

**Multi-level and Cross-level Governance
and the Implementation and Revision of
European Union (EU) Water Legislation**

M. Leann Brown
Associate Professor
Department of Political Science
University of Florida
Gainesville, FL 32611-2036
telephone: 352-392-0262
fax: 352-392-8127
e-mail: lbrown@polisci.ufl.edu

and

Julie Garman
Research Associate
Environment Committee of the European Parliament
Brussels, Belgium

M. Leann Brown is Associate Professor in the Department of Political Science of the University of Florida. She studies European Union environmental policy making processes and comparative institutional building in regional organizations. *Julie Garman* is a Research Associate with the Environment Committee of the European Parliament. She is interested in environmental management issues and EU decision making.

Multi-level and Cross-level Governance and the Implementation and Revision of European Union (EU) Water Legislation

National domestic factors, Members' interests and power, negotiating dynamics, transnational interest groups and regional actors and structures may be important shapers of EU policy. No single factor adequately explains its complicated politics and procedures--the more important objective is to identify a model sufficiently nuanced to explain how these factors interact to yield regional policy. This qualitative study delineates the panoply of actors, their interactions, and strategies associated with British- EU disputes over the implementation and revision of water quality directives between 1985 and the mid-1990s to explore the possibility that the evolving concept of "governance" may very well provide an umbrella broad enough to account for EU decision making.

The data suggests that governance is a heuristically useful and empirically valid way to conceptualize EU water politics. Political interactions to affect the water legislation were based on an intersubjective consensus that clean water is a worthy policy objective. A multiplicity of factors influenced the policy process: many actors, interactions and strategies; power assets and coalitions; consensual knowledge, informational and propaganda factors; institutional procedures, etc. Activities to influence policy moved outwardly toward regional actors such as EU bodies and transnational alliances, and inwardly toward subnational interest groups rather than remaining strictly confined to those with legal and constitutional authority to negotiate and legislate.

Multi-level and Cross-level Governance and the Implementation and Revision of EU Water Legislation

Analysts investigating the processes and causation of European Union (EU) policy making are perennially concerned with assigning appropriate significance to domestic, transnational and intergovernmental factors and dynamics. Persuasive evidence has been presented that national domestic factors, Members' interests and power (Moravcsik, 1991), intergovernmental negotiating dynamics (Bueno de Mesquita and Stokmen, 1994), transnational interest groups and regional actors and structures¹ may be important shapers of regional policies. It is clear that no single causative explanation is sufficient for the complicated EU politics and procedures. The more relevant and challenging objective is to identify a model sufficiently nuanced to explain how these factors interact to yield regional policy.

In 1988, Robert Putnam advanced "two-level games" as a metaphor or proto-model heuristically useful for unraveling the "entanglements" of domestic and international politics in international negotiations.² On Level II, national domestic groups pursue their interests by pressuring governments to adopt their preferred policies and politicians seek to accumulate power by constructing coalitions among these groups. Simultaneously in Level I intergovernmental negotiations, national political leaders seek to maximize their ability to satisfy domestic demands while concluding ratifiable international agreements that effectively address international and transnational problems. In 1993, Jeffrey Knopf suggested amendments to this approach on the grounds that it inadequately distinguished among three additional forms of domestic-international interaction (transgovernmental, transnational and cross-level), gave insufficient attention to institutional links and formal alliances among the negotiating states, and allotted inadequate attention to the possibility that international negotiations and/or negotiating proposals might be initiated by domestic interest groups. This study takes a further step by exploring the possibility that the newly emerging concept of governance may very well provide an umbrella broad enough to subsume the multiplicity and complexity of actors, levels and political strategies involved in EU

policy making. This longitudinal study seeks to delineate the panoply of actors, their interactions, and strategies associated with British (United Kingdom, UK)- EU disputes over the implementation and revision of EU water directives between 1985 and the mid-1990s.

Political interactions to affect the water legislation were based on an intersubjective consensus that clean water is a worthy policy objective. A multiplicity of factors influenced the policy process: many actors, interactions and strategies; power assets and coalitions; consensual knowledge, informational and propaganda factors; institutional procedures, etc. Activities to influence policy moved outwardly toward regional actors such as EU bodies and transnational alliances, and inwardly toward subnational interest groups rather than remaining strictly confined to those with legal and constitutional authority to negotiate and legislate. The study concludes that "governance" is a heuristically useful and empirically valid way to conceptualize EU water politics.

Models of International Politics

As noted, Putnam's two-level games metaphor aspires to provide a proto-model as to how domestic and international politics interact to shape states' policy choices in international negotiations. He asserts that new general equilibrium theories are needed to account for the simultaneous and reciprocal causation between domestic and international factors. This was not a new investigative enterprise. In his *MAN, THE STATE, AND WAR* (1959), Kenneth Waltz discusses the domestic sources of international phenomena, the "second image." In 1978, Peter Gourevitch provided theoretical support for emphasizing the international sources of domestic politics in his conceptualization of the "second image reversed." Eschewing either-or formulas, foreign policy and comparative politics analysts such as James Rosenau (1969 and 1973), Graham Allison (1971) and Peter Katzenstein (1976 and 1978) suggest that "linkage" exists between the various levels of analysis and that both domestic and exogenous factors must be considered to generate comprehensive understandings of these phenomena (Wolinsky, 1997: 3, 27 fn 4). The early integration theorists also were sensitive to the interaction of domestic and international factors (Deutsch, 1957). Ernst Haas (1958) assigned importance to political parties and interest

groups, particularly transnational corporations, on the process of European integration; his "spillover" concept recognized the possibility of feedback between domestic and international factors. However, Haas' work primarily sought to explain the evolution of supranational institutions rather than specific regional legislation.³

Putnam is interested in the strategic calculations of government negotiators they take into account: the policy preferences of domestic interest groups (Level II) ; their personal desires for policy effectiveness and political survival (re-election); the legal, organizational and procedural constraints on the domestic and international levels; the ratifiability⁴ and implementability of international policy alternatives that will address the problem at hand; and the policy preferences and strategic positioning of their negotiating partners (in this case, EU officials and other Member States) including the regional and domestic interests and actors that shape the latter's position (i.e. Level I). The rational choice for government leaders on one "game" level may yield suboptimal outcomes on another level.

