity. This in turn reduced the need to rely on Article 100a for environmental measures, and acknowledged the reality that QMV was already being used for many environmental initiatives. Unanimity was retained in a number of key areas relating
to fiscal environmental measures, certain town and country planning/land use issues, and certain measures relating to energy sources and energy supply (Article 130s.2). However, in most areas of environmental policy QMV would apply, backed up by a new and stronger role – via the co-decision procedure – for the EP. The negotiation of the TEU was of course also notable for its endorsement of the principle of subsidiarity (Article 3b), in part as a means of placating member states with different views on the desirability of more or less integration. The focus of the subsidiarity principle on the appropriate level for action (EU, national, or sub-national) was in fact not new to environmental policy (having been mentioned in the very first EAP in 1973, and in the SEA’s Environment Title), but its prominence in the TEU did raise fears of a renationalisation of parts of the environmental acquis.

Of course, the Maastricht negotiations took place against the backdrop of the planned enlargement of the EU to accommodate the post-communist states of Central and Eastern Europe. This prospect has inevitably raised fundamental questions for all aspects of the EU, both in terms of its own organisation, and its current acquis communautaire. In the context of environmental policy, it fuelled fears both of a renationalisation of policy (in the belief that parity of environmental standards would be nigh on impossible to achieve) and also fears of an overall diluting of environmental standards, in order to facilitate earlier accession of new member states. Member states from Central and Eastern Europe are perhaps inevitably likely to be amongst the laggards rather than the leaders of environmental policy, and thus raise the prospect of EU environmental policy either becoming deadlocked due to member state differences, or being reduced to a series of lowest common denominator outcomes (see von Homeyer et al 2000: 349).

At the same time, however, EU environmental policy-makers faced pressures from another external source, in the form of the wider international community promoting the goal of sustainable development. The publication in 1987 of the Brundtland Report (the work of the World Commission on Environment and Development) had put forward the concept of sustainable development as the guiding principle of international environmental policy. The concept was also a key part of discussions at Rio in 1992, at the UN Conference on Environment and Development. Sustainable development is defined in the Brundtland Report as
development which “meets the needs of the present without compromising the ability of future generations to meet their own needs” (1987: 8). Sustainable development is a broad concept, encompassing not just environmental protection but also, as necessary concomitants, the worldwide eradication of poverty, a more equitable distribution of resources between nations, and more democratic decision-making with increased citizen participation (1987: 8).

The EU’s adoption in Article 2 of the TEU of the phrase “sustainable and non-inflationary growth respecting the environment” therefore falls just short of formally endorsing sustainable development as a goal of the EU (Baker 1997; Collier 1999). The European Commission, however, in the production of the fifth EAP in 1992, reiterated its own pro-environment credentials by using sustainable development as the cornerstone of its latest programme. In doing so, it had taken its lead from the European Council which, at its meeting in Dublin in 1990, had issued a Declaration on the environmental imperative facing the EC. This Declaration called on member states and the EC jointly to develop environmental policies based on the principles of sustainable development and preventive and precautionary action. The European Council also took note of the international dimension inherent in sustainable development, urging the EC to use its unique position to press for high environmental standards worldwide: “The Community must use more effectively its position of moral, economic and political authority to advance national efforts to solve global problems and to promote sustainable development and respect for the global commons” (European Council 1990: 17-19). The translation of these objectives into the soft law of the fifth EAP, however, did not mean they became an imperative for member state governments.

The fifth EAP, then, set out a programme of priorities for the next decade (1992-2000), with the aim of moving the EU in the direction of sustainable development (captured in the programme’s title, Towards Sustainability). The EAP identified a number of priority areas for action – industry, agriculture, tourism, energy and transport. It also outlined a number of prominent themes which it wished to see incorporated into environmental policy-making across these areas. These were designed to reinvigorate EU environmental policy, after what the Commission admitted were often disappointing results. The Commission noted “a slow but
The relentless deterioration of the general state of the environment of the Community notwithstanding the measures taken over the past two decades” (CEC 1993: 37). The fifth EAP therefore emphasised a number of priorities including – the integration of environmental objectives into other policy areas; the goal of broadening the range of policy instruments (beyond the typical command and control legislative and regulatory instruments); a focus on shared responsibility, thereby incorporating a wider range of stakeholders into the policy process; more effective implementation of environmental policies; and the EU taking a leadership role in the wider international promotion of sustainable development (CEC 1993). This period also saw the establishment of the new European Environment Agency, designed to furnish environmental policy-makers with up-to-date information about the state of Europe’s environment (for example, its two Assessments of the state of the European environment, published in 1995 and 1998). The fifth EAP therefore reflected the desire of the European Commission to situate EU environmental policy within the broad and ambitious context of global sustainable development. It took another five years, however, for member state governments at the next IGC to formally incorporate the principle of sustainable development into the EU Treaties.

1997- to date

Amsterdam, Nice and the Sixth EAP: Towards Sustainable Development?

The Amsterdam Treaty, agreed in 1997, finally adopted sustainable development as the acknowledged goal of EU environmental policy. The new Article 2 committed the EU to:

promote throughout the Community a harmonious, balanced and sustainable development of economic activities, a high level of employment and of social protection, equality between men and women, sustainable and non-inflationary growth, a high degree of competitiveness and convergence of economic performance, a high level of protection and improvement of the quality of the environment, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity amongst member states. (Article 2, Treaty of Amsterdam)

The Amsterdam Treaty also gave a higher profile to the goal of integrating environmental objectives into other EU policy areas. Environmental integration has become a horizontal measure, having implications in all EC (ie first pillar) policy
fields. Hence, the new Article 6 states that “Environmental protection requirements must be integrated into the definition and implementation of Community policies and activities … in particular with a view to promoting sustainable development”.

The Amsterdam Treaty also further strengthened the so-called environmental guarantee, which enables member states to adopt more stringent national environmental measures if these are genuinely in the interests of the environment (see Article 95, formerly Article 100a).

By incorporating a formal endorsement of the goal of sustainable development, the Amsterdam Treaty marked another important landmark in the development of EU environmental policy. At the same time, however, environmental policy from the mid-1990s has enjoyed a less intensive period of growth than the heyday of the 1980s. This has led some commentators to speak of current EU environmental policy in terms of stasis, retrenchment and roll-back (Ward 1997; Jordan 1998). This more recent period has therefore been categorised as the EU moving from an environmental agenda-setting phase in the 1980s, to more of a problem solving and effective implementation phase in the 1990s (Ward 1997: 183). The volume of environmental legislation has decreased, as the EU has increasingly recognised the shortfalls in effectively implementing its existing environmental measures (McCormick 1998: 191).

This more cautious approach to EU environmental policy is reflected also in the Commission’s latest review of progress, its Global Assessment of environmental policy issued in 1999 (CEC 1999d). This review gives a rather gloomy assessment of the achievements of the environmental acquis: “Today, the Union is far from achieving its broader objective of sustainable development as reflected in the Amsterdam Treaty. The task now facing us is how we can give substance to this commitment” (CEC 1999d: 25). The problems identified are all too familiar – a poor record of implementation and enforcement, a failure to integrate environmental concerns into other policy areas, the failure of environmental measures to keep pace with general economic growth (hence this growth soon outweights the benefits achieved by environmental legislation), and a lack of ownership of environmental policies by key stakeholders such as local authorities, business, industry and the general public (CEC 1999d).
The Commission’s assessment of EU progress on the environment was also discussed by member states in the Environment Council meeting of March 2000. Member state governments shared the concerns of the Commission, and set out a number of priorities for action. The Environment Council asked that these priorities be incorporated into the sixth EAP, which the Commission was to produce by 2001. Ministers in the Environment Council emphasised three crucial areas of priority. First, they wished to see improvements in the implementation and enforcement of EU environmental legislation, including the integration of environmental requirements into other policy areas. Second, they wished to see a range of new and emerging issues effectively addressed at a European level – for example, climate change, waste management, and environmental effects of chemicals and GMOs. Finally, they wished to see a focus on solutions to global environmental issues, and especially on “the relationship between trade liberalisation and environmental protection” (Council of the European Union 2002). Of course, the sixth EAP, like its predecessors, sets out only a broad framework for action. It still remains for member state governments in the Council of Ministers to enact specific legislation to achieve these broad objectives. The Commission itself, in the sixth EAP, recognises this onus on member states:

Political leadership is essential: Strong political commitment will be needed to make the changes required for sustainable development. While sustainable development will undoubtedly benefit society overall, difficult trade-offs between conflicting interests will have to be made. We must face up to these trade-offs openly and honestly. Changes to policy must be made in a fair and balanced way, but narrow sectional interests must not be allowed to prevail over the well-being of society as a whole. (CEC 2001c: 4-5).

In this regard, the fundamental dilemma at the heart of EU environmental policy – the need to reconcile the objectives of economic growth and preservation of the environment – is even more in evidence today than it was when first identified by the Commission in its EAP of 1973.
Summary

Environmental policy is today a relatively mature part of the EU’s *acquis communautaire* (Flynn 1998: 691; Jordan and Fairbrass 2001: 113) having been developed steadily over a period of thirty years. Further, it has had a tremendous impact on the environmental practices of all member states, and especially on the less enthusiastic, so-called *laggard* states. As a result, today “most national environmental legislation in Europe is either driven directly by, or developed in close association with, EU legislation” (Jordan 2001a: 645). As with any area of EU activity, there are a number of competing academic approaches to explaining the development, maturation and impact of environmental policy. These approaches include, not surprisingly, a focus on the grand bargaining of national governments in significant episodes of European integration, such as the SEA, which had a fundamental impact on environmental policy. Other studies focus instead on the role of the EU’s supranational institutions, especially the strongly pro-environment Commission and EP, and the apparent tendency of the ECJ to support this pro-environment stance. Hence, neofunctionalist and institutionalist accounts emphasise the unforeseen consequences and gaps in member state control (Pierson 1996) which this supranational activity has created. Further, EU environmental policy has been studied not just for its implications with regard to the relative powers of national governments and supranational institutions (what Hix terms the national-supranational dimension). It has also been studied as part of the ‘normal’ politics of the EU, and has therefore attracted the interests of comparativists looking for example at the role of officials and environmental NGOs engaged in environmental policy networks. Finally, EU environmental policy has been characterised as typical of a new mode of governance – which includes not just the multi-level combination of supranational, national and sub-national actors but also, increasingly, the broader international level, with events such as the Rio summit on Environment and Development, and the Kyoto agreement on climate change.

This diversity of approaches has inevitably led scholars to reflect on the range of theories and models used, and to compare their relative merits (Liefferink *et al* 1993; Flynn 1998; Zito 1999). For example, Zito has directly compared five popular theories applied to EU environmental policy (neofunctionalism, intergovernmentalism, new institutionalism, ideational-epistemic accounts, and
policy networks) (Zito 1999). His goal is not to progressively dismiss or eliminate these theories in order to find the ‘right’ one but, rather, to recognise that they may all bring insights into the development of EU environmental policy. Thus, for example, Zito finds that whilst the policy network approach is useful in explaining the highpoint of environmental policy-making in the late 1980s to early 1990s, it is less useful during the early phase of development, when Zito finds “little evidence ... of a united coalition of environmental interests” (1999: 25-30). In this early phase, he finds a macro-level approach (intergovernmentalism) more useful. Hence, we again see here the potential benefits of a multi-model or eclectic approach (Peterson 1995, 2001; Richardson 1996, 2001), as opposed to an either/or approach which seeks to explain aspects of the EU using a single theory. As such, it seems sensible to conclude that “there is no single pattern to environmental decision-making” in the EU (Peterson and Bomberg 1999: 198). Moreover, as Flynn (1998) states, as EU environmental policy itself reaches something of a crossroads in its development, it is also appropriate to further reflect on the relative merits of different approaches: “after three decades of policy growth academics see the need to explain more thoroughly how EU environmental policy innovates, evolves and thereby regenerates itself” (Flynn 1998: 692).

Hence, the study of EU environmental policy is inevitably linked to broader trends in the study of European integration. Indeed, the outcome of the Nice Summit, which had little direct impact on the EU’s environmental acquis, bears out this need for theoretical reflection, and the need to link developments in EU environmental policy to the wider processes of EU politics and EU integration. Hence, the focus at Nice on fundamental constitutional questions such as the weighting of votes in the Council of Ministers will of course inevitably impact on EU environmental policy. As Jordan and Fairbrass state in their evaluation of Nice, “[t]hose seeking to understand the environmental impacts of Nice have to look at its ‘non-environmental’ or procedural aspects, not least the Byzantine rules governing voting in the Council of Ministers” (Jordan and Fairbrass 2001: 113). As such, the grand bargaining at intergovernmental level will inevitably filter down to day-to-day policy-making, affecting the degree to which, for example, Commission-sponsored environmental policy networks are successful in getting their policy proposals through the Council of Ministers.
In seeking to explain the development of EU environmental policy, therefore, a combination of macro- and meso-level, or of both IR and CP approaches, seems essential if we are to fully understand the processes by which EU environmental policy "innovates, evolves and thereby regenerates itself" (Flynn 1998: 692). By examining landmark events such as those discussed above, we can see the broad trajectory of EU environmental policy development. In order to see how the EU has managed to develop over 200 pieces of environmental legislation (CEC 1993: 37), however, we must look beyond broad Treaty objectives and overarching Environmental Action Programmes, and look instead at the detail of day-to-day policy formulation. Hence, by looking at the development of individual directives, we can better begin to see what happens in the "everyday grind" of EU environmental policy-making (Jordan 1998: 234-5), which goes on continuously between the landmark decisions and history-making episodes which punctuate the EU’s ongoing policy process.
CHAPTER SIX: CASE STUDY – AMBIENT AIR QUALITY

Introduction
This case study examines the development of Directive 1999/30/EC, relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air. This was the first ‘daughter directive’ to be concluded as a result of the EU’s 1996 framework directive on air quality. The development of this directive is analysed using a policy network approach, in order to examine how much policy network analysis can tell us about the EU environmental policy-making process in this instance. The chapter follows the dual approach of seeking to establish both the existence and relevance of policy networks (Börzel 1998b). Hence, the case study is intended to establish not just whether policy networks were present in this particular policy development, but also whether policy networks can be said to have influenced the policy output in this case. The question of relevance is therefore examined with particular reference to how the internal characteristics and dynamics of policy networks can affect both policy process and policy output. The chapter begins with an overview of the broad development of EU air quality measures, before going on to examine the specific detail of the first air quality daughter directive. Analysis of the daughter directive will involve looking at the formulation of the initial policy proposal and its progress through the EU’s institutions, up until the final adoption of the directive by the Council of Ministers.

The Development of an EU Air Quality Policy
The improvement of air quality has been a longstanding concern for EU environmental policy-makers. Air quality was marked out as a priority - both in terms of protecting the environment and human health - in the very first Environmental Action Programme (EAP), published in 1973. It is only recently, however, that the EU has begun to produce a more coherent strategy to maintain and improve air quality, in particular by means of the 1996 framework directive on air quality (96/62/EC) and the Clean Air for Europe (CAFÉ) programme (COM (2001) 245) which was formally launched in 2001. Attempts to develop effective air
quality policies at the EU level have over the years been hampered by the sheer range of measures required (across different sectors such as transport, energy, industry, etc), and by a lack of effective monitoring and enforcement (Krämer 2000: 205-209). The 1999 daughter directive was therefore seen as an important step towards improving the effectiveness of the EU’s overall air quality strategy. It was part of a broader effort by the EU to introduce a more thematic and structured approach to the management of air quality.

The EU’s first attempts at managing air quality – outlined in the first EAP (1973) – were much more limited in scope. They were confined largely to obtaining objective knowledge about the effects of various pollutants, harmonising methods of collecting air quality data to make it more comparable across member states, and revealing gaps in knowledge which could be tackled by future EU research (CEC 1973: 12). Building on these initial efforts, a more concerted effort to tackle the specific pollutants which are the subject of the 1999 daughter directive was first made in the early 1980s. This period saw the conclusion of three separate directives to tackle these pollutants – sulphur dioxide and particulates (80/779/EEC), lead (82/884/EEC) and nitrogen dioxide (85/203/EEC). These directives (which all predate the introduction of environmental objectives into the EU Treaties via the Single European Act) were based on Article 100 and Article 235 – thereby recognising a need for environmental action at the European level, but within the context of ensuring the smooth functioning of the internal market.

These early directives highlighted the lack of scientific knowledge which still restricted the EU’s efforts to improve air quality – in particular, they pointed to insufficient technical and scientific information on which to base environmental targets, and so instead opted for targets based on improving human health, which were expected to “contribute to the protection of the environment as well” (85/203/EEC). Even at this stage, however, there was a recognition that these dual purpose targets may not be enough. The 1984 review of EU environmental policy referred to a “growing recognition that more stringent controls over emissions of pollutants to air, than are necessary to protect human health, may be needed in order to protect the environment” (CEC 1984: 27). In addition, these early directives, although setting legally binding limit values for specific air pollutants, were in fact
poorly implemented by member states, and poorly enforced by the EU; indeed, one commentator concludes that:

where Member States were willing and prepared to reduce air pollution by the four regulated pollutants, the directives constituted a valuable yardstick; however, where Member States were not willing, it was hardly ever possible to compel them to do so, by reducing inputs into the environment or by cleaning up existing contamination. The added value of the directives was therefore limited. (Krämer 2000: 208).

Towards a Clean Air Strategy

It was this kind of perceived failing in EU air quality legislation which led to efforts during the 1990s to overhaul and improve the EU’s approach to air quality management. The fifth EAP (agreed in 1992) outlined a number of fundamental objectives for EU air quality policy. These stated that:

- All people should be effectively protected against recognised health risks from air pollution.
- Permitted concentration levels of air pollutants should take into account the protection of the environment.
- There should be an extension of the list of regulated substances which cause pollution and danger to public health and the environment. (CEC 1992: 81)

These objectives were developed further with the agreement in 1996 of Directive 96/62/EC on ambient air quality assessment and management – known as the air quality framework directive. The framework directive set out the general direction of EU air quality policy, and proposed a series of daughter directives to tackle specific air pollutants. The framework directive outlined the principles of a common strategy for the EU, the main elements of which are to:

- define and establish objectives for ambient air quality in the Community designed to avoid, prevent or reduce harmful effects on human health and the environment as a whole;
- assess the ambient air quality in Member States on the basis of common methods and criteria;
- obtain adequate information on ambient air quality and ensure that it is made available to the public inter alia by means of alert thresholds;
- maintain ambient air quality where it is good and improve it in other cases. (Article 1)

The framework directive therefore supported both maintaining and improving air quality. Where air quality already meets specified targets, member states must make efforts to maintain this quality (Article 9); where air quality is below the
specified standards, member states must take action to bring air quality up to standard (Article 8).

The framework directive also listed various pollutants which were to be tackled via a series of follow-up daughter directives. These pollutants were listed in order of priority, and included both substances for which there already existed EU legislation, as well as substances for which no EU provision had yet been developed. The substances covered in Directive 1999/30/EC (sulphur dioxide, nitrogen dioxide, particulates and lead) were all included in the list of first priorities. Developing measures to deal with these various substances through a linked series of daughter directives was therefore a deliberate move away from the old strategy of tackling one pollutant at a time, towards a more co-ordinated approach (Grant et al 2000: 190).

The daughter directives were thus developed within the context of a growing awareness of the shortcomings of the EU’s previous attempts to improve or maintain air quality. The Commission, in a review of the air quality sector in the early 1990s, had identified considerable practical difficulties in implementing air quality measures across member states, as well as confirming that measures adopted to protect human health did not always necessarily provide at the same time adequate protection of the environment. The Commission also had to acknowledge that the “assumption that the desired standards could be achieved by tackling a few major, well-defined sources turned out not to be entirely correct” (CEC 1998a: 6). The Commission’s conclusion, therefore, was that “it had become clear by the early nineties that a new, holistic policy on ambient air quality was needed” (CEC 1998a: 6).

This analysis by the Commission serves to underline the difficulties of building a comprehensive air quality strategy. McCormick’s recent analysis identifies seven different strands to the EU’s approach to tackling air quality – encompassing limits on emissions from road vehicles, controls on the content of fuels, limits on emissions from industrial plants, the control of acidification, rules on specific substances in the air, and contributions to international attempts to address depletion of the ozone layer and the problem of climate change (McCormick 2001: 180).
Attempts to address these various sources of air pollution have led to extensive EU measures — including broad ranging directives such as the Large Combustion Plant Directive (88/609/EC, since updated via Directive 2001/80/EC), the Integrated Pollution Prevention and Control Directive (96/61/EC), and various directives from the two Auto-Oil programmes. These high profile directives have since become lynchpins of the EU’s environmental strategy (McCormick 2001: 185). The development of daughter directives to tackle a number of specific air pollutants is therefore just one important element of the EU’s rejuvenated air quality strategy.

The key objectives of the first daughter directive on air quality reinforce the broad objectives set out in the 1996 framework directive — thus focusing on tackling harmful effects on human health and the environment, assessing pollution levels according to common methods and criteria, making relevant information available to the public, and both maintaining and improving air quality standards (Article 1). The first daughter directive used as its legal base both the environmental and human health provisions set out in the SEA — specifically, Article 130r (which details the key objectives of EU environmental policy), and Articles 129 and 3(o) (which refer to the health protection requirements of EU legislation).

The first daughter directive focuses these objectives on a number of specific air pollutants. The choice of these pollutants as the first priority reflects both the severity and frequency of their effects on the environment and human health, and also their relatively high concentration in the atmosphere (96/62/EC, Annex III). Sulphur dioxide (SO₂) is a main contributor to acid pollution of the environment (affecting trees, rivers, buildings, etc), and is also associated with lung problems and exacerbation of asthma (European Parliament 1998d: 19). It is produced mainly by the burning of fossil fuels, with power stations and oil refineries accounting for approximately 60% of the EU’s SO₂ emissions (McCormick 2001: 182). Nitrogen dioxide (NO₂) and other nitrogen oxides derive principally from traffic, power generation and manufacturing. Again, they are a contributor to environmental damage (acidification and eutrophication), and to pulmonary and respiratory problems in humans (European Parliament 1998d: 18).
Particulate matter refers to particles which remain suspended in air, which can be caused by burning of wood, diesel and other fuels, as well as by agricultural and industrial processes, and by traffic. The 1999 directives focuses on two types of particulate – PM 10 and PM 2.5. This refers to the width of the particle – PM 10 being 10 microns or less, and PM 2.5 being 2.5 microns or less. The smaller the particle, the potentially more damaging its effects on human health, since it is able to penetrate more deeply into the lungs (European Parliament 1998d: 20). Particles have been linked to respiratory and cardiac problems, and to cancer.

Finally, lead pollution has also long been identified as an environmental and health risk. Its environmental impacts are manifested in both water and air pollution, nowadays concentrated mainly near large industrial installations. The human health effects (linked especially to problems in younger children) are also a longstanding concern – reflected in the provisions of this directive, but also in the development of other key measures, most notably the removal of lead from petrol (Directive 85/210/EC).

The 1999 daughter directive aims to tackle the effects of these pollutants via three key mechanisms. First, limit values are set for each pollutant – these are levels which must be attained by each member state within a given period, and not exceeded once attained (Article 2.5). Second, the directive includes alert thresholds – ie a level beyond which there is a risk to human health from brief exposure, and hence a level which requires the release of immediate information to the public, if the alert threshold is reached (Article 2.6). Finally, the directive also specifies margins of tolerance – ie allowing member states to exceed limit values in the worst affected areas, but with the provision that the pollution concentrations will be gradually reduced by member state action, to enable eventual attainment of the specified limit values (Article 2.7).

Member states were required to transpose the directive into national law by July 2001. The dates by which they are required to meet specific pollution targets vary between 2001 and 2010. The directive also includes provision for a review of progress in 2003, at which time the Commission will report to the European
Parliament and the Council on the directive’s implementation. The 1999 directive also repeals the earlier directives on sulphur dioxide and suspended particulates (80/779/EEC), on lead (82/884/EEC), and on nitrogen dioxide (85/203/EEC).

The conclusion of the first daughter directive forms a key part of the EU’s wider air quality strategy. Further daughter directives (on benzene and carbon monoxide, ozone, and other pollutants such as cadmium, arsenic, nickel, mercury and polyaromatic hydrocarbons) have since been either adopted or proposed. The EU’s framework directive has therefore produced a series of directives targeted at specific air pollutants. The Commission’s proposals for these various directives have been developed using the same strategy and, to a large extent, the same network of participants. It is this process of network-building by the Commission which is examined more closely in the following section.

The Commission’s Proposal

The European Commission, acting in its role as the main initiator of the bulk of EU environmental legislation (Peterson & Bomberg 1999: 189), issued the original proposal for the first daughter directive. The Commission was given the task of bringing substance to the 1996 framework directive, through a series of linked legislative proposals. As noted above, air quality is a very broad-ranging sector, with implications for a number of other policy areas. This means a large number of interests and organisations are likely to seek involvement in the development of new air quality measures – in policy network terminology, the air quality sector attracts a wide variety of stakeholders (Richardson 1996: 10; Peterson & Bomberg 1999: 8). In looking for evidence of policy networks in this instance, then, we are looking to identify the range of stakeholders involved, how they interacted with one another, and to what extent they influenced both the policy process and the eventual policy output.

It may perhaps seem obvious or inevitable that such an important piece of EU environmental legislation would be the product of a process of wide-ranging consultation. This echoes Jordan’s fundamental criticism, “Can there be any policy making without networks?” (Jordan 1999: 1004, emphasis added). However, such a
degree of openness and accessibility cannot be taken as the norm. Indeed, the development of the air quality daughter directives has been cited by the Commission (and by other stakeholders) as a positive example of inclusive policy development, in direct contrast to the experience of a number of other significant EU environmental initiatives (Interview 4, European Commission, February 2001).

In particular, the more inclusive process which characterised the development of this air quality legislation was contrasted directly to the more limited and exclusive consultation process which marked the Auto-Oil I programme. Auto-Oil I – an initiative (launched in 1992) designed to produce a range of environmental measures to tackle vehicle emissions and improve fuel quality – was developed via a process of tripartite dialogue between the Commission, the automobile industry, and the oil industry. This tripartite approach was heavily criticised by those excluded from the process (in particular, the European Parliament, environmental NGOs, and member state officials):

The Commission (and the automobile and oil industries) tried to achieve a \textit{fait accompli} by presenting the Environmental Council and the EP with the most cost-effective measures based on a highly complex and resource-intensive Programme which was referred to as a 'ground-breaking initiative' and a model for future EU environmental legislation...This attracted severe criticism from several member state governments, NGOs and the EP. The Commission therefore abandoned the ‘tripartite dialogue’ in favour of a wider and more transparent consultation process for the working groups of the Auto-Oil II Programme. (Friedrich et al 2000: 609; see also Peterson & Bomberg 1999: 178-9)

Interviews conducted for this study confirmed the Commission’s disappointment with the limited Auto-Oil I consultation process. The Commission therefore saw the consultation undertaken in the development of the air quality daughter directives as a conscious effort to improve on the negative experiences of, and reactions to, the Auto-Oil I Programme. The Commission also stressed that this more open process was a genuine effort to seek out views, and not a cosmetic exercise to dress up a proposal already worked out by the Commission in advance (Interview 4, European Commission, February 2001).

To reflect its policy of openness and consultation, the Commission was therefore keen to include a variety of stakeholders in drawing up the draft air quality daughter
directive. It is useful at this stage to recognise the role of the Commission in bringing together the various stakeholders into a co-operative framework – thus, the Commission in this case clearly fulfilled its role as *pivot* (Richardson 1994: 141) or indeed *sponsor* (Peterson & Bomberg 1999: 26) of policy networks – a key role to which various analysts have pointed. The Commission built a policy network for this directive based on a number of specifically designed Working Groups. Most fundamental to the formulation of the policy proposal were a number of technical Working Groups. Each group focused on a different pollutant, and all were overseen by an Air Quality Steering Group. There were four technical Working Groups – on SO₂, NO₂, particulate matter, and lead. The position of Chair was allocated to different interests in each case – the SO₂ group was chaired by an official of the Commission’s Environment DG, NO₂ by experts from Denmark and Sweden (as co-chair), the particles group by German and UK experts (again as co-chair), and the group on lead was chaired by Spain.

These groups each contained a number of national experts (drawn from a range of member states), Commission officials, representatives of industry, and representatives of environmental NGOs. In addition, the Working Groups received further technical advice from outside agencies such as the World Health Organisation (WHO), the UN Economic Commission for Europe (UNECE) and the European Environment Agency (EEA). The work of these four technical groups was overseen and co-ordinated by the Steering Group, chaired by a Commission official. Again, using the language of policy networks, these supporting agencies – WHO, UNECE and EEA – were on the periphery of the policy network, with the national experts, Commission officials, industry and environmental representatives all at the core (Richardson 1994: 156; Peterson 1997: 9; Nunan 1999: 633). It is therefore possible, at this stage of the policy process, to identify a policy network for the first daughter directive. Although the four technical Working Groups met separately, there was some overlapping membership, and the presence of the Steering Group in particular gives this the characteristic of a coherent network, co-operating to achieve common policy goals.

The aim of these Working Groups was to enable genuine participation by stakeholders, and to avoid the proposal being presented as a Commission *fait
accompli (Interview 4, European Commission, February 2001). Most importantly, the groups had responsibility for proposing levels for the legally binding targets which would form the basis of the directive. The groups therefore provided a forum in which to reach agreement about various technical issues. The four technical Working Groups established by the Commission were given the task of each producing a position paper on the specific pollutants which they investigated. The Working Groups were very much seen as expert groups, and members were therefore expected to contribute independent opinions, and not to voice the particular concerns of individual member states. Indeed, one of the representatives involved in these groups made a clear distinction between the technical nature of the Working Groups, and the more distinctly political nature of the Air Quality Steering Group, which existed to discuss the findings of the technical groups (Interview 19, EEB, October 2001).

Each Working Group recommended appropriate levels for the specified pollutants – ie recommending the limit values, alert thresholds and margins of tolerance which were to be the key mechanisms of the new directive. The Working Groups achieved this by assessing the risks to human health and the environment in each case (based on the latest scientific evidence), by considering the existing situations in the various member states, and by judging how these new levels could be effectively monitored and enforced. This task of course required extensive discussion – the Working Groups each met several times, over a period of two years. (The final position papers were all agreed during 1997).

Across the Working Groups, a number of common difficulties emerged. Unsurprisingly, the representatives of industry and representatives of environmental NGOs clashed over a number of key issues. For the environmental NGOs, it was relatively easy to agree a position – the EEB (the main environmental representative) stated that it is easy for their members to agree that cleaner air is a good thing! (Interview 19, EEB, October 2001). For industry, however, there are different priorities, and levels of competition, between sectors, which can make a common position more difficult.
Similarly, industry representatives were generally more reluctant to adopt a precautionary approach to air quality measures. The EEB was happy to endorse and promote the precautionary principle, which exists as a key objective underlying all EU environmental policy. The EEB statement on key issues for the development of daughter directives stated:

The EEB experts want to remind of the application of the precautionary principle which is laid down in the Treaty. The precautionary principle entails application of best available technology for pollution prevention, even where air quality limit values are not exceeded. (EEB 1997)

This contrasts sharply with the position of UNICE, the main employers' federation, as revealed in its submission to one of the technical Working Groups:

Industry suggests that the alert threshold should be that at which there is a significant risk to human health, and not that at which a sensitive subgroup might possibly suffer a very small effect which is reversible and probably not noticeable. (UNICE 1995).

Overall, the technical Working Groups followed WHO guidelines, when agreeing proposed standards for the various pollutants. In the most contentious case, that of particulate matter, a compromise position was reached, allowing for early review of the daughter directive, in acknowledgement of the level of scientific uncertainty surrounding effective measurement. In addition, the Working Group stressed that a level for PM 2.5 (thought to be more damaging than PM 10) should be a priority in the review, once sufficient scientific knowledge was available. The technical Working Group itself concluded that “the setting of limit values is ultimately a political decision” (Working Group on Particulate Matter 1997: 35). In addition, since there is thought to be no safe limit, the group had difficulty producing a precise figure for the limit value: “Assuming that there are no thresholds below which health effects are not to be expected, no limit values can be proposed that are strictly based on scientific arguments” (1997: 33). Hence, as suggested above, the Working Groups agreed the best position according to available scientific knowledge; it was then left to those in the Steering Group and beyond to take the political decisions as to what extent the technical Working Group recommendations should be adopted in the Commission’s final proposal.

As well as these fundamental issues, there were also other specific concerns raised within the technical Working Groups. For instance, variations in natural conditions
across member states had to be taken into account in measuring levels of pollution. This led to exemptions in the final directive for natural events (including volcanic eruptions, seismic activities, geothermal activities, high winds, etc), which will on occasion compromise certain member states’ ability to remain within agreed pollution levels (Article 2.15). The levels set for lead also produced significant discussion – the expected difficulties in meeting the proposed limit values eventually led to derogations, allowing longer implementation periods in the vicinity of certain industrial installations where lead is concentrated.

The deliberations of the technical Working Groups, monitored and co-ordinated by the Air Quality Steering Group, thus provided the technical foundation for the Commission’s final proposal. The inclusive process adopted – bringing together both environmental and industrial interests, as well as independent scientific experts – was viewed by the Commission as a success. The Commission’s own inter-service consultation procedure, required to reach agreement across DGs on the Commission’s final proposal, was described as relatively smooth and swift – a positive outcome attributed by the Environment DG to the inclusion of different interests at this early stage (Interview 4, European Commission, February 2001).

In terms of policy network analysis, the air quality network centred around the Commission fits the model of a relatively open, accessible issue network, rather than a more exclusive policy community. The network incorporated both environmental and industrial interests, representatives from a number of member states, and a wide body of expertise. This inclusive model also fits the pattern found elsewhere in studies of environmental policy networks (Bomberg 1998; Zito & Egan 1998; Peterson & Bomberg 1999). This inclusiveness does not, however, necessarily mean cohesion within the network. Hence, as noted above, environmental and industrial stakeholders obviously hold different priorities, leading to conflict within the policy network, rather than a consistently cohesive approach.

Similarly, the openness of the policy network does not necessarily mean participants enjoy similar levels of power or resources. This again echoes Peterson & Bomberg’s findings on EU environmental networks: “it is easy to exaggerate the
pluralist character of environmental policy issue networks. Compared to other sectors, environmental policy networks are relatively accessible, but openness should not be confused with equal influence". (Peterson & Bomberg 1999: 194).

This applies in particular to environmental NGOs, who often lack the required resources – in particular, staffing levels to allow them to send representatives to all relevant meetings, resources to employ their own experts in all policy areas, or resources to employ the services of outside experts where required (Interview 19, EEB, October 2001). This can lead to environmental NGOs – even when representatives are present at meetings – left unable to make a meaningful contribution.

In the case of air quality, however, environmental representatives reported a much more positive experience – ie an opportunity to be actively and meaningfully involved in policy development, rather than being present merely as a token representative, (Interview 19, EEB, October 2001). In this case, the technical Working Groups were constructed by the Commission to include just one representative of industry, and one environmental representative, in each group. This again helped the balance of power within the groups, and prevented NGOs being sidelined, as can occur when industry representatives simply outnumber NGOs. This allowed the Working Groups to achieve a more balanced view – ie in terms of taking on board environmental and industrial concerns. The environmental NGOs were able to send their own technical experts, and thus able to participate constructively in the technical negotiations.

The air quality policy network also has the characteristics of a relatively stable group. The Working Groups and the Steering Group met at regular intervals over a two-year period. Furthermore, the Steering Group, and a similar pattern of technical groups, remained in place to oversee the development of the second, third and fourth daughter directives, which have since been proposed. This method was seen as a successful mechanism for enabling resource exchange – ie enabling experts to consult on the best means of tackling air pollution issues, enabling exchange of views amongst environmentalists and industrialists, allowing different member state
practices and difficulties to be highlighted, and thus allowing the Commission to draw up a proposal informed by this wide-ranging consultation.

This process therefore fits with the definition of a policy network used in this study – i.e. characterised by a set of relatively stable relationships, interdependence and resource exchange between network members, common policy interests, and co-operation to push forward particular policy goals. Having established the existence and nature of a policy network in this case, it is of course important to assess its impact on the policy process – i.e. did a policy network merely exist, or was it also relevant? In order to achieve this, it is necessary to examine how the Commission’s policy proposal – the output from the policy network – fared in the formal legislative stages of the EU policy process through the EP and Council – i.e. did the policy network shape the final policy output?

The European Parliament’s Response

This section looks at how the Commission’s proposal was received by the EP, in order to assess how the shape of the Commission’s proposal affected this stage of the legislative process. In other words, is the Commission-centred policy network still influential at this stage of the policy process? In addition, this section examines whether the EP itself acted as a member of a policy network. Overall, the EP viewed itself as a beneficiary of the more open and inclusive approach adopted by the Commission in the development of the air quality daughter directives, stating:

The Commission has prepared an excellent, thorough and far-reaching document. The proposed directive is the product of two years of round-table dialogue between the stakeholders and represents an innovative exercise in co-operation and dialogue between industry, NGOs and national experts, where a wide degree of agreement was reached. This inclusive consultation is a welcome step forward from the more limited effort made in the Auto-Oil programme (European Parliament 1998d: 17)

Although MEPs did not participate in the air quality Working Groups, they did hold their own discussions with representatives of industry and with environmental NGOs. Once again, MEPs (led by rapporteur Anita Pollack, UK member of the PES) heard industry’s scepticism about some of the proposed measures – in particular, from oil company representatives, who questioned the WHO standards
on which the directive was to be based (Interview 12, EP, August 2001). They also heard continuing enthusiastic support from the environmental lobby.

MEPs involved generally found the industrial lobby to be better organised in its response to the air quality proposals, reflecting its longstanding tradition of effective lobbying at the EU level. The EP also stressed, however, that environmental NGOs were constantly improving their co-ordination and representation at EU level – for example, nominating a lead spokesperson on each issue, and allowing different NGOs to specialise in different environmental issues. This seems to have paid dividends in terms of more effective use of resources, and greater clarity for EU institutions in identifying who are the relevant environmental lobbyists to be included in each case. Similarly, the environmental groups themselves – in this case represented by the EEB – felt they had been able to take advantage of the efforts at consultation made both by the Commission and the EP (Interview 19, EEB, October 2001). The EP therefore sought to achieve a balance between environmental and industrial viewpoints, mirroring that achieved by the Commission in its evenly-balanced Working Groups.

As well as conducting its own consultations with environmental and industrial stakeholders, the EP also tried to keep itself up-to-date with the negotiations being led by the Commission. For the EP, this meant trying to anticipate the Commission’s proposal, especially since the EP often enjoys little time to consider a proposal once it is issued, due to the length of time it can often take for a Commission proposal to reach the EP (Interview 12, EP, August 2001). Hence, the EP tried to lay the groundwork for its response before the formal proposal document was received – for example, by early appointment of a rapporteur, by establishment of the EP’s own, unofficial working group on air quality, and by its own consultation with stakeholders (Interview 12, EP, August 2001).

In the case of the first daughter directive, the EP was, as indicated above, largely favourable to the Commission’s proposal. The amendments proposed by the EP were largely in keeping with its well-established green credentials, and its commitment to openness and consultation. Hence, the EP’s proposed amendments focused on a number of key issues – tightening of some of the standards proposed by
the Commission (in particular alert thresholds for NO₂ and particles, and a tighter limit value for SO₂); building in a commitment to further research into the effects of these pollutants; and strengthening the commitment to making information on air quality regularly and routinely available to the public (for example, requiring hourly updates on SO₂, NO₂ and particles, and 3-monthly updates for lead) (Interview 12, EP, August 2001).

As well as noting the specific amendments put forward, it is also important to be aware of the broader context in which the proposal was viewed. Of particular importance was the change of government in the UK in 1997, from Conservative to Labour. This was significant given the rapporteur’s status as a UK MEP within the Labour Party. The first daughter directive was identified as a key piece of EU legislation which could enhance the new UK government’s green credentials. (The UK held the Presidency of the EU in the first half of 1998, when the directive was being discussed by the EP). Hence, the rapporteur was encouraged by the UK Labour government to try to secure a relatively swift passage through the EP, in order to show the new UK government’s commitment to pressing ahead with important environmental legislation. Thus, the rapporteur was aiming both to ensure an effective piece of environmental legislation by proposing detailed amendments, but at the same time trying to speed up the proposal to enhance the green credentials of the incoming Labour government in the UK (Interview 12, EP, August 2001; ENDS Report Jan 1998b: 12). In this context, therefore, the proposal shaped by the Commission is put under pressure by the direct intervention of national governments, acting within the institutional context of the Council Presidency.

Overall, the EP developed its response to the air quality proposals as part of a broader network – taking steps to consult a variety of stakeholders, and trying to create a network which was open and accessible. The rapporteur can in this case be seen as the centre or pivot of the network. Those consulted include a number of actors both inside and outside the EP. Within the EP, the rapporteur and her assistants liaised both with their own political group (in this case, the PES), with the Green group in the EP (for example, with the shadow rapporteur appointed by the Greens), and with members of the EP’s Environment Committee (in order to ensure
support for the report, both within the Committee and at the plenary sessions). Outside the EP, the rapporteur established a network of stakeholders, consulting relevant interests – both to make the EP’s position on the policy proposal better informed and more credible, and also to show that the EP ‘practises what it preaches’ in terms of openness and accessibility. As stated above, the EP was pleased by the overall level of accessibility shown by the Commission, although relations with the Council were, perhaps predictably, less constructive. (Those involved admitted to knowing very little about the progress of Council negotiations – even from their own national ministries – and one MEP described the Council’s perception of the EP still as an ‘irritant’, whose input was not sought or valued) (Interview 12, EP, August 2001).

The EP, like the Commission, can therefore be seen as the architect of a policy network in the development of this policy proposal. Both institutions provided access to the policy process for a range of non-governmental interests; in turn, the institutions gained the expertise and insights of these groups. The Commission’s proposal and the EP’s response can both therefore be seen as a product of policy networks, rather than the work of individual institutions. It is also important to consider how the policy network centred around the EP relates to that built by the Commission. The most obvious link is the Commission officials who attended both the Air Quality Steering Group and the relevant EP Environment Committee meetings. In addition, the industrial and environmental representatives were able to liaise with both Commission and EP officials. There is thus overlap between the policy networks, although it is still more accurate to speak of two separate policy networks rather than a single ‘EU air quality policy network’.

**Progress Through the Council**

Although the air quality proposals were drafted by the Commission, and the subject of proposed amendments by the EP, the final policy proposal was determined or set (under the co-operation procedure) by the Council of Ministers. This process involved the multi-layered structure of the Council itself – the Council working groups, Coreper, and the full Council of Ministers – as well as the Council’s negotiations with the Commission and the EP. In terms of policy networks, there
was again some continuity, linking the various EU institutions together on this issue. In particular, the member state representatives (national officials) who sat on the Air Quality Steering Group chaired by the Commission, were largely the same representatives who attended the Council Working Group looking at this directive (Interview 8, DEFRA, August 2001). Thus, the member state representatives had been closely involved with the development of the initial proposal, and had become aware of the various other member state positions. Another important element at this stage was the Council Secretariat, described as a continuous presence during Council negotiations, and able to relate not just the views of member states but also those of the EP and the Commission, with whom it also liaised. (Interview 15, Council Secretariat, October 2001).

Given the intergovernmental nature of the Council, it is not possible simply to use the language of policy networks in this context. Rather than striving to incorporate the views of stakeholders to boost its own legitimacy, the Council is much more concerned to reach agreement acceptable to a range of national interests. Hence:

Describing certain stages of the policy process in network terms can be useful and illuminating, but we must not neglect the role of institutions. For example, in the EU the role of the Council of Ministers is obviously crucial, yet it is difficult to see analysis of policy networks as being central to an analysis of the Council. (Richardson 2001: 11)

Again, therefore, it is important to be clear about the claims being made for the policy network approach, and the limitations which it presents.

The discussion of the air quality directive in the Council centred on the political issues which were left unresolved by the more technical Working Groups established by the Commission. As stated earlier, however, there is no clear line between these two areas – hence, ostensibly technical issues soon became political in nature. Political compromise was therefore reached to accommodate member states whose natural climatic conditions could have made achievement of some targets difficult – for example, due to volcanic activity in Italy (affecting SO₂ levels), due to sand blowing in from the Sahara in Southern European countries (affecting particle levels), and due to road gritting in colder Northern member states (again affecting particle levels). Member states also weakened some of the standards included in the Commission proposal – arguing that these may not be
achievable (for example, relaxing the alert threshold for $\text{SO}_2$ and the limit value for particles) (Interview 8, DEFRA, August 2001). This meant that some of the Commission’s proposed standards were significantly diluted in order to reach agreement within the Council (ENDS Jan 1998b: 47).

Linked to these changes was the requirement to report air quality information to the public. Member states were willing to adopt strict reporting guidelines only if the targets proposed were felt to be realistic and achievable. Indeed, the commitment to making information on air quality widely available to the public was identified as a particularly controversial point amongst member states (Interview 4, European Commission, February 2001). Similarly, member states also agreed a longer implementation period for lead - moving it from 2005 to 2010, to reflect the difficulties of some member states (especially Germany) in achieving lead targets near to old industrial installations. These concerns reflected a wish to avoid simply repeating the earlier pattern of adopting air quality legislation which is then poorly enforced. Hence, the Council sought to achieve realistic targets, capable of being implemented, whilst aiming to retain the stringency of the Commission’s proposals overall. This indicates a concern with how the directive will reflect on member states politically, rather than a dispute over technical details.

The Council’s deliberations were generally seen by the Commission as preserving the overall strength of the directive; the Commission spoke of the Council having reached “an acceptable compromise, the level of ambition that it embodies remaining close to that of the original proposal” (http://wwwdb.europarl.eu.int/oeil/oeil.fr111_en). The Commission also felt that its concerted attempts at wide-ranging consultation had produced a proposal which the Council largely welcomed, since the interests of member states and of various stakeholders had been represented from an early stage.

This can again be contrasted with the more negative experiences of the Auto-Oil I programme. The limited consultation of Auto-Oil I was seen by the Commission as a factor in the problems its proposals encountered in the other EU institutions:

The perception that the auto and oil industries’ participation had not been sufficiently balanced by input from other stakeholders is arguably one of the
factors that led the Council and Parliament to depart substantially from the original Commission proposals resulting from Auto-Oil I. For this reason, Auto-Oil II has been characterised by a much wider stakeholder involvement with working groups comprising experts from the Member States and environmental NGOs as well as industry representatives. (CEC 2000: 5)

Hence, for the Commission at least, the creation and involvement of networks does make a difference – principally, in shaping a better proposal, more readily received by both the EP and the Council.

The final directive has received some criticism – for example, that it does not really address the issue of cross-border pollution from one member state to another, and that it might be preferable to allow varying air quality standards, reflecting significant differences both within and across member states, rather than imposing uniform standards across the EU (McCormick 2001: 190-91). On the whole, however, the directive marked a successful beginning to the development of the series of daughter directives designed to introduce more stringent air quality standards for European citizens.

Conclusions
The final adoption of the first air quality daughter directive in April 1999 marked the culmination of a lengthy period of consultation and negotiation, involving a wide number of stakeholders and institutions. The aim of this case study has been to assess what a policy network approach can bring to our understanding of the development of this directive. Hence, this conclusion will examine further the key themes of the existence and relevance of policy networks. Overall, this case study has followed the meso-level approach advocated elsewhere for policy networks. In this context, policy networks provide an important contribution to analysis of the EU policy process; at the same time, however, it is essential also to consider the macro-level context – ie the “broad political structures and processes within which the policy network is located” (Daugbjerg & Marsh 1998: 54).

The first crucial step in applying a policy network approach in any context is to be able to work to a clear and precise definition of a policy network. In this case study,
we are therefore looking to confirm the existence of a structure similar to that defined by Börzel (1998b: 254). This means we are looking for a set of relatively stable, interdependent, linked actors, with common interests, exchanging resources, in pursuit of similar policy goals. The initial development of the first daughter directive certainly fits with this definition, allowing us to identify a policy network specific to the formulation of the original proposal. The most important policy network was that engineered by the Commission, which produced the draft policy proposal on which the final directive was based. The EP, similarly, can be said to have operated as part of a policy network, and to have developed its response to the Commission proposal in consultation with a range of stakeholders.

Using a policy network approach at this stage is therefore a useful means of identifying the various actors involved, and their roles. The policy network incorporated a range of experts who could discuss the technicalities of developing air quality standards, representatives of industries likely to feel the impact of the new standards, representatives of environmental NGOs involved in campaigning on this issue, representatives of all member states (within the Steering Group), and, where needed, additional input from expert bodies such as the EEA, WHO and UNECE. This points to an important role for policy networks in the initial stages of policy formulation.

When we look at the progression of the policy proposal through the EU legislative process, however, the role of the policy networks changes. The technical Working Groups and the Steering Group now give way to a process centre around the interaction between the EU’s key institutions – Commission, EP and Council. The continuity in terms of policy networks is best illustrated by the role of Commission officials (in the Environment DG) who, having, participated in the technical Working Groups and the Steering Group, now appear at meetings of the EP Environment Committee and at Council environmental working groups, in order to support and defend the proposal. This fits Peterson & Bomberg’s idea of the relevant Commission official acting as a sherpa for the policy proposal (Peterson & Bomberg 1999: 24).
Of course, the Commission's proposal could not be adopted, or set as policy, without the approval of the EP and the Council. Hence, at this stage, there is at least the potential for the work of the Commission-based networks to be undone. In terms of the EP, there is evidence of the EP welcoming the recommendations of the Commission and its Working Groups, and supporting the policy proposal shaped by this process. The EP is also more willing to endorse the outcome of the Commission's consultation process, since this fits the EP's own insistence on cooperation and openness in EU policy-making; thus, the EP cannot really be seen to ignore or oppose the legitimate representations of stakeholders, as fed through the Commission Working Groups.

In terms of the Council, however, there is less of a commitment to stakeholder consultation. The Council's deliberations take place behind closed doors, and are concerned with promoting or defending national interests. At this point, then, we are not really seeing network activity – rather, more politicised intergovernmental bargaining and negotiation. Interviews conducted for this study supported the view of the Council 'doing deals' to get legislation adopted (both within and across policy areas). Similarly, officials of the Council suggested they could simply 'unpick' a Commission proposal which member states didn't like – hence, making it difficult to argue that the shape of the policy has already been determined by the Commission's network of actors (Interview 15, Council Secretariat, October 2001).

The deliberations within the Council, which determined the final content of the directive, indicate the importance of the macro-level analysis referred to above. This matches findings of other studies, that policy networks are 'significant but not decisive' (Peterson & Bomberg 1999; Zito 2000). The policy proposal which emerged from the Commission-centred policy network, therefore, played a significant role in the formulation of this directive, but ultimately it was the negotiations conducted both within the Council itself which decided the final policy output. The 'significant but not decisive' role played by policy networks in the first air quality daughter directive therefore confirms the relevance of policy networks in this case. The relevance of policy networks can be seen both in the policy process and in the final policy output. In terms of the policy process, the establishment of policy networks by both the Commission and the EP produced a much more
positive environment than that which resulted from the much-criticised Auto-Oil I negotiations. The process of network-building – and in particular the deliberate steps by the Commission and EP to ensure equal representation from both ‘sides’ (industry and environment) – had a positive effect. It enabled the Commission and the EP to produce balanced policy proposals, which were well-received in the Council of Ministers. The final policy output therefore substantially followed the proposals developed within the policy networks. Moreover, this process of network-building established a pattern of good working relations, which has been continued throughout the formulation of subsequent daughter directives, where a similar Working Group structure has been adopted. The equal representation engineered by the Commission has also affected the internal dynamics of the policy networks, since environmental NGOs are no longer simply overwhelmed by their better-resourced industrial rivals.

In terms of policy output, the Commission’s use of national experts in its Working Groups also produced extremely detailed positions on each of the pollutants being dealt with. This presented the Council with robust proposals on issues where scientific knowledge is still uncertain and developing. The Council was therefore presented with policy proposals which reflected a high level of research and expertise, and which incorporated the views both of industry representatives and environmental NGOs. The development of this directive therefore depended not only on final decision-making in the Council, but also on the establishment and operation of influential policy networks based around both the Commission and EP.
CHAPTER SEVEN: CASE STUDY - LANDFILL

Introduction
This case study examines the 1999 EU directive on the landfill of waste (1999/31/EC). The directive is first of all situated within the broader context of the development of EU policy on waste management. The case study then looks at the specific provisions of the directive on landfill, and at how this directive was developed. Once again, the key aim of the case study is to analyse the role of policy networks – in terms of establishing both their existence and their relevance. This is done by an examination of the formulation of the original policy proposal, and by tracking its progress through the EP and the Council, up until the final decision in the Council by which the final directive was adopted. Again, the relevance of policy networks is considered in terms of their impact both on the policy process and on policy outputs – i.e. do the internal characteristics and dynamics of policy networks play an influential role in this case?

EU Waste Management Policy
The EU’s overall approach to waste management is captured in its series of Environmental Action Programmes (EAPs), and is also set out in the EU’s Waste Management Strategy and in the framework directive on waste. The EU has thus gradually developed a comprehensive approach to the issue of waste management – via a combination of both general plans and programmes, and more targeted legislation tackling specific waste streams. The development of a directive on landfill was therefore one element in further extending the scope and effectiveness of waste management policy at the European level.

The EU’s first legislative output aimed at developing a common approach to waste management appeared in 1975, and was simply titled the Council directive on waste (75/442/EEC). The first – and most fundamental – task was to settle on an agreed definition of waste. Waste was defined as “any substance or object which the holder disposes of or is required to dispose of pursuant to the provisions of national law in force” (Article 1). This initial directive was developed under Article 100 and
Article 235, since no specific environmental provisions existed in the Treaties at this time. Even at this early stage, however, the focus on the operation of the common market was balanced by an awareness of the costs to the environment and to human health of poor waste management. The 1975 directive therefore required member states to take steps to encourage prevention, recycling and re-use of waste (Article 3), and to “ensure that waste is disposed of without endangering human health and without harming the environment” (Article 4). This marked the first attempt by the EU to find a common denominator amongst existing national waste regulations. However, differing national practices – and differing interpretations of the definition of waste – meant the directive was unevenly implemented across member states (Zito 2000: 128-9).

Within this general framework, the EU then began to develop a range of more specific measures to improve European waste management. This included legislation to regulate certain types of waste (eg chemical waste), legislation to regulate the movement and shipment of waste, and measures to encourage the minimisation of waste (for example, the eco-labelling scheme to encourage manufacturers to produce environmentally friendly products). Since the majority of municipal and hazardous waste in the EU is disposed of in landfill sites (although amounts vary considerably between member states) (CEC 1999b: 13), it was perhaps inevitable that the EU should eventually wish to include landfill in its overall waste management strategy.

When the EU began to update its approach to waste management in the late 1980s, the Council, as part of its review, called on the Commission to bring forward proposals to establish EU-wide criteria and standards for disposal by landfill (Council Resolution 1990: 3). This led to the publication in May 1991 of the Commission’s first proposal for a landfill directive (CEC 1991). After much debate, however, this proposal was withdrawn, having failed to attain the necessary approval from the Council and the EP. The EP, in particular, objected to the many exemptions incorporated into the proposed legislation. These exemptions - for rural areas and areas with a low population density - meant that over 50% of the EU’s territory would effectively be excluded from the provisions of the directive. The EP rapporteur dealing with the directive described the situation as “not so much a
loophole, but a gaping hole through which many truckloads of waste will undoubtedly be driven” (European Parliament 1998e: 18). The Council, aware that several member states shared the reservations of the EP, decided not to take the proposal forward, and therefore invited the Commission to draw up a new proposal.

This second landfill proposal, issued in March 1997, was developed within the context of a renewed and revised EU Waste Management Strategy. This strategy set out a number of broad principles, which had to be reflected in the new landfill measures. The revision of the waste strategy also highlighted landfill as a particular problem: “Uncontrolled landfilling and contaminated sites are two problems requiring special and strong actions at different levels” (CEC 1996b: 1a). The Waste Management Strategy sought to incorporate landfill into the newly developed hierarchy of principles relating to waste – ie “that prevention of waste shall remain the first priority, followed by recovery and finally by the safe disposal of waste” (CEC 1996b: 1a). Landfill therefore presents the least preferred option, since it involves disposal, rather than prevention or recovery, of waste; the Commission acknowledged, therefore, that landfill generally represents “the last – and least best – solution” (CEC 1996b: 12).

The Waste Management Strategy also developed the proximity principle and the principle of self-sufficiency in relation to waste. The proximity principle states that waste must be disposed of “in one of the nearest appropriate installations”. The principle of self-sufficiency states that “waste which is generated within the Community should not be disposed of outside the Community” (CEC 1996b: 3). Linked to this is confirmation that waste is classified as ‘goods’, and is therefore subject to the rules of the Single European Market. This is offset, however, by a ruling from the European Court of Justice which recognises waste as a specific type of good, which may inflict damage on the environment, and the movement of which may therefore be restricted. In addition, the management of landfill must follow the well-established precautionary principle and polluter pays principle, as outlined in the EU Treaties since the Single European Act. The development of the landfill directive, therefore, had to reflect these broad parameters for managing waste within the EU. Given the heavy reliance of much of the EU on landfill as a method of waste disposal, it is perhaps not surprising that a proposal developed to comply with
these overarching principles led to significant political difficulties for some member states.

**Directive 1999/31/EC on the Landfill of Waste**

The development of the EU landfill directive reflected the identification, in the EU’s overall waste strategy, of the importance of controlling and reducing landfill of waste. The directive was also in part a response to numerous complaints made about landfill sites both to the European Commission and the EP (CEC 1997c: 3). The EU’s concern to regulate landfill activity was also a response to the many environmental and health concerns now associated with landfill. Landfilling of waste can lead to the contamination of soil, water and air – leading to the accumulation of hazardous substances in soil, the leaching of substances into groundwater, and the emission of methane and carbon dioxide into the atmosphere. The emission of methane from landfill is seen as a significant contributor to global warming. Landfills can also create dust, noise, and exposure to hazardous substances for urban populations nearby, and even where situated in rural areas, still lead to the overall deterioration of adjacent land. (CEC 1999b: 9). Landfilling thus has both short-term and long-term environmental effects. Added to this, the life-span of a landfill site (ie the period during which its detrimental effects will be in evidence) is estimated at 100 years or more (CEC 1996b: 12).

The EU landfill directive was therefore designed to reduce these harmful effects – both by better regulation of existing landfill activities, and by the broader aim of diverting waste away from landfill, towards more environmentally sound options. The fundamental aim of the directive is therefore:

by way of stringent operational and technical requirements on waste and landfills, to provide for measures, procedures and guidance to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from landfilling of waste, during the whole life-cycle of the landfill (Article 1).
This aim is set out within the context of the EU’s broader environmental strategies – the directive was based on Article 130s(1), which sets out the EU’s basic environmental objectives.

As with the development of the EU’s waste management strategy, a fundamental task for the landfill proposal was the definition of key terms. The landfill directive followed the longstanding definition of waste as set out in the original waste directive of 1975. The directive then also further sub-divided this, since the landfill measures were targeted at specific categories of waste – ie hazardous, non-hazardous and inert wastes. Hazardous waste is defined in accordance with the 1991 directive on hazardous waste (1991/689/EC). The 1991 directive covers waste material which is known to be harmful – eg flammable, explosive, corrosive, toxic, etc – and lists a wide number of specific waste substances which fall into this category. Non-hazardous and inert wastes are to be treated separately from hazardous waste. Hence, inert waste is defined as:

waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health (Article 2).

The directive specifies that these three types of waste should be properly identified and, where necessary, undergo treatment, prior to disposal in landfill sites. The previous practice amongst some member states, known as co-disposal (ie disposing of hazardous and non-hazardous wastes together) was banned by the directive – a controversial point for some member states (this is discussed in more detail below).

The directive also identifies another important category – that of biodegradable waste. Biodegradable waste is defined in the directive as “any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food and garden waste, and paper and cardboard” (Article 2). This process leads to the production of methane gas, which is the second most significant contributor to global warming (after carbon dioxide). Within the EU, landfill sites account for approximately one-third of all methane emissions (the other main sources being agricultural processes and energy emissions) (ENDS Feb 1997: 40). The regulation of methane emissions from landfill sites is therefore seen as an important step in helping to reduce the
emission of greenhouse gases across the EU. The landfill directive sets out a series of targets for reducing methane emissions – member states must eventually reduce emissions from landfill sites to 35% of 1995 levels (this to be attained over a fifteen year period) (Article 5). The directive also specifies other types of waste which can no longer be disposed of in landfill – such as used tyres, hospital waste, and liquid waste (Article 5).

In order to achieve this strict separation of types of waste, and to enforce the ban on certain categories of waste, strict rules on the establishment and operation of landfill sites across the EU were a key element of the new directive. The directive will apply both to existing landfill sites, and to new sites which come into operation. The chief mechanism for achieving this high standard of regulation is the use of a permit system to control sites. A permit will be required in order to operate a landfill site, and this will include details such as – the overall capacity of the site, a description of the types and quantities of waste to be disposed of, proposed methods to prevent and abate pollution, and plans for eventual closure and after-care of the site (for a period of at least thirty years) (Article 7). Member states are also required to report every three years to the European Commission on the implementation of the directive.

Finally, the directive is concerned not just to regulate landfill activity, but also to try to discourage it (given the status of landfill as the "least best" option for the environment). The directive therefore reaffirms the EU’s broader principle that “the prevention, recycling and recovery of waste should be encouraged as should the use of recovered materials and energy so as to safeguard natural resources and obviate wasteful use of land” (1999/31/EC, preamble). The EU recognises that landfill is currently a relatively cheap option for waste disposal; it therefore sees the directive as a step towards:

restoring the balance between the costs of landfilling of waste, which at present tend to be too low, and the costs of other treatment methods, such as environmentally sound recovery operations, for which the costs are relatively high (CEC 1997e: 5)

The directive therefore specifies that the costs of landfilling operations (including the setting up, operation, closure and after-care of sites) should be fully and
accurately reflected in the prices charged by landfill operators (Article 10). This is seen as an essential element in reducing the perception of landfill as simply the cheapest option, and in diverting waste away from disposal, towards the more environmentally sound options of prevention and recovery. Of course, such a strategy leaves open the potential for abuse of the system – ie the avoidance of highly regulated, expensive landfill sites, in favour of diverting waste to illegal, unregulated sites. This concern was aired during the negotiation of the directive (especially by the EP), and is again discussed more fully below.

**The Commission’s Proposal**

Having set out the key provisions of the landfill directive, we can now examine more closely the process by which these provisions were negotiated and agreed. Once again, the proposal was initiated by the Environment DG, in conjunction with a number of stakeholders. Regarding the technical content of the proposed legislation, the Commission liaised with relevant WHO officials, and members of CEN (Comité Européen de Normalisation, the European Standards Agency). The Commission also heard industry representation – notably from the main landfill operators’ organisation, FEAD (European Federation of Waste Management), and from national waste management groups, such as the UK-based ESA (Environmental Services Association). This was balanced by input from environmental groups – principally Friends of the Earth in the UK. The environmental NGOs again sought to rationalise their lobbying – ie deciding on a lead organisation, with sufficient resources and expertise, to enable the environmental lobby to ‘speak with one voice’ on this issue (Interview 21, FoE, November 2001). Inclusion of industrial and environmental interests enabled the Commission to hear a variety of stakeholder opinions – although the differences in ‘world view’ between these two sets of interests limited the overall cohesion of the policy network (Zito & Egan 1998: 106). Industrial and environmental groups share a common interest – or each have a ‘stake’ – in this policy initiative, but this does not mean they bring to the policy network the same priorities or objectives. The Commission therefore had to balance the views of these groups in drafting its proposal – and at the same time work within member states’ preferences, in order
that the proposal’s ‘probability of acceptance’ (Sherrington 2000: 19) in the Council of Ministers was as high as possible.

The Commission also made use of its pre-existing networks in the field of waste management – the Waste Management Committee (made up of Commission and member state representatives, and in existence since 1976), and the Ad Hoc Commission-Industry Waste Management Committee (which facilitates consultation between the Commission and industry representatives). These pre-existing networks were used in order to exchange information and obtain the views of stakeholders. The combination of pre-existing networks, along with the process of consultation with technical experts and environmental and industrial stakeholders, enables us to identify a policy network involved in the landfill directive. This again follows the pattern of consulting both sets of relevant interests – environmental and industrial – as well as seeking out the views of a range of national and international experts. The Commission is again at the centre of the policy network – responsible for its establishment, and for aggregating the diverse range of views put forward. The policy network operated as a forum for resource exchange – with the Commission gaining policy expertise in exchange for allowing access to the early development of the policy proposal. This policy network again fits the model of an issue network rather than a closed or well-established policy community. The development of the policy proposal was not the preserve of an exclusive group of interests, and instead relevant stakeholders were invited to participate in the formulation of policy. There was no settled or formal structure such as the Working Group and Steering Group model used for the air quality directive, but the policy network did present a stable environment for stakeholders to contribute to the policy process.

The Commission’s consultation with experts and stakeholders was therefore an important element in producing what the Commission hoped would be a credible and well-supported proposal. This second Commission proposal had to be seen to address the concerns which led to the rejection by the EP and Council in 1996 of the first attempt at a landfill directive. At the same time, the new proposal had to take into account changes made in landfill practices in the member states since 1991. It also had to ensure that a second attempt at legislation did not mean proposing a
weaker policy in environmental terms. The Commission’s own overall priorities in the development of landfill legislation were based around a number of key concerns – the lack of existing or consistent regulation of landfill sites across member states, and the resultant need to improve the security of landfill operations; the need to ensure that the environmental costs of landfill were more accurately reflected in actual costs to waste producers; and the desire to place landfill within the wider waste hierarchy (Interview 3, European Commission, February 2001).

The most substantial change proposed by the Commission for the second landfill proposal was the introduction of targets to reduce methane emissions from landfill sites. This replaced the original focus on the total organic carbon (TOC) content of waste, which would have meant a ban on waste with a high TOC content going to landfill (ENDS 1997: 40). This switch in policy – developed in close consultation with the Climate Change Unit of the Environment DG – reflected unease with the use of TOC targets to reduce methane emissions, which some member states would have found difficult to meet. The new targets on methane emissions were also seen by the Commission as a more environmentally sound option. These new targets became a particularly contentious issue in the formal legislative stages of the policy process – especially for the UK, which emerged as a consistent opponent of the landfill proposals (this is discussed in more detail below). The Commission also cited the issue of co-disposal of waste and disposal via incineration (as the main alternative to landfill) as other particularly contentious aspects to emerge during its drafting of the policy proposal (again, discussed in more detail below) (Interview 3, European Commission, February 2001).

The Commission’s proposals faced extensive scrutiny and revision, once the proposal began its progression through both the EP and the Council. In terms of policy networks, therefore, it seems that the policy in this instance was less shaped by the Commission’s policy network than it was set by the gradual process of overcoming what one report described as considerable political sensitivities surrounding this issue (ENDS, Feb 1997: 41). This could simply reflect the case that landfill was a highly contentious issue, which no policy network could have shaped into a readily acceptable policy proposal. The previous rejection of landfill proposals, in 1996, also made the second proposal inevitably more open to scrutiny.
Overall, therefore, the progression of the landfill directive did prove a particularly contentious and difficult process. The next sections of this chapter therefore look in more detail at the negotiation of the directive in the EP and the Council – and in particular at the different stances of the member states on various issues.

The European Parliament’s Response

The EP had played an influential role in blocking the original landfill proposal, which the EP criticised heavily, and which the Council, as a result, agreed to reject. In 1997, when the new proposals were issued, the EP therefore had a particular interest in examining whether the Commission had effectively addressed the concerns spelt out so emphatically by the EP in 1996. The EP, now led by a new rapporteur (the UK Conservative MEP Caroline Jackson, replacing the UK Labour MEP David Bowe) broadly welcomed the shape of the Commission’s new proposals. The EP identified three key strengths of the proposed legislation, namely:

- as a means of ensuring high standards for waste disposal, especially landfill, across the EU;
- as a means of stimulating waste prevention, via recycling and recovery;
- as a means of creating a “level playing field” to minimise the transportation of waste (European Parliament 1998e: 20).

The EP therefore saw the proposal as a positive step towards implementing the EU’s waste hierarchy, and towards more sustainable management of waste, in line with the EU’s overall environmental objectives.

The Environment Committee of the EP focused on two key areas of concern – cost and compliance (European Parliament 1998e: 22). The EP was concerned about the cost implications, both of regulating landfill sites, and of diverting waste towards other options such as incineration (which was likely to lead to costly new incinerators being built). The Committee questioned implications for local tax payers, given the level of action which would be required of local authorities. It also highlighted that the incineration of waste would be just as costly as landfill (in both financial and environmental terms). On the issue of compliance, the EP raised the problem of the large number of illegal landfill sites currently operating within
the EU, and the generally poor record amongst member states of implementing EU waste management legislation. The Environment Committee bluntly stated:

While the new directive sets standards for landfills ... it nowhere explicitly states that landfills which are already illegal, because they fail to comply with existing EU law, must be closed down as a priority. Without this emphasis the Community will again risk piling one half-ignored directive upon another (European Parliament 1998e: 24).

The EP sought to tighten the period of compliance set down in the directive for existing landfill sites. The EP’s proposal – to bring forward the compliance deadline from 2009 to 2006 – was, however, rejected by the Council.

The EP’s readings of the Commission proposal also focused on the broader context of the legislation - reinforcing the importance of the waste hierarchy, and emphasising the importance of provisions to divert waste away from landfill (whether via incineration or composting of waste, or via landfill taxes in member states). The Council’s priorities, however, focused in the final analysis on the specific provisions for landfill, and did not really extend to a detailed consideration of these broader issues. Thus, the Council focused, in its deliberations, on the introduction of various exemptions, and the extension of implementation periods, rather than on the broader question of where landfill should sit within the overall waste hierarchy. This meant that the EP’s priorities did not match those of the Council. As a result, the EP’s amendments enjoyed only limited success. On some key issues, the EP was defeated. As well as rejecting the EP’s proposed compliance deadline, the Council also rejected the EP’s amendment that states who rely on landfill to dispose of over 80% of their municipal waste should have only 2 years to meet targets on biodegradable waste (the Council specified 4 years). The Council also rejected the EP’s amendment to tighten the final target on biodegradable waste to 25% of 1995 levels (this remained set at 35%). In terms of the inter-institutional power-play at work in the negotiation of this directive, then, it is the Council which emerged as the dominant institution (ENDS Nov 1997: 35).

Again, focusing on these important issues in the negotiation of the directive raises the question of where policy networks play a role in this case. The EP’s main process of consultation was via a special hearing on waste management, which took place in November 1997 – following the publication of the Commission’s proposal.
This hearing – led by the then Chairman of the EP’s Environment Committee – gave an opportunity for a variety of stakeholders to present their views on the EU’s approach to waste management. These stakeholders included representatives of industry (e.g., UNICE, FEAD), representatives of consumers (e.g., BEUC), and environmental NGOs (via the main umbrella organisation, the EEB). The hearing also allowed stakeholders to hear the opinions of a number of national and international experts.

The EP’s hearing allowed stakeholders to present their concerns and priorities for the landfill directive. This in turn meant the EP, led by the rapporteur, had a wide range of up-to-date views to help inform its stance. MEPs were thus able to vote on the landfill directive following extensive consultation – both face-to-face at the EP hearing, and via a number of written submissions. The environmental NGOs, for example, used the hearing to submit to the EP both their general views on waste management policy in Europe, and their specific views on the landfill proposals. A joint submission from the EEB, Friends of the Earth and Greenpeace urged the EP to adopt a tough stance against apparent Council moves to weaken the landfill directive, stating:

> Given that Parliament rejected an earlier draft of the landfill Directive and, rightfully, demanded that it be strengthened we presume that it would be politically untenable for the Parliament to accept this weakening or indeed try to weaken the Directive itself. (FoE, 1997)

The EP continued to work closely with environmental NGOs during the course of the landfill negotiations. EP amendments were often based directly on proposals or suggestions put forward by environmental groups – a process not uncommon in environmental policy (i.e., rapporteurs liaising closely with environmental NGOs, even to the extent of having proposed amendments written for them) (Interview 18, Adviser to EP Green Group, October 2001). In this instance, the key amendments put forward by the EP match those of Friends of the Earth (the lead NGO) – for instance, Friends of the Earth directly supported the tighter timescales for implementation which were put forward by the EP.

By involving itself in this consultation process, the EP gained both the expertise of NGO representatives who specialise in waste management issues, and also acquired
the added credibility of bringing forward amendments which were informed by a broad process of consultation. In turn, NGOs obviously gain access to the policy-making process – although their support for the EP is not unconditional; for example, Friends of the Earth warned the EP, early on in the negotiation of this directive: “The Directive is beginning to look substantially weaker than proposed; if it were to be weakened further it is debatable whether it would continue to have NGO support ...” (FoE, 1997). Hence, both sides gain from the relationship, but the EP’s formal status within the EU’s institutional hierarchy does not automatically give it the upper hand.

The EP’s process of stakeholder consultation again fits the model of an open issue network on landfill. The EP’s network served the familiar function of resource exchange, based around shared interests and common policy goals. The EP’s network is ad hoc – brought together to serve a very specific function, but not expected to have a life-span beyond the negotiation and conclusion of the landfill directive. This again matches the nature of EP waste management policy networks described elsewhere:

To enhance their ability to make independent decisions, the MEPs and staff naturally look for information from both environmental NGOs and economic organisations which target the Environment Committee; this allows EP actors to build a largely ad hoc and informal network of contacts.

(Zito 2000: 134)

Again, therefore, the EP acts as the initiator and focal point of the policy network, co-ordinating activity to help it develop a coherent policy position to present to the Commission and the Council.

Progress Through the Council

The status of the proposed landfill directive as a sensitive political issue for some member states made the progress of the proposal through Council negotiations especially significant. The different levels of reliance on landfill across member states led to a division within the Council, making a qualified majority (required under the co-operation procedure) difficult to achieve. Member states which rely heavily on landfill – notably the UK, Ireland, Spain, Greece, Portugal and Italy – were opposed to measures more acceptable to those states already moving towards
more environmentally sound measures (especially the Northern member states, and France and Germany). The UK, in particular, stood out as a key opponent of much of the proposed EU legislation – its stance meaning it often found itself ‘out on a limb’ in the Council negotiations (ENDS Oct 1997b: 36).

As stated earlier, one of the most important changes in the Commission’s revised proposal on landfill was the focus on reducing methane emissions from landfill sites. This was one key issue on which the UK found itself isolated. The UK’s objections – both to the failed attempts to adopt the TOC approach of 1991, and to the new methane targets approach of 1997 – stemmed from its existing landfill practices, and also from its proposals for future landfill practice. The UK’s opposition to the first proposal was made clear by Sir Leon Brittan who, whilst Commission Vice-President for External Relations, voiced UK objections to the Commission’s original proposal, and blocked its progress through the Commission. This incensed environmental groups, who objected both to Brittan’s blocking of environmental measures, and to his voicing national interests whilst supposedly acting as a neutral Commission official. The most active environmental group involved in the landfill proposals – UK-based Friends of the Earth – successfully highlighted this story in the press, to cause embarrassment for the UK government, by revealing the government’s level of opposition to the EU landfill proposals (Interview 21, FoE, November 2001).

When the second Commission proposal on landfill was issued in 1997, therefore, the UK government had already emerged as the chief opponent of the Commission’s strategy. Its hostility to the failed proposal in 1996 continued into the new proposal, despite the Commission’s change of emphasis from TOC to methane emissions. Both approaches clashed fundamentally with the UK government’s approach. Moreover, this applied equally following the change of government in the UK in 1997, from Conservative to Labour. Given the UK’s heavy reliance on landfill, meeting new targets for methane emissions presented a significant challenge. In addition, the practices used in UK landfill sites further complicated the problem. Meeting the new targets would require pre-treatment of biodegradable waste – something practised by a number of other member states, but not the UK. Instead, the UK was interested in developing the technology associated
with the **flushing bioreactor** – ie in which waste material is saturated with water and flushed repeatedly in order to speed up the degradation of waste, and remove contaminants (Interview 9, DTI, September 2001; ENDS Feb 1997: 15). This process then stabilises, or makes safe, landfill sites more quickly – ie not requiring the 100 year or more life-span referred to by the Commission. However, the technology surrounding the concept is uncertain – a senior Commission official in the Environment DG told a House of Lords Select Committee in 1998 that the flushing bioreactor was “merely a concept and did not yet exist” (ENDS March 1998: 27). The eventual defeat of the UK on this issue was a blow for the UK government and in particular for the DTI, who felt the directive had closed off a potentially important area of research (Interview 9, DTI, September 2001).

Recognising that it could not attain enough votes in the Council to block this aspect of the proposal, the UK was forced to accept the proposed targets for methane emissions, along with their significant implications for UK landfill practices. As one official put it, the UK government could see ‘which way the wind was blowing’ on this issue, and had to accept it would be outvoted (Interview 9, DTI, September 2001). In the end, the UK managed at least to extract a longer implementation period for these measures – member states which deposit over 80% of their waste in landfills (which includes the UK) now have four years in which to meet the methane targets. This issue was resolved at the highest political level, with Ministers *setting* the final policy. However, the *shape* of the original policy proposal is retained, to the extent that the Commission achieved its goal of legislating on methane reductions, albeit with a longer implementation period than planned.

Another related and controversial issue was the decision to ban co-disposal at landfill sites. This practice – jointly disposing of hazardous and non-hazardous waste – is again common within the UK. Banning co-disposal was one means of introducing stricter regulation of landfill sites, enabling closer monitoring of the types of materials being disposed of at different sites. It also facilitated other measures – such as reducing methane emissions – by separating different types of waste. The banning of co-disposal was also seen as a means of monitoring more effectively the disposal of hazardous waste and - by increasing the costs of disposal
to specifically designated sites - a means to encourage firms to reduce the amount of hazardous waste produced in total.

Here, too, however, the recurrent problem of definition of waste types emerged. The criteria for defining hazardous waste were considered ambiguous even in the final directive. As a result, a technical committee was established to define more clearly the acceptance criteria for hazardous waste. These issues would therefore be resolved after the conclusion of the final directive. This continued uncertainty was criticised by industry, for making it difficult for industry to plan ahead, or to evaluate the best market opportunities for waste disposal. This again dissatisfied those within the UK DTI, who saw this uncertainty as creating a significant problem for industry (Interview 9, DTI, September 2001). At the same time, there is further scientific uncertainty over the likely impact of so-called monofills (landfill sites taking hazardous waste only) – for example, with critics arguing that these sites could be dangerous ‘ticking time bombs’ if not properly regulated, and supporters stating that the best way to manage hazardous waste is to treat and store it at a limited number of specially designated sites (ENDS May 1998b: 23). The referral of these issues to a technical committee of member state representatives reflects the inability of the Council to reach agreement on these points. Leaving the final text ambiguous enabled the issue to be dealt with in the short-term, without jeopardising the conclusion of the directive itself, or leading to an even more protracted negotiation process.

A further controversial issue was the incineration of waste. In other words, the overall drive to minimise and divert the amount of waste going to landfill inevitably means that other methods of disposal will increase. Member states were concerned to avoid creating a ‘dash to incineration’ – ie simply diverting waste away from one environmentally hazardous option to another (ENDS Nov 1997: 33). This concern was echoed by Friends of the Earth, who stated that incineration was not the answer, and who argued for waste to be diverted towards recycling (rather than disposal) – for example, composting of diverted waste (Interview 21, FoE, November 2001). Friends of the Earth saw the eventual inclusion of a commitment to diverting waste from landfill as a victory for environmental groups – in other words, reinforcing the waste hierarchy, by encouraging recovery and recycling, and discouraging disposal,
whether via landfill or incineration. Again, this illustrates that the earlier involvement of environmental NGOs in the initial policy network was influential in incorporating these principles into the directive.

The final directive on landfill, therefore, was the result of high level negotiation between Environment Ministers. This case study confirms Richardson's argument (2001) that it is difficult to argue for the centrality of policy networks during the Council's policy deliberations. The landfill proposals contained significant implications for member states, based on their existing practices – hence, the cost implications of the new procedures, and the changes in waste management likely to be required, became highly sensitive political issues, which could not be left in the hands of technical experts.

Conclusions
The negotiation of the landfill directive requires us to consider not just the role of policy networks, but also the broader institutional context of the EU. The shaping of the policy by a Commission-centred policy network formed the basis of the proposal. However, the proposal then became the subject of detailed intergovernmental negotiation in the Council, and was finally set by member states reaching compromises on a number of key issues. Applying Börzel's terminology, it is therefore again important to distinguish between the existence and relevance of the policy networks involved.

It is possible to identify a policy network in the early stages of the policy process – again, with the Commission at the centre. Again, the chief function of the policy network was to enable resource exchange between participants – with those involved bringing relevant knowledge of the technical feasibility of the proposal, the likely industry response, and the impact on the environment. The participants all had a stake in producing a credible proposal acceptable to both the Council and the EP, although, as stated earlier, the different world views of environmental and industrial/producer representatives meant the policy network was not characterised by cohesion on every issue.
The EP, too, developed its own policy network, which was generally supportive of the Commission’s proposals and, given the EP’s reputation for being tough on environmental issues, focused its amendments on tightening even further the environmental provisions of the directive. Within the Council, however, these amendments were largely unsuccessful – the Council was able to reach agreement only by relaxing, not tightening, key targets and timescales. The EP’s networking – enabling it to form a loose, *ad hoc* network of actors – helped prepare its amendments and inform its general policy stance. However, this policy network did not have any significant policy *relevance*, since the EP was largely unsuccessful in altering the shape of the proposal. The struggle of the policy network to be *relevant* to the final policy output reflects, above all, the institutional position of the EP, and the EP’s subordinate role under the co-operation procedure. In seeking to explain the limited relevance of the policy network, therefore, it is necessary, once again, to situate the network within its broader institutional context. Furthermore, the EP policy network did not really become integrated with the Commission’s policy network. There were the usual institutional overlaps (with Commission officials attending EP committee meetings and Council working groups, etc), but the Commission and EP policy networks remained largely separate – the Commission’s policy network following an already established pattern, and the EP’s being a much more short-lived, transient arrangement.

Looking beyond the role of the Commission and the EP, it is more difficult to argue for the relevance of policy networks in taking forward the landfill directive. Instead, the process became dominated by the need to resolve substantial member state differences within the Council. Due to the diverging landfill practices across member states, there emerged a division between those member states wanting to defend the Commission’s proposal on environmental grounds, and those wanting to dilute it significantly. The division between member states broadly followed the well-established pattern of leaders and laggards amongst member states on environmental issues (Sbragia 1996: 237). The Northern member states were generally the most enthusiastic, since their existing practices were already the most ‘green’; the southern member states were more hesitant (due to concerns about both industrial competitiveness and prevailing climatic conditions). Overall, though, it was the UK government which voiced the strongest opposition.
In terms of policy network analysis, therefore, the internal characteristics and dynamics of the policy networks identified are of less relevance in this case than is the level of politicisation of the landfill issue which occurred in the Council. Although the policy networks were open, issue networks accessible to both industrial and environmental interests, it was the industrial groups which proved most influential. The environmental lobby enhanced its effectiveness within the policy network by co-ordinating its response through the UK branch of Friends of the Earth. However, this still did not match, in this instance, the level of resources invested by both waste-producing and waste-management industries. As such, the green credentials of the Commission and EP were outweighed by the strength of the opposition lobby. The openness typical of EU environmental policy networks therefore worked against the environmental lobby, and allowed industrial representatives to dominate the networks (cf Bomberg 1998; Peterson and Bomberg 1999).

In addition, the level of politicisation in the Council reduced the overall relevance of the policy networks. Although policy networks are not confined simply to technical or apolitical discussions, they did in this case prove unable to resolve the main areas of controversy surrounding the directive. The divergence between member states on existing landfill practices meant Ministers at the very highest level became involved in many of the crucial issues (such as the reduction of methane emissions, the joint disposal of hazardous and non-hazardous waste, and the incineration option). Furthermore, the institutional strength of the Council in the EU policy process, in relation to the Commission and EP, meant the Commission and EP – despite enhancing their own effectiveness by the establishment of networks – were still ultimately subordinate to the decision-making power of the Council.

Again, then, we need to take a broad view of policy networks, in order to explain fully the development of this particular directive. To look at policy network activity alone is not enough. The Commission and the EP both operated as part of a clearly identifiable policy network, and these policy networks influenced the output of both institutions. Nonetheless, a focus on policy networks alone does not tell us the whole story. Instead, we need to consider the broader institutional framework of the
EU – ie looking at where policy is finally decided or set. In this context, policy networks were secondary to the intergovernmental bargaining conducted within the Council, and to the inter-institutional bargaining conducted between Council, EP and Commission. At the same time, however, focusing only on this intergovernmental and inter-institutional bargaining again does not tell us the whole story, since it overlooks the role of a range of stakeholders, interest groups and experts who played a significant role in the development of policy. Hence, a combined approach is necessary – one which accepts both the usefulness and limitations of the policy network approach, and which supplements this approach by placing policy networks within the macro-context of the EU’s institutional framework.
CHAPTER EIGHT: CASE STUDY – DRINKING WATER

Introduction
This case study examines the development of the 1998 drinking water directive – directive 98/83/EC on the quality of water intended for human consumption. Policy on drinking water quality is also placed within the context of the broader development of EU water policy since the mid-1970s. Then, the specific provisions of the 1998 drinking water directive are examined. The case study again seeks to assess the role of policy networks in the development of the drinking water directive – looking at whether policy networks were part of the policy process, and whether, if policy networks are in evidence, they were able to influence the policy output. (p152) Again, it also considers the crucial question of how we can measure the relevance of policy networks in this context. The case study again follows the development of the directive from initial policy proposal by the Commission through to the final adoption in the Council.

Three Phases of EU Water Policy
The extensive range of water quality legislation adopted by the EU since the mid-1970s has become one of the its most high profile environmental policy areas. It has had a significant impact on all member states – forcing many to make costly and often fundamental changes to the ways in which they manage their water resources. Where member states have been slow or unprepared to adopt such changes, they have faced a number of high profile actions in the European Court of Justice (ECJ) (Krämer 2000: 183-202). EU legislation which regulates drinking water quality is certainly no exception to this trend – the original drinking water directive (agreed in 1980) has been described as “one of the most contentious items of environmental legislation in the Community’s history” (ENDS Nov 1995: 28), and as a directive whose long-term impact on member states “cannot easily be overestimated” (Krämer 2000: 188).
The scope of EU water policy has expanded steadily but significantly since the first water quality measures were introduced in the mid-1970s. The policy sector has been characterised – both by political commentators and by the Commission itself – as developing within three broad phases (CEC 1999: 7; Grant et al 2000: 157; McCormick 2001: 195). In the first phase, from the mid-1970s to the early 1980s, the EU introduced a range of measures targeted at different categories of water – principally drinking water, bathing water, freshwater and groundwater. These measures focused on the introduction of so-called water quality objectives (WQOs) – ie setting a minimum quality for water, in order to meet a range of environmental and human health objectives. These early measures were based on Article 100 and Article 235, thereby further extending the scope of EU activity into environmental issues. In the case of drinking water, the EU’s efforts were at this stage limited to the regulation of surface water, from which drinking water could be extracted (75/440/EEC). This directive specified minimum water quality requirements, introducing regulation of over 40 polluting substances, and also required member states to draw up action plans, with the expectation that “considerable improvements” would occur over the following ten year period (75/440/EEC, Article 4). The impact of this initial attempt to regulate drinking water quality was, however, limited, with member states viewing the directive as a recommendation, rather than as a serious commitment to the improvement of drinking water quality (Krämer 2000: 192).

Measures to improve drinking water quality were updated and extended in 1980, with the adoption of the first directive relating to the quality of water intended for human consumption (80/778/EEC – commonly known as the drinking water directive). This directive covered all water intended for human consumption (including that used in food preparation), and set a total of 67 parameters – or maximum admissible concentrations – for a range of pollutants. This included substances such as lead and other metals, pesticides from agriculture, and naturally occurring substances. Member states were responsible for monitoring compliance with these targets, and for deciding where sampling points should be located (80/778/EEC, Article 12). Leaving these matters to member states was identified as a weakness of the directive, and both issues were subsequently addressed in the
revision of the 1980 directive. Member states were given five years to comply with
the directive, and were also free to set higher quality standards if they wished.

Although the 1980 drinking water directive has at times been notorious for being
poorly implemented – highlighted by a number of cases in the ECJ – it did have the
important effect of raising the public’s awareness about the quality of their drinking
water:

For example, it is only since implementation of the drinking water directive
that the spread and levels of contamination of drinking water supplies by
pesticides and nitrates have been recognised, prompting new policies to
remove these contaminants from supplies and increased public and political

The relaxed approach to implementation taken initially by some member states is
illustrated by one case brought by the Commission against the UK government in
1992, in which the ECJ ruled that member states were indeed obliged to meet the
standards laid out in the directive, and not simply to demonstrate that they had taken
“all practicable steps” in an effort to do so (Krämer 2000: 187).

The second phase of water quality legislation began in the late 1980s, prompted in
particular by a 1988 review of water legislation. EU Ministers, meeting at the
Community Water Policy Ministerial Seminar in Frankfurt, had identified gaps in
the EU’s legislative output, and suggested areas for improvement (CEC 1999c: 8).
This led to a number of new initiatives – notably the Urban Waste Water Treatment
Directive was a specific attempt to address the problem of agricultural pollution of
water supplies. The Urban Waste Water Treatment Directive also related to nitrate
pollution, this time in urban areas, and required an often costly overhaul and
updating of water treatment plants and sewerage systems in member states.
Implementation of both directives has, again, been slow and patchy across member
states (Krämer 2000: 191-198).

This second phase was also notable for its move towards an emission limit value
(ELV) approach to water quality – ie a focus on the maximum quantities of
emissions which can be discharged into water (as opposed to the WQO approach
which measures overall water quality standards). The development of these two
approaches (WQO and ELV) within EU water policy has been a longstanding feature, with the two methods seen as complementary by the EU, but as basically contradictory by many scientific experts (Krämer 2000: 183). Attempts to reconcile the two have to date been largely unsuccessful (due to the different preferences of member states about which approach is best) (CEC 1999c: 8; McCormick 2001: 196).

The third phase of EU water policy began in 1995, prompted this time by the Commission’s recognition that the various measures adopted to date required both consolidating and updating. The Commission called for a more global approach, which could “integrate the fragmented pieces of legislation covering water of different types and destined for different uses” (CEC 1999c: 8). This also built on a call by the European Council, meeting in Edinburgh in 1992, for the Commission to “simplify, consolidate and update existing texts, particularly those on water”. The conclusion of the new drinking water directive in 1998 therefore needs to be viewed within the broader context of an overall review and updating of EU water policy at this time. (The specific measures introduced in the 1998 directive are discussed in more detail below).

Other significant developments at this time included the mid-term review of the fifth EAP in 1995, the hosting of a special conference on water policy by the Commission in 1996, and the EP’s own special hearing on water quality in 1995. These events were all geared towards a thorough and far-reaching overhaul of EU water policy, and culminated in the decision to guide the development of future EU water quality legislation by means of a new framework directive on water. This framework directive builds on the four central goals of the EU’s sustainable water policy, as outlined in the fifth EAP of 1992, namely –

- to provide a safe and secure supply of drinking water;
- to provide enough water to meet the needs of industry, agriculture, fisheries, transport, energy, and other economic sectors;
- to meet the needs of the aquatic environment;
- to reduce or prevent the adverse impact of floods and droughts. (McCormick 2001: 203).

The water framework directive (2000/60/EC) was finally concluded in October 2000. It aims to promote sustainable water use, based around a system of river
basin management schemes (already in existence in a number of member states). The framework directive applies to inland surface waters, transitional waters, coastal waters and groundwater – hence, drinking water is kept as an additional distinct category, although obviously linked to the quality of other water types. The framework directive continues with the combined approach of using both WQOs and ELVs, and will lead eventually to the phasing out of a number of earlier directives, in favour of a more consolidated approach, which streamlines existing legislation (CEC 1999c: 15). The new framework directive, which allows member states ten years or more to implement the required measures, therefore provides the basis for the future development of all EU water quality measures into the twenty-first century.

**Directive 98/83/EC – the Drinking Water Directive**

The 1998 drinking water directive was adopted ahead of the EU’s new framework directive on water quality, and will continue to exist alongside the new framework. The 1998 directive updates and replaces the original drinking water directive of 1980. The Commission cited three main reasons for the decision to revise drinking water legislation – the need to take account of technical and scientific progress since 1980, the desire to make use of experience gained from implementation of the 1980 directive, and the need to re-examine legislation in light of the principle of subsidiarity (CEC 1994a: 52). The Commission therefore issued a new drinking water proposal in 1994. The Commission was keen to build on the impact of the original directive, which it claimed had been the driving force in raising drinking water standards across the EU (CEC 1994a: 2).

The 1998 directive reduces the overall number of parameters, or binding targets, for polluting substances from 67 to 48. This change is intended to limit the directive to ensuring “compliance with essential quality and health parameters, leaving Member States free to add secondary parameters if they see fit” (CEC 1994a: 2). The most important change relates to lead, for which the parameter is reduced by 80%. Hence, the directive combines a tightening of standards for the most serious pollutants, and a reduction in the overall number of substances which are to be regulated. The directive also aims to standardise the measurement and collection of
data on member state compliance, and to further improve the overall transparency of
information on drinking water quality for the consumer. The directive was based on
Article 130s – ie the broad environmental objectives of the EU, and thus updated
the reliance of the 1980 directive on Articles 100 and 235.

The Commission’s Proposal
The proposal for a new drinking water directive was the product of an extensive
consultation exercise led by the Environment DG of the European Commission.
The Commission sought the views of stakeholders initially via the organisation of a
conference on drinking water in September 1993, at which the Commission heard
the views of a range of interested parties on the proposed revision of the 1980
drinking water directive (CEC 1994a: 3). Representatives from the Environment
DG described the conference as an important stage of the Commission’s policy
drafting process. The Commission spent up to a year drawing up draft proposals,
then used the conference in order to collect a full range of stakeholder views, which
were then in turn fed into the Commission’s final policy proposal (Interview 17,
European Commission, October 2001). This strategy has been widely used by the
Commission in the development of EU water policy – for example, the 1996
conference on water (as part of the preparations for the water framework directive),
and the 2001 conference on the revision of the EU Bathing Water Directive.

The Commission’s consultation exercise included national officials from all
member states, environmental NGOs, consumer groups, representatives of the water
industry (both national bodies and the EU-level organisation EUREAU - the
European water suppliers’ association), and representatives of various other
industries likely to be particularly affected by the new proposals (such as chemical-
producing industries, and companies involved in the manufacture of drinking water
pipes, in particular copper manufacturers). This meant a large number of
stakeholders becoming involved – perhaps an inevitable consequence of the fact that
practically “every industry and service is in some way affected by water policy”
(Richardson 1994: 152). The European Parliament was also included informally at
this stage, with the Chairman of the EP’s Environment Committee, Ken Collins,
invited to speak at the conference. This began a pattern of good relations between
the EP and the Commission on this issue – with the EP Environment Committee and its drinking water rapporteur (also Ken Collins) keeping in touch with developments prior to the formal legislative stages at which the EP would routinely be involved. This period of extensive consultation enabled the Commission to test the policy ideas it had drafted prior to the conference (Interview 17, European Commission, October 2001). In addition, this was not simply a one-off consultation, nor a PR exercise. Instead, the Environment DG remained in close contact with the key stakeholders throughout the development of the proposal, having successfully identified from this initial consultation exercise the “maximum relevant constituency of actors” which would allow a meaningful, yet manageable, collaboration in drafting the policy proposal (Richardson 1994: 152).

In terms of policy networks, therefore, the Commission’s development of this proposal again fits the model of an open, accessible, broad-ranging issue network, rather than a closed or limited policy community. The policy network involved at this stage also matches Warleigh’s concept of a policy coalition for drinking water – characterised by relatively short-term, issue-specific co-operation, driven by pragmatism and political expediency (Warleigh 2000). Warleigh cites the development of the 1998 drinking water directive as a good example of the informal politics which occurs between NGOs and EU institutions. In other words, coalitions or networks of actors bring together EU institutions (especially the Commission and the EP) and environmental and other NGOs – enabling EU institutions to fill their own expertise gap, in exchange for NGOs having an opportunity to shape legislation at the European level (Warleigh 2000: 230-235). This again captures the important policy network concept of resource exchange between a combination of public and private actors.

This policy development again lacked the formal establishment of Working Groups by the Commission, as described in the development of air quality legislation. Instead, co-operation between the Commission and those it identifies as key stakeholders was informal, and managed without recourse to a formal Working Group structure. The Environment DG also cited a good working relationship with the EP (and the EP’s own network of stakeholders and experts) as another positive factor in managing the consultation successfully (Interview 17, European Commission, October 2001).
Commission, October 2001). The Commission also tested likely member state reaction to the proposal via a further specific meeting on drinking water in February 1994, at which member state representatives were invited to suggest modifications to the Commission’s proposals. The Commission also had a series of further meetings with EUREAU, in order to monitor the reaction of water companies as the proposal developed.

Via this process of consultation, the Environment DG was able to identify a number of key priorities in the revision of the drinking water directive. First, the Commission proposed an overall reduction in the number of substances to be regulated by the directive. This meant reducing the number of water quality parameters from 67 to 48, which included the addition of 13 new parameters. In addition, the proposal included a number of less stringent so-called indicator parameters – which, if exceeded, require member states to act only if they judge there to be a risk to human health (ENDS Dec 2000: 45). The directive also makes aesthetic parameters (those relating to harmless effects such as the colour of water) non-binding, leaving it to member states to decide on the importance of these targets. Overall, therefore, the relaxation of some parameters reflects the latest scientific knowledge about various substances – informed in particular by the latest WHO guidelines, and by the Commission’s own advisers in the Commission’s Advisory Committee to Examine the Toxicity and Ecotoxicity of Chemical Compounds (CSTE) (CEC 1994a: 5).

Nonetheless, the relaxation of some targets has been introduced alongside the strengthening of a number of other key parameters. The two most significant areas of concern surrounded parameters for lead and for pesticides. In both these cases, the Commission was keen to adopt tougher standards – again, as a means of reflecting the latest available scientific knowledge, and also a means of implementing the precautionary principle which is set out as a fundamental element of the EU’s environmental policy. Tightening the standard for lead in drinking water was viewed by the Commission as an essential health measure – aiming to “protect infants, young children, and pregnant women from the neuro-toxic effects that are known to contribute to IQ deficits, learning and behavioural problems”. This level of protection – in accordance with WHO recommendations – was seen by
the Commission as a step where the health benefits considerably outweigh the financial costs involved (CEC 1994a: 3). For pesticides, the Commission again argued for retention of strict levels of protection, as a precautionary measure (CEC 1994a: 5). The proposed new standards for lead and pesticides caused the most intensive lobbying – by industry representatives – during the Commission’s (and the EP’s) consultation process. These also became the most controversial issues for Environment Ministers meeting in the Council.

The Commission’s proposals also sought to improve the availability of information on drinking water quality for consumers. The Commission proposal argued for the need for greater overall transparency of information, more comparable information across member states, and immediate notification of consumers, in cases where water quality presents a risk to human health. The proposal would also require water companies to keep better records on drinking water quality. The final directive, however, left some ambiguity regarding the methods for monitoring compliance – in particular, the lack of clarity over the meaning of what constitutes a representative sample (ie determining when and where samples of drinking water should be drawn). This ambiguity – left to a technical committee to resolve following the conclusion of the directive – left some consumer groups unhappy, since it damages the potential for consumer access to clear and comparable information of water quality across member states (Interview 6, OFWAT, August 2001). This also raises the prospect of poor compliance with, or enforcement of, the new directive and, therefore, risks repeating the pattern of the earlier directive, where compliance has often been achieved only after legal action in the ECJ. The Commission’s proposals overall sought to reflect the move towards a sustainable water policy for the EU, and the general streamlining of water quality legislation. The proposals also prioritised human health and environmental concerns over the possible cost implications of improving infrastructure across member states, in order to achieve these new objectives.

The European Parliament’s Response

As already stated, the Commission enjoyed an especially good working relationship with the EP during the development of the drinking water directive. The
relationship was described as one of “mutual trust and confidence”, particularly between the Commission’s lead official and his team, and the EP’s rapporteur and his assistants (Interview 17, European Commission October 2001; Interview 7, EP August 2001). This strong personal relationship meant that the Commission and the EP liaised on an informal basis, rather than utilising the formal mechanisms of the EP Secretariat as a means of maintaining close contact during policy development (Interview 17, European Commission, October 2001). This meant that each institution was able to benefit from the consultation exercises undertaken by the other, and able to trust advice given both on the technical content of the proposal, and its likely reception by member states. This was highlighted as being especially important for the EP, given its often limited resources, and its limited opportunities for drafting in its own independent experts (Interview 7, EP, August 2001). This co-operation therefore helped avoid duplication of efforts by the Commission and the EP. In addition, since the directive was subject to the co-operation procedure, the EP’s best chance of influence was during the Commission’s development of the proposal, rather than at the Council negotiation stage.

Nonetheless the EP did, as with the previous directives discussed, also engage in its own independent consultation process. An important aspect of this was the EP’s own Expert Hearing on water quality, held in June 1995. This involved a range of environmental and consumer NGOs, industry representatives and national regulatory bodies, as well as representatives from the European Commission and a wide range of MEPs. The main outcome of the hearing was the definition by the EP of six key principles on which future EU water policy should be based, namely –

- no repeal of water protection legislation without guarantees that provisions will be taken up in other directives;
- development of a hierarchy of water quality priorities;
- consistency of definitions and comparable data to ensure effective auditing of compliance;
- standards and objectives to be based on publicly available information and on the most recent, reputable science;
- member states and industry to meet the established framework objectives through the most appropriate technology and needs;
- open, democratic input at all stages, including the preparation of proposals, to ensure that agreed policies are put into practice (European Parliament 1996a: 21)
The EP’s Environment Committee emphasised that these principles should apply both to the EU’s new framework approach to water quality, and to the revised drinking water directive, which the EP saw as a major component of this framework (European Parliament 1996a: 20-21). The EP also emphasised that the revision of EU water quality legislation should be based around rereregulation not deregulation (Interview 7, EP, August 2001). This reflects the high profile, at the time of the negotiation of the directive, of the principle of subsidiarity within the EU, and the EP’s wish to avoid this being used as a means of repatriating or weakening EU water policy. The EP rapporteur for drinking water therefore wanted a proposal which would steer a “middle course between the subsidiarity doctrine and concerns that applying this to excess could prejudice the achievement of a level playing-field” (ENDS June 1995: 43). Again, the Commission was an important ally in this regard, since it shared the EP’s focus on rereregulation not deregulation (Interview 17, European Commission, October 2001).

The EP’s specific amendments relating to the drinking water directive reflected the Environment Committee’s overall support of the precautionary principle in EU environmental legislation, and also its desire to ensure better transparency and accessibility of information for EU consumers. The Environment Committee therefore sought to tighten the reporting obligations placed on member states, and to tighten still further some parameters, and reduce derogation periods for others. The most controversial amendment was in relation to lead and, in particular, the issue of lead pipes. The EP wanted the directive to require member states to ensure the replacement of all lead piping used to carry drinking water. Given the huge costs this would involve for some member states, the EP was prepared to adopt a virtually open-ended timetable (Interview 7, EP, August 2001). Ultimately, however, this proposal was rejected by member states on grounds of costs and, also, over the difficulty of determining where domestic pipes begin, and where the public distribution system ends (and therefore who should bear the costs of replacement).

The EP, like the Commission, can be said to have operated as part of a policy network in the negotiation of the drinking water directive. The EP consulted with environmental NGOs, industry representatives, national regulatory authorities, and consumer groups. The EP again described this as a relatively open and inclusive
process – with relevant stakeholders actively seeking out consultation with the EP Environment Committee, and ‘beating a path’ to the rapporteur’s door (Interview 7, EP, August 2001). The most vocal and persistent lobbying came from industry representatives (representing secondary industries, such as chemical producers and pipe manufacturers, rather than the water companies themselves). Lobbying from environmental groups was much more supportive, since the EP proved a reliable advocate of tougher environmental objectives. The EP, like the Commission, used its initial conference or hearing as a launchpad for a prolonged period of consultation – establishing its own network of relevant stakeholders which incorporated those both for and against the Commission’s proposals.

Given the close working relationship between the Commission and the EP, it is perhaps difficult to identify clearly the boundaries between the respective policy networks. Although the Commission’s Environment DG and the EP’s Environment Committee served as the fulcrum or pivot of their respective policy networks, there was also in this instance a regular pattern of contact between the two, and considerable overlapping membership. Both policy networks essentially served the same function, however – enabling the respective institutions to develop proposals informed by a range of relevant expert and stakeholder opinions, and thus to enhance the prospects for the Commission and the EP in having their proposals accepted in the decisive Council deliberations.

**Progress Through the Council**
The significant impact which the 1980 drinking water directive had on member state practices meant that revision of the directive was carefully monitored by member states. Although the revised directive relaxes and even removes some water quality standards, it nonetheless retains tough targets for the most polluting substances, and places new reporting requirements on member states. Overall, therefore, the directive achieves only a very limited amount of deregulation, and introduces important areas of strict reregulation on some issues. The directive did not, therefore, become part of a wider repatriation of water quality policy, as had been feared during the post-Maastricht debate on the principle of subsidiarity. Instead, the revised directive placed new – and costly – obligations on member states in
relation to drinking water standards. This suggests that – despite the huge costs of implementation, and the political and financial repercussions from a series of high profile cases in the ECJ – member states have, as Jordan (1999d) suggests, become ‘locked in’ to a continuation of the EU’s ambitious and demanding water quality objectives. As Jordan argues, member states have been unable simply to repatriate or remove aspects of the EU’s water quality policies which they view as unwelcome or prohibitively expensive. Instead, member states have found themselves discussing even tighter levels of regulation, with ever more costly implications. Jordan applies a historical institutionalist analysis to this process, focusing on the ability of EU institutions to constrain future policy choices for member states:

the existing configuration of institutions is said to shape any subsequent process of amendment by constraining the choices available and modifying actor preferences. Institutions, in other words, lend policy a path-dependent character in the face of new information about the nature and cause of policy problems and changes in actor preferences. (Jordan 1999d: 24)

The next section examines more closely the key debates which took place amongst member states during the Council’s negotiation of the 1998 drinking water directive.

The Council’s response to the Commission’s drinking water proposals fits the pattern suggested by Richardson, of the Council providing more of a “reaction to proposals originated elsewhere than setting the policy agenda as such” (Richardson 1994: 150). This again therefore indicates the important role of policy networks in the early formulation of policy. The Council had to achieve an overall consensus (or at a minimum the qualified majority required under the co-operation procedure) on the various measures put forward as a result of the Commission’s deliberations. The most contentious single issue was the proposed standard for lead in drinking water. The Commission proposed a reduction from 50 to 10 microgrammes per litre – an 80% reduction of the 1980 level, in accordance with the latest WHO guidelines. The key issues to be resolved included the implementation period for this new limit, the problem of lead piping as a factor in drinking water pollution, and the question of how and when to measure levels of lead in drinking water. These secondary issues were problematic for the Council, rather than the fundamental issue of the need to set a tougher standard for lead, which was more readily accepted.
The final directive allows a fifteen year implementation period for the new 10 microgrammes per litre standard for lead, along with a five year implementation period for attainment of an interim standard of 25 microgrammes per litre. The directive also avoids placing any burden on member states to remove lead piping from domestic distribution systems – hence, the EP’s call to tackle this issue went unheeded. Where the lead parameter is exceeded due to the effect of domestic plumbing, it is left up to individual member states to decide whether or not there should be an obligation on water suppliers to replace domestic pipes. The final directive states that “Member States shall be deemed to have fulfilled their obligations … where it can be established that non-compliance with the parametric values set … is due to the domestic distribution system or the maintenance thereof” (98/83/EC, Article 6). Nonetheless, member states will have to ensure that public distribution systems are not responsible for exceeding the lead parameter. Hence, the directive still carries significant cost implications, where public lead piping has to be replaced. For example, in the UK, the cost to water companies of replacing lead piping over the required fifteen year period was estimated at around £2bn, implying significant increases in water charges for customers (ENDS Feb 1996: 32).

The attainment of the lead target also raised questions about the procedures for measuring levels of lead. In particular, the WHO guideline is derived from determining a *weekly* lead intake, based on infants and children, rather than by setting an *absolute* limit, as proposed by the Commission. In the end, the Council opted for a weekly limit – seen as the less stringent of the two options.

The final provisions for lead thus represented a compromise between the position of the Commission and the EP on the one hand, and that of the Council on the other – ie accepting the 80% reduction in the parameter (with the Council accepting the WHO guidelines), but allowing a longer implementation period. This was especially important for areas such as the UK, which have a legacy of lead piping due to early industrial development in the nineteenth century, but less of an issue for southern member states such as Greece, where industrial development occurred later, and had therefore not involved lead pipe distribution systems (Interview 17, European Commission, October 2001). This compromise also sought to balance the
interests of consumers – in terms of their interest in keeping water charges low, versus their interest in ensuring a high level of environmental and health protection.

Another significant issue for member states meeting in the Environment Council was the level of pesticides found in drinking water. On this issue, the key difference between member states was on how to measure pesticide levels. In particular, the UK government opposed the Commission’s proposal to continue the existing practice of setting one level – 0.1 microgrammes per litre – for all pesticides. The UK government, rather than wishing to stick with this uniform approach, pushed for variable pesticide levels, arguing that a range of parameters could be used, to reflect the different levels of toxicity for different pesticides. Again, the key motivation for this stance was the likely cost implications – with expensive pesticide removal measures required to attain or maintain the uniform standard. In the end, the UK approach was rejected, in favour of retaining an across-the-board 0.1 microgrammes per litre standard. This meant a victory for member states who insisted on the application of the EU’s precautionary principle – in particular, the most overtly ‘green’ member states of Germany, the Netherlands and Scandinavia. This precautionary approach takes into account uncertainties about the potential ‘cocktail effect’ of various pesticide mixtures in drinking water, and uncertainty over the effects of the breakdown of pesticides once discharged (ENDS Feb 1996: 32). The UK government eventually accepted that it would be outvoted on this issue. The decision to adopt a uniform standard for pesticides was also described as a political rather than scientific or technical decision – especially since it did not follow the WHO’s latest guidance which was based on separate pesticide measurements (Interview 17, European Commission, October 2001).

Other substances which prompted Council discussion included copper, bromate, and trihalomethanes. Member states were lobbied by copper manufacturers (principally from South America) who feared the economic impact of the inclusion of copper on the list of pollutants covered by the directive. This extended even to the position of copper on the directive’s final alphabetical list – copper producers did not relish the prospect of being listed directly above “cyanide”! Lobbyists for copper manufacturers also feared the loss of their business to plastics manufacturers (copper and plastic being the two main types of water pipe used today) (Interview
Lobbyists failed, however, to secure a non-binding indicator parameter for copper; instead, it is retained (still listed just above cyanide) as a binding chemical parameter (98/83/EC, Annex 1). The level set for copper was also more stringent than the 1980 parameter (reduced from 3 to 2 microgrammes per litre).

Bromate was included as a new binding parameter, due to its carcinogenic effects – although, again, it is expected to impose significant costs on water suppliers. The inclusion of another new parameter, for trihalomethanes (THMs), was an issue especially for member states who draw their drinking water primarily from surface water – since THMs are more evident at this level, rather than at groundwater level, where many impurities are filtered out as the water passes below the surface. Hence, states drawing their drinking water primarily from groundwater sources (such as Denmark and Sweden) were happier to accept tighter standards for THMs than member states relying mostly on surface water (such as the UK) (Interview 17, European Commission, October 2001). For both bromate and THMs, a ten year implementation period was specified, reflecting the expected cost implications of introducing these two new parameters. Again, this represents a compromise between the Commission’s desire to see these substances included in the directive, and the Council’s wish to spread the costs of implementation over a longer period.

Overall, therefore, the Council’s deliberations focused on a number of key substances, and their likely implications for existing member state practices. A balance was achieved between tight standards for the most dangerous substances, including those for which a precautionary approach was deemed necessary, and allowance of a reasonably lengthy timetable, in order to spread the burden of the costs of compliance. Member state positions had therefore to balance the interests of their citizens as customers paying for water services, and as customers expecting a high level of environmental and health protection. Member state divisions were a consequence both of varying natural conditions and practical considerations (for example, whether states draw drinking water from groundwater or surface water), and a reflection of the wider division within the Council between environmental leaders and laggards (Sbragia 1996: 237). Although member states made the final decisions about the revision of the directive, they again began from the starting
point of a proposal *shaped* by the European Commission and its network of stakeholders—hence, the final directive once more places significant burdens on member states, and avoids a *deregulation* of drinking water policy. Whether implementation and enforcement of the directive within member states will improve upon the record of the 1980 directive remains to be seen. Member states remain, however, 'locked in' to a series of stringent and expensive policy measures, with significant cost implications for water suppliers and consumers.

**Conclusions**

The development of the 1998 drinking water directive was driven initially by the deliberate attempt by the European Commission to build a network of stakeholders around this policy sub-sector. The Commission's Drinking Water Conference, held in 1993, saw the Commission fulfil its customary role as 'broker of interests' for the policy initiative (Richardson 1994: 141) – enabling the Commission both to enhance its access to expert opinion on this issue, and to prepare a proposal legitimated by a wide-ranging consultation process. This consultation brought together the key stakeholders—member state representatives, MEPs, water suppliers and regulators, polluting industries, and environmental and consumer groups. This pattern again fits the general definition of a policy network used in this study— we can identify a linked group of actors, interdependent due to their exchange of valuable policy resources, and sharing a common interest in the overall policy output. This can further be characterised as an *issue network*—open to a wide number of participants—rather than a settled or closed policy community. It is an *ad hoc*, instrumental network, offering new opportunities for participation, and enabling new actors to make their voice heard within the stakeholder environment (see also Richardson 1994; Warleigh 2000).

Of course, the identification of this policy network activity during the development of the Commission's proposal does not necessarily equate to confirmation of influence in the policy process. This again brings us back to the central question raised by Börzel regarding the *existence* and/or *relevance* of policy networks. This is highlighted also by Richardson's own study of the water policy sector—he warns that, although it is relatively easy to identify a broad network of actors, "it is
extremely difficult to correlate participation with influence” (Richardson 1994: 153). Indeed, one of the participants at the Drinking Water Conference, interviewed for this study, admitted that his organisation really had no way of tracking how influential their policy suggestions had been during the policy process (Interview 6, Conference Participant, August 2001).

The EP, too operated as part of a policy network, both in the establishment of its own network, and its own process of consultation. Again, therefore, we see the two institutions as the initiators and facilitators of networks – a factor seen by both institutions as a positive step in increasing the quality and the legitimacy of their own policy proposals. Hence, although the proposals of the EP and the Commission are both, in the final analysis, subject to Council approval, they are using their network activity to make their positions as robust as possible, and to try to anticipate member state objections in the Council.

The Council’s role in deciding on the final content of the directive – or setting the final policy – cannot therefore be isolated from the role of the Commission and the EP in shaping the initial proposal. This again ties in with Richardson’s observations on the development of water policy:

> While it is always the case that the CM [Council of Ministers] is very important in water policy – in the end policies have to be agreed by the CM – it would be wrong to see the development of water policy to date as CM driven (Richardson 1994: 150).

Certainly, the adverse and unexpected consequences for member states of previous EU water legislation indicate that this legislation is much more than simply a direct reflection of member state preferences. In the case of drinking water, the tough standards and costly requirements incorporated into the latest directive reflect a number of factors. First, the majority preference in the Council saw environmental standards largely win out over cost implications – for example, the UK government’s defeat on the issue of pesticides. Second, there is evidence of the ability of previous directives being able to lock member states into particular paths - for example, where previous ECJ rulings have further strengthened the provisions of the directive. Third, the Commission and the EP have formed an effective institutional coalition (Richardson 1994: 148), presenting a range of tough
environmental measures to the Council. In this context, the existence of a diverse policy network becomes a relevant factor, and not simply a forum for interest intermediation which national governments can override or ignore within the Council. The final policy output, therefore, reflects the shape of the original proposal, and is not simply the sum total of member state preferences. At the same time, however, member states have the last word, and can at least ‘soften the blow’ of the directive, by means such as lengthy implementation periods, less stringent standards or other concessions, before the final policy is set.

Overall, therefore, the policy networks centred around the Commission and the EP again proved relevant. They affected both the process by which the new drinking water directive was formulated, and also the final content of the policy output. The Commission- and EP-centred policy networks were open and accessible to a wide range of interests. Both institutions hosted their own initial ‘conference’ or ‘hearing’ to facilitate the establishment of networks – although these were soon reduced to a more manageable ‘core’ of policy network members. The good personal working relationship between the EP rapporteur and the lead Commission official also enhanced the co-operation between the respective networks, enabling them to form a strong ‘institutional coalition’ in relation to the Council. For example, the shared focus on ‘reregulation not deregulation’, which was heavily promoted by the Commission and EP, is reflected in the final policy output. The directive softens regulations only for the most harmless substances – where aesthetic or indicator parameters are introduced – not for the most dangerous substances (ie lead and pesticides). The smooth internal dynamics of the policy networks were achieved by paring down a large range of stakeholders into a manageable and workable number, and by the strong personal relations between the Commission and EP, which made the policy networks arenas of co-operation and consensus. Hence, the drinking water directive again imposes costly obligations on member states – a reflection of the ability of the Commission and EP, working within closely co-ordinated policy networks, to influence the policy output. The directive is therefore more than simply a reflection of member state preferences, and continues the pattern of EU member states being ‘locked in’ to a series of stringent water quality measures. In this sense, the Commission and EP collectively were
able to overcome their apparently inferior institutional position, and to empower themselves by acting as the *ringleaders* of influential policy networks.
CHAPTER NINE: CONCLUSIONS

Introduction
This thesis has sought to examine policy-making processes in the EU. The EU has been characterised as neither a straightforward international organisation, nor a conventional state (Wallace, Wallace and Webb 1983: 409-410; Kohler-Koch and Eising 1999: 3). As a result, familiar international relations and comparative politics approaches can both be seen as not entirely applicable to the study of the EU. This thesis has therefore opted to examine the EU as a system of governance, which entails multi-level policy-making processes often conducted within and between policy networks. The thesis has therefore examined whether this image of EU network governance (Kohler-Koch and Eising 1999) can help explain how EU environmental policy gets made. In addition, the thesis has adopted a critical approach to the policy network literature, and has sought to explore some of the many theoretical, methodological and empirical questions contained within the literature, by means of applying policy networks to an empirical study of EU environmental policy-making. This concluding chapter therefore sets out the key findings of the thesis. First, it considers the findings of the three case studies, and the role of policy networks in the development of the three directives examined. These findings are then discussed within the broader context of the thesis – ie how the empirical findings relate to wider questions of both EU governance and policy network analysis. Finally, the thesis considers some directions for future research, given that policy network analysis and the new governance approach to the EU are still highly contentious and relatively underdeveloped approaches.

The Existence of Policy Networks
The concept of a policy network focuses on the range of stakeholders involved in a specific sector or sub-sector of policy. It focuses on how these stakeholders work together on common policy problems. The policy-making processes within such policy networks are seen as based on interdependence and resource exchange between these stakeholders. Hence, there is no clean hierarchical distinction between public and private actors within policy networks; rather, participants gain
their strength from the policy-relevant resources they bring, and from the value which fellow policy network members place on these resources. In addition, policy networks need not be confined to one level of policy-making activity. Hence, EU policy networks can encompass both supranational and national actors, and also actors from the sub-national and even international (ie beyond EU) level. Thus, policy networks lack the conventional public-private distinctions between actors, and they also lack the conventional separation of activity into distinct levels of government. In turn, they often also proceed via informal means – bargaining takes place within an often depoliticised environment, and allows policy problems to be aired and resolved without recourse to formal political institutions and rules. Instead, policy network participants develop their own ‘rules of the game’, to guide this process of informal policy development.

This kind of policy network activity was found to be in evidence in each of the three case studies examined in this thesis. The first task, of course, was to ascertain the existence of policy networks in each policy sub-sector. In all three cases, it is possible to identify structures which fit the definition of a policy network adopted in this thesis; ie following Börzel, it is possible to identify in each case:

a set of relatively stable relationships which are of non-hierarchical and interdependent nature linking a variety of actors, who share common interests with regard to a policy and who exchange resources to pursue those shared interests acknowledging that co-operation is the best way to achieve common goals (1998b: 254).

The policy networks identified were towards the open, issue network end of the spectrum – ie generally embracing a mix of environmental and industrial interests from different member states and different levels of government, rather than corporatist-style policy communities which often guard a policy sub-sector as the preserve of an exclusive and well-established set of government-interest group relations. In reality, perhaps unsurprisingly, policy networks often do not correspond to the pure types depicted in the policy network literature (Bressers and O'Toole 1995: 203). However, these pure types are still useful in differentiating the key dimensions of various policy network types. In addition, policy networks in reality are not always clearly demarcated from each other – it can be difficult to say decisively where one policy network ends and another begins, and to be certain
whether we are talking about one large (albeit loosely structured) network or a series of smaller, inter-linked policy networks in the same sub-sector.

In the case of air quality, the key policy network was established by the European Commission. It took the form of the four air quality Working Groups, overseen by the air quality Steering Group. This policy network was fairly wide-ranging, including representatives from both environment and industry, as well as representatives of all member states, primarily in a technical capacity. Despite this broad membership, this policy network was relatively stable – indeed, the Working Group and Steering Group model was continued for the associated daughter directives which followed (although with some changes in personnel representing the various organisations). In addition, numbers were carefully managed by the Commission, especially in terms of maintaining equal representation of environmental and industrial interests. There was also a separate air quality policy network identifiable, centred around the EP. This was comprised of EP members and officials (the rapporteur, members of the EP’s Environment Committee, their assistants and researchers) and representatives of environmental and industrial interests. This, however, was a rather more ad hoc policy network than that established by the Commission, developed specifically to examine the detail of this particular daughter directive, rather than the start of a stable working group pattern.

In the case of landfill, it was again possible to identify a policy network, again with the Commission as the focal point. This policy network too incorporated both ‘sides’ of the policy debate, with representatives of both environmental groups and waste-producing and waste-management industries. This policy network again was a fairly open network, accessible to key stakeholders. It was also supported in part by two pre-existing Commission networks – the Waste Management Committee and the Ad Hoc Commission-Industry Waste Management Committee – although a more distinct landfill policy network was the main focus of the development of this directive. The EP also engineered its own ad hoc network, facilitated by the EP setting up a Special Hearing on waste management. This enabled the EP to establish and/or reaffirm contacts with relevant stakeholders, and thereby to establish a policy network focused on the landfill directive for the duration of the policy proposal.
In the case of drinking water, too, the Commission similarly instigated a policy network (again, an open, inclusive issue network) initially by the hosting of a Drinking Water Conference in September 1993. This enabled the Commission to consult widely and, eventually, to pare down this high level of participation into a network of key stakeholders. This was described as a crucial stage in the development of the Commission’s policy proposal, and the pattern of network-building has been repeated for other EU water quality measures. Again, the EP also developed its own network of stakeholders around drinking water policy, consulting a wide range of interests. This too was a broad ranging network, akin to an issue network rather than a policy community. This EP network also worked closely with the Commission-centred network, due largely to the initiative of the respective officials, who built a close working relationship on this issue.

We can thus see a pattern across the three directives, with policy networks initiated and steered by both the Commission and the EP. The existence of such policy networks, however, does not in itself demonstrate they had an influence over the policy process. Hence, we need to examine what these policy networks contributed to the role of the Commission and the EP in each case, and also where these Commission-centred and EP-centred policy networks fit into the overall progress of the policy in each case. We also need to consider the role of the more conventional politics in the Council of Ministers – ie where notions of lack of hierarchy, interdependence and resource exchange are replaced by more straightforward intergovernmental bargaining based around important national interests. Identifying the existence of policy networks, therefore, is only a first step in understanding the policy process. Much more important in terms of explaining policy outputs is to examine to what extent these policy networks were able to influence the policy process. However, even merely identifying policy networks highlights the wide range of actors involved (whatever their influence) in the EU policy process, and points towards a style of network governance. Although this is significant, it still focuses on the “who” and the “where” questions of policy-making (ie who was involved, and in what type of environment or structure), rather than on the more significant “what” and “how” questions (ie what actual policies emerged, and how they were decided) (see Bressers et al 1995: 9-10; Jordan 1999: 1004).
The Relevance of Policy Networks

Policy networks are held to influence or *shape* policy (Peterson 1995a: 74). They are claimed to have explanatory power, albeit as a partial rather than comprehensive account of policy-making (Marsh 1998: 186). Hence, when we study policy networks, we are looking not just to establish their existence (although this is an essential prerequisite) but, in addition, to establish how the policy networks are relevant to policy-making. The basis of this explanatory power is seen to lie in the structure of the policy network – ie it is argued that a policy network’s internal characteristics and dynamics will determine its impact. In turn, differences in structure between policy networks are then used to account for their varying influence: “The underlying assumption is that the structure of a network has a major influence on the logic of interaction between the members of the network thus affecting both policy process and policy outcome” (Börzel 1998b: 258). This is not to say that the network structure is all-important. There can be – as the following analysis will show – a wide range of other factors which are equally important in affecting policy process and policy outcome. Nonetheless, examining the structure of policy networks is held to be one important source of explanation.

The policy network literature contains a range of typologies, which highlight a variety of dimensions or variables of policy network types which are seen to be significant in assessing the role and impact of networks. This thesis has followed a structural approach to policy networks, drawing chiefly on the approaches of Börzel, and Marsh and Rhodes. As such, the key structural features identified have included the relative stability/instability of policy networks; the degree of integration or cohesion of network members; the accessibility of the network to external actors; (lack of) hierarchy between network members; interdependence and level of resource exchange; and existence of common goals/shared interests/co-operation (see Marsh and Rhodes 1992; Börzel 1998).

Hence, the task in applying a policy network approach empirically is to assess whether these dimensions or variables can contribute towards explaining the policy process and policy outputs. For example, does knowing about the degree of stability, cohesion or interdependence in the policy networks identified help to *explain* the policy process in each case? Moreover, if there are differences in the
degree of stability, cohesion or interdependence across the policy networks identified, can these differences contribute to an explanation of differences in policy output in each case? If the policy network approach has explanatory power, then it should be able to deal with such questions. This of course does not explain every facet of the policy process; however, this kind of meso-level focus is seen as able to provide a more finely grained analysis than more traditional intergovernmental or neofunctionalist accounts (Börzel 1998b: 258; Wurzel 2002: 272).

In all three cases examined in this thesis, policy networks could be identified. Boundaries were not always easy to identify, confirming the view of these networks as relatively open, issue network structures, rather than closed or clearly delineated policy communities. The air quality network, for example, had a broad but stable membership. The technical Working Groups and the overarching Steering Group were all initiated by and sponsored by the Commission (Peterson and Bomberg 1999: 26). The degree of integration was relatively high, with members meeting regularly over a two year period. It was therefore not difficult to find evidence that the policy network participants were actually aware of the role of other stakeholders (i.e., the policy network was real and not just a matter of academic convenience) (Richardson 1996b: 38).

The air quality network was accessible to the extent that it incorporated both environmental and industrial interests, and did not exclude any major stakeholders (in comparison to the Auto Oil I programme which was heavily criticised for excluding both the EP and environmental NGOs). The membership was also carefully structured, with representation restricted to one representative for each 'side' of the debate, from industry and the environment. This was seen by environmental representatives as a positive aspect, since they were not simply outnumbered by the industry lobby (as had been the experience of interviewees on previous occasions) (Interview 18, EEB, October 2001). The role of Chair in each group was also deliberately dispersed to avoid creating a formal hierarchy, with the Commission reluctant to chair groups, to avoid the eventual proposals being labelled simply as Commission-only initiatives (Interview 4, European Commission, February 2001).
In terms of resources, the working groups, as technical fora, were dominated primarily by national experts, giving expert opinions on the limit values, alert thresholds and margins of tolerance appropriate for each pollutant. The Commission brought its own institutional position as its greatest resource, exchanging this with others who had wider expertise. Thus, this fits the classic pattern of network resource exchange – the Commission lacks its own expertise, it therefore invites relevant experts into a network, and these experts and other representatives in turn gain access to the policy-drafting process overseen by the Commission.

The output of this policy network was a policy proposal which was on the whole successfully defended in the Council of Ministers during the final decision-making stage. Although member states did weaken some of the targets proposed, the Commission on the whole remained happy with the substance of the final directive. The level of stability, resource exchange and co-operation within the policy network therefore produced a proposal which stood up to scrutiny in the Council of Ministers. The inclusion of member state experts undoubtedly helped in this process, and meant that the proposals were not seen simply as a Commission ‘wish-list’. Also, the technical expertise utilised, and the perspectives gained from both environmental and industrial representatives, produced a balanced document which could span the divide within the Council between the environmental leader and laggard member states (Sbragia 1996: 237). Thus, the Commission-steered policy network did shape the content of the final air quality directive.

The Commission-steered policy network also interacted with the EP-led policy network. The EP’s own policy network followed the emphasis of the Commission on resource exchange – ie the EP welcomed the expertise on air quality which industry and environmental representatives could provide; in return, these representatives welcomed access to the policy process. Also, the interaction between the two policy networks preceded and supplemented the formal interaction between these two institutions which took place as part of the co-operation procedure governing this policy proposal. Hence, this again fits the policy network approach emphasis on informal negotiation rather than on formal institutional rules and procedures.
The role of the Commission and the EP in the development of the air quality directive was therefore as the initiator and co-ordinator of their own inclusive policy networks, specifically based around this policy sub-sector. Both institutions acted within this broader network context, rather than simply acting in isolation. This pattern is repeated if we look at the findings of the case studies examining the landfill and drinking water directives. In the case of landfill, the Commission again consulted stakeholders from both industrial and environmental interests, and made use of longstanding consultative fora such as its Waste Management Committee. The Commission-centred policy network on landfill was again fairly stable, cohesive and accessible. It also facilitated resource exchange, with the Commission gaining expert advice from organisations such as CEN (the European Standards Agency), FEAD (the European Federation of Waste Management) and ESA (Environmental Services Association). In return, these interests gained access to the drafting of policy at an early stage.

The EP also established its own policy network on landfill, in order to gain input and advice from environmental and industrial representatives. The policy proposal was of particular interest to the EP, which had played a major role in the rejection of the original landfill proposal in 1996. Again, the Commission and the EP interacted as part of broader policy networks, rather than simply individual institutions. The policy proposal put to the Council on landfill was therefore once again the result of extensive consultation and negotiation within and between policy networks. When the proposal reached the Council, however, it proved much more controversial than the air quality proposal. Although the structure of the policy networks in each case was broadly similar, this did not lead to a similar outcome. The crucial factor in this regard appears to be that landfill became a much more politicised issue in the Council, with differences between member states having to be settled by intergovernmental bargaining in the latter stages of the policy process. In the context of this political bargaining, the proposal favoured by the Commission and the EP, developed in a largely depoliticised environment, became less influential. This does not mean that the work of the policy networks became irrelevant - the member states were of course still arguing about a proposal which the networks had produced. However, on the most important political questions surrounding the
landfill proposal, it was member states, via intergovernmental bargaining, who were
decisive. Again, this fits with the view of policy networks as influential, or able to
shape policy, rather than as decisive, or able to set policy (Peterson and Bomberg
1999). This also echoes Golub’s distinction between power and influence – ie
ultimate decision-making power rests with member states in the Council of
Ministers, but this does not mean that the Commission and the EP, and in this case
their respective networks, were not influential in the overall formulation of policy
(Golub 1996a: 331).

In the case of drinking water, a similar pattern emerges. The Commission and EP
again established their own policy networks based around an inclusive network of
industrial, environmental and consumer interests. These policy networks were
relatively stable for the duration of the policy process, although tended to be
dispersed and replaced when the water quality sector moved on to other areas (for
example, the revision of the Bathing Water directive, when the Commission sought
a new set of stakeholders via the hosting of a Bathing Water Conference in 2001).
The Commission and EP networks were both accessible, not just to stakeholders but
also to each other. This was facilitated by good interpersonal relations between
Commission and EP officials, which produced a smooth working relationship
between the two institutions. In the Council, however, member states still made the
key policy decisions, where necessary overturning the proposals of the
Commission- and EP-sponsored networks. In a sector such as water quality, which
is notorious for having seemingly ‘locked in’ member states to a series of costly and
unanticipated policy measures over many years (Jordan 1999d), it is perhaps
unsurprising that, during the revision of a key element of EU water policy, member
states were unwilling to accept Commission and EP proposals without the most
careful scrutiny. The role of the policy networks, and the extensive consultation
exercises undertaken by both the Commission and the EP, was again therefore
influential in terms of policy formulation. The proposals put forward to the Council
formed the basis of Council negotiations, and due to the use of QMV could not
simply be rejected out of hand by member states who found them unpalatable. The
power of member states must therefore still be seen within the context of the
influence of both supranational institutions and policy networks on overall policy
formulation.
Across the three case studies, then, we can see a pattern of policy network involvement. The supranational institutions – Commission and EP – operated as leaders of specific policy networks. Their role in the development of policy proposals, and their role in consultation with one another, was as part of a policy network, rather than merely as individual institutions. The proposals which the Commission and the EP produced were also, therefore, the result of extensive consultation and negotiation with a variety of stakeholders within policy networks. The relatively accessible and non-hierarchical nature of the policy networks was seen by non-governmental actors in particular as providing genuine opportunities to contribute towards policy proposals. In turn, the involvement of these actors brought in valuable expertise and policy perspectives which the Commission and EP did not have ‘in-house’. As such, the policy networks provided a forum for resource exchange, and a basis for co-operation which did help to shape policy.

Using a policy network approach, therefore, helps us to explain the policy-making role of both the Commission and the EP, in terms of how they produce policy proposals, and how the substance of these proposals emerges through consultation. This falls short, however, of explaining the final policy output, since this remains the domain of member states and intergovernmental bargaining in the Council of Ministers. This shows the importance of differentiating the different stages of the policy process – ie the crucial decision-making stage is still largely in the hands of member states, not policy networks. However, it is not easy to neatly distinguish a decision-making stage as part of a chronological policy process, since many important policy decisions may already have been made before the Council begins its deliberations. It is here that we see the value of Peterson and Bomberg's distinction between different types of decision. In other words, policy networks will often make policy-shaping decisions, which remain influential in the Council of Ministers. As such, the decision-making stage of the policy process is not confined to the Council’s deliberations, or to the final stage of the policy process. In turn, this helps illustrate the explanatory power of the policy network approach – ie just because policy networks are not in evidence when the Council finally sets policy does not mean that policy networks do not take decisions, or that these decisions have no bearing on final policy outputs. This is, in fact, at the heart of the policy
network approach – ie the claim that we need to look beyond the most visible and obvious political processes and decisions, in order to understand fully how policy gets made. In this sense, policy network analysis can contribute to the “what” and “how” questions, as well as to the “who” and “where” questions, of understanding policy-making.

Using Policy Networks to Explain Policy Outputs

In the three case studies examined in this thesis, then, there is a role for policy network analysis in helping to explain the policy-making process. Policy network analysis cannot provide a complete account of why the EU adopted the policies it did in the fields of air quality, water quality and landfill regulation. Nonetheless, a focus on policy networks can do more than just describe the actors involved, or the pattern of their interactions. In assessing the value of policy network analysis, we can recall Kassim’s acceptance of the need for a new focus in the study of EU policy-making: “The EU policy process cannot be reduced to institutional interaction between Union institutions or to the activities of Union institutions and national governments” (Kassim 1994: 16).

The purported strength of the policy network approach has always been its desire to go beyond this formal institutional and/or governmental activity, and to look at how these actors, along with a range of non-governmental actors, help shape policy outside of formal institutional and governmental channels. Crucially, if we begin our analysis of the development of EU policy by looking at how the policy formally proceeds, then we have already overlooked an important part of the process. For example, if we look at the Commission’s first published proposal on a particular policy, and at how this proposal then progresses through the various legislative stages, then we have already missed the taking of a number important policy decisions, which help shape this initial proposal. Moreover, since the Commission’s proposal does not emerge in a vacuum, it is important to look at how and why the Commission proposal took the shape it did, and who influenced this. Since the Commission – as in the three cases studied for this thesis – increasingly chooses to develop its policy proposals as the ringleader of policy networks, then analysis of these networks is a crucial part of understanding the EU policy process.
Hence, “focusing on networks of stakeholders may therefore help us to analyse the
detailed process by which policy ideas are translated into specific policy proposals
via the involvement of the wide variety and large number of stakeholders which can
be identified” (Richardson 1996b: 36).

Focusing on policy networks therefore highlights the role of non-governmental
interests in shaping policy proposals, in addition to focusing on the role of
governmental and institutional actors. It also highlights the role of technical
expertise, and the seemingly apolitical and technocratic character of much of this
early policy formulation. It therefore emphasises that institutions – in this case the
Commission and EP – do not produce policy in isolation but, rather, in consultation
with a large number of stakeholders. Hence, for example, the Commission used
national air quality experts to assess the most appropriate target levels for a range of
air pollutants. It used representatives of waste management industries to find out
about the most viable alternatives to sending waste to landfill sites. It consulted
consumer groups to discuss the relative importance of high drinking water standards
and/or lower water bills. On such issues, then, the position of the Commission and
EP was in part shaped by consultation with relevant interests. This reflects the
focus of policy network analysis on the increasing complexity of the EU policy
process, which can only be managed via this form of network governance:

The image of networks is an attempt to depict the highly segmented nature
of EU policy-making in which advice, consultation, expertise and
technocratic rationality are the means used to cope with the regulatory
thicket of day-to-day decision-making (Rosamond 2000: 123).

Hence, although policy network analysis cannot be applied to a study of
intergovernmental bargaining in the Council of Ministers, this does not mean it
lacks explanatory power. If we view governance in the EU as governance by
networks, rather than by a single governmental body such as the Council, then
policy network analysis can provide a useful analysis of certain aspects of this
network governance. It thus avoids over-estimating the power of member states,
and instead can be used as an alternative – or indeed complement – to approaches
from either CP or IR which adopt a predominantly state-centric approach (Bomberg
1998: 182). Determining the existence and relevance of policy networks is thus a
useful counter to approaches which focus either on the role of intergovernmental
bargaining or the role of inter-institutional bargaining at EU level. Focusing only on member states or on EU institutions overlooks important elements of the EU policy process. The impact of policy networks is therefore relevant both to the ways in which EU institutions operate, and to the final policy outputs they produce.

In seeking to establish the relevance of policy networks, we can look to a number of factors. Most obvious is establishing the link between the final policy output – in this case the EU directives – and the policy proposals issued by the Commission- and EP-led networks. In other words, are the preferences expressed within the policy networks reflected in the final policy document? Further, we can examine which preferences were dominant – for example, do industrial interests win out over environmental concerns, and does the authority of expert opinion outweigh the preferences of distinct interest groups? In addition, can the dominance of a particular set of interests be explained in terms of a policy network’s characteristics? Although the policy network approach is not a comprehensive explanation of the formulation of EU policy, examination of these questions can illuminate important parts of the policy process. The internal dynamics of policy networks – which groups dominate, and how they achieve this – provide a valuable insight into how Commission and EP positions are reached. In turn, to what extent these positions are reflected in final policy outputs enables us to further evaluate the relevance of policy networks.

Policy Networks and EU Governance

The above analysis points to a useful role for the policy network approach as an element in explaining, rather than just describing, the EU policy process. At the same time, however, it also confirms the self-confessed limitations of policy network analysis in providing at best a partial explanation. In order to fully understand how and why the EU produced certain policies on air quality, water quality and landfill, therefore, we must look to add other explanatory approaches to policy network analysis. This is not to dismiss policy network analysis as an explanatory approach, but simply to seek to be more precise about its utility for empirical research.
Hence, to understand the development of individual directives, we need to examine not just the detail of the policy network activity which shapes policy proposals, but also to look beyond this at the broader policy-making context. For example, if we consider the EU’s involvement in environmental policy-making more generally, we can ask why the EU began legislating on air quality, water quality or waste management in the first place? This question takes us back to the 1970s, when the first European-level environmental initiatives were taken in these policy areas. European-level action on the environment was given political impetus by high-level calls for action both in the UN and amongst EEC leaders (for example the Paris summit of 1972). This prompted the European Commission to develop policy proposals on the environment. When analysing this early development, however, commentators look to established theories of intergovernmentalism and neofunctionalism (eg see Syngellakis 1999; Zito 1999), rather than to policy network analysis. Following this early political focus on the environment, there have been periodic interventions at the highest political level, in order to further enhance the EU’s environmental credentials. For example, the European Council has on occasion called explicitly for improvements in certain fields – for example, its Declaration on the environmental imperative (European Council 1990), its call for the simplification, consolidation and updating of water and air quality measures (European Council 1992), and its call for environmental objectives to be better integrated into all EU policy areas (European Council 1998).

In addition, there are of course Treaty amendments and revisions, whereby political leaders have given progressively more weight to environmental objectives – most notably via the SEA and TEU. Again, analysts focusing on these developments do not focus on governance by networks but, instead, on more conventional intergovernmental bargaining, or on the deepening integration process generated by functional spillover. Any study of EU environmental policy-making needs to be aware of these broad developments and high-level political interventions. This is part of the process of adding a macro-level context to the meso-level analysis of the policy network approach. At the same time, however, we need to recognise that a focus on these history-making episodes of European integration is different to a focus on how individual EU policies are made. Again, this comes back to Rosamond’s fundamental question about “where we seek to locate our
investigations" (2000: 14). Since this thesis is concerned more with day-to-day policy-making processes in the EU, a meso-level focus such as policy networks is preferred to a macro-level approach which might better explain the development – or task expansion (Zito 1999) – embodied in thirty years of EU environmental policy.

When examining the broad context of EU environmental policy-making, then, we need to recognise a role for more traditional integration theory in explaining the overall policy impetus. As the cases examined in this thesis demonstrate, however, even when examining specific instances of EU environmental policy-making, policy network analysis alone is still not enough. Although policy network analysis has proved useful in explaining the early formulation of policy proposals, the case studies also confirm the weakness of policy network analysis in explaining other aspects of the policy-making process. The process of decision-making in the Council of Ministers is one area where an emphasis on policy networks seems misplaced. Furthermore, the nature of the relationships between the EU institutions – especially Commission, EP, Council and ECJ – needs much more scrutiny than the policy network approach is able to provide. Again, therefore, we need to look beyond the meso-level of policy network analysis, to the theories or approaches which are able to explain the broader macro-level context within which policy networks operate. This is, again, a self-confessed limitation of policy network analysis, with scholars emphasising that policy networks are in fact “embedded in overarching institutions” (Kohler-Koch 1996: 374; see also Peterson and Bomberg 1999: 30), and that analysis of the impact of policy networks must take account of how policy networks operate in, relate to and are affected by this wider institutional environment:

There has been a tendency in network analysis to examine the policy process without including the broader state institutions in the study (Atkinson and Coleman 1992: 155, 168). If one’s research interest is limited to identifying and describing policy networks, there is no need to integrate these institutions into the analysis. However, by removing the influence of macro-variables from network analysis, one excludes major explanatory variables. So, if the researcher is concerned to explain policy outcomes, particularly variation in outcomes across sectors or countries, s/he can hardly neglect the influence of broader state institutions. (Daugbjerg and Marsh 1998: 54, emphasis added).
The Role of EU Institutions

There is today no shortage of approaches analysing the powers and effects of EU institutions. The various strands of the new institutionalism (NI) have all been widely applied to the EU. At the most fundamental level, these NI approaches are united by the "apparently banal claim that 'institutions matter'." (Rosamond 2000: 113). NI is usually further divided into three main strands - sociological, historical and rational choice (see Hall and Taylor 1996; Aspinwall and Schneider 2000). These approaches differ in their understandings of the nature and impact of institutions - for example, sociological and historical models focus on institutions as "the accumulation of procedures, rules and norms over time", whereas rational choice approaches focus more on institutions as "a strategic operating environment" for individual action. There is thus no consensus on whether institutions have a constraining or empowering effect on individuals (Aspinwall and Schneider 2000: 4-7). These approaches when applied to the EU share, however, a focus on the role of institutions as a counter to grand theories derived from IR. This means that, as well as assessing the power of supranational institutions in relation to national governments in the EU, NI can also focus more clearly on the day-to-day policy activity of the EU which grand theories overlook (Bulmer 1994b: 442).

Like policy network analysis, therefore, a NI analysis can go beyond EU integration, into the study of EU politics (Hix 1994). Since policy network analysis has been unable, in the cases examined here, to account for all aspects of the policy-making process, NI is another useful tool in seeking to explain policy outputs. The insights of NI offer more potential for understanding, for example, the final policy decisions in the Council of Ministers, where policy networks are not dominant. A NI focus can also shed light on how the Council, Commission and EP interact with one another, and where the balance of power between these institutions lies. It also enables us to consider another important institution, the ECJ, which has been particularly influential in the development of EU environmental policy. The kind of intergovernmental bargaining which dominates the Council, and the nature of inter-institutional relations between the EU's supranational institutions, are not issues which policy network analysis can shed much light on. If we want to understand
these crucial aspects of the policy process, therefore, we must look beyond policy networks, for other, macro-level approaches which might provide better explanations.

In the three case studies examined here, the role of the Council of Ministers in setting the final policy output was crucial. Although policy networks centred around the Commission and EP were heavily involved in the development of policy proposals, these proposals remained subject ultimately to approval by a qualified majority in the Council. In the environmental policy field, this inter-state negotiation is especially important, given the different national traditions of member states on such issues, and the different priorities attached to environmental protection. This has led to the familiar division of EU member states into environmental leaders and laggards. In addition, it presents for the EU a particular challenge – how to develop common policies agreeable to this broad spectrum of member state positions, without always simply reverting to the lowest common denominator option. The EU, and especially the Council in its final policy deliberations, has to accommodate what Wurzel calls both the policy entrepreneurs and the policy spoilers of EU environmental policy-making (Wurzel 2002: 50).

This is exemplified by the negotiation of the landfill directive. Member states were divided first of all by the basic issue of the extent of their current reliance on landfill as a means of waste disposal. Tighter regulation of landfill sites – the basic objective of the directive – would therefore impact most heavily on member states with the greatest reliance on landfill. In addition, different national practices on how waste is treated at landfill sites – for example, whether there is co-disposal of hazardous and non-hazardous waste, or whether methane emissions from landfill are converted for energy use – were a major source of dispute. These divisions within the Council led to the landfill directive becoming a highly politicised issue – these issues could not be settled in the largely depoliticised and technical policy networks which characterised the earlier stages of the policy process. This also illustrates the difficulty of neatly separating the technical from the political aspects of environmental policy. Ostensibly technical questions about how best to dispose of or treat waste, or how to ensure the long-term safety of landfill sites, soon became political issues. This confirms that technical detail is often the very stuff of
environmental policy, and a distinction between technical and political aspects is almost impossible to maintain (Peterson 2001: 309; Wurzel 2002: 256-257).

In order to understand the resolution of such issues, we could simply look to an intergovernmentalist account, focusing on the important national interests of member states. The use of QMV in these policy proposals, however, means that they are not simply cases of member states having their preferences met. Rather, they are a consequence of the rules which the Council, as an institution, is committed to. Hence, in the case of landfill, the UK government – the most vehement opponent, or policy spoiler, on many controversial issues – had to accept that it would be outvoted on key issues such as co-disposal and methane emissions.

A NI analysis, therefore, points us towards the effects of the Council’s rules and procedures – both formal and informal – as determinants of policy outputs. The NI emphasis on factors such as unintended consequences or gaps in member state control (Pierson 1996) provides a better explanation of why this policy decision was reached in the Council. The voting procedures in the Council, and the need for majority agreement, therefore finally determined the landfill policy output. Whilst member states in the Council are therefore ultimately decisive, this does not mean that the earlier input of policy networks should be dismissed: “Therefore, it is problematic to examine only Council bargaining over an issue. The terms of their bargaining may have already been shaped at a different stage, by an entrepreneurial community” (Zito 2000: 193).

Again, therefore, this only underlines that no single theory – neither policy networks, new institutionalism nor intergovernmentalism – can adequately explain the development of EU policy. If we wish to understand how and why the EU adopted, say, a new landfill directive, we must be prepared to take the eclectic or multi-model approach increasingly advocated by EU scholars (Richardson 1996; Peterson 2001). NI can fill in some of the gaps left by policy network analysis, just as policy network analysis can itself highlight some of the important detail of policy-making overlooked by institutionalist or intergovernmentalist theories.

The case studies of air quality and water quality also confirm the need for an awareness of the role of the Council in determining final policy outputs. Water
policy in the EU, in particular, has shown the ability of supranational institutions almost to outwit member state governments, locking member states into a programme of expensive environmental protection measures. Again, this fits the classic NI focus on unintended consequences and gaps in member state control. In the drinking water directive of 1998, the most contentious issue was the level which should be set for lead, and whether lead piping should be replaced as a means of water supply. Member states in the Council again made this a key political issue, with a battle between those for and against the ambitious 80% reduction target proposed by the Commission. In the end, member states accepted the target, but with an extended implementation period. Hence, we see member states – not policy networks – making the final decisions about policy output. At the same time, however, member states find themselves negotiating over a proposal in which policy networks did play a crucial drafting role.

Similarly, in the case of air quality, the final decisions on limit values and other targets for air quality were made by the Council. Participants in the Commission-led technical Working Groups accepted that these levels had political, as well as technical, implications, and that a largely apolitical forum would not be able fully to resolve these issues. Hence, although the Council weakened some of the targets proposed by the Commission-led network, it nonetheless followed an agenda very much set by the policy network. Again, therefore, an analysis of the final policy output must take into account the institutional environment of the Council, in which member states take final policy decisions. However, we cannot focus on this aspect alone, since much of the policy formulation precedes this final decision-making process. Hence, using a policy network approach, which is best suited to examining this pre-legislative and informal policy shaping, is still an essential component in any analysis which seeks to understand the evolution of policy through the EU’s policy-making processes.

Adopting a NI focus, therefore, enhances our capacity to explain EU policy-making, for stages of the decision-making process – or types of decision – where a policy network approach has little explanatory utility. Since the policy network approach was unable, in the cases studied here, to explain the crucial role of the Council, a NI approach emerges as another key element in a multi-model explanation. The NI
approach is not confined, however, to providing an explanation only of the Council of Ministers. It can also illuminate other aspects of the policy process, especially how the EU’s various institutions interact with one another and, consequently, the varying effects of each institution on policy outputs. Another of the key insights of the NI approach is its emphasis on institutions as actors in their own right, rather than simply instruments of the people who create them. Hence, we should recognise “a more autonomous role for political institutions”, and that institutions can be “political actors in their own right” and consequently “decision-makers” (March and Olsen 1984: 738). In turn, this means that institutions are not simply “manipulated by actors” (Zito 2000: 13) for their own convenience. Rather, institutions can develop and promote their own policy preferences, and as such “develop endogenous institutional impetus for policy change that exceeds mere institutional mediation” (Bulmer 1998: 370).

In the cases studied here, we have already seen the Commission and the EP acting as the initiators and facilitators of policy networks, rather than as isolated institutions. If we accept the NI insight that institutions develop their own preferences and promote their own policy goals, then we need to consider why the Commission and EP view the creation of policy networks as a means of furthering their own aims. The creation of policy networks can promote two goals in this context. First, it can help produce better, more robust policy proposals, which draw on a greater range of expertise and can be more soundly defended in the Council. Consequently, the creation of policy networks can in this way become a means of enhancing the Commission and EP’s own credibility and status vis-à-vis other institutions, especially the Council. Thus, if the Commission and EP can produce a well-drafted, well-informed policy proposal on air quality, this is good news not just for air quality standards in the EU, but also for the Commission and EP themselves, who enhance their own credibility as institutional actors. This again supports the NI view of institutions: “Each institution and its divisions are trying to maximise their own decisional latitude, to fulfil and expand their institutional goals” (Zito 2000: 179).

Hence, when looking at the role of policy networks in the EU policy process, an awareness of the institutional context gives us this further explanatory dimension. It
gives us clues as to why the Commission and EP favour this policy network style of governance – ie that this is not simply a means of producing better policy proposals but, in addition, a means of enhancing their own power as institutions. Hence, “the Commission and the EP have incentives to promote the organisation and subsidy of under-represented groups, to gain policy expertise, to establish policy credibility, to secure legislative adoption in the Council, and to develop a wide support base” (Hix 1999: 358). This is especially important for the Commission and EP, both of which lack the *formal* decision-making power of the Council. Using policy network analysis and NI together, therefore, can again enhance our understanding of the EU policy process, and produce new insights which each model on its own tends to overlook.

This thesis therefore finds a valuable role both for the policy network approach and for new institutionalist approaches to the EU. Indeed, the linkages between policy networks and EU institutions have not been adequately explored in the existing literature. The role of the Commission and EP as initiators and sponsors of policy networks is a significant one. The ability of the Commission and EP to *empower* themselves by building policy networks is a key element of the three cases examined here. It enables us to go beyond the conventional view of the Commission and EP as subordinate to the Council, and helps explain how the Commission and EP are able to maximise their influence vis-à-vis the Council. Linking together the insights of the policy network literature and new institutionalist literature can therefore enable us to make still further progress beyond the basic claim that ‘institutions matter’, and can provide important insights into how institutions empower themselves at EU level. The policy network literature can benefit from these insights too, since they help to overcome the somewhat artificial dichotomy between policy networks and their institutional context, and instead view policy networks as firmly embedded in an institutional framework.

As well as enhancing the Commission’s and the EP’s own institutional position, the formation of policy networks around these institutions has also had important effects on the content of EU environmental policy. We have already seen how policy networks produce policy proposals which are debated in the Council. Although member states have the ‘last word’ on policy decisions, they do not start
their deliberations with a blank sheet – instead, they search for agreement on what the policy network has already proposed. The familiar tour de table method of negotiation, whereby member states’ objections are progressively overcome or accommodated shows how closely the proposal produced by the policy networks serves as a basis for negotiation (Interview 15, Council Secretariat, October 2001). Given the disparities amongst member states on environmental issues – the different national traditions and policy styles, and the different weight attached to environmental issues – it is perhaps only through the work of supranational policy networks that better air quality, cleaner drinking water or tighter regulation of landfill sites can become a reality at EU level. The relevant policy networks combine representatives from a range of member states and a range of national and EU-level officials and non-governmental actors. In turn, these networks produce perhaps deliberately over-ambitious proposals (Golub 1996a: 325), in the hope that the environmental leaders in the Council will support the environmental proposals sufficiently to see them through the Council’s deliberations, and produce something more than just the lowest common denominator policy option.

This is certainly the case in the three policy areas studied in this thesis. The new directives all impose new and genuinely demanding targets. For example, reducing the lead content in drinking water by 80% - at an estimated cost in the UK alone of £2bn (ENDS Feb 1996: 32) – is not simply the lowest common denominator outcome but, instead, places a real burden on member states. Similarly, requiring member states to significantly reduce methane emissions from landfill sites, and banning the practice of co-disposal of hazardous and non-hazardous waste in landfill, also presents significant challenges to member states which currently rely heavily on landfill. Again, these targets present member states with much more than lowest common denominator outcomes, and instead reflect the ambitious targets for tighter landfill regulation desired by both the Commission and the EP and their respective networks. Similarly for air quality, the Commission declared itself happy overall that the Council’s final directive still largely reflected the level of ambition of the Commission’s original proposal (http://wwwdb.europarl.eu.int/oeil/oeil.fr111_en). Although the Council did weaken some of the standards put forward by the Commission, the overall effect of the directive is still that certain pollutants of air quality will by law have to be reduced. Again, therefore, the
Council has adopted more stringent environmental standards than those previously in place, and the work of the policy networks in proposing these new standards has therefore paid off.

Hence, adopting a policy network approach enables us to see what the deliberations in the Council are based upon, and how ambitious policy proposals on the environment are put forward. In turn, adopting a NI approach can then help us to see how these policies are decided in the Council, and also what powers the Commission and the EP have to shape what is discussed in the Council. A NI approach can also usefully highlight the green credentials of the Commission and EP. NI attributes to institutions the development of their own sets of norms and values, which emerge gradually as an institution develops. This means that institutions are not merely black boxes, or instruments which simply facilitate or channel the preferences of others (Peterson and Bomberg 1999: 16). Rather, they effectively take on “a political life of their own” (Puchala 1999: 318), and develop political orientations which can themselves have an important impact on the policy process. This is typified by the orientation of both the Commission and EP, both of which are seen as strongly pro-environment in their outlook. As a result, they tend to produce – as in the cases examined here – ambitious environmental policy proposals which present challenging targets for member states. Since environmental policy is no longer subject to unanimity (with a small number of exceptions) member states cannot simply veto these ambitious environmental targets. Instead, they must reach agreement on the proposals which accommodate as far as possible the priorities of the full range of member state preferences.

With co-decision now the norm for environmental policy, the Council is now even further obliged to take on board the Commission and EP’s green credentials. This is also highlighted by Peterson, who finds that co-decision makes the EP more of a player in EU policy networks, and also that policy networks themselves may be further empowered by co-decision, since the Council needs to strike deals with both the Commission and the EP (Peterson 1997: 15-17). This in turn highlights the importance of institutional factors in determining the influence of policy networks. In the cases examined in this thesis, the influence of the policy networks is related to the influence held by the associated EU institution – hence, under the co-
operation procedure, the EP-centred policy networks struggled to influence the policy process. As Peterson suggests, therefore, the broadening of co-decision may in future impact favourably on policy networks established by the EP. In the cases examined in this thesis, this institutional connection is more significant in terms of explaining the influence of policy networks than the collective explanatory features which are held to be the most important factors in a structural approach to policy network analysis (Peters 1998c: 25). Hence, collective or structural dimensions of policy networks – such as their level of cohesion, stability, hierarchy, etc – are, in these instances, less important than the influence which the sponsors of policy networks (the Commission and the EP) hold within the overall decision-making framework of the EU.

Finally, it is also important to note in this context the role of another key institution, the ECJ, in the development of environmental policy. Again, policy network analysis does not help us account for the ECJ’s impact. Nonetheless, this is an important facet of the overall development of EU environmental policy, and one which resonates at all levels of activity, both in policy networks and other EU institutions. New institutionalists have also focused on the ECJ’s impact, looking especially at whether it simply reflects member state preferences, or whether it has taken a more pro-integration stance in its decisions (Burley and Mattli 1993; Garrett 1995). In terms of environmental policy, the ECJ has consistently protected – even promoted – the EU’s environmental objectives, as seen for example in the Danish bottles case and the Titanium Oxide case. The ECJ’s contribution has therefore been threefold – “consistently supporting the view that the EU should have competence in the field of environmental policy, backing up the Commission in the sometimes difficult job of overseeing the implementation of EU law in the member states, and clarifying the meaning of key elements of the treaties” (McCormick 2001: 133).

Although the ECJ’s rulings may seem a long way from the daily policy-making activity of policy networks, their implications can nonetheless be felt. ECJ rulings can encourage policy networks to produce ambitious environmental proposals, given the support environmental policy has received from the ECJ. In addition, these policy networks can take their proposals to the Council in the knowledge that
member states can be taken to court if they fail to implement environmental policy effectively. Conversely, however, member states can also agree to ambitious environmental targets in the Council and then simply fail to implement them. This in turn may lead policy networks to be more cautious or realistic in their proposals, reflected in the EP’s comment during the landfill negotiations about the dangers of simply “piling one half-ignored directive upon another” (European Parliament 1998e: 24). Consideration of the ECJ’s role, therefore, adds another important dimension to the EU policy process. Further, the ECJ is not simply about implementation and enforcement. Its stance can feed into day-to-day policymaking, creating greater awareness amongst policy-makers of the possible impact of their proposals. ECJ activity is not, therefore, confined to the final stage of the policy process, but rather part of an ongoing policy process – as Richardson states, “Everyone, in turn, needs to keep an eye on the European Court of Justice” (1994: 166). Again, it is useful to add an institutionalist analysis of the ECJ to an analysis of policy networks, since it is another important element of the macro-level context within which EU policy networks operate.

**Concluding Remarks**

Adopting a policy network approach for the study of EU environmental policymaking has produced some important insights into the EU policy process. It highlights the range of actors involved, and in particular the mix of officials and non-governmental actors who together produce EU policy proposals. This goes beyond simply viewing the Commission as the sole initiator of EU policy, and also beyond simply seeing the evolution of policy as either a series of inter-institutional battles or the outcome of intergovernmental negotiation. The focus of the policy network approach on interdependent relations between policy stakeholders, exchanging resources in an informal, often depoliticised environment, provides important insights into how EU policy is formulated. Lines between public and private actors, and between supranational, national and sub-national actors, do become blurred in policy networks, giving all stakeholders an opportunity to shape policy proposals. Moreover, this policy network approach is not simply a convenient metaphor for describing relations in EU policy-making. By identifying and describing policy networks we can learn more about the “who” and the “where”
questions of EU policy-making, looking at the range of actors involved. Policy network analysis can also, however, go beyond this, into addressing the "how" and the "what" questions which go towards explaining EU policy outputs. In particular, policy networks are influential in that they formulate the policy options which are finally decided upon by member states in the Council of Ministers. Hence, policy networks do play an influential – albeit not ultimately decisive – role.

At the same time, however, the cases studied here also confirm the shortcomings of policy network analysis. Whilst there is a useful role for the policy network approach, there are also crucial aspects of the policy process which it cannot explain. In particular, the final negotiation of policy in the Council of Ministers is not explained by a focus on policy network activity. For explanations of this we must look elsewhere – at intergovernmentalist and institutionalist accounts. Similarly, the broader context of inter-institutional relations in the EU – especially between the Commission, EP, Council and ECJ – requires an institutionalist focus, and is not the stuff of policy network analysis. Finally, we need an awareness of the development of EU environmental policy at the highest level, especially at how EU summits and IGCs set the overall framework for the EU's commitment to environmental protection and sustainable development. Since policy network analysis is pitched at the meso-level of analysis, it cannot (and does not seek to) explain these broader macro-level factors.

If we wish to understand the fundamental question of how policy gets made in the EU, therefore, we can use policy network analysis only as part of our explanation. Where policy network analysis will not suffice, we must look to other approaches. This thesis supports in particular the use of NI theories to analyse the crucial role of the Council of Ministers, and the nature of relations between the main EU institutions. In addition, it supports the use of an intergovernmentalist account to analyse the summitry and Treaty negotiations which set the overall parameters of EU environmental policy. As such, this study confirms the use of a multi-model approach to the EU, in rejection of trying to find a single theory of EU policy-making.
In addition, this thesis confirms the view of the EU as a system of governance, rather than as an international organisation or a state like any other. Hence, the image of network governance is a valid one, if we accept that networks are part of the process, rather than characteristic of all aspects of EU activity. In other words, there is still a place for more traditional IR theories, as well as institutionalist theories more common to CP, as well as a place for the study of governance by networks. By bringing the role of policy networks into the analysis, however, we are able to move beyond the CP v IR debate, and to uncover patterns of governance and policy-making which neither CP nor IR can adequately explain. Hence, the kind of multi-actor, multi-level policy networks found in the study of EU air quality, water quality and landfill policy are not simply a replica of state-interest group relations or patterns of governance in domestic politics. Nor, however, can such co-operation be explained by traditional supranational or intergovernmental theories, which focus more on the history-making episodes of European integration than on day-to-day policy-making.

Policy network analysis is therefore a useful tool in the study of EU policy-making. There remain, however, a number of questions over the approach, which cannot conclusively be settled by empirical research. Although policy networks can be identified and described, it can be difficult to relate them to the pure types identified in the literature (Bressers and O'Toole 1995: 203). Similarly, the various frameworks or typologies of policy networks, which identify a range of important dimensions or variables, remain difficult to apply empirically. In particular, proving the link between network structure and policy output – the key explanatory element in policy network analysis – remains problematic. For example, does the relative openness of the policy networks identified in this thesis – inviting a range of environmental and industrial stakeholders to participate – help explain the final content of the policy outputs? Although the presence of the policy networks overall is influential – since they formulate the policy initiatives on which the Council must decide – it is more difficult to assert that, if the policy networks had been more/less open, cohesive, integrated, etc, then the policy output would have been different. For example, if the policy networks had been relatively closed to interest groups, and much more limited in terms of participation, would the policy output have been different? We can suggest that it would – since the Commission and the EP would
not have had the benefit of the advice and expertise of the stakeholders involved – but conclusively proving this to be the case is a different matter.

Of course, this is in part a general problem for political science, which does not, on the whole, deal in positivist explanations, and does not have the benefit of setting up different scenarios for the purposes of experiment. Nonetheless, it remains difficult to assert unequivocally that there is a clear link between the structure of a policy network and the associated policy output. This is perhaps a question for further research – for example, comparing EU environmental policy, where networks are generally fairly open and loosely structured, with other policy sectors, where policy networks may have different characteristics. In order to further develop the policy network approach, therefore, more studies – and especially comparative studies – are needed. In the cases examined in this thesis, the policy networks identified did not prove sufficiently different in structure to assess the impact of network structure on different policy outputs. Moreover, the institutional connection of the policy networks identified, and the status of their sponsoring institution (Commission or EP) was a more important factor in the influence of the policy networks than the overall policy network structure. Conclusively proving the explanatory power of the policy network approach will, no doubt, always be problematic. We cannot simply ignore the role of policy networks, however, since network governance is increasingly prevalent in the EU. What we need, therefore, is to continue to develop and refine policy network analysis, so that it can better explain the impact of networks on the EU policy process.

Directions For Future Research
The use of the policy network approach for the study of EU policy-making takes us into the depths of the EU policy process, and away from a focus on intergovernmental bargaining and high-level political agreements which increasingly represent only ‘the tip of the iceberg’ in EU activity (Garrett and Tsebelis 1996: 293). It is increasingly important to understand this level of EU policy-making, since it now has a fundamental impact across many areas of traditionally domestic policy. Analysis only of still relatively infrequent grand
bargains or history-making episodes in European integration can only tell us part of the story.

Whilst a focus on policy networks can, therefore, be a useful addition to the study of EU policy-making, the approach remains problematic and widely criticised, especially in terms of its explanatory power. Even where policy networks can be identified (in itself a matter of dispute) (see Kassim 1994), demonstrating their relevance in the policy process is still a difficult task. As such, the policy network approach does indeed present itself as a seemingly “inefficient research strategy” – ie “It is often more ‘efficient’, sometimes even plausible, to link policy outcomes to a real or imagined set of national preferences, and then a process of intergovernmental bargaining” (Peterson and Bomberg 1999: 27-28). As Peterson and Bomberg recognise, however, EU policy-making is about much more than national preferences and intergovernmental bargaining. Policy networks are increasingly a vital component in the development of EU policy – typified by the environmental policies studied in this thesis, which all emerged from policy formulation via policy networks. Hence, we cannot afford to ignore the role of policy networks, however difficult they are to study.

The studies carried out for this thesis also confirm findings elsewhere regarding certain aspects of the policy network approach which require further study. As mentioned above, one of the most important areas is the need for further comparative research – especially of different network structures – in order to enable further comparison of how different network structures may have different effects on policy outputs. In addition, the impact of the EU’s formal institutional structure on policy networks needs to be more fully taken into account (see Daugbjerg 1999) – for example, looking at Peterson’s suggestion that a change in formal institutional rules, such as the widening of co-decision, could enhance the impact of supranational policy networks at the expense of member state governments (Peterson 1997). (p198)

In addition, the role of policy networks in the implementation of EU policy could also be further explored. Policy networks have already been identified as important for implementation (eg Bache 1998). Looking at this stage of the policy process,
however, can be used as part of a broader perspective – ie looking at how implementation of policy by networks may enhance effective implementation and, in turn, how issues of implementation feed back into the priorities and objectives of policy-makers when policies are upgraded or revised. Finally, more emphasis still needs to be given in policy network analysis to the micro-level, or the importance of individual agency within policy networks. This would be a useful counter to the predominance of structural approaches in policy network analysis (see Dowding 1995, 2001; Raab 1992). Although this thesis has argued that policy networks are structures, and that a structural approach is therefore most appropriate, there is nonetheless a need to be aware of how individual behaviour affects the policy network. (For example, in the case of the drinking water directive, the good interpersonal relations between Commission and EP officials was cited as particularly important). Of course, the study of these interpersonal relations presents its own difficulties, since it is not always easy to gauge the impact of such relations after the event, or to gain an objective view of their significance. The policy network approach, therefore, continues to present some challenging research questions. If we wish to go beyond the somewhat sterile CP v IR debate, however, and to view the EU as a system of network governance, then the policy network approach presents a valuable resource for furthering our understanding of EU policy-making.
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