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Greening the EC Regional
and Cohesion Funds

Explaining Variation
Across Similar Policy Areas

ANDREA LENSCHOW

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**Lenschow: *Greening the EC Regional and Cohesion Funds.
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ROBERT SCHUMAN CENTRE



**Greening the EC Regional and Cohesion Funds
Explaining Variation Across Similar Policy Areas**

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BADIA FIESOLANA, SAN DOMENICO (FI)

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ABSTRACT

The principle of environmental policy integration has been adopted by the European Community and gained priority status in its Fifth Environmental Action Programme. This article investigates the reasons for considerable variation in applying this principle across policy sectors by comparing the experience of environmental policy integration in two *most similar* although differently evolving cases: the Structural Fund and the Cohesion Fund. I argue that in order to explain substantial environmental improvement in the former case and poor compliance with the policy integration principle in the latter, it is necessary to situate the complex actor constellation in the Community in their (micro-) institutional framework. The policy network framework helps recognise the role of actor interdependencies and chains that allowed environmental NGOs to play an influential role in the context of the Regional Fund reforms. Institutional analysis, in turn, points to the constraints experienced by a similar NGO campaign in the case of the Cohesion Fund and the opportunities opened by recent institutional changes.

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1. Introduction and Outline of a Puzzle¹

The evolution of environmental policy in the European Community (EC) from 'incidental policy' (Hildebrand 1993) to a legally and institutionally independent policy area has been noted in the literature. The Single European Act (SEA) and the Treaty of European Union (TEU) have formally legitimised environmental policy making at the European level. The Treaty amendments have also confirmed and expanded institutional competencies of the environmental Directorate-General (DGXI) within the Commission and of the European Parliament (EP) in the EC's environmental policy making process.

The EC began in the 1980s a transformation from merely growth-oriented development to 'sustainable development' (CEC 1992a; WCED 1987; Weale 1993). A core element of this shift is the adoption of the principle of environmental policy integration (EPI) in all other Community policies. The Third Environmental Action Program (EAP) (CEC 1983) may serve as a reference point for the announcement of the new paradigm. The Treaty amendments in 1986 (SEA) and 1993 (TEU) codified the shift legally, and the Fifth Environmental Action Programme (CEC 1992a) elaborates on the implications of an environmentally integrated policy approach. The Council of the European Communities issued a declaration of the 'Environmental Imperative' in 1990 suggesting general acceptance of the integration requirement among member states.

The Fifth EAP has identified five target sectors for EPI (manufacturing industry, agriculture, tourism, transport, energy), urging the assessment of the environmental impact in policy planning, consideration of environmental costs and benefits, monitoring of environmental effects, co-operation with environmental authorities and public availability of environmental information. The recent progress report on the implementation of the action program concludes that 'integration of environmental considerations into the different target sectors has made progress but at varying speeds' (CEC 1996: 3). The question arises, what factors explain this varied experience of EPI in the EC? This working paper will attempt to provide a framework for investigating and resolving this question.

It will compare the degree to which environmental considerations are being integrated in two policy areas: the European Regional Development Fund (ERDF) and Cohesion Fund. These areas were chosen because they impact on

¹ This is an expanded version of an article to appear in the *Journal of European Public Policy* (1/97).

the target sectors identified by the Community and represent two comparable, or *most similar*, cases (Lijphart 1988). Both policies belong to the redistributive arm of the EC which, according to Lowi's seminal work (1964), suggests similar policy processes and policy outcomes. Pollack (1994) recently adapted Lowi's typology to the EC context, arguing that different policy types generate specific policy processes that are responsible for distinct forms of 'task expansion' in the EC. Redistributive policies, he argues, are adopted as side-payments in big intergovernmental bargains. If applied to the present research agenda, Pollack's work suggests that not only the expansion but also the modification of redistributive EC policy, such as EPI, follows a common logic, and hence policy process. In reality, this article will illustrate, this is not necessarily the case.

Despite their similarity as policies of the same type, EPI has proceeded very differently - and with varying success - in regional and cohesion policy. Environmental considerations were integrated extensively into the Framework Regulations governing EC regional policy, whereas the Cohesion Fund was based on a considerably weaker framework. This outcome is puzzling, not only given the similarity of the two policies but also considering the specific circumstances leading to their adoption. To begin with, the Cohesion Fund was established concurrently with the most far-reaching environmental reforms of the ERDF, yet, they showed no impact on the Cohesion Fund Regulation. Second, the Cohesion Fund specifically addresses the environment as one of its two core elements (the other is transport). But, despite this apparent concern with the environment, the Fund's operations violate many principles of sustainable development.

This paper suggests that an explanation for varied policy evolution on the sectoral level needs to appreciate the complex actor constellations in the EC and the potentially diverse nature of political *push* created by them. At the same time, the impact of equally complex and diverse institutional structures on the interests, behaviour and interrelations of political actors must be taken into consideration. In order to account for the effect of these complexities on policy change, this article proposes to integrate policy network analysis in a historical-institutional explanatory framework. It shows that unfavourable institutional conditions were responsible for hindering the effective participation of environmental reformers in the Cohesion Fund, leading to their failure to successfully push for the integration of environmental considerations. By contrast, the institutional framework had grown increasingly accessible for environmentally concerned actors and therefore favourable for a greening of the ERDF.

2. *Evidence of Environmental Policy Integration in the Regional and Cohesion Funds*

2.1. *EPI in Regional Policy*

Despite a long standing commitment to regional equality,² a European regional policy was not established until 1975 with the creation of the European Regional Development Fund (ERDF). The ERDF's goal was 'to correct the principal imbalances within the Community resulting in particular from agricultural preponderance, industrial change and structural unemployment' (Mellor/Copperthwaite 1990: 44.)

Environmental objectives did not feature explicitly in the original ERDF guidelines (Regulation EEC 724/75 of the Council of 18 March 1975, OJ, 21 March 1975, No. L73), nor was the environmental impact of industrial or infrastructural expansion realised and some form of environmental conditionality created. Instead, it was anticipated that regional development would reduce the environmental pressures in the advanced industrialised parts of the Community. Economic redistribution was hoped to contribute to the reduction of

the mounting environmental poverty of the areas of concentration. The pressures on housing, the miseries of commuting on overloaded roads or overcrowded trains, the pollution of the air and the water - all these developments mean that the environmental case for closing the geographical gaps is as powerful a one for those who live in the so-called prosperous areas of the Community as it is for those in the poorer regions (CEC 1973: 10).

This perspective prevailed until the late 1980s. The 1979 and 1984 reform of the Regional Fund failed to integrate environmental considerations; they did, however, adapt its institutional framework in such a way that the Commission began to assume more responsibility for its utilisation and impact, which, this paper will argue, facilitated EPI in subsequent years. The reforms led to an increase in regional policy spending (with a re-focusing toward support for Southern European regions) and provided the Commission with enhanced opportunities to influence and select national project proposals as well as to

² Marks (1992: 193) cites the Preamble of the Treaty of Rome in this context. 'Member states are "anxious to strengthen the unity of their economies and to ensure their harmonious development by reducing the differences existing between the various regions and the backwardness of the less favored regions."'

In the context of drafting the Treaty of Rome the creation of a Regional Fund had been discussed, but instead the European Investment Bank was established which was empowered to contribute to regional development via project assistance (Wallace 1977: 139).

engage in transregional/-national so-called Community projects. With these changes the Commission's role slowly evolved from that of a bookkeeper to that of a development agency with increased control over the allocation of the funds, and hence more responsibility for the quality of the spending.³

This role change of the Commission affected its response to the environmental issue in the early 1990s (see below), in the mid-1980s, however the sense still prevailed that the environment was well taken care of. A response by Environmental Commissioner Clinton Davis to a parliamentary inquiry concerning the existence and effectiveness of the provisions in the Regulations governing the Fund to protect the environment illustrates this attitude. Clinton Davis stated:

As regards the European Development Fund, Regulation (EEC) 1787/84 of 19 June 1984 does not make specific provision for conservation or environmental works as such. However, *naturally*, when assessing programmes and projects for Regional Fund assistance, the Commission takes into full account their environmental impact (CEC 1985, emphasis added).