The domestic factors that government negotiators must take into account include governmental agencies and bureaucracies, its own and opposition political parties and legislative politics, and, particularly in cases of environmental politics, the primary industrial and environmental interest groups and public opinion. The group of policy alternatives deemed acceptable to an interest group constitutes its "win-set." If profound cleavages characterize the policy issue, tacit or explicit alignments may emerge across national boundaries by which interest groups pressure their government to adopt policies advocated by other governments. In these instances, domestic conflicts may enhance the likelihood of international agreement.⁵ This phenomenon is prevalent in the water politics of this study. British interest groups on both sides of the standards argument allied themselves with EU officials and regional interest groups to influence UK and EU decision making. The British government actually created domestic constituents and coalition allies for delaying implementation and revising the EU regulations with the 1989 establishment of ten private water companies.

Knopf (1993) and others (Evans, et al., 1993) are concerned that Putnam doesn't adequately distinguish among the different bargaining contexts. For example, this study contends that environmental policy processes are qualitatively different than issues such security or more purely economic concerns. The complexity, technicality, and opacity of the issue affect the level of interest group attention.⁶ Highly salient and politicized issues draw the attention of interest groups less concerned about the costs of reaching no international agreement and reduce the size of the win-set. Groups with the greatest interest in the specific issue often advocate the most extreme policy options.

Under most conditions, the complexity of having to deal with multiple levels of games deters decision makers' ability to effectively legislate regional policy. However, occasionally highly adroit players may undertake strategies such as "package deals" on one level that trigger the realignment of coalitions on the second level enabling policy objectives to be achieved on both levels that otherwise would have been impossible. Astute negotiators take advantage of the multiple levels of analysis by fostering issue linkage and exploiting the benefits of side-payments.⁷

As was noted, Jeffrey Knopf suggests amendments to Putnam's two-level approach on the grounds that it inadequately distinguished among three forms of domestic-international interaction (transgovernmental, transnational and cross-level), gave insufficient attention to institutional links and formal alliances among the negotiating states, and allocated inadequate attention to the possibility that international negotiations and/or negotiating proposals might be initiated by domestic interest groups. Transgovernmental coalitions may emerge when state officials on one or both sides are internally divided and one or both seek to bolster the influence of the like-minded faction within the other government. Transnational actors outside of government on both sides may seek to align with like-minded external governmental or nongovernmental actors when they are dissatisfied with the result of purely intergovernmental bargaining. From the external environment, they seek to enhance their political resources including credibility or expertise to gain leverage against their own government which is at odds with their demands. For example, in this study reveals that British environmental groups possess insufficient influence to change the

policies preferred by their government and its water company, agricultural and chemical industry allies and turned to the regional arena and constructed alliances with the European Commission and Court of Justice as well as regional environmental interest groups. Knopf writes that cross-level interactions can produce major shifts in intergovernmental bargaining. The national government may unilaterally change its negotiating position to remove the incentive for domestic groups to interact with external actors or try to rally other domestic groups to oppose the "foreign intrusion" which could lead to a hardening of its negotiating stance. Further, cross-level interaction may occur between government leadership on one side and the domestic constituents of the other. (This paper will also provide evidence that intergovernmental to intergovernmental interactions must be included in the equation as illustrated by EU-World Health Organization interaction over various water quality parameters.)

A further useful addendum to the "games" metaphor is George Tsebelis' (1991: 8) contention that institutional redesign may be an important objective of government officials unnoticed by the outside observer. By changing the rules of the game, government officials may significantly alter and enlarge the pool of policy alternatives. This study will show that the British government sought to change the rules of the game by linking water legislation to the subsidiary issue, thereby calling into question EU authority to legislate in this policy area.

The question arises: if so many actors, levels of interaction and processes are involved in EU policy making, might another model be required to take into account the multiplicity and complexity of the phenomena? I submit that the concept of governance provides a broad enough umbrella to subsume the multiplicity of actors, levels and political strategies involved in EU policy making. Governance is a system of rule deriving from all levels of human activity based on intersubjective consensus rather than strictly legal and constitutional authority. The order and compliance associated with governance as opposed to "government" are based upon legitimacy rather than coercion. Rosenau and Czempiel (1992) write that the concept of governance conveys the understanding that, throughout the world, authority is relocating both outwardly toward supranational entities such as regional organizations, intergovernmental organizations and

transnational interest groups, and inwardly toward subnational groups. The utility of the concept lies in its encompassing any purposeful activity intended to control, influence, or modify the behavior of other actors in an arena occupied by states or on other levels. Lawrence Finkelstein (1995: 368-369) writes that students of "governance" must:

identify and examine the processes of influence, decision, and action that shape or determine them; including relevant power and the means of exercising it; diplomacy and politics between and within states; alliances and coalitions of states; international pressure groups of nongovernmental actors...individuals wielding influence whether because of position or status or the power of their ideas; consensual knowledge, as well as participants in and methods of developing it; propaganda and communication; feedback loops between international, national, and subnational actors; and institutional procedures and methods that channel inputs and determine the efficacy.

More specifically, Gary Marks writes that EU multi-level governance analysis:

disaggregates the state, and examines the decision-making of particular state actors, including...member state executives; instead of assuming that states operate to preserve sovereignty, it assumes that state actors have multiple, potentially incompatible goals; instead of focusing on 'big decisions'.. it focuses on politics beyond and below the treaties; and...instead of concluding that member states consistently control policy outcomes, it finds that the influence of actors at different levels of government varies widely across, and even within, policy areas.⁸

The concept is highly flexible as to scope: it may pertain to general or specific activities; bilateral, function-specific, regional and/or nongovernmental activities; both ad hoc and institutionalized processes. This study's conceptualization of EU water politics in terms of governance will not convey major new insights or the formal deduction of testable propositions. Rather, its broad brush is embraced to bring the complex of actors, institutions, processes and political interactions of this case under the microscope of empirical research. The following segment provides background information on EU water legislation and how implementation difficulties raised a firestorm of debate in Britain including demands for revising the legislation.

Revising EU Water Legislation: The Background and Nature of the Issue

Nigel Haigh (1994: 4.2.1) writes that water policy was the first subsector of EU environmental policy to develop and it is now the most comprehensive.⁹ Beginning in 1975, the European Communities promulgated a series of directives dealing with the quality of drinking, bathing and ground water. Directive 75/440/EEC of 16 June 1975 required that surface water intended for drinking meet certain standards and be adequately treated before being introduced into the public supply by July 1985.¹⁰ Directive 76/160/EEC of 8 December 1976 established 19 physical, chemical, and microbiological parameters and created a system for monitoring bathing water quality (OJ L 31, 5 May 1976).¹¹ The goals of Directives 76/464/EEC and 80/68/EEC were to regulate the discharge of dangerous substances into surface water and groundwater, respectively (OJ L 129, 18 May 1976; OJ L 20, 26 January 1980). And, Directive 80/778/EEC of 15 July 1980 established standards for water quality intended for human consumption both immediately and after processing. The directive set regulatory limits for contaminants, including nitrates and pesticides, to be achieved by 1985.¹² Essentially, revision of these directives became a part of the Member-States' and EU agendas when high cost and other implementation difficulties emerged and intensified, an indication of Members' earlier failure to achieve ratifiable and implementable policy that deal effectively with water quality concerns in Level I negotiations.

Water politics are particularly complex, technical, and volatile on whatever level of consideration. Potable water is essential to human existence and possesses most difficulties associated with collective goods.¹³ Because large numbers of actors are affected by the policy outcome, policy making to deal with collective action problems usually involves many societal actors and a large portion of the political debate and activity take place in venues susceptible to public scrutiny and influence such as the press. Those attempting to formulate water policy must deal with multiple media (e.g. surface, ground and bathing water); multiple source of pollution (e.g. bacteria, minerals and hundreds of chemicals including pesticides and fertilizers); methodological questions, including whether to impose quality standards versus emissions

limitations; and in recent years, policy makers have attempted to integrate water legislation with other concerns such as air and soil pollution. Thus, water quality issues are fraught with uncertainties and require a great deal of scientific input.

The institutional frameworks in which British and EU water politics transpire are qualitatively distinct from most domestic-international negotiating contexts. The British government is more open to societal influences such as lobbying by business and environmental interest groups than their continental partners. Further, as an EU Member State, Britain participated in promulgating the initial series of water legislation and, thus, was legally obligated to enact national implementing legislation. Failure to properly implement the legislation represented more the simple defection associated with most international treaty obligations; British compliance with the water legislation was monitored by the Commission and failure to do so placed it at risk of indictment and punishment by the European Court of Justice (ECJ).¹⁴

Domestic Influences on UK Negotiators regarding the Drinking Water Directive

Immediately after the enactment of the 1975 Drinking Water Directive, the British government maintained that the legislation did not mandate protection of water quality at the source since most drinking water is drawn from surface water which can be easily treated to comply with EU standards. It interpreted the directive very narrowly and tested only 27 bodies of water. Mayer (1992: 793) writes that "Experienced negotiators almost invariably insist that the more difficult part of their job consists not in dealing with their adversary across the table but in handling interest groups, bureaucrats, and politicians at home." In response to this limited implementation, the environmental group, Friends of the Earth (FoE), drew upon political resources across political levels by appealing to the EU Commission and initiated legal proceedings. The UK abandoned its position almost immediately, and after 1985 shifted its emphasis from a treatment-based strategy to one emphasizing prevention.¹⁵ Public awareness of the potential problems associated with limited monitoring put pressure on the government

which ultimately expanded the scope of the act to cover more than 400 bodies of water. With regard to activities of environmental groups, Maloney and Richardson (1995) write:

The main resource of such groups is, of course, publicity and their position as some sort of surrogate public opinion. However, resorting to legal processes is a relatively new strategy for British interest groups and is similar to that adopted in the U.S. ...These groups are also becoming more technically oriented and are seeking to challenge water professionals on equal terms.

With a mandated implementation deadline of 1985, UK water companies in breach of the drinking water regulations appealed to the government that insufficient time has been allotted to install new equipment to meet the standards. In response, the British environment secretary granted an extension for meeting the deadline. In 1986, Friends of the Earth challenged the government's right to extend the compliance time in British courts and the ECJ. They demanded that the water companies immediately install the necessary equipment and that pesticide users responsible for water contamination be required to bear the expense (FINANCIAL TIMES, 13 August 1994: 12).

As the EC Commission began to exert pressure on Member-States to comply, Margaret Thatcher's government initiated legislation to change the rules of the game by shifting the costs of implementation to the private sector.¹⁶ The government published a White Paper (Department of the Environment, 1986) on water privatization in February 1986 but the plans were postponed in July in response to an array of opposition including the Council for the Protection of Rural England (CPRE), the Institute for European Environmental Policy (IEEP), the Country Landowners Association, the Institute of Water and Environmental Management, the Confederation of British Industry, the trade unions and even the Ministry of Agriculture, Fisheries and Food. The *Financial Times* reported that "Privatisation has spotlighted, as never before, the environmental issues involved in water supply, and has led to a spate of criticism of the industry from 'green' pressure groups, MPs, and peers."

The British privatization scheme had been drafted without consulting the EC Commission. The CPRE and the IEEP questioned whether private companies were competent

authorities to administer EU legislation. Eventually the Commission issued a "carefully worded warning" that Britain's proposed transfer of pollution control to the private sector might not be consistent with EU legal requirements. In May 1987, the UK Department of Environment acknowledged that private entities were probably not competent to administer EU law and decided to establish the National Rivers Authority to carry out environmental regulatory functions (Maloney and Richardson, 1995: 122-125). A water bill was finally published in November 1988. The possibility of law suits threatened Britain's privatization scheme inasmuch as few would be willing to invest in a water company without the financial and legal risks being clearly delineated. It was uncertain whether industry would acquire the capital to meet the demands of the new regulations via borrowing or higher charges to their customers and whether these costs would be incurred before or after privatization. About 20 percent of sewage treatment plants were operating above pollution limits set by the government. In the final stages of the deliberations, the government amended the Water Bill to permit approximately 1,000 of these plants to continue discharging at existing levels until 1992, providing time to install new equipment.¹⁷ In September 1989, the government made available for public purchase ten new water and sewage businesses in England and Wales.¹⁸

In Britain, FoE and the Consumers' Association allied to repeatedly express concern about levels of aluminum and lead in the supply of drinking water. These concerns arose from the apparent link between aluminum and Alzheimer's disease. Ingested lead may affect the intellectual development of children and is known to cause head and stomach pain, tremors and irritability in low concentrations, and coma and death at high levels.¹⁹ The problem is complicated in regions with high levels of naturally-occurring lead such as northwest England and Scotland. The northwest also receives very acid water from reservoirs in the Lake District which may cause lead particulation in antiquated pipes. The water industry admitted that its efforts to meet the EU limit by diluting acid water failed. A sample of tap water in Lancashire in the early 1990s contained 88,200 milligrams per liter (mg/l) of lead. According to one estimate, 20 percent of British homes exceeded the World Health Organization (WHO)-

recommended lead standard of 10 mg/l of water.²⁰ The current EC limit is 50 mg/l. A UK Department of Environment official argued that the lead particulate problem is unique to the northwest. Local water authorities, however, believed disintegrating lead water pipes to be the source of the problem. Their view seemed confirmed by a report in the British magazine *NEW SCIENTIST* that replacing lead pipes reduced lead readings. Despite the uncertainty surrounding the most proximate cause and best remedy for the problem, in 1989, under threat of action in the ECJ, the British government promised that all water supplies would meet the EC lead limit by the end of 1992, seven years after the 1985 target date (McLaughlin, 1993: 9).

UK-EU Negotiations Regarding the Drinking Water Directive

In 1989, the *Financial Times* (8 February, Section I: 24) reported that the British government was "fighting a desperate battle" in Brussels to postpone full implementation of EC water directives. The Commission made it clear that would insist on full compliance by all Members and that British noncompliance would place any newly-created water companies at risk of legal prosecution and fines.²¹

In negotiations with Margaret Brusasco-MacKenzie of the Commission's Directorate General for the Environment, Nuclear Safety and Civil Protection (DGXI), Hugh Rossi, Chairman of the British House of Commons Environmental Committee, discussed the incompatibility of EU and UK environmental regulation. Rossi explained that British environmental laws have been based historically on flexibility, pragmatism, and local decision making while EU legislation follows a more rigid "napoleonic code of standards."

Rossi further contended that the UK's system of public disclosure had raised resentment in Britain against other EU countries. He suggested that other EU Members have greater environmental problems than Britain but they have not monitored them as well or released the data. Brusasco-MacKenzie acknowledged the problem but said that the Environment Information Act should eliminate these concerns by giving the public access to environmental

data held by all governments.²² In July 1993, FoE claimed in *The Guardian* that delays in implementation of the 1975 water directive meant that "at least 14.5 million" people were still drinking "sub-standard" water. Upon FoE urging, then-EC Environment Commissioner Yannis Paleokrassas informed Britain that the EC was not satisfied with its explanations for the delay in implementation and that the Commission was considering referring the matter again to the ECJ.²³

Domestic Influences on UK Negotiators Regarding the Bathing Water Directive

In its initial implementation of the 1976 Bathing Water Directive, the British government again applied a very narrow interpretation of what constituted "designated bathing water" with the result of only 27 sites being included, excluding many well-known bathing resorts and all inland sites. This approach drew derision from many influential commentators including the government's own body of independent advisers, the Royal Commission on Environmental Pollution. In 1985, the Commission issued a reasoned opinion that the UK had failed to take all necessary steps to comply with the directive (OJ C8/21, 10 January 1985) and threatened infringement proceedings. This combined with the domestic public outcry forced the government to expand its definition. In February 1987, the Government announced that an additional 362 bathing water sites had been identified for purposes of the directive. In 1993, the Department of the Environment announced that 332 (79.4 percent) of the 418 UK designated waters complied with EU standards; by 1994, 457 sites made the list.

The high profile of the bathing water issue in the media and political arena may be attributed to two factors. The results of regularly scheduled quality tests required by the directive are newsworthy and provide a yardstick against which progress can be measured. A range of environmental groups use the data to keep the issue on public and political agendas. For example, the Marine Conservation Society denounces "failed" beaches and the publication of its annual Good Beaches Guide is reviewed in regional and national newspapers. Regular publication of information on the compliance issue has expanded the number of actors involved

in the water debate and contributed to the confrontational quality of its politics (Ward, et.al., 1995: 21).

UK Sectoral Interests and Transnational Actors in International Negotiations

As was noted, an aspect of EU politics that transcends simple, two-level conceptualizations of international negotiations is the existence of transnational actors, regional-level interest groups--in most cases umbrella organizations comprised of national environmental or corporate interest groups--that lobby EU decision making bodies on behalf of their members. These organizations are often hybrid in the sense that their members may be national associations or individual firms. Thus, in addition to lobbying their government, British water companies joined with other Member State industrialists to articulate their dissatisfaction with EU water legislation via regional organizations.

The European Union of National Associations of Water Suppliers (EUREAU),²⁴ demanded revision of water quality standards, particularly those relating to maximum levels of nitrates and pesticides, on the grounds that they were too stringent and "unscientific."²⁵ They argued that the nitrate limit, promulgated almost entirely to avoid infantile methaemoglobinaemia ("blue baby" disease), does not take into account its virtual disappearance where public supplies of water are treated.²⁶ That limit, they contended, derived from the technical capacity for discerning chemicals at the time of promulgation. Today, it is possible to measure the presence of as little as 0.05 mg/l of nitrates.

EUREAU also lobbied for revision of standards on pesticide residues, the upper limits of which were set at 0.1 mg/l for individual pesticides or 0.5 mg/l for total pesticides. Applying the "precautionary principle," these limits were a "surrogate zero" given 1975 detection techniques. Most EUREAU members advocated new rules based on WHO guidelines which specified limits based on observed toxicity of individual chemicals rather than sensitivity of detection techniques. In most cases, WHO-recommended upper limits for pesticides are 0.2 mg/l (FINANCIAL TIMES, 4 December 1991, Section I: 17).

Pesticides are widely used in agriculture in all EC countries, thus farmers were natural allies of the water and chemicals industries. On average, 3-5 kg of pesticides are used per hectare of cultivated land. Farmers say that if they were not used, production would plummet and prices escalate. Public opinion polls revealed that 80 percent of those surveyed believed that the use of pesticides could be eliminated. However, a spokesperson for Britain's Imperial Chemical Industries (ICI) responded that without pesticides, wheat production would decline by 53 percent. Tap water in Britain's south and east also regularly exceeded the pesticide limit because of the presence of the weedkillers atrazine and simazine.²⁷

Scientific uncertainty contributes to the level of controversy surrounding water policy-making. A member of the working party that produced the British Medical Association's report "Pesticides, Chemicals and Health" in 1991 admitted that the medical community doesn't know very much about the consequences of pesticide consumption. He averred, however, that "What we do know is that tiny amounts of substances can become concentrated as they move up the food chain, and it is we who are at the top of that chain." In 1992, the Council of Europe, in recommendations to national authorities and manufacturers, expressed concern that the use of pesticides can mean "unacceptable contamination of the soil, water table and surface water and unacceptable effects on species." Further, there are no corrective measures that are economically viable or technically feasible (THE TIMES, 15 August 1991; EUROPEAN REPORT, 15 September 1993: Section IV, No. 1885). With regard to the scientific uncertainty surrounding the threat posed by different pesticides in various concentrations, FoE said that safety must come first. Many pesticides have not been on the market long enough for scientists to know their long-term toxic properties. The WHO conceded that the effects of many pesticides "will not be fully appreciated within the span of a generation."

The water industry undertook public information campaigns, including the use of scientific data and experts, to buttress their case. EUREAU held its first such seminar in London in July 1992. Scientists from the privatized water companies in England and Wales, EU officials and Britain's chief drinking-water inspector attended. Seminars followed in other

Member capitals over the winter. At the London conference, scientists expressed concern that the water directives did not provide a mechanism for updating standards; new legislation was required for revision. The scientists were further concerned that bureaucratic inertia, Member governments' and EC officials' reticence to undertake the arduous task of new legislation, and the absence of political will would foreclose any hope for remedy (THE INDEPENDENT, 20 September 1992: 38).

UK-EU Negotiations over the Costs of Compliance

Much of the furor about EC water directives arose out of the cost of compliance; the benefits and costs of the legislation were diffused.²⁸ It was estimated in December 1989 that L28 billion in capital spending up to the year 2000 would be required to bring water in England and Wales up to EU standards.²⁹ The Water Services Association, representing the ten newly-privatized companies, reported that the objectives were being systematically achieved as the companies strove to make up for under-investment in the years before privatization. In the midst of these calculations, water industry scientists remonstrated: "We don't see why we and our customers should have to pay fortunes to clean up pesticides when the farmers don't pay a penny." (THE INDEPENDENT, 20 September 1992: 38).

In 1992, Britain's Office of Water Services (OFWAT), the regulatory agency that oversees water prices, published a report entitled THE COST OF QUALITY revising estimates of meeting water quality standards from L28 to L60 billion. The water companies estimated that it could cost L2-3 billion more than originally anticipated to comply with existing directives on removing pesticides from drinking water. The Department of Environment had accelerated the clean-up of beaches following the Commission's threat of court action. Furthermore, in May 1991, Directive 91/271/EEC enacted standards for urban waste water that represented expensive new obligations.³⁰ Although the exact interpretation of the directive by UK regulators was not yet clear, individual water companies put the cost of

compliance at somewhere between L8 and L15 billion while the Water Services Association estimated L10 billion (FINANCIAL TIMES, 13 August 1993: 12).³¹

Reports published in August 1991 by the National Utility Services found that with a 15.2 percent annual increase, Britain had the second highest water inflation in Europe behind Italy's 19.5 percent (THE TIMES, 15 August 1991). A representative of the Institute of Environmental Health Officers asked: "is the water charge payer going to pay the amount of money needed to remove the tiniest traces of pesticides? Our concern is that there will be public health problems if water becomes so expensive that people use less of it."³² The Director-General of OFWAT, warned that customers might not be willing to pay the costs of bringing water quality up to EC standards. He projected that water bills would increase 60 percent above the expected rate of inflation between 1995 and 2000, with some individuals experiencing a 100 percent increase on bills averaging L100 annually. EC Environment Commissioner Paleokrassas dismissed OFWAT's criticism of EC directives arguing that the real problem has been the UK's reluctance to enforce the "polluter pays" principle on farmers and waste-producing industries (THE TIMES, 15 August 1991; NATURE, 22 July 1993: 268, 270).³³

Environmental groups and the EC Commission argued that the water companies' complaints against excessive costs were motivated as much by concerns for their own profitability as the undue burden on and the quality of service provided their customers. Why, they asked, should today's customers bear the burden of past neglect of infrastructure investment and finance improvements with a projected lifetime of fifty years? Why did OFWAT not force the water companies to seek alternative sources of funding such as long-term loans from the City? These monies had been promised at the time of privatization. And, of course, all price increases had not gone to improve water quality. At the time of privatization, water company earnings and dividends were expected to increase by about 4 percent annually. Instead, water share prices had risen by 110-170 percent. The salaries of water industry chief executives had also soared. For example, at Thames Water the top pre-

privatization salary in 1989-90 was L41,000. By 1993, the top salary had reached L306,000, an increase of 134 percent.

The furor over water directives brought the Commission and its Environmental Directorate under attack and forced it to defend its own role and competencies. Member governments, industry, and even some rival directorates charged that the water legislation was naive, overly-ambitious, and imprecisely drafted allowing improper divergences and noncompliance. They charged that the Commission lacked the ability to detect rule infractions, it had failed to enforce the rules and that Members could not afford to comply. Criticism of the Commission intensified as the costs of implementing the directives became clear and the British and others linked the water legislation with the subsidiarity debate.³⁴ Members, faced with high clean-up costs during economic recession, repeatedly posed the question: why should we comply when it is clear that other Members have not and the Commission is unable to monitor and enforce the standards?

The Environment Commissioner, averring that environmental policy does not lend itself well to cost-benefit analysis, acknowledged that the policy had not derived out of such a process. An aide to the Commissioner said: "It is very hard to calculate the benefit side of the equation. One can point to tourism revenue and to reduced health care costs but in the end you can't put a price on a clean beach." The Commissioner concurred: "We have certainly saved lives and prevented sickness but I am not tempted to try and guess how much." He conceded: "it would be irresponsible not to accept that there are difficulties with financing." (FINANCIAL TIMES, 3 November 1992).³⁵

The difficulties associated with predicting the costs of implementation were a primary problem in formulating water legislation and its subsequent implementation. In January 1994, the debate about the cost of implementation of the Urban Waste Water Directive continued unabated. The UK Chancellor of the Exchequer Kenneth Clarke claimed that the L10 billion cost of compliance was "too high to contemplate." His tone implied that the Commission had somehow committed Council Members to vast spending against their will. The fact is, that

neither the Member States nor the Commission had irrefutable estimates of the cost of implementing the policies. The British had by 1994 presented four sets of estimates beginning with the original L2 billion. Clarke had to back down when it was revealed that this original cost had been calculated during his own party's leadership at the Department of the Environment. Commissioner Paleokrassas pointed out that the directive had been passed unanimously and challenged UK estimates and motives in its attack on the waste water directive. Paleokrassas said that the British had a habit of attempting to shift blame to Europe but that this was "a debate between them and the British people." EU officials and other diplomats believed that Major's government was concerned about rising water costs in the southwest which could effect its slim electoral majority there. With these domestic pressures, the British government entreated for delaying implementation of the waste water directive from 2000 to 2005 (NEW STATESMAN AND SOCIETY, 20 MAY 1994; THE HERALD, 26 January and 12 July 1994.)

An array of other interest groups also participated in the water debates in Britain. The chemicals industry was not monolithic in its advocacy for relaxation of water quality standards. While producers of fertilizers and pesticides supported lower EU standards, manufacturers of chemicals utilized in water treatment benefited from strict water standards. A representative of one Britain's largest construction firms expressed alarm that the government was lobbying for a relaxation of EC water standards. He pointed out that water treatment technology is a growth sector and British firms were well placed to compete in the market expanded by EC legislation (THE DAILY TELEGRAPH, 30 August 1993). The new EC waste water treatment requirements were regarded as a boost for the polyacrylamides market; Allied Colloids in Bradford, with 42 percent of the European market, was the largest European producer of polyacrylamide flocculants for water treatment.³⁶ These divergent interests within the chemical industry reflects the complexity of issues involved and are a source of difficulties when the industry attempts to devise common advocacy positions in London and Brussels.

The tourist industry and water sports enthusiasts united in their demands that strict EU standards be maintained and British water brought up to those standards. The tourist industry was particularly interested in avoiding having local beaches labeled unfit for swimming in surveys required by EU legislation. In 1990, Surfers Against Sewage was founded in Cornwall to lobby for clean water. They disseminate high quality information in glossy format about the health consequences of impure beach water. By 1995, their membership had reached 24,000. By the mid-1990s, armed with data deriving from EU-mandated scientific surveys, citizens and interest groups increasingly brought their complaints to the local legal system for redress.³⁷

Cross-level Interactions to Promote and Deter Compliance and Revision

As was noted previously, on several occasions Friends of the Earth brought the British government's failure to implement the water directives in a timely manner to the attention of the EU Commission. In 1990, the Commission brought charges against Britain following a complaint by FoE that water containing illegal quantities of nitrates was being supplied to more than five million people in East Anglia and the Midlands. In January 1992, the Advocate General issued a provisional ruling indicting Britain for failing to enforce the nitrates standards, but found that the Commission had not provided sufficient proof of additional allegations of excessive lead in Scottish water supplies.³⁸

In November, the full Court found Britain guilty of failure to implement the 1980 drinking water directive in England and said that only partial implementation had been affected in Scotland and Northern Ireland. The Court concurred with the Commission complaint that nitrate levels in 28 water supply zones in England failed to meet standards. The judges rejected British claims that "all practicable steps" had been taken to meet Euro-norms in the time allotted. Britain claimed that the excessive levels of nitrates in drinking water in East Anglia derived from agricultural activities over which it had no control. While accepting that the Water Supply Regulations of 1990 constituted satisfactory formal implementation of EC

directives, the court stated that "not merely formal, but complete, implementation" was required. It dismissed a second complaint that lead levels in drinking water breached EC rules. This judgment made clear that Members must achieve EC standards rather than simply make their best effort.³⁹

The British Environment minister downplayed the significance of the judgment saying that it pertained primarily to technicalities, while opposition parties and environmental groups highlighted the case to embarrass the government. FoE applauded the finding as the first time the government had been "convicted" by the ECJ for an environmental offense and claimed credit for the "landmark decision." Labor's environment spokesman pointed the finger at the National Rivers Authority for failing to do its job. In a joint statement, the Water Services Association and EUREAU said that the court ruling had "no bearing on drinking water quality in this country." (THE HERALD, 26 November 1992: 2).

Despite initiating law suits to force compliance, the Commission had a strong interest to avoid confrontation with Members and resolve the water directives' implementation difficulties. At the end of the day, Member-State unanimity is required for decision making in the Council in most policy areas; thus the Commission's first inclination is to confer and persuade. In July, 1989 then-Environment Commissioner Carlo Ripa di Meana visited Britain at the invitation of the government to discuss ongoing difficulties with compliance. The visit included a dinner hosted in his honor at Lancaster House by the Secretary of State for Environment, a presentation by the Water Research Center at Medmenham, and discussions with the chairman of the National Rivers Authority (Universal News Services, 14 July 1989).

The Commission had an equally strong interest, however, in achieving compliance, without which organizational credibility was placed at risk. As with environmental groups, the Commission's ability to appeal to public opinion is among its few political assets. The Environment Commissioner sought to raise the level of public concern to pressure Members to comply. When confronted by British officials fearful that EU legal action would jeopardize their privatization plans, Ripa "clubbed them with well-judged soundbites." He philosophized

that water "is life itself." This manipulation of public opinion infuriated Whitehall. "The man is a complete lightweight," said one British official; "The only power he has comes from this issue and the pressure groups that go with it."⁴⁰

In addition to utilizing the ECJ, allying himself with environmental interest groups, consulting and persuading Members and enlisting press coverage to raise public concern over water quality, Ripa di Meana marshaled support among some Member-State governmental and regional health and water quality research institutes. In November 1991 in The Hague, Ripa and the Dutch Environment Minister jointly chaired a conference for EU environment ministers on the quality of groundwater. At this meeting, the Dutch National Institute for Public Health and Environmental Protection in collaboration with the Institute for Inland Water Management and Waste Water Treatment and European Institute of Water presented the first comprehensive survey of the quality of groundwater in the EU.⁴¹ Dutch scientists reported that pesticide levels one meter below the surface exceeded EC norms on 65% of Community farmland, and the tolerance for nitrates was exceeded in 25% of cases.⁴² The worst affected areas were the Low Countries, Germany, northern France and eastern Britain where farming methods are most intensive. In response to this information, EU ministers asked the Commission to draw up proposals before mid-1993 to address the groundwater pollution problem. The ministers also requested the Commission to formulate an integrated action program to deal with water, air and soil pollution, based on the sustainability and precautionary principles, by the year 2000.⁴³

Although policy formulation is predominantly the Commission's domain (Richardson, 1995: 150), Members serving as Council President begin their term by delineating policy goals in a work program for the subsequent six months, and often act as policy brokers to compile a record of organizational accomplishments on their watch.⁴⁴ Despite this general tendency, Britain concluded its Council Presidency in late 1992 by "threatening to dump the bathing water directive in the sea of subsidiarity." As was explained previously, the subsidiarity principle provides for exercising legislative and regulatory control on the regional level only if

necessary. Although Putnam and much of the literature discuss issue linkage in terms of enlarging the pool of benefits to be distributed among policy actors, bringing in additional issues may complicate or totally forestall international agreement. In citing the subsidiarity principle, Britain not only complicated the issue but questioned EU authority to legislate water standards, seeking to "change the rules of the game."⁴⁵ It prepared a "hit list" of legislation out of step with subsidiarity. The French seemed to agree with Britain's position regarding the bathing water directive. In 1993, the ECJ ruled that the UK had not properly implemented the bathing water directive and that standards had been violated at two beaches. The Commission also initiated a second phase of legal action against Britain over the quality of a number of other beaches (ENVIRONMENT WATCH WESTERN EUROPE, 2/18/94, No. 4, Vol. 3).

On the domestic front, the Britain's departments of Environment and Health financed a large epidemiological research project that concluded unsurprisingly that bathing in sewage can cause gastroenteritis and ear, nose and throat infections. The report was due out in early 1993 but the government delayed its release until January 1994, a few weeks after Chancellor of the Exchequer Kenneth Clarke and others waged a campaign to weaken EU water directives and reduce the cost of compliance. This tactic was predicted by Moravcsik (1993: 27) who writes that uncertainty surrounding the content of an international agreement will allow governments to manipulate public perceptions by selectively releasing information. The Marine Conservation Society pointed out in April 1994 that 300 million gallons of raw or screened sewage were still being discharged daily into British seas. About 42% of sewage from coastal towns was deposited directly into the sea (THE HERALD, 22 April 1994; THE GUARDIAN, 13 May 1994: 14; NEW STATESMAN & SOCIETY, 20 May 1994, 7/303: 29; European Parliament, 1995: 54-57). The British submitted further proposals for amending the drinking water directive in June, but the Commission decided that a mid-1993 deadline was unrealistic to proffer new legislation. DGXI decided to solicit concrete proposals regarding its complicated missions at a September 23-24 conference in Brussels (BNA INTERNATIONAL ENVIRONMENT DAILY 4/23/93).

As exemplified in the case of Ripa di Meana's organizing the scientific seminar on groundwater pollution, conferences featuring presentations by regional and governmental officials, interest groups, and scientific experts figured prominently in the revision of water directives. The more interests and actors involved; the more technical, complicated and conflictive the issues; the greater the need for a public airing of information, policy positions and options. These fora were utilized by the Environment Commissioner, DGXI, and the Environment Committee of the European Parliament to disseminate information, identify the various actors' and coalitions' policy positions, to persuade, to discern what was politically feasible, and to create, to the degree possible, some consensus on policy content.

Putnam discusses this phenomena in terms of cooptation. Interest groups are brought into the decision making process, communication is enhanced, and they are apprised of the implications of their demands. He quotes Walton and McKersie: "Instead of taking responsibility for directly persuading the principles [Level II constituents] to reduce their expectations, [the Level I negotiator] structures the situation so that they (or their more immediate representatives) will persuade themselves." (Walton and McKersie, 1965: 321 quoted in Putnam, 1988: 448). In general, EU policy makers assume that if legislation is hammered out by all players in a public setting, they become "stakeholders" in the policy and more inclined to support its promulgation and subsequent implementation.⁴⁶ At this time, the Commission's goal was to construct strong coalitions in support of its policy proposals before presenting them to the Council.

The 1993 water conference provides a snapshot of the actors associated with EU water governance. Although closed to the public, the more than 200 attendees included national water industry and EUREAU officials, representatives from chemical and agricultural producers, consumer and environmental protection groups, law-makers, scientists, and numerous EU experts.⁴⁷ During the week prior to the conference, tension mounted as some Members and interest groups strove to promote their position. The European Crop Protection Association (ECPA)⁴⁸ placed an advertisement in the *Financial Times* which critics charged

gave the misleading impression that the conference agenda dealt solely with pesticides in water and that the meeting was open to the public. Evans, et. al. (1993: 26, 406) discuss the possibility of "collusion" between governments at the expense of some of their constituents' interests. A British newspaper reported a secret deal between France and Britain designed to reduce the scope of legislation relating to water and air pollution. This prompted the Parliament's Environment Committee to forward a letter to the Council reiterating that the Parliament must be consulted before any directive is amended or revoked. The Commission voiced fears that the political machinations preceding the conference would deter progress on the substantive issues (Bates and Wacker EC Environmental Issue Manager, 1993: 1-2). In opening remarks, Environment Commissioner Paleokrassas lamented the politicization; he said, "Despite attempts in certain quarters to turn this conference into a political event--it remains firmly a consultative forum..." (RAPID 9/23/93).

There was strong support among many conference participants for minimum acceptable values to be based on available scientific evidence rather than the precautionary principle aimed at protecting human health against all eventualities. Most industry lobbyists supported adoption of WHO standards for water pollutants. The ECPA disparaged the "arbitrary standards of quality" of the existing drinking water directive. Failure to bring EC standards in line with WHO recommendations, it said, could result in "about one-third or half of crop protection products registered [being] lost, with serious economic consequences." (EUROPEAN ENVIRONMENT, 9/14/93). There were, however, problems associated with adopting WHO standards. Approximately 750 pesticides were registered in the Communities; whereas the WHO provided guide values for only thirty-five. WHO standards allowed for larger concentrations of some pesticides--in some cases up to 1,000 times higher---than the existing EC drinking water directive.⁴⁹ Industrial interests regarded a single limit value for all pesticides as irrational since some are more harmful than others to human health.

Fighting to maintain the current standards, the European Community of Consumer Cooperatives, European Environment Bureau, FoE, Greenpeace, and the World Wildlife Fund

said that despite the stringency of some provisions of the water directive, 25 percent of Community surface water remained contaminated with pesticides, nitrates, phosphates, lead and industrial pollutants. They criticized WHO studies as inadequately taking into account pesticides' interactive effects. The environmentalists were uncomfortable with the fact that WHO research is often financed by chemical companies, although its final prescriptions are articulated by a panel of scientific experts. Further, most WHO data are based on animal tests which calls into question their relevance to humans. At the end of the debate, some observers commented that revising the pesticide parameter was clearly more a political than scientific issue (Bates & Wacker, 1993: 2).

At the meeting, Commissioner Paleokrassas responded to criticism that past legislation had not taken adequate consideration of their financial consequences. He said: "While risk assessment has an important role to play in this area, I believe our starting position in such a debate should not be whether we can afford to pay for the standards which are set but whether we can afford not to pay. The health and well being of our citizens must be our primary concern."⁵⁰

The Commission was interested to fulfill its mandate from the Council to provide an integrated program preserving air and soil as well as water quality. EUREAU opined that the new directive should be limited to drinking water and that separate legislation be enacted to deal with other pollution. In the midst of these deliberations, conferees were doubtful that the European Parliament would accept more flexible standards. At this point, few of the Members' positions were known. Although it was clear that Britain and France included Directive 80/68/EEC with its pesticides limits on their "hit list," participants knