



Journal of European Public Policy

ISSN: 1350-1763 (Print) 1466-4429 (Online) Journal homepage: <http://www.tandfonline.com/loi/rjpp20>

EU environmental policy in times of crisis

Charlotte Burns, Peter Eckersley & Paul Tobin

To cite this article: Charlotte Burns, Peter Eckersley & Paul Tobin (2019): EU environmental policy in times of crisis, Journal of European Public Policy

To link to this article: <https://doi.org/10.1080/13501763.2018.1561741>



© 2019 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group



Published online: 11 Jan 2019.



Submit your article to this journal [↗](#)



View Crossmark data [↗](#)

EU environmental policy in times of crisis

Charlotte Burns^a, Peter Eckersley^b and Paul Tobin^c

^aDepartment of Politics, University of Sheffield, Sheffield, UK; ^bBusiness School, Nottingham Trent University, Nottingham, UK; ^cSchool of Social Sciences, University of Manchester, Manchester, UK

ABSTRACT


The European Union (EU) has been buffeted by a range of crises since 2007, not least the economic and financial crisis. One potential victim of this economic malaise is environmental policy ambition. It is well-established that during economic crises environmental policy slips down the agenda with long term consequences for environmental quality. The EU has sought to cast itself as a global environmental leader but that leadership has in large part rested upon its ability to set ambitious policy goals at home. The future environmental policy trajectory and leadership of the EU may be under threat as the Union struggles to emerge from the economic crisis. This article presents a comprehensive and robust analysis of all environmental policy outputs adopted by the EU over a ten-year period covering the crisis. This legislative analysis is supplemented by interviews with policy stakeholders. The article finds evidence of waning ambition over the period under analysis but a range of explanatory variables emerges from the interviews, which suggests that the diminution in EU environmental policy ambition is driven by a mix of factors and maybe likely to persist over the longer term.

KEYWORDS: Economic crisis; environmental policy; European Union (EU); financial crisis policy dismantling

Introduction

It is a timely moment to review whether and how the most significant economic and financial crisis since the 1930s has had a discernible effect upon environmental policy ambition. This article does so by taking the case of the European Union (EU), which has sought to promote itself as an environmental leader on the international stage (Kilian and Elgström 2010; Parker and Karlsson 2010). We analyse all EU environmental policy outputs over ten years straddling the crisis, to determine whether there is any evidence of a crisis 'effect'. This analysis is complemented by interviews with key

CONTACT Charlotte Burns  Charlotte.Burns@Sheffield.ac.uk

 Supplemental data for this article can be accessed <https://doi.org/10.1080/13501763.2018.1561741>.

© 2019 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group

This is an Open Access article distributed under the terms of the Creative Commons Attribution-NonCommercial-NoDerivatives License (<http://creativecommons.org/licenses/by-nc-nd/4.0/>), which permits non-commercial re-use, distribution, and reproduction in any medium, provided the original work is properly cited, and is not altered, transformed, or built upon in any way.

stakeholders to gain a fully rounded picture of the main factors that have influenced EU environmental policy ambition. As such, the article offers a robust and comprehensive empirical evaluation of the impact of the crisis upon the EU's environmental policy outputs and thereby makes a significant contribution to our understanding of an important environmental policy actor.

There is now a vast literature on European environmental policy from which it is possible to identify several core arguments. Environmental legislation was a significant component of the single market agenda, as policy was designed to establish a level-playing field across the EU. The 1980s and early 1990s were the high point in policy activity (Weale 1996), when it was assumed that the EU's environmental policy was expansionary (Weale 1999), driven forward by ambitious pioneer states (Liefferink and Andersen 1997) who competed to upload environmental policy to the EU level (Börzel 2002; Jordan and Liefferink 2005). In the late 1990s and early 2000s the Commission was keen to see the EU assume a leadership mantle in international environmental diplomacy following the US withdrawal from the Kyoto Protocol and the EU has sought to develop its role as a global environmental leader (Wurzel et al. 2017). Yet there have always been challenges. Key states have resisted further environmental policy integration, most notably the UK, which has also pushed a deregulation agenda at the EU level (Collier 1998). In addition, since 2004 the EU has enlarged to the East and South, bringing in poorer states where environmental policy is not a priority (Braun 2014).

Since the onset of the global economic and financial crisis in the late 2000s the EU has been overwhelmed by a conglomerate of crises (Falkner 2016) combined with waning popularity (Hooghe and Marks 2009; Serricchio et al. 2013). It has been suggested that we are now in an era of disintegration (Rosamond 2016) and dismantling (Gravey and Jordan 2016), exemplified by the UK's vote to leave the European Union (Schimmelfennig 2018). Some authors have pointed to the reassertion of control by the Council especially in the field of economic governance (Bickerton et al. 2015). For environmental policy it has been suggested that the former green pioneers no longer want to lead (Wurzel et al. 2017), the EU appeared to have lost its leadership mantle in environmental diplomacy (Parker et al. 2012) and there are some indications that environmental ambition is stalling or even reversing (Gravey and Jordan 2016; Steinebach and Knill 2017).

Compelling though such bleak visions are, it is important to subject them to rigorous empirical evaluation. This article seeks to review the claim that environmental policy ambition is stalling or reversing by drawing upon the literature on 'policy dismantling' as an analytical framework and deploying a novel typology for coding legislation. We concentrate upon this question of dismantling because so much of the EU's reputation for being an

environmental policy actor and global leader rests upon its ability to produce ambitious policy outputs. If that is no longer the case, the understanding we have of the EU as an environmental policy actor requires revision.

We find that there was, at least in the short term, a 'crisis effect' revealed by a decline in the amount of EU environmental legislation brought forward and in the ambition of new legislation. However, whilst the immediate drop in policy activity in 2009 can almost certainly be attributed to the crisis the reasons for the subsequent shift are less clear. From interviews, we find three further explanatory themes that influenced recent environmental policy-making; pre-existing preferences for deregulation; increased diversity of EU members; and the maturity of the *acquis communautaire*. The picture that emerges is not one of a crisis ridden Union intent upon rolling back its environmental ambitions, but of a surprisingly resilient environmental policy actor that in the face of enormous challenges managed to keep the show on the road. Nevertheless, the combination of perceived policy saturation with the increased diversity of EU members leads us to suggest that the high period of EU environmental policy ambition looks to be over.

Crisis and the EU's environmental policy

Environmental commentators suggested in the immediate aftermath of the global financial crisis that it presented a unique opportunity to remodel the dominant neoliberal economic paradigm towards a low or no-growth model (Lipietz 2013; McCarthy 2012). The European Commission launched an ambitious 2020 strategy calling for a new era of sustainable, inclusive and low carbon growth (2010a). However, early studies suggest less positive outcomes: Lekakis and Kousis (2013) note the unintended environmental consequences in Greece resulting from economic policies adopted as a condition of receiving economic aid. Skovgaard (2014) suggests that the economic crisis has led to deeper divisions between EU Member State governments, shifting the way in which climate policy is framed and discussed away from environmental goals to purely economic ones. In the UK, Russel and Benson (2014) identified a shift from green stimulus measures to implementing cuts in environmental budgets as the economic recession deepened.

One response of governments faced with economic crisis is to cut expenditure and roll back policy. The framework of policy dismantling has emerged as a popular tool for analysing attempts to cut, weaken or remove existing policy (Jordan et al. 2013). Knill et al. (2009) tried to develop a better understanding of policy dismantling by distinguishing between policy *density* (the number of pieces of legislation proposed or passed) and the *intensity* of particular initiatives (the level of their ambition). As states often struggle to achieve policy retrenchment (Pierson 1994) they deploy other strategies; rather than rolling back existing legislation they may reduce or weaken

new policy proposals, or use different legislative instruments to reduce costs to the state (i.e., voluntary measures). These strategies are commonly termed *dismantling by default* – rather than actively removing policy (*active dismantling*), states scale back policy ambition (and costs) in other ways (Knill et al. 2009).

Environmental regulations are particularly vulnerable to dismantling, as their potential benefits are difficult to quantify, may be long-term, and do not accrue to specific high-profile client groups, while powerful actors often have an interest in lowering standards (Jordan et al. 2013). Several studies have developed ways of categorising potential dismantling. Steinebach and Knill (2017) developed a comprehensive hierarchy of policy items, policy instruments and settings to analyse EU air and water policy, finding evidence of dismantling in the immediate aftermath of the financial crisis. Gravey and Jordan (2016) in seeking evidence of dismantling, selected cases subject to dismantling rhetoric and assessed the intensity, settings and scope of those regulations, again finding evidence of dismantling.

These studies have provided valuable insights, by for example, demonstrating that despite the difficulty of changing EU decisions, it is still possible to dismantle legislation (Gravey and Jordan 2016) and suggesting that in air and water policy there was some time-limited crisis effect (Steinebach and Knill 2017). However, these pieces provide a partial picture: they do not represent a comprehensive analysis of all environmental policy change before and after the crisis, nor have they been complemented by substantial fieldwork that can explain the reasons for any change. For example, on air and water quality the introduction of fewer policies may simply reflect a shift in environmental policy priorities to reflect emerging challenges, such as climate change. It is consequently important to take a holistic and inclusive approach. Building upon the work of Knill et al. (2009) and Jordan et al. (2013) this article utilises the concept of policy dismantling to capture potential shifts in EU environmental ambition. We take policy change as our dependent variable, which we measure by analysing shifts in policy outputs (i.e., legislation), which provide the principal vehicle through which policy goals are articulated and outcomes achieved. We evaluate: (i) *policy density*, i.e., how much policy is being brought forward; and (ii) *policy intensity*, a qualitative measure of the stringency of policy measures. Drawing upon existing work, (e.g., Gravey and Jordan 2016; Steinebach and Knill 2017) we developed the following hypotheses:

H1: There has been a decline in environmental policy density at the EU level since the global financial crisis;

H2: There has been a decline in environmental policy intensity at the EU level since the global financial crisis.

Method

To test these hypotheses we reviewed proposals for environmental legislation over a ten-year period, covering the two Barroso Commissions from September 2004 to July 2014, which straddle the crisis period. By reviewing this decade, we gain an initial snapshot of any immediate effects of the crisis upon environmental policy ambition. We chose to analyse environmental policy adopted under the ordinary legislative procedure and used Eur-Lex and the European Parliament's Legislative Observatory to identify relevant pieces of legislation. We identified 68 environmental policy proposals that were proposed and adopted between September 2004 and July 2014.¹ These selection criteria mean that some policies that were completed after our timeframe, were initiated earlier or were communications rather than legislation, were not included. In addition, we do not review comitology measures or delegated legislation. Nevertheless, the breadth of policy areas and the number of cases covered are sufficient to ensure that we accurately capture the main patterns of environmental policy activity during the period.