In 1988, that is, after EPI had become a Treaty obligation, a more far-reaching reform of all Structural Funds took place which improved the structural conditions for EPI by facilitating heightened environmental awareness within EC institutional actors. The reforms implied a doubling of the financial commitment and increased spending for environmental activities.⁴ In addition, it led to the

³ To be more specific, a segment (5%) of the ERDF was allocated to Community Initiatives, programs directed at Community rather than national objectives and supervised by the Commission. Secondly, in 1984, the national quota system, which used to specify the exact allocations to the individual Member States, was abolished and replaced by a min-max range system; that is, from now on a minimum allocation remained guaranteed to the member states, but depending on the quality of the proposed projects the Commission could increase the allocation up to a specified maximum amount. Thirdly, the reforms of 1984 specified the objectives of the Funds more clearly and began to concentrate assistance in the poorer Southern member states (and Ireland), whereas previous allocations had followed more closely a 'juste retour' philosophy. Finally, the portion of the EC budget allocated to the ERDF increased from 4.8% in 1975 to 7.5% in 1985. For deeper analyses of these and subsequent Structural Fund reforms (though not their environmental dimension) compare Marks (1992), Hooghe/Keating (1994) and Pollack (1995).

⁴ Financial commitments for environmental programs under the ERDF rose from MECU 135 in the four years prior to 1988 to more than BECU 2.5 (or almost 20% of the budget available under the Structural Funds) in the five year period after the reforms. Close to BECU 1 was spent under the ENVIREG Community Initiative program (1990-93) targeted at the reduction of pollution in the coastal regions of the Community's four poorest member states (see CEC 1991a and ECA 1992 on the expenditure levels). The original budget for the (continued...)

adoption of a programmatic approach, facilitating trans-regional and long-term planning and the co-ordination of different funding sources. The programmatic perspective allowed for the recognition of and reaction to the environmental impact outside the immediate territorial limits of any given funded activity. A new emphasis on partnership among European, national and regional authorities enhanced Commission control over the planning and evaluation processes, and therefore its ability to bring ERDF funding in line with EC environmental rules. It also led to the inclusion of knowledgeable regional actors in the planning and implementation processes, hence the avoidance of 'blueprint designs' ignorant of the specific regional (environmental) conditions.

While the 1988 reform began to establish a framework for environmentally conscious regional policy, it failed to truly integrate environmental objectives into the core of the policy.⁵ Environmental integration was pursued in a declaratory rather than operational form, that is via an environmental clause in the Framework Regulation (Council Regulation (EEC) 2052/88 of 24 June 1988, Article 7.1) stating that

measures financed by the Structural Funds or receiving assistance from the EIB or from another existing financial instrument shall be in keeping with the provisions of the Treaties, with the instruments adopted pursuant thereto and with Community policies, including those concerning [...] environmental protection.

Operational measures proposed by the Commission, such as a set of mandatory environmental instructions to be followed in the preparation of Community Support Frameworks and Operational Programs,⁶ were intended to ensure EPI in the planning phase, had been rejected in the Council of Ministers.

The in itself weak environmental clause gained some significance via the information requirement in Regulation No. 4253/88, Article 14.2 which stated that all applications for structural assistance 'shall contain the information the Commission needs in order to assess them... together with any information

(...continued)

ENVIREG program amounted to MECU 500 for 1990-93 (reported in Agence Europe of 30 November, 1989, 13 December 1989 and 4 May 1990).

⁵ Bader and May (1992, 107) recap the effects of the 1988 reform and conclude that regional policy in the EC always followed primarily economic goals and viewed other policy effects as side products, including positive and negative environmental impacts.

⁶ The CSFs were negotiated between the respective member states and the Commission; they detailed the financial commitments of the EC to the member states' regional programs. The OPs were specific programs within the overall CSFs; they were drawn up by the member states and submitted to the Commission for approval.

necessary to verify that the operation concerned is compatible with Community legislation and policies.' The information requirement was to assist the Commission in executing its new 'ad hoc procedures for assessing the environmental impact of the projects funded by the Community.'⁷ Considering the Commission's otherwise limited evaluation and monitoring instruments, the information requirement provided the Commission with some control, however constrained by member states' willingness and ability to collect and submit the required information and the serious shortage of staff in the Commission to process it. But, true integration would have called for mechanisms affecting the planning and evaluation processes in the regions; vague commitments and reporting requirements were not sufficient to provoke their development.

Furthermore, the 1988 Regulations continued the practice of limiting environment-related programs and projects to 'productive investment and investment in infrastructure aimed at environmental protection *where such investment is linked to regional development*' (Council Regulation (EEC) No. 4254/88, Article 1f, emphasis added), indicating that environmental investments owed their existence to economic functionality, not the principle of EPI.⁸

In July 1993, the Structural Funds went through a new round of administrative reforms which resulted in an improved framework for EPI.⁹ The reforms targeted

⁷ Ripa di Meana elaborated in his response that the ad hoc procedures are based on the Environmental Impact Assessment (EIA) Directive 85/337/EEC and that 'the departments administering the funds have been instructed to check that the plans, programmes and projects submitted by the Member States for joint financing by the Community include all relevant environmental data.' In addition, he announced plans to draft a new Directive to extend the scope of the EIA Directive to plans and programmes in the member states (CEC 1989.) These drafting efforts were later suspended due to conceptual difficulties and political opposition (Interviews with Commission officials on 24 August 1994).

⁸ Only in the context of the European Agricultural Guidance and Guarantee Fund was environmental protection mentioned independent of its economic functionality. The Framework Regulation states in Article 2 (3d) that assistance from the EAGGF Guidance section shall be geared to 'helping the social fabric of rural areas, to safeguard the environment, to preserve the countryside (*inter alia* by securing the conservation of natural agricultural resources) and to offset the effects of natural handicaps to agriculture.'

⁹ Council Regulation (EEC) No. 2081/93 of 20 July 1993 amended Regulation (EEC) No 2052/88 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments. Council Regulation (EEC) 2082/93 of 20 July 1993 amended Regulation (EEC) No. 4253/88 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments. Council Regulation (EEC) No. 2983/93 of (continued...)

the poor planning and monitoring performance, the limited eligibility criteria for environmental programs or projects, and the tendency of supporting so-called end-of-pipe projects repairing environmental damage already done as opposed to preventing its occurrence.

Among the new elements to be included in the development plans was an evaluation of the environmental impact of the strategy and operations proposed in terms of sustainable development principles. This requirement was intended to contribute to the prevention of environmental harm; it also added an environmental criterion that can be monitored.

Secondly, the new Regulations reinforced the principle of compatibility with other Community policies in the area of environmental policy. According to the new provisions

development plans for Objectives 1, 2, and 5b must in the future include an appraisal of the environmental situation of the region concerned and an evaluation of the environmental impact of the strategy and operations planned, in accordance with the principles of sustainable development and in agreement with the provision of Community law in force. The plans must also mention the arrangements made by the Member States to associate their competent environmental authorities in the various stages of programming (CEC 1993: 29, referring to the new Framework Regulation's Article 7).

Aside from providing a more operational framework for sustainable planning (of a kind that had been rejected in 1988), this clause had the important institutional implication that national governments were now obliged to integrate environmental authorities in the preparation phase of regional programs.

The legal evolution was paralleled by procedural changes leading toward the integrating of environmental concerns. The Commission developed an *aide memoire* (known as the environmental profile) for the member states to clarify what information was to be supplied under the revised Regulations. While this profile has no legal standing it served to assist public authorities to fulfil their legal obligations. It also facilitated the harmonisation of the national information submitted to the Commission. While the profile was targeted at the regional plans, a questionnaire was drawn up for the same purpose directed at large operational projects. A list of indicators and a handbook were prepared with the

(...continued)

20 July 1993 amended Regulation (EEC) No. 4254/88 laying down provisions for implementing Regulation (EEC) No. 2052/88 as regards the European Regional Development Fund.

intention to aid the assessment of the environmental impact of the regional programs and its costs.

In sum, beginning in 1988 with the inclusion of a 'reminder' in the Regulations that projects and programs had to be in compliance with EC environmental law, the policy evolved further in 1993 by introducing obligatory procedural changes intended to protect the environment which signified a rethinking of the previous legalistic approach to EPI. By affecting activities during all stages of regional policy making, ranging from planning to implementation and evaluation, the new procedures began to positively influence the environmental compliance record.

2.2 Cohesion Policy:

The decision for the Cohesion Fund was taken during the negotiations leading to the TEU, i.e., in part overlapping with the reform process of the Structural Funds. The Fund was dedicated to assisting the four poorest members of the EC (Greece, Ireland, Portugal and Spain) through projects in the fields of the environment and transport infrastructure.

Originally the goal of cohesion was perceived to be approachable through the Structural Funds. During the preparation of the TEU the Commission proposed to increase 'the effectiveness of [existing] policies designed to promote cohesion... [and considered] how the Treaty can provide a better guarantee that cohesion will be taken into account in other Community policies.' (CEC 1991b: 133.).¹⁰ The Fund's separate existence and its size (BECU 15.15 for the period of 1993-9) were negotiated at the Edinburgh Summit in December 1992; moneys were allocated to the national governments according to indicative ranges; regions were not specifically targeted and their participation in administering the Funds limited. The Cohesion Fund contained a link to the Economic and Monetary Union (EMU) convergence criteria and required that the recipients present a national convergence program to be approved by the Council.¹¹

As the Draft Regulation for the Cohesion Fund made reference to Articles of the not yet ratified TEU, it was decided at the Edinburgh Summit that an Interim Cohesion Financing Instrument would take the Fund's place until ratification. The interim instrument was introduced on 1 April 1993 on the basis of the old Treaty (Article 235) and made available a total of BECU 1.57 in 1993 (AE 6

¹⁰ This supports the previously introduced notion of *most similar* policies.

¹¹ Such link to the EMU was initially also considered for the reformed Structural Funds, but never materialised.

January 1994: 13). The environmental rationale for the Cohesion Fund was spelled out in (legally not yet applicable) Title XVI, Article 130r-s. With the exception of its focus on national governments, it echoed the rationale behind the ENVIREG program which it was replacing. Pointing to regional diversity and the need to take account of 'the economic and social development of the Community as a whole and the balanced developments of its regions,' it states that

(w)ithout prejudice to the principles that the polluter should pay, if a measure based on the provisions of paragraph 1 involves costs deemed disproportionate for the public authorities of a Member State, the Council shall, in the act adopting that measure, lay down appropriate provisions in the form of

- * temporary derogations and/or
- * financial support from the Cohesion Fund ... pursuant to Article 130d.

In other words, to the extent that compliance with the Community's environmental regulations would impose such burden on the national budgets that the achievement of the convergence criteria was jeopardised, the Cohesion Fund could be employed to facilitate environmental compliance while relieving the national treasuries.

Although special assistance for those countries that suffer extreme financial problems in meeting EC environmental regulations fits the 'philosophy' of sustainable development, the Treaty text indicates that the Cohesion Fund was conceptually much closer linked to the goal of economic and monetary union (EMU). It was reasoned that the realisation of EMU was contingent upon a relief of the poorer member states' national budgets. In other words, the Cohesion Fund was never primarily thought off as an environmental instrument, but rather as a financial transfer with macro-economic intentions.

Related to the Fund's mainly economic objective, its institutional and procedural framework was deficient from an environmental point of view, particularly in the interim phase. First, (interim) cohesion aid was to be spent on a project and not on a program basis such as the ERDF. This arrangement facilitated domestic pork-barrel politics, hindered a co-ordinated and integrated approach to cohesion, and was incapable of preventing a process whereby one project could wipe out the positive effects of another project or whereby environmental projects would be devised to 'clean up' after transport projects. From a programmatic point of view it would have been desirable to establish some form of co-ordination between the cohesion projects and the ERDF's Community Framework Programs.

Second, procedural rules of the Fund provided only limited tools for (systemic) environmental impact assessment and monitoring (on the European or national level). Further they offered only limited societal control due to their bilateral (central government - Commission) nature. Contrary to the Structural Funds, no management committee was established to control the expenditures. Instead, an information meeting without legal consequence was to be held by the Commission to update all member states on the Fund allocations, i.e. supranational and intergovernmental controls were minimal as well.¹²

Third, the interim instrument's environmental spending was biased toward large infrastructural projects. Even though theoretically, all environment projects were eligible for funding that would contribute to the achievement of the objectives listed in the Treaty's Environment Title, actual eligibility was constricted by the provision that any individual project had to amount to at least 10 MECU (in order to substantially lower the public borrowing needs of the government). This effectively prevented spending on small, less capital-intensive, but often more innovative projects.

Finally, the legally set indicative ranges for each beneficiary,¹³ reduced the Commission's control over spending as the respective countries tended to submit a number of projects just covering the allocated amount, a strategy familiar from earlier Structural Fund experience. Given the vague framework, the Commission had no means of ensuring that all projects met certain environmental standards. National discretion also prevailed with respect to the distribution of expenditure between the two sectoral targets. While the Fund called for a proper balance between transportation and environmental projects, it was never defined what would constitute such balance and the Commission had no means of influencing the members' project submissions (or select from them). This situation contributed to a severe bias toward transport projects in all countries except Greece (table 1)

¹² A Commission official explained that this weak control framework was agreed to in order to 'compensate [the Spanish government in particular] for a narrow compensation scheme' (Interview, 24 August 1994).

¹³ Council Regulation No. 1164/94 (Annex 1) established the following ranges: Spain is allocated 52-58 per cent, Greece and Portugal each 16-20 per cent, and Ireland 7-10 per cent of the total resources. This allocation was based on per capita GNP, population, surface area and 'other socio-economic factors such as deficiencies in transport infrastructure' (Art. 5). The interim text had not contained the emphasis on transport deficiencies (CEC 1992b: Art. 5). Significantly, environmental deficiencies did not (explicitly) influence the distribution of resources, neither in the interim nor in the final arrangement.

Table 1

Proportional Commitment of Resources under the 1993 Interim Instrument

Recipient	% of total	for Environment	for Transport
Spain	54.8	29	71
Portugal	18.2	43	57
Greece	17.9	62	38
Ireland	9.1	39	61

(based on AE, No. 6142: 6 January 1994)

Given that the Commission's proposal for the Cohesion Fund was written during the time when the Structural Funds were considered for substantial environmental revisions, the outcome must disappoint from an environmental perspective. The Commission's 1992 proposal for the Cohesion Fund Regulation made only passing reference to the need to be consistent with existing EC environmental policy. No mention was made at all of the need for environmental impact assessment, provision of information to the public, the involvement of sub-national or private actors in the planning, implementation or the monitoring of the projects, and of the possibility to suspend financing in cases of poor implementation. In short, progress toward EPI in the case of the Regional Fund had failed to penetrate the policy space surrounding the creation of the cohesion interim instrument.

The final Regulation establishing the Fund (Council Regulation (EC) 1164/94 of 16 May 1994) indicated some progress from an environmental perspective. It made reference in its recitals to the Fifth EAP, the Commission's Green Paper on 'Sustainable Mobility' and the need to account for environmental costs. It widened funding eligibility to 'groups of projects' and to technical support measures, hence it provided for a more strategic approach to cohesion. The Commission's control powers were strengthened by allowing for 'on the spot' checks and by establishing its right to request from member states the reimbursement of any 'sums unduly paid.' The appraisal and monitoring process was formally strengthened by calling for environmental impact assessments supported by physical and financial indicators. The final Regulation also called for particular attention to transparency of management and the possible involvement of regional and local actors in the monitoring committees. Finally, it

called for a 'suitable balance' between environment projects and those targeted at transport infrastructure.¹⁴

Nevertheless, the Cohesion Fund continued to fall short of the sustainability goal as it would have been accomplished by aligning its environmental requirements with those of the 1993 Structural Funds. Significantly, operational measures remained absent from the final Regulation. 'Calls' for environmental impact assessment, monitoring and the participation of environmental authorities, regional authorities, social and economic partners were ambiguous and insufficient to ensure sustainable funding. Criteria for environmental projects were poorly specified; transparency and access to information continued lacking. Only a certain re-distribution of spending in favour of environmental projects can be ascertained (table 2).

Table 2

Proportional Commitment of Resources under the 1994 Cohesion Fund

Recipient	% of Total	for Environment	for Transport
Spain	54.8	41	59
Portugal	18.2	42	58
Greece	17.9	61	39
Ireland	9.1	41	59

(based on EE, No. 446: 10 January 1995)

3. Limits in the Traditional Literature on European Integration.

Two large paradigms continue to dominate the literature on the evolution of the European Community: neofunctionalism and intergovernmentalism. In this section, I will briefly outline how an explanation of policy change in the Community could be approached within these two paradigms, and then highlight their limitation as frameworks for the policy puzzle just described. Neither neofunctionalism nor intergovernmentalism provides us with sufficient elements to explain the different evolutionary paths of two similar policies.

¹⁴ The Regulation (Article 10(2)) calls for a 'suitable balance' while the original COM document had referred to an 'appropriate balance.' The actual difference between the two phrases is not quite clear and the improvement (if one took place) could not have impressed the critics of the original wording.

3.1. Neofunctionalism

The concept of *spillover* takes the central explanatory role in the neofunctional paradigm. Most notably, *spillover* is the primary mechanism responsible for task expansion on the European level. As environmental integration can be interpreted as a form of task expansion, *spillover* may be expected to illuminate this investigation.

Neofunctionalism hypothesises that functional co-operation on the European (supranational) level is subject to an expansive logic (*spillover*). Two related mechanisms are responsible for the expansion. First, the sum of all joint activities will exceed the sum of the original independent activities because elements that do not exist in all individual endeavours are shared on the supranational level. The second, theoretically more powerful, mechanism results from the effects of joint activities on other policy areas. It is argued that policy action in one field may impact on other fields, causing unintended side effects and hence policy responses in the such affected field. These will lead to further action on the European level and hence further integration. With more and more responsibilities being transferred to the European level, European institutions gain powers and influence, these will induce further authority transfers and, finally, a shift of public loyalties to the new European centre.¹⁵

With respect to environmental integration into regional and cohesion policy an argument based on the functional *pull factor* responsible for *spillover* can be constructed. One could contend that the approval of environmental projects and programs under the Structural and Cohesion Funds constituted a policy response induced by the pressure to remedy the sacrifices otherwise asked from poorer regions and countries trying to comply with the Community's environmental policy. Following this logic, Community environmental law imposed a burden on the economic development of certain regions until the structural policy was expanded to adjust for this unintended effect.

¹⁵ This is a partial and crude sketch of neofunctional theory. As I am concerned with policy change and not European integration, I will not go into the behavioural assumptions underlying the explanation for loyalty shift. Also, it should be noted in fairness that the early neofunctionalists, in particular, supplemented the functional mechanism responsible for task expansion by attributing some explanatory powers to legal and institutional pressures (this distinguishes the paradigm from mere functionalism). However, the paradigm attributes most of the explanatory power to the functional logic whereas legal and institutional structures emerge to solidify (maintain) progress in European integration and provide a basis for continued functional expansion.

Taking the existing Structural Funds as the point of departure, it can be argued that structural policy funded by the Community created environmental damage, delegitimising the Community's own environmental policy and therefore calling for remedies. As policy responses to this functional *pull* one could imagine a strengthening of the Community's environmental law (e.g., the EIA Directive), derogations for disadvantaged countries/regions from their environmental obligations, or regulatory measures to better integrate environmental objectives into structural policy.¹⁶

Both spillover arguments can be supported empirically. The "economic-compensation-for-environmental-obligations" argument was explicitly made to justify the environmental focus of the Cohesion Fund and the ENVIREG initiative funded by the Structural Funds. The spillover process triggered by policy contradiction and implementation gaps can be supported by references to the fact that in the mid-1980, i.e., prior to the first 'environmental reforms' of the Regional Fund a number of important environmental Directives were passed, increasing the Community's commitments. The impact of having to apply the SEA environmental obligations, in general, and the EIA Directive on Community-funded projects, in particular, may have created *spillover* pressures that were dealt with in the reforms. In its redistributive policies the Community could not escape its own regulatory framework. Even in cases where this framework would not be legally binding on Community action (e.g., the EIA Directive only applies to public and private projects under the authority of (sub-)national actors), any perceived violation could undermine the legitimacy of the Community (and the Commission in particular) by suggesting a hypocritical attitude of the Community actors. Hence, the more the Commission became involved in the actual planning and management of the Structural Funds the higher became its institutional obligation to ensure that they were spent in compliance with Community law, calling for policy reforms were such compliance was not forthcoming.

The functional spillover argument makes much intuitive sense, but it leaves us with our the initial question. Why were policy remedies devised in the context of the Regional Fund but not to the same extent for cohesion policy? Considering the similarity of the two policies, the environmental provisions in the revised

¹⁶ This sequence of functional expansion works better for the Structural Funds with a longer history of 'mistakes' than in the context of the Cohesion Fund. However, given the functional connection between the two Funds, neofunctionalists may expect that delegitimising 'mistakes' would *spillover* the very small division between the two policies through a learning process.

Structural Funds could have been literally copied to the Cohesion Fund. Despite the same functional pressures from the environmental perspective, this did not happen. In sum, functional spillover is not sufficient as an explanation for varied experiences of policy change in the context of environmental integration. We need to look beyond the logic of functional pulls in order to explain its varied impact on policy evolution.

3.2. *(Liberal) Intergovernmentalism.*

Intergovernmentalism is closely related to the neorealist paradigm in international relations. The intergovernmental model is based on the assumption that national interests and the distribution of power determine policy outcomes. Policy change in an intergovernmental system is rooted in changes of the inter-state power distribution.

Andrew Moravcsik (1991) has adapted the paradigm to the institutional framework of the European Community. He argues that EC policies are the result of inter-state bargains negotiated in the Council of Ministers and dominated by its leading member states. Bargains reflect the lowest common denominator between the most powerful states, while small states might be bought off with side-payments (bribes).¹⁷ The intergovernmentalist paradigm assumes that the ultimate national interest to be protected by the member states is their national sovereignty, but representative scholars increasingly acknowledge the significance of domestic politics for the decisions taken and interests pursued on the European level.¹⁸ Policy change, therefore, might be due to a changing power distribution in the Council or to re-definitions of policy specific national interests under changing domestic circumstances.

Accordingly, the integration of environmental consideration in regional and cohesion policy must be explained as the result of an inter-state bargain and consistent with the power relations and national interests of EC member states. Within the intergovernmental paradigm one would explain the growth of the Structural Funds and the establishment of the Cohesion Fund with rising powers of the poorer member states, now capable of demanding substantial side-payments for their consent to policies pursued by the leading states (such as the

¹⁷ Recalling Pollack (1994), this particular intergovernmental process is typical for the redistributive policy type.

¹⁸ This is the primary distinction between Moravcsik's model and the traditional intergovernmentalist paradigm which locates the formulation of national interests exclusively on the systemic level, for instance.

EMU). The environmental clauses, in turn, could be interpreted as the conditions attached to these side-payments by the still more powerful members, who are concerned with paying alone for transnational pollution while poorer members fail to improve their environmental performance.

The paradigm does not provide a framework to explain the different degrees of environmental integration in the two very similar policy areas, however. Further, the paradigm does not explain why national sovereignty became increasingly relinquished in the context of the Structural Funds while it was kept protected under the Cohesion Fund. As the national interests in the Structural Funds and the Cohesion Fund were closely related and the bargaining powers distributed similarly across the two issues,¹⁹ the model offers no clues for an explanation of the variance. Even if allowing for the possibility of issue linkage effecting new power distributions, i.e. small members gaining powers in a multiple issue negotiation based on their ability to veto a decision of great importance to the larger members, the two policy cases under observation remain *most similar* because the Cohesion Fund as well as the final reforms of the Structural Funds were closely associated with the Maastricht negotiations and the same side-payment rationales would have applied.

4. Search for a New Framework: People and Institutions.

The *most similar* case scenario utilised here exposes serious explanatory limits of the 'grand paradigms' of European integration. Given policy variation in the presence of an identical functional logic and interstate bargaining situation, this paper suggests to investigate explanatory factors neglected, at least in part, by neofunctionalists and intergovernmentalists. These are the impact of the multitude of policy players in the EC (in addition to the member state delegations) and the role of (micro-)institutional structures and histories forming opportunity spaces in which actors define and pursue policy interests.

Following empirical evidence, I suggest that an explanation of the precise nature of EC policy change requires a tracing of information and ideas through the complex actor constellation linked to EC decision making and connected internally by resource interdependencies. Success or failure of policy pressure exerted by individual actors is determined by their skills and resources on the one

¹⁹ Even the decision making procedures were identical. Both Funds are governed by unanimity rule in the Council (implementing decisions are taken by qualified majority, though) and, due to the budgetary implications of the Funds, the Parliament must give its assent to the decision.

hand and by the institutional framework in which they operate on the other. Institutional structures, in turn, can not be easily inferred from policy types or the bargaining situation in the Council of Ministers; they vary with the particular historical and political context.

The section illustrates the therefore potentially influential role of seemingly peripheral actors in the EC policy making structure, namely environmental NGOs, depending on their networking skills and the presence of favourable opportunity structures. Then, the central role of policy history and the distribution of competencies in the Commission and the Council in determining the effects of *actor push* is highlighted.

4.1. *The Pull and the Push: Interest Group Politics and Policy Networks.*

I have indicated above that the emphasis of the neofunctionalist model in explaining policy change lies on the functional *pulls* created by transnational interdependence and co-operation. Given the explanatory gap observed under conditions of equal *pull*, I hypothesise that the model might benefit if complemented by a model focusing on the actors responding to the *pull* and adding active impetus to change (the *push factor*). In other words, if considerable agency pressure existed in the context of the Structural Fund reforms but was absent in the case of the creation of the Cohesion Fund, the variance of success would be explained, *ceteris paribus*.

4.1.1. The Structural Fund Campaign

There exists a growing body of literature examining the role of national and transnational interest groups in EC policy making. Mazey and Richardson (1994) and Long (1995) have analysed specifically the instrumental role played by environmental NGOs in the reform process of the Structural Funds. They show how the reform of the Structural Funds owed much to a well orchestrated NGO campaign (led by the World Wide Fund for Nature, WWF), targeting the Commission, the Parliament, the Council, and the general public. These groups provided evidence of the environmental harm done by projects funded with EC moneys and offered concrete proposals for reform. The following overview of the process leading to the ERDF environmental reform in 1992 will show how the environmental groups devised a strategy that created and then utilized issue salience and integrated judicial politics as a strategic tool.²⁰

²⁰ Issue salience and judicial politics are two causal factors Mazey/Richardson (1994) consider as alternatives to the pressure group explanation. I argue that only if utilised in a political (continued...)

According to sources of the WWF the origins of their Structural Funds campaign can be traced back to the protest by Greek environmentalists over the construction of fish farms in the centre of an internationally important wetland in Prespa National Park funded by EC Structural Funds in 1987. Alerted by this example, environmentalists in Europe found numerous examples where projects funded with European money such as infrastructure schemes, tourist developments, dams and irrigation programs represented an environmental threat.

The lobbying campaign was co-ordinated from the WWF European umbrella organisation in Brussels and assisted by the well known and respected Institute for European Environmental Policy (IEEP) in London. Its objectives were to raise awareness of the 'European connection' of environmentally harmful investments on the ground, to raise awareness in the Commission of the environmental impacts of the Funds, and to provoke policy reform. In 1988, WWF contacted DGXVI expressing its concern with the 'apparent lack of mechanisms for assessing the environmental impact of the reformed Structural Funds' (Mazey/Richardson 1994: 33). At that point representatives in DGXVI were still relatively ignorant of their involvement in and responsibilities for environmentally harmful projects. A DGXVI official allegedly noted in a conversation with WWF: 'We are a development institution; what do we have to talk about?' (Interview, WWF, 4 August 1994.). Briefing papers in 1989 and 1990, published jointly by the WWF and IEEP, outlined the environmentally problematic implications of the revised Funds and offered extensive case study material.

Referring to the 'not entirely encouraging' past experience, the first briefing paper stated that spending under the Structural Funds 'will indicate whether Member States really are prepared to give priority to sustainable development and the integration of environmental protection into other policies' as was just declared at the 1988 Rhodes Summit (WWF/IEEP 1989), hence challenging the Community's ability to live up to its environmental commitments. Though acknowledging the 'real advance' made in the revised Funds, the document criticised a number of features that proved harmful for the environment. They included the short timeframe for submission and approval hindering adequate planning, the lack of participation of NGOs and other societal actors in the programming process, the limited public access to plans and programs, the limited funds available to specifically earmarked environmental projects, and the

(..continued)

campaign do issue salience and judicial politics result in policy change. Hence, they can be fruitfully integrated in a pressure group model.

limited resources of DGXI prohibiting the execution of effective environmental impact assessments of the submitted proposals on the Community level.

The second briefing paper continued the environmental appraisal of the Structural Funds in view of two years experience. It acknowledged 'clear signs of progress' but nevertheless concluded that an additional 'programme of reform [will be] required to embody environmental factors at the heart of EC Regional Policy' (WWF/IEEP 1990: 1). In particular, it concluded that '[a] more open and effective form of scrutiny [will be] impossible without changes. The first is greater public access to the Operational Programmes... The second is the establishment of a much larger and adequately funded environmental scrutiny and support unit within the Commission...' (ibid.: 8). It further suggested the involvement of environmental authorities and interest groups in the monitoring process and to strengthen Community sanctions if projects funded within approved programmes proved environmentally harmful.

The distribution of these detailed briefing documents with their specific reform proposals did not by itself result in a significant rethinking in the member states or within the Commission. The latter maintained until early 1992 that 'the fundamental principles of [the 1988] reforms remain[ed] entirely valid' [AE, 8 January 1992: 9]. Therefore, the environmental NGOs 'got organised' (Corrie 1993: 2). Local and national NGOs met to form a network co-ordinated by the WWF/Europe office. This alliance was able to collect information showing the environmentally detrimental effects of numerous Structural Fund projects. Case evidence, such as the threat Greece's Archeloois river diversion project posed for the region and its bird population, proved most effective in creating issue salience and mobilising sympathetic actors.

Having set the agenda for reform, it became time to 'lock' and maintain the agenda within the policy making institutions of the Community. The first activity of the new NGO alliance was the drafting of a memorandum, entitled Statement on Behalf of European Environmental Groups. Reform of the EC Structural Fund Regulations. The memorandum was 'press launched in February 1992 in France, Germany, Greece, Ireland, Spain, Portugal, the UK and in Brussels... discussed in meetings with Commission officials and distributed widely in Brussels and the member states' (ibid.). The effectiveness of the extended campaign was shown in early 1993 when the Commission published its own proposals for revision of the

Structural Fund Regulations.²¹ They incorporated many of the environmental provisions that NGOs had been demanding (ibid.).

The alliance's endeavours and successes in mass mobilisation and salience creation formed only the first step toward influencing the reform of the Funds. Crucially, the NGOs succeeded in building close ties with 'inside actors', that is, actors that influence the decision making in the EC directly. These ties were based on resource interdependencies between the inside actors and the NGOs, enabling the NGOs to become participants in a policy network close to the decision making centre of the EC. Arguably the closest relationship developed between the NGOs and the EP. In its vocalisation function the EP proved a valuable venue for environmental groups to communicate their concerns about specific projects and programs to the Commission and the Council. Considering the budgetary powers of the EP, i.e., the need for the Council to ensure Parliament's assent prior to changes in the Structural Fund Framework Regulation, the EP was a particularly effective mouthpiece for the green lobby. The EP, in turn, benefited from the information and policy analysis provided by the NGOs. In other words, the effective collaboration between NGOs and MEPs resulted from the complementary nature of their resources - information and access.

Resource interdependencies also developed between NGOs and DGXI. DGXI had been pushing DGXVI toward better EPI and for its own closer involvement in the approval process. 'Armed' with the support of a respected lobby, case data challenging the legitimacy of past practice and sound policy advice, DGXI succeeded in deepening its regional and operational knowledge, eventually gaining the acceptance by DGXVI officials as a valuable policy partner. In this position DGXI could effectively argue for its own and the NGOs' cause (Interviews, European Commission, 27 June and 24 August 1994).²²

²¹ A Reuter Press Release (Brussels: 24 February 1993) reports that the Commission proposal includes 'more explicit rules on respecting the environment, in response to strong appeals from the European Parliament and from environmental pressure groups.' Commissioner Millan is quoted: 'We are providing that in regional plans which the member states submit to the Commission... there will be a description of the environmental situation within the region concerned.' He also alluded to the involvement of environmental authorities and to accounting for the environment during the implementation process.

²² While perceiving its association with 'radical' environmental groups sometimes as a burden, DGXI benefits from those environmental NGOs whose input is attuned to the political opportunity space (i.e., is pragmatic) and provides reliable data and analysis (Hull 1993).

Finally, the campaign benefited from a report by the European Court of Auditors (ECA) that was highly critical of the Structural Funds' environmental impact. NGOs and the EP had provoked the commissioning of this report through their public campaign, their official questions directed at the Commission and through a number of European Court of Justice (ECJ) cases challenging the administrators of the Funds regarding violations of EC environmental legislation in specific Structural Fund projects, such as the already mentioned Archeloos river diversion project. The NGOs and MEPs contributed to the empirical evidence collected by the auditors which added not only to the content but also to the rhetorical value of the report,²³ which became a tremendous asset for subsequent environmental campaigning. NGOs acknowledged that their continuing campaign was helped by the ECA report (and the threat to the image and legitimacy of the Commission it represented) in getting their 'wishlist for reform' largely incorporated into the Commission proposal in early 1993 (Corrie 1993: 2).

Of course, the revisions to the regulations proposed by the Commission required final support in the Council of Ministers. Here the environmentalists benefited from a coincidence of interest between the Danish Government, holding the Council's presidency for most of the negotiation period and sharing in the NGO's environmental concerns, and the British Government, which is typically resisting environmental 'deepening' of the EC but in this case was worried about the prospect of wasting the growing Structural Funds on poor projects.²⁴ The Danish Government published a discussion paper concerning 'environmental aspects in connection with the Community's Structural Funds' in which it explicitly referred to the ECA report, the EP's opinion (EP 1992) and the environmental campaign orchestrated by WWF as sources informing its presidency's agenda (Danish Presidency 1993, WWF 1993). The resulting common position of the Council came as a positive surprise to most environmentalists²⁵ and manifested a

²³ A WWF representative remembered that the auditors had consulted the organization in the beginning of their inquiries 'in order to get a flavour of the problems.' WWF provided them with a number of examples of misguided funds and the auditors then got most of their information in the field. (Interview, 4 August 1994)

²⁴ As it was politically not possible for the UK government to prevent a doubling of the Structural Funds, it pressed during the negotiations of the revised Regulations for stricter arrangements governing an *ex ante* appraisal as well as follow-up and an *ex post* evaluation (AE 5/6 July 1993).

²⁵ Only the integration of the 'economic and social partners' proved a difficult issue, and a not entirely satisfactory compromise was reached in the end. The partial success in ensuring access for societal actors was in part attributable to a widening of the reform-oriented network on this issue because industrial partners joined the effort. Their protest was reported in Agence (continued...)

successfully led environmental campaign based on complementary alliances, rooted in shared interests as much as institutional interdependencies.

4.1.2. The Cohesion Fund Campaign

The fact that the Structural Funds were going through a reform while the Cohesion Fund was being established provided, theoretically, the opportunity for an overlapping campaign. However, neither during the interim phase nor during the negotiations preceding the adoption of the final Regulation did a successful environmental campaign materialise. This section exposes the actor-centered explanation to a comparative perspective and concludes that the NGO's failure cannot be explained by looking solely at the agency-side of the story.

Prior to the adoption of the interim instrument, environmental groups were indeed fully aware of the biases and procedural problems implied in the Fund as proposed by the Commission. In February 1993, the WWF and the Transport and Environment Federation (T&E) reacted to the insufficient nature of the proposal by sending a letter to the Commission that laid down 'a series of benchmarks for judging the Cohesion Fund performance' (quoted in WWF/T&E 1994). Unaccompanied by other co-ordinated activities, the letter failed to affect the interim Regulation. Lacking strong evidence of an active campaign, one might therefore be inclined to explain the environmentally weak interim instrument solely from an agency perspective: Environmental groups may have incorrectly assumed that their Structural Fund campaign would 'spill over' to the Cohesion Fund issue, hence failing to become sufficiently active in the latter case on the basis of their own free choice. In the preparation phase of the final cohesion instrument, however, NGOs increased the intensity of their campaign, pursuing similar strategies as in the case of the Regional Fund. Nevertheless, their success remained limited showing the the limits of such explanation.

Environmentalists came to regard the experience of the Cohesion Fund in its interim phase as 'a clear example of a missed opportunity' (WWF n.d.: 6), as it failed to fulfil the promise of helping poorer member states live up to their environmental Treaty obligations and to improve their implementation performance. In 1994, WWF and T&E utilised new evidence and the 1993 'benchmark letter' for an evaluation of the interim instrument. They criticised the

(..continued)

Europe (No. 5641, 8 July 1992, p. 2): The industrial associations UNICE, CEEP and ETUC expressed 'great concern with this turn of events which is far from the initial proposal made by the European Commission which fully included the idea of partnership' and their wish 'to return to the Commission's text.'

skewed balance between transport and environment projects. supported by detailed data according to which transport projects were spent primarily on road infrastructure and environment projects gave priority to end-of-pipe measures, hence violating the EPI commitment and the prevention principle laid down in Article 130r of the Treaty (WWF/T&E 1994: 3-4, ER 5 March 1994, AE 19 March 1994). WWF and T&E noted the lack of conformity with EC environmental policies (e.g. the Habitat and Wild Birds Directives and the recent commitment to limit CO₂ emissions). Finally, the NGOs were critical of the lacking partnership, transparency and access to information provided by the instrument.

Fully aware that a briefing paper alone would not lead to policy change in Brussels, WWF and T&E sought allies within the NGO community²⁶ and, more importantly, within Community institutions. The Committee of the Regions (COR), which has advisory status in matters regarding the Structural and Cohesion Funds, fell largely in line with the NGO recommendations, arguing that subnational authorities should be involved in the management of the Fund,²⁷ that a fair balance should be struck between environmental and transport projects,²⁸ and that the obligation concerning the total costs of a project (MECU 10) should be eliminated, hence allowing for innovative small projects. The latter concern was central to the EP's demands during the assent procedure as well, together with an equal breakdown of Cohesion Fund spending between environmental and transport projects, a clearer definition of priorities in the Regulation, and the introduction of control mechanisms (AE 19 March 1994: 15; AE 6 April 1994: 14; EP 1993a and b; ER 28 May 1994).

But, contrary to the ERDF reform experience, the Commission constituted a bottleneck in the campaign to greening the Cohesion Fund. Not yet in the

²⁶ On 5 April the European Natural Heritage Fund (Euronatur) proposed that 'past misuse of the Structural Funds could have been avoided if the European Commission had established clear guidelines and taken appropriate precautions' and 'denounce[d] present-day shortcomings in application of the interim cohesion instrument by the Member States as well as the lack of transparency by national authorities and the Commission in providing information on projects[... suggesting] that independent experts and non-governmental environmental organizations take part in project planning, appraisal and monitoring.' These Euronatur proposals went even beyond those tabled by WWF and T&E and openly blamed the 'race to EMU' for irresponsible spending decisions. (*Agence Europe*, No 6204, 6 April 1994: 14)

²⁷ The NGOs had also argued for the involvement of environmental authorities, though.

²⁸ However, the Committee explicitly states that this would not automatically imply the allocation of equal amounts as - implicitly - suggested by the NGOs.

possession of case material capable of mobilising the media and general public support for an environmental reform of the Fund, but rather dependent on dry procedural arguments and budgetary data, the environmental alliance failed to induce a 'bad consciousness' on the part of the Commission which was hiding behind anticipated political obstacles. Commissioner Schmidhuber reacted to environmentalists' calls by indicating that 'he did not think Council would be prepared to give in to Parliament's wishes at the moment' (EP 1993b) and that, therefore, the Commission would not place the very existence of the Fund at risk through aggressive manoeuvring in support of the NGO-EP-COR alliance. Consequently, the revisions included in the Commission's final draft of the Cohesion Fund Regulation remained of a declaratory nature and no operational improvements - targeted at clear selection criteria, wider participation, the right to information and effective environmental impact assessment prior to project selection - were made. Only the monitoring mechanism were improved.

In February 1994, the two leading NGOs concluded that '[t]he current [1994] Commission proposal is an improvement. Nevertheless, changes to the proposed Regulation will be required to ensure that the 13.65 billion ECU allocated through this Fund from 1994 until 1999 will contribute to the sustainable development of these countries' (WWF/T&E 1994: 7). In the end, also the EP, which had initially shared the NGO position and been their closest ally within the Community, did not sustain its opposition to the proposal. Led by its regional committee which was, similar to Schmidhuber, concerned with securing the Fund *per se* despite operational weaknesses, it tolerated the Commission's conservative attitude in the assent procedure and the Regulation was adopted. Compared to the reform process of the Structural Funds, the 1994 Cohesion Fund Regulation constituted a weak improvement over the interim instrument.

In sum, an explanatory framework focusing solely on the pressures and alliance building of interested parties is not entirely satisfactory in to accounting for the process leading to the adoption of the final Cohesion Fund Regulation. As in the case of the Regional Fund, environmental NGOs had formed an alliance and had collaborated with EC institutions. They failed, however, to penetrate the policy formulation and decision making centres of the EC as successfully as had been the case with regard to the ERDF. Their demands were deflected already during the Commission-led policy formulation stage and resulted only in declaratory environmental commitments and a moderate adjustment of the 'balance' between transport and environment projects. Why did the Commission's position differ from the one it had defended during the process leading up to the last reform of Structural Funds? The apparent failure in affecting public imagination and Community-actors' consciousness may be partly explained by the low 'shock-value' of available case evidence. In addition, I

argue below, there is a need to look beyond *agency push* and analyse more closely the institutional framework within which shocking evidence gets interpreted.

4.2. *The EC - A Complex Organisation.*

The interest group and policy network approach resolves the agency problem inherent in most neofunctional accounts of EC policy making and is capable of addressing the issues of agenda setting and interest formation which remain exogenous in intergovernmental explanations. However, the case evidence presented here indicates that the political *push factor* emphasised in these actor-oriented models does not offer a sufficient explanation either and, I suggest, needs to be situated in a historical-institutional framework. This section intends to show how institutional structures and histories provided the opportunity space for the green alliance to grow and become effective in the case of the Structural Fund reforms, whereas institutional factors acted as constraints in the context of the Cohesion Fund. In other words, actors and institutions stand in a dynamic explanatory relationship.

As indicated, the Interim Cohesion Financial Instrument was decided prior to the ratification of the TEU. This had important institutional consequences. Timing was responsible that the instrument became based on the 'catch all' Article 235 which provided for only limited powers for the Parliament, aside from requiring unanimity in the Council. Such conditions acted against environmentally progressive decisions as they limited the opportunities for the EP to voice its own environmental concerns and become an effective spokesorgan for societal (environmental) groups.

A prior procedural bottleneck to the greening of the Cohesion Fund concerned the Commission and the way it divided policy making responsibilities internally: While the ERDF reforms were led by the service for regional policy (DGXVI), the Cohesion Fund was initially assigned to the Secretariat General and DGXIX (budget). Several political contingencies were responsible for this division of labour. In the case of the ERDF the role of DGXVI was to be expected since it had been the Fund's 'institutional home' for the past two decades. In the absence of a previous institutional framework, concerns with a concentration of discretionary powers in DGXVI and a political interest in disassociating the Cohesion Fund from the increasingly supranational Structural Funds were responsible for allocating a different 'institutional home' to cohesion policy. And the Cohesion Fund was placed in the hands of those services that shared the macro-economic (EMU) focus and 'hands-off' philosophy that corresponded

with the politics of the days²⁹ and proved much less accessible to environmental interests.

To elaborate briefly, with respect to the evolution of the ERDF, DGXVI and DGXI had developed, by 1993, a good working relationship based on mutual respect. Close inter-service relations had evolved and continue to deepen (Mazey/Richardson 1994, Lenschow 1996). The positive climate between the two services was the result of the increasing pragmatism and operational (as opposed to legalistic) attitude of DGXI, on the one hand, and a greening of DGXVI in response to threats to its legitimate and continuing power, on the other hand. A good working relationship was further facilitated by their respective status in the (unwritten) hierarchy within the Commission which placed them in proximity to one another. The Secretariat General and DGXIX³⁰ were less inclined to engage in extensive collaboration with DGXI (and DGVI on transport issues). Even though these two DGs screened the proposed projects, they suffered from a relatively lower standing in the Commission. A working partnership that had become characteristic of the interaction between DGXI and DGXVI did not emerge and operational concerns of these DGs during the drafting phase and later the administration of the Cohesion Fund were easily ignored. This was exacerbated by the fact that, compared to the operations of the Structural Funds, the Commission generally was much less involved in the planning and management of the cohesion projects and therefore much less knowledgeable of, and identifiable with, the problems.

On the national level the distribution of responsibilities in the Commission was paralleled. Because the Cohesion Fund was presented essentially as a tool to achieve convergence and its financing was made conditional upon macro-economic performance, the national finance ministries were held primarily accountable for the expenditure and hence placed in charge of administering the Fund. From an environmental perspective, this central role of the finance ministries in national project identification and implementation as well as the

²⁹ The EP reacted outraged to first indications that the Commission was willing to surrender to a political climate that pushed for a re-nationalisation of EU environmental policies. Making specific reference to regional policy results (Twyford Down and Burren in County Clare, both Ireland), MEP White argued that 'when we talk about subsidiarity one of the major mistakes that has been made in the build-up to the Edinburgh summit...[was] the assumption that the nation state can cope' (EP 1993a: 36.).

³⁰ A Commission official noted the 'unusual' assignment of the administration of a Fund, i.e., expenditure item, to the budget office, i.e., typically dealing with revenues and allocations, suggesting a 'confusion of interests' at the least.

peripheral - if any - role of environment ministries compromised the environmental quality of the projects at the sectoral level.

In sum, the political context in the early 1990s had become unfavourable to strengthening the operational aspects of EPI at the European policy level. Prior reform history and institutional arrangements sheltered the Structural Funds from the full impact of this political climate and let it continue on a previous policy path. By contrast, the new Cohesion Fund lacked a previous institutional framework and 'fell victim' to the political climate in 1992/3 and the institutional structures resulting from it. The Fund was established in an intergovernmental bargain as 'payment' for the TEU through new redistributive measures. The actors included in the decision making process as well as the subsequent management of the Fund were trained in and preoccupied with the macro-economic and budgetary implications of the new instrument. This frame of reference, combined with a general drive toward general re-nationalisation of EC policies, meant that not much attention was paid to an appropriate framework for the micro-mechanisms of project planning and management. Environmental (side-)effects of cohesion projects were peripheral in the responsible actors' frame of mind, especially in the absence of empirical evidence serving as the 'course celebre' to undermine the Cohesion Fund's practice.

Further, the institutional structures framing the Cohesion Fund decisions limited the 'physical' opportunities for input by DGXI in the Commission, the Parliament through its environment committee and environmental interest groups who would tend to operate through them. Even though the decision making structure was altered in favour of the Parliament after the ratification of the TEU, the resources shared by the NGO-DGXI-EP alliance were not sufficient to influence the final Regulation beyond the introduction of mere declaratory statements. Aside from shared perceptions of what would be acceptable to the Finance Council, the distribution of powers within the Commission bore the responsibility for a weak policy proposal establishing the basis of negotiations.

5. Conclusions

Based on two *most similar* case studies this paper develops a framework for explaining policy change at the sectoral level which integrates an analysis of *pushes* exerted by networking policy actors in an institutional perspective. This framework facilitates micro-level analysis, both with respect to the complex actor constellations and to institutional structures, which is required for an understanding of policy change and variation in the EC.

It was shown in the beginning that neither the neofunctional nor the intergovernmental model succeed in illuminating the factors behind the different degrees of environmental integration in the case of regional and cohesion policy. These two models focus on the problem of policy change from a 'macro-perspective' - neofunctionalism emphasising the *pull factors* and intergovernmentalism focusing on structural conditions and (member state level) *push factors* effecting negotiation outcomes.

While providing no way of testing I accept the presence of a functional *pull* in both cases. In fact, I argue that part of the similarity of the two cases is a result of their exposure to similar functional pressures. However, the variance in the policy outcome suggests that functional *pull* does not perform as a sufficient condition for policy change. Also the intergovernmental variant of an actor-centric explanation (*pushes*) was shown to be insufficient. When it comes to policy change in the EC, a great number of actors are potentially influential in setting the stage for innovative decision making. However, few actors can bring about change on their own, due to the complex structure of resource interdependencies linking policy actors. These resource dependencies are not reducible to the formal power relations emphasised in IR theories, though they are important. The ERDF evolution, in particular, illustrates that seemingly peripheral actors, such as environmental NGOs, may be in the position to penetrate the decision making process in the EC by way of aggressive and strategic network building. Here, it proved more significant for the interested actors to form an effective policy network that reached into the centre of decision making in the Community than to be in a pivotal position in the first place. The policy network concept is capable of providing an analytical framework for this process.

Most significantly, the case studies show that a model focusing on the *pushes* for change needs to be situated in and complemented by a framework emphasising the structural and institutional factors that may provide opportunities for successful policy networks to form or, alternatively, may impose constraints on their formation. Despite similar functional pressure pointing toward EPI and similar engagement of the environmentalists lobby in the ERDF and the second phase establishing the Cohesion Fund, the latter proved a relative failure from the perspective of environmental NGOs. This paper argues that this difference was due to (micro-) institutional factors, the impact of which remains underappreciated by students of the EC.

Having shown that institutional factors were decisive for the varying effectiveness of environmental campaigns, the question arises whether we need to consider the role of actors at all. The answer is yes, since institutional factors

were not sufficient for policy change. Rather, their explanatory effect is rooted in the dynamic interaction of actors and institutions. Actors' preferences and perceptions are shaped by institutional opportunity structures and the frame of reference these provide; but they are not determined by them. Actors have without doubt been necessary for policy reform which would not have happened without the environmental campaign. Furthermore, an analysis focusing exclusively on institutional factors would be incapable of capturing the evolution of policy content so central to the cases presented here. In the present study it seemed useful to approach the analysis from a more inductive, process tracing perspective, which almost inevitably begins by looking at policy actors and their activities. Mayntz and Scharpf (1995), in contrast, prefer to follow the principle of 'decreasing levels of abstraction' and begin the analysis by establishing the institutional frame as a point of departure and move towards an actor-centric explanation if needed. As neither analytical strategy is likely to identify a sufficient explanatory factor, I suggest that the structure of the analysis may be a matter of style rather than substance.

As a final comment, this paper generally illustrates the importance of comparative analysis in our attempts to capture and explain policy making in the EC. For instance, the intergovernmental model would have corresponded well with the creation of the Cohesion Fund in a single case study. The model's explanatory limits are born out only in the comparison with the Regional Fund experience. The comparative case study design of the study helped to highlight the explanatory role played by the institutional framework in terms of structuring access and interaction of policy actors. In the end, these account for the variance across policy cases that appear *most similar* from a policy type as well as IR perspective.

Epilogue

For the future of the Cohesion Fund a more favourable historical and institutional setting has emerged. First, after a number of years in operation, case evidence on environmentally harmful practice is emerging, fuelling the 'whistle blowing' machine of environmental NGOs and the EP as well as offering the opportunity for judicial politics (ER and AE 5 November 1994, EE 10 January 1995). The recently much 'celebrated' case of the Tagus bridge in Portugal which poses a threat to the Tagus estuary and violates the intention of the Wild Birds Directive (79/409/EEC) may serve as a spearhead in a more successful NGO campaign for environmental reform in the future.

Secondly, the likely effectiveness of NGO-EP campaign activities has increased due to personnel shifts and a re-allocation of responsibilities in the Commission. The administration of the Cohesion Fund has now fallen in the hands of DGXVI and Commissioner Wulf-Mathies who began her tenure by calling for stricter environmental rules and controls as well as broader participation in the management and evaluation of the Fund (EE 27 June and 11 July 1995). On 22 November 1995 the Commission presented a communication on 'cohesion policy and the environment' which was jointly prepared by the services of Commissioners Wulf-Mathies and Bjerregaard (environment) and considers

that for the future a 50/50 distribution between transport and environment should be an allocation target which must be aimed at...[for the Cohesion Fund. It states that] the Commission will analyse further the possibilities for better co-ordination between the Cohesion Fund and the Structural Funds with regard to environmental monitoring and assessment... (CEC 1995: 9).

This apparent coincidence of changes in the institutional framework and real prospect for policy change supports the central claim of this paper that a close investigation of institutional (micro-)structures is essential for understanding failure and success of actors *pushing* for policy change, and hence for explaining policy evolution in the EC.

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