To evaluate the relative stringency of the proposals (policy intensity) we used four indicators. First, we devised a five-point scale for categorising intensity, building upon the work of Burns and Carter (2010), who coded the environmental ambition of European Parliament amendments. Our work departs from Gravey and Jordan (2016) and Steinebach and Knill (2017) by having an explicitly environmental focus. We also depart from Burns and Carter (2010), by focussing upon legislation rather than individual amendments. Our assumption was that if dismantling were occurring it would manifest through weaker legislation (e.g., Gravey and Jordan 2016; Jordan et al. 2013). Each piece of legislation was coded according to ambition when first proposed by the Commission and when finally adopted by the Council. Since previous studies have found that dismantling tends to be both difficult and not especially significant, we did not expect to find many items of legislation that substantially weakened the intensity of environmental policy. Thus, we developed only one category below the neutral, status quo, option (to code legislation of 'negative ambition'), and three ('limited ambition', 'moderate ambition' and 'high ambition', respectively) for initiatives that increased current levels of protection. When classifying each piece of legislation, we considered the following factors: the significance of any changes to pollution limits or levies; how the policy would be implemented and enforced; the timescales and deadlines for compliance; and whether it would apply to all member states. Table 1 explains the criteria for each category in more detail.

By its nature, this process of analysing and coding legislation involved subjective and normative judgements, and some items were more difficult to

Table 1. Environmental ambition typology.

5	High ambition: includes ambitious and binding targets/limits/standards that are more stringent than previous legislation (e.g., they significantly reduce existing pollution limits or require member states to levy much higher taxes on polluters). Legislation includes clear and specific deadlines that apply to all member states. Involves credible monitoring and enforcement, with provisions for resources and training if necessary.
4	Moderate ambition: targets or levies that build upon the status quo but are less ambitious than strong high ambition. Deadlines are included but with long timeframes or derogations. Limited monitoring and resources.
3	Standards represent an increase on the status quo, but are voluntary. Enforcement relies on persuasion rather than legal structures.
2	Neutral: no discernible environmental impact (maintains status quo). Typically editorial and neutral amendments.
1	Negative ambition: weakens status quo by, for example, reducing/weakening targets, extending deadlines.

categorise than others. We had to weigh the impact of changes that strengthened policy in some areas but weakened it in others. We also found within the same legislation activities were promoted that some would view as beneficial but others would criticise. For example, the Commission proposal for a Fuel Quality Directive sought initially to encourage the use of crop biofuels in order to reduce greenhouse gas emissions, despite the implications of this approach for food production and land use (European Commission 2007). Consequently, we judged this legislation to be of 'limited ambition' and gave it a coding of 3 (see Table 1). A final issue concerns temporal context: inevitably our understanding of policy and expectations of what is ambitious reflects the temporal context and scientific understanding at the time decisions were made. The policy status quo was taken as a departure point along with contextual knowledge of best practice and understanding of the nature of the problem at the time policy was agreed. This was determined through reviewing legislative documents, such as the Commission's explanatory memoranda and where necessary contemporary grey literature and media reports.

In addition to coding legislation, we also recorded the policy areas covered by each piece of legislation (e.g., air, water, climate, waste, information). This coding enabled us to determine whether there were any patterns in the legislation being brought forward, as it is quite common to see packages of legislation that cover particular policy areas. We also coded each piece of legislation according to whether it proposed an entirely new piece of legislation or amended or updated an existing policy. We might, for example, expect in the post-crisis era to see fewer new proposals brought forward and a shift to updating existing legislation.

Finally, we conducted 46 qualitative interviews in September 2013 and April to June 2015 with policy-makers in Brussels to understand how legislation aligned with political priorities and the reasons for any policy change. Interviewees included MEPs, officials from the Council, the Committee of

Permanent Representatives, the Commission, and representatives of non-governmental organisations. These interview data enabled us to gain first-hand insights into how these actors perceived the impact of the economic and financial crisis upon environmental policy ambition.²

Findings

In keeping with other recent studies (Gravey and Jordan 2016; Kassim et al. 2017; Steinebach and Knill 2017), we identified a significant drop in the density of EU environmental policy proposals in the years immediately following the financial crisis (see Figure 1). Dating the impacts of the crisis is challenging. BNP Paribas suspended funds in August 2007 in response to the US sub-prime mortgage crisis, triggering the 2007–2008 financial crisis, which in turn triggered the EU's debt crisis from 2009 onwards. The impact of these multiple crises upon legislative activity appears to manifest itself in 2009–10. It is worth noting that as our data commence with the beginning of the first Barroso Commission (September 2004) the number of policy proposals in 2004 appears low. One of our interviewees suggested that there was a period of reflection at the start of the first Barroso Commission about strategic direction (Interview 1, 2013), which may explain this finding. Barroso (2005) himself also made clear in his well-known 'three children speech' in February 2005 that whilst he was committed to sustainable development his immediate priorities in his first term of office were economic. If we had included all policies from January 2004 onwards, the annual total would be seven rather than one. However, this coding decision reflects an important point about patterns of legislative activity – it is typical to perceive a drop in the number of proposals being brought forward in the

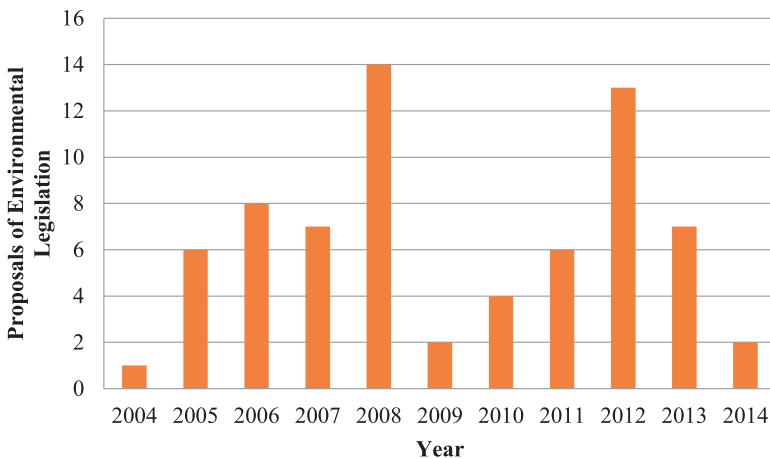


Figure 1. Environmental policy proposals by year, September 2004–July 2014.

year of European elections as the legislative cycle is disrupted by the electoral and appointment processes (Burns et al. 2013). The drop of policy activity in 2009 is therefore to be expected, but Kassim et al. (2017) suggest that it is more notable than in other election years and has occurred across all policy sectors. A clear implication here is that the election effect was exacerbated by the onset of the crisis, however, our data do not suggest that there were significantly fewer environmental policy proposals that we might otherwise expect.

Our data do suggest clear patterns in the policy sectors being regulated (See Figure 2). In the 2004–2009 period, a significant proportion of legislation concerned chemicals, which was adopted to support the implementation of the Regulation on the Registration, Evaluation and Authorisation of Chemicals, which had been adopted in 2003. In the 2009–2014 period, a significant proportion focussed upon climate change, as the Commission brought forward proposals to give effect to its low carbon transition plans (European Commission 2011).³

There were, however, fewer new pieces of legislation brought forward in the second Barroso Commission (see Figure 3) compared to the first. Further, when we analysed policy intensity by parliamentary session, we found that legislation was also less ambitious during 2009–14 than 2004–09 (See Table 2). In particular, during Barroso’s second term of office, three times as many (six rather than two) initiatives weakened the *status quo* and the number of pieces of legislation rated as ‘moderately ambitious’ dropped significantly. Note that we did not judge any items of legislation in either parliamentary session to be of ‘high ambition’.

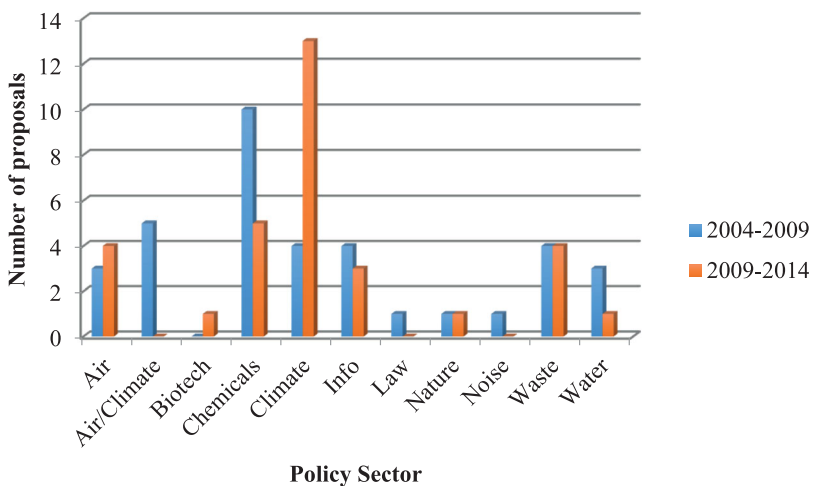


Figure 2. Policy proposals by sector, September 2004–July 2014.

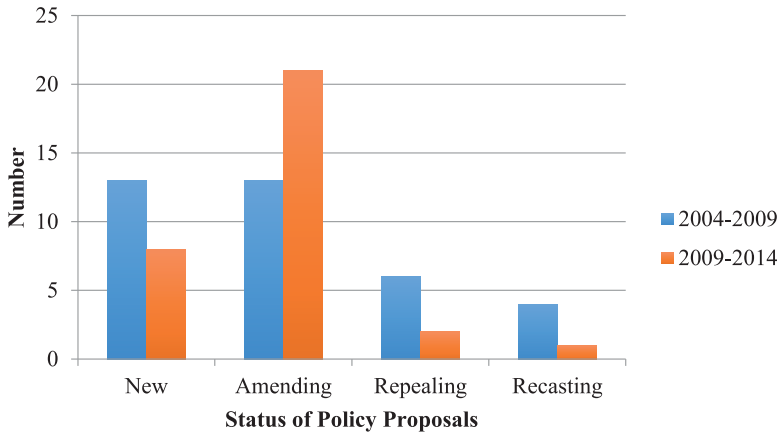


Figure 3. Status of policy proposals (new, repealing, recasting).

The average intensity of proposed legislation fell from 3.00 between 2004 and 2009 to 2.34 between 2009 and 2014 (Table 2). This drop may suggest that the Commission was less keen to pursue expansive environmental policies after the financial crisis, or cognisant of the preferences of the Council, engaged in anticipatory compliance by proposing weaker legislation that it felt had more chance of being accepted. Notably, certain pieces of legislation do mention the financial crisis as a justification for the content of policy. For example, directives on emissions from engines and off-road vehicles and tractors were weakened, with the additional costs on industry cited as a specific reason for doing so (European Commission 2010b: 2).

So in this case at least the financial crisis was used to justify some dismantling by default, however, there were no overt attempts to introduce new pieces of legislation that specifically weakened existing regulations. There was one example of a withdrawn proposal (the soils directive), but this had faced long-standing opposition in the Council from the UK, Germany, France, the Netherlands and Austria (LexisNexis 2014).

Analysing the score for the final policy reveals that the scores increase from proposal through to legislation. Between 2004 and 2009 the average score

Table 2. Intensity of environmental policy proposals 2004–2009, 2009–2014.

Intensity Score	2004–2009	2009–2014
5 (High Ambition)	0	0
4 (Moderate Ambition)	11 (30.6%)	4 (18.6%)
3 (Limited Ambition)	16 (44.4%)	9 (40.6%)
2 (Neutral)	7 (19.4%)	13 (28.1%)
1 (Negative Ambition)	2 (5.6%)	6 (12.5%)
Total	36 (100%)	32 (100%)

from proposal to final legislation increase from 3.03 to 3.12 and between 2009 and 2014 from 2.34 to 2.40.⁴ This finding suggests that the co-legislators, the Council and Parliament were prepared to strengthen legislation despite the crisis, which fits with other analyses of the co-legislators' treatment of environmental policy (Burns et al. 2013).

Explanatory themes

In order to complement and explain the patterns of legislative activity during this period we interviewed stakeholders from the EU's institutions and lobbying organisations – all of whom were directly involved in policy-making. Four dominant themes emerged from the coding exercise: crisis impacts; pre-existing preference for deregulation; diversity; and the maturity of the *acquis*.

Crisis impacts

Most of our interviewees from 2013 felt that policy ambition had weakened since the financial crisis, but that this shift manifested itself in a period of inactivity rather than active dismantling:

The crisis has had an impact because of a much greater awareness of what priorities should be for public expenditure, so amongst taxpayers and member states who fund the European Union budget there's the feeling of focusing on the short-term, which is growth and jobs (Interview 2, 2013).

This quote suggests that the crisis had a direct impact on the EU's workload, because the Commission suddenly had to focus many more resources on trying to address the EU's economic crisis and subsequent problems in the Eurozone. Environmental issues were far less of an urgent priority. This view that the crisis diverted energy and attention from the environment was shared across our interviewees, including members of COREPER, the Commission and the European Parliament. One COREPER official suggested that the Commission had not been sufficiently flexible in responding to the crisis, and had tried to roll out its work-plan regardless (Interview 3, 2013). Unsurprisingly, this was a not a view shared by the Commission officials that we interviewed who in general had a more pessimistic outlook on the implications of the crisis, as did our MEP interviewees.

Furthermore, given that the vast majority of EU environmental policy is regulatory in nature (rather than distributive or redistributive), a key argument in favour of dismantling was to reduce constraints on business. In line with this view, our interviewees often cited environmental regulation as a reason for not strengthening standards, on the assumption that less 'green tape' would enable businesses to operate more easily. For example:

Legislation is seen as imposing costs on industry, which it frequently does, and therefore, in an austerity crisis time, you don't do things like that (Interview 2, 2013).

This focus on the potential costs to business links to the second key theme that emerged from the interviews, namely the use of the crisis as an excuse to pursue a pre-existing set of preferences for deregulation.

A preference for deregulation

Several interviewees expressed scepticism about the objectives of those advocating deregulation, arguing that these individuals had been ideologically opposed to more environmental regulation for some time. It was suggested that such arguments were influential in the aftermath of the financial crisis, because other actors became increasingly concerned with stimulating economic growth and trying to balance government revenues. Significantly, actors who favoured deregulation adopted this strategy to persuade others of the need to cut 'green tape'.

This deregulatory zeal was exemplified by the Regulatory Fitness (REFIT) initiative,⁵ which the Commission launched in December 2012 as a way of trying to 'improve' the quality of regulation by reducing duplication and clarifying standards, which also provided a useful mechanism through which policy-makers could push for deregulation. Although some of our interviewees felt that REFIT was purely focused on making existing legislation easier to understand and implement, others (particularly from NGOs) had a different view:

It's very clear that the whole REFIT exercise is meant to reduce the burden on business, it is not meant to improve the conservation of biodiversity or the delivery of public goods or anything else (Interview 4, 2015).

However, our quantitative analysis of legislation proposed in 2013 (the year after REFIT was launched) does not suggest any significant dismantling: we only ranked one of the seven items proposed in 2013 as weakening existing provision (three were neutral and three had limited ambition). In other words, this analysis indicates that the first year of the REFIT initiative had minimal impact on the stringency of environmental legislation. Moreover, the REFIT consultation exercise applied to the birds and habitats directives ended up concluding that they were broadly fit for purpose, albeit following a significant mobilisation effort by environmental NGOs (Morgan 2016).

Diversity in the member states

Relatedly, several interviewees felt that the increased heterogeneity of EU states reduced the scope for legislation that does not allow for local flexibility. Instead, they argued that the EU should focus more on providing a framework within which member states could determine the most effective way of

achieving policy objectives, particularly following enlargement at the beginning of the 2000s:

Some of our newer member states inherited a disastrous environmental situation and obviously they can't recover in a very short space of time, so they would tend to be also saying, look, give us more time to deal with this (Interview 2, 2013).

Another interviewee emphasised the point by contrasting current approaches to policymaking with previous directives that were clearer and more standardised:

Legislation that is being adopted nowadays ... tends to have a huge amount of loopholes and exemptions and preferential treatments ... , we have twenty-eight member states, we have the Parliament involved, you get a lot more compromises now (Interview 5, 2015).

This perspective reflects a more general shift within the EU away from detailed, prescriptive legislation, towards allowing states to develop their own approaches to implementing policy. This shift stems from a long-standing EU environmental policy implementation problem (Jordan 1999), and a recognition that local actors may better understand how to achieve policy objectives. The accession of thirteen new states to the EU from 2004 onwards has made it more difficult to secure agreement on policy within the Council and accelerated this shift. In particular, on issues such as climate change, states dependent on coal and with concerns about energy security, such as Poland, have adopted a sceptical position on environmental matters (Jankowska 2017). However, it is worth flagging that the perception of interviewees that the Parliament and Council are less inclined to be ambitious does not fit with our finding that the co-legislators tend to increase the ambition of legislative proposals.

A 'mature body' of legislation

Finally, interviewees felt that the EU had adopted a comprehensive suite of environmental policy from the 1980s onwards and policy activity is decelerating naturally. Notably, some interviewees felt that this was a much more important factor in the EU's policy deceleration than the financial crisis or austerity. For example:

Most of the specific environmental problems are being tackled by EU legislation, and ... we should focus much more now on the proper implementation of legislation (Interview 6, 2015).

Discussion

What then does our legislative analysis tell us about our hypotheses and how do these findings fit with the interview data? There is evidence to support (*H1*)

that there was an initial drop in environmental policy density in the immediate aftermath of the crisis. However, activity levels picked up again in 2010 and 2011. There is evidence that the degree of ambition in policy proposals has diminished, as has the number of proposals for new legislation. There does therefore seem to be some evidence to offer tentative support to (H2) that there has been a decline in environmental policy intensity post crisis. It is interesting to note here the perspective of our interviewees regarding the more frequent use of loopholes and derogations in legislation, which may explain the perceived drop in intensity. However, our findings suggest that the co-legislators generally increased the ambition of Commission proposals in line with the findings of earlier studies (Burns et al. 2013).

The majority of our interviewees suggested that the economic crisis contributed towards a decline in policy activity and ambition, although they also suggested potential further explanations for the patterns of legislative activity that we detected. First, some interviewees suggested that there was a notable shift away from Europeanised binding regulations due to their implications for national sovereignty. The increasingly diverse nature of the Union has led to more flexible legislation to accommodate increased heterogeneity, significantly a greater number of poorer and more environmentally-sceptic states. This finding chimes with the wider EU environmental policy literature, especially on climate change, where it is clear that some of the states that have joined the EU since 2004 have felt increasingly confident about expressing their preferences and have been less keen for the EU to pursue an environmental leadership position (Wurzel et al. 2019). Although the final legislative scores for the period were higher than for proposals suggesting that there has been a willingness to increase the ambition of Commission proposals notwithstanding the challenges of securing agreement.

Second, some interviewees argued that the EU was already addressing the vast majority of major environmental challenges and green issues were therefore no longer a policy priority for the Commission. This narrative suggests that the high point of environmental policy-making has passed as new issues assume greater priority on the EU policy agenda. As noted above the 1980s and 1990s were the heyday of EU environmental policy and the vast majority of key environmental challenges are now addressed via EU legislation. The decline in policy activity may not necessarily reflect waning ambition or leadership but rather a natural reduction. This argument can certainly explain the decline in the number of new policy proposals in the period we analysed.

Other work has also pointed to the waning ambition of key environmental leaders within the EU (Wurzel et al. 2017) and whilst this issue was not raised in interviews the domestic impacts of the crisis and EU policy saturation may explain the waning ambition of former environmental pioneers. Economic competition and the desire to set the policy agenda to reduce the costs of

domestic adaptation to EU policy was a key explanation for leadership behaviour (Börzel 2002). Policy saturation reduces the scope of former leaders to compete: the economic advantages of setting the EU's policy agenda are no longer what they were, particularly during an economic crisis. If the claim of policy saturation is credible then we should expect to see further declines in environmental policy activity in the future.

Although the financial crisis did coincide with weaker EU environmental legislation, it did *not* appear to lead to active dismantling. Given that the EU is primarily a regulatory institution (Majone 1994) the policy changes observed involved not strengthening existing standards and reducing new policy proposals. In many respects then, the findings of our analysis are relatively positive for environmental protection. Between 2007 and 2010 the world saw the worst global recession experienced since the 1930s, and the EU was plunged into a debt crisis that understandably saw most political energy and attention diverted to matters of economic and financial governance (Skovgaard 2014). Yet, despite these challenges, the EU carried on producing environmental policy, and has even managed to rebuild a credible position on climate change (Bäckstrand and Elgström 2013; Oberthür and Groen 2018), even if no longer a clear global environmental leader.

There are some important caveats though. First, ours is an initial analysis of the immediate period following the crisis – the following decades may reveal different patterns. Certainly the appointment of Juncker to the Commission presidency and the personnel appointed to the Commission's environmental portfolios raised concerns about the Commission's commitment to the environmental policy agenda (Čavoški 2015). Since 2015 the EU has faced further crisis in the form of Brexit. From an environmental perspective, Brexit's effects are likely to vary according to policy area. The shift the balance of power within the Council may lead to less ambition on climate change, where the UK has been a leader. However, deregulation and the REFIT agenda may become less important in the absence of one of the key advocates of this approach (Burns et al. 2019). What is certain is that although the height of the financial crisis has passed, there will be on-going uncertainty and disruption in this policy area following Brexit.

The second major caveat is that we have focussed on proposals for legislation, which are a key instrument used to deliver policy. The increased use of comitology and delegated legislation, especially since 2014 (European Parliament 2016), may be the site of behaviour that we have not been able to capture. We have also not reviewed communications, which typically entail legislative commitments to be delivered at a later point. An investigation of patterns of communications over time and of whether the plans contained within them are delivered would complement our analysis.

Third, there is a wider policy picture. EU legislation has to be implemented within states: spending cuts at the national or subnational levels shape the capacity of public bodies to implement and enforce EU regulations, so it may be that impacts are being felt there (e.g., Lekakis and Kousis 2013). The argument that the EU should concentrate on implementing legislation rather than adopting new policy, shifts responsibility for future policy gains onto member states many of which are struggling to implement current commitments.

Conclusion

There have been a range of negative predictions about the impact of the global financial and economic crisis upon the EU in general and specifically upon environmental policy. Our analysis takes all environmental policy proposed over a ten-year period spanning the crisis in order to gain an initial view of the impacts upon the EU's environmental policy trajectory. We find limited evidence of active dismantling of environmental policy post-crisis. There was a dip in environmental ambition following the global and financial economic crisis, characterised by fewer proposals in the immediate aftermath of the crisis and less ambitious legislation in the following years. Our interviewees, whilst recognising that the financial and economic crisis may have played a role in this waning environmental ambition, pointed to a range of other credible explanations.

Broadly speaking, our findings are relatively positive: despite being buffeted by a crisis of extraordinary proportions the EU environmental *acquis* has remained relatively resilient. However, there are a number of worrying indicators for future policy development. It is clear that the combined effects of enlargement and the economic crisis have reduced the EU's appetite for ambitious environmental policy. The on-going reluctance of former pioneers to push for more stringent or ambitious policy (Wurzel et al. 2017) is a further constraint. Whilst none of our interviewees raised it there has been discussion of the resurgence of inter-governmentalism in the literature—exemplified in the environment field by the involvement of the European Council in climate negotiations (Burns 2017). This combination of a lack of ambition from former pioneers, with a greater role taken by member states may exacerbate the trend of declining policy activity we have identified, which has implications for the EU's international environmental leadership. As noted in the introduction that leadership has been based on setting a good example and performing comparatively better than other regions or states. Whilst the crisis may not have had a major impact on EU environmental policy ambition it has compounded existing trends and challenges leading us to conclude that in the medium to long-term the EU's environmental policy ambition and activism will continue to wane.

Notes

1. The list of proposals and the coding are available at URL: <https://iaeepresearch.wordpress.com/research-outputs/>.
2. Each interview was coded by date and professional affiliation of the interviewee, transcribed and analysed with core themes identified. The themes emerged organically from the text – there was no pre-determined schematic used. Not all interviewees, especially those in a policy-making environment, were comfortable with even non-attributed quotes being used, consequently we only cite those who gave express permission for us to do so, and numbered according to the order in which they are cited and the year they were conducted.
3. See [Figure 1](#) in supplemental materials available at <https://iaeepresearch.wordpress.com/research-outputs>.
4. These figures are based on proposals that were substantively completed within each session and therefore exclude four cases that spanned EP6 and EP7. See supplemental materials available at <https://iaeepresearch.wordpress.com/research-outputs>.
5. See https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-and-less-costly_en.

Disclosure statement

No potential conflict of interest was reported by the authors.

Funding

This work was supported by Leverhulme Trust [grant number RPG-2014-183].

Notes on contributors

Charlotte Burns is a Professor in the Department of Politics at the University of Sheffield.

Peter Eckersley is a Senior Research Fellow in Public Policy and Management in the Business School at Nottingham Trent University.

Paul Tobin is a Lecturer in Politics in the School of Social Sciences at the University of Manchester.

References

- Bäckstrand, K. and Elgström, O. (2013) 'The EU's role in climate change negotiations: from leader to leadiator', *Journal of European Public Policy* 20(10): 1369–86.
- Barroso, J.M. (2005) *Working together for growth and jobs: a new start for the Lisbon Strategy*, available at http://europa.eu/rapid/press-release_SPEECH-05-67_en.htm (accessed June 21, 2018).
- Bickerton, C.J., Hodson, D. and Puetter, U. (2015) 'The new intergovernmentalism: European integration in the post-Maastricht era', *JCMS: Journal of Common Market Studies* 53(4): 703–22.

- Börzel, T. (2002) 'Member state responses to Europeanization', *JCMS: Journal of Common Market Studies* 40(2): 193–214.
- Braun, M. (2014) 'Eu climate norms in East-Central Europe', *JCMS: Journal of Common Market Studies* 52 (3): 445–60.
- Burns, C. (2017) 'The European Parliament and climate change: a constrained leader?' in R.W. Wurzel, J. Connelly and D. Liefferink (eds.), *The European Union in International Climate Change Politics. Still Taking a Lead?* London: Routledge, pp. 52–65.
- Burns, C. and Carter, N. (2010) 'Is codecision good for the environment? An analysis of the European Parliament's green credentials', *Political Studies* 58(1): 123–42.
- Burns, C., Carter, N., Davies, G.A.M. and Worsfold, N. (2013) 'Still saving the Earth?: The European Parliament's environmental record', *Environmental Politics* 22(6): 935–54.
- Burns, C., Gravey, V., Jordan, A. and Zito, A. (2019) 'De-europeanising or disengaging? EU environmental policy and brexit', *Environmental Politics* 28(2). doi:10.1080/09644016.2019.1549774
- Čavoški, A. (2015) 'A post-austerity European Commission: no role for environmental policy?' *Environmental Politics* 24(3): 501–5.
- Collier, U. (ed) (1998) *Deregulation in the European Union: Environmental Perspectives*, London: Routledge.
- European Commission (2007) Proposal for a directive of the European Parliament and of the Council amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions from the use of road transport fuels and amending Council Directive 1999/32/EC, as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC, COM (2007) 18 final/2, 12 February, Brussels, available at [http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2007/0018/COM_COM\(2007\)0018\(COR1\)_EN.pdf](http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2007/0018/COM_COM(2007)0018(COR1)_EN.pdf) (accessed April 2017).
- European Commission (2010a) Communication from the Commission, Europe 2020, a strategy for smart, sustainable and inclusive growth, COM(2010) 2020 final, 3 March, Brussels.
- European Commission (2010b) Proposal for a directive of the European Parliament and of the Council amending directive 97/68/EC as regards the provisions for engines placed on the market under the flexibility scheme, COM(2010) 362 final, Brussels, 7 July, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010PC0362&qid=1505483023250&from=EN> (accessed September 2017).
- European Commission (2011) Communication, a roadmap for moving to a competitive low carbon economy in 2050, COM(2011) 0112 final, 8 March, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52011DC0112> (accessed September 2017).
- European Parliament (2016) Activity report on the ordinary legislative procedure 4 July 2014–31 December 2016 (8th parliamentary term), PE595.931, available at <http://www.epgencms.europarl.europa.eu/cmsdata/upload/7c368f56-983b-431e-a9fa-643d609f86b8/Activity-report-ordinary-legislative-procedure-2014-2016-en.pdf> (accessed June 2018).
- Falkner, G. (2016) 'The EU's current crisis and its policy effects: research design and comparative findings', *Journal of European Integration* 38(3): 219–35.
- Gravey, V. and Jordan, A. (2016) 'Does the European Union have a reverse gear? Policy dismantling in a hyperconsensual polity', *Journal of European Public Policy* 23(8): 1180–98.
- Hooghe, L. and Marks, G. (2009) 'A postfunctionalist theory of European Integration: from permissive consensus to constraining dissensus', *British Journal of Political Science* 39(1): 1–23.

- Jankowska, E. (2017) 'Poland's clash over energy and climate policy: green economy or grey status quo', in R.W. Wurzel, J. Connelly and D. Liefferink (eds.), *The European Union in International Climate Change Politics. Still Taking a Lead?* London: Routledge, pp. 145–58.
- Jordan, A. (1999) 'The implementation of EU environmental policy; a policy problem without a political solution?' *Environment and Planning C: Government and Policy* 17(1): 69–90.
- Jordan, A. and Liefferink, D. (eds) (2005) *Environmental Policy in Europe: The Europeanisation of National Environmental Policy*, London: Routledge.
- Jordan, A., Bauer, M.W. and Green-Pedersen, C. (2013) 'Policy dismantling', *Journal of European Public Policy* 20(5): 795–805.
- Kassim, H., Connolly, S., Dehousse, R., Rozenberg O. and Bendjaballah, S. (2017) 'Managing the house: the presidency, agenda control and policy activism in the European Commission', *Journal of European Public Policy* 24(5): 653–74.
- Kilian, B. and Elgström, O. (2010) 'Still a green leader: The European Union's role in international climate negotiations', *Cooperation and Conflict* 45(3): 255–73.
- Knill, C., Tosun, J. and Bauer, M.W. (2009). 'Neglected faces of europeanization: the differential impact of the EU on the dismantling and expansion of domestic policies', *Public Administration* 87(3): 519–37.
- Lekakis, J.N. and Kousis, M. (2013) 'Economic crisis, Troika and the environment in Greece', *South European Society and Politics* 18(3): 305–31.
- LexisNexis (2014) 'Why was the soil framework directive withdrawn?' *LexisPSL Environment*, 29 May, available at <https://blogs.lexisnexis.co.uk/purposebuilt/why-was-the-soil-framework-directive-withdrawn/> (accessed October 23, 1).
- Liefferink, D. and Andersen, M.S. (eds) (1997) *European Environmental Policy: The Pioneers*, Manchester: Manchester University Press.
- Lipietz, A. (2013) 'Fears and hopes: the crisis of the liberal-productivist model and its green alternative', *Capital and Class* 37(1): 127–41.
- Majone, G. (1994) 'The rise of the regulatory state in Europe', *West European Politics* 17(3): 77–101.
- McCarthy, J. (2012) 'The financial crisis and environmental governance 'after' neoliberalism', *Tijdschrift Voor Economische en Sociale Geografie* 103(2): 180–95.
- Morgan, S. (2016) 'EU decides against tinkering with flagship nature directives', available at <https://www.euractiv.com/section/climate-environment/news/eu-decides-against-tinkering-with-flagship-nature-directives/> (accessed November 2017).
- Oberthür, S. and Groen, L. (2018) 'Explaining goal achievement in international negotiations: the EU and the Paris Agreement on climate change', *Journal of European Public Policy* 25(5): 708–27.
- Parker, C. and Karlsson, C. (2010) 'Climate change and the European Union's leadership moment: an inconvenient truth?' *JCMS: Journal of Common Market Studies* 48(4): 923–43.
- Parker, C., Karlsson, C., Hjerpe, M. and Linner, B-O. (2012) 'Fragmented climate change leadership: making sense of the ambiguous outcome of COP-15', *Environmental Politics* 21(2): 268–86.
- Pierson, P. (1994) *Dismantling the Welfare State*, Cambridge: Cambridge University Press.
- Rosamond, B. (2016) 'Brexit and the problem of disintegration', *Journal of Contemporary European Research* 12(4), available at <https://www.jcer.net/index.php/jcer/article/view/807>.
- Russel, D. and Benson, D. (2014) 'Green budgeting in an age of austerity: a transatlantic comparative perspective', *Environmental Politics* 23(2): 243–62.

- Schimmelfennig, F. (2018) 'Brexit: differentiated disintegration in the European Union', *Journal of European Public Policy* 25(8): 1154–73.
- Serricchio, F., Tsakatika, M. and Quaglia, L. (2013) 'Euroscepticism and the global financial crisis', *JCMS: Journal of Common Market Studies* 51(1): 51–64.
- Skovgaard, J. (2014) 'Eu climate policy after the crisis', *Environmental Politics* 23(1): 1–17.
- Steinebach, Y. and Knill, C. (2017) 'Still an entrepreneur? The changing role of the European Commission in EU environmental policymaking', *Journal of European Public Policy* 24(3): 429–46.
- Weale, A. (1996) 'Environmental rules and rule-making in the European Union', *Journal of European Public Policy* 3(4): 594–611.
- Weale, A. (1999) 'European environmental policy by stealth: the dysfunctionality of functionalism?' *Environment and Planning C: Government and Policy* 17(1): 37–51.
- Wurzel, R.W., Connelly, J. and Liefferink, D. (eds) (2017) *The European Union in International Climate Change Politics. Still Taking a Lead?* London: Routledge.
- Wurzel, R.W., Liefferink, D. and Di Lullo, M. (2019) 'The Council, European Council and Member States: changing environmental leadership dynamics in the European Union', *Environmental Politics* 28(2). doi:10.1080/09644016.2019.1549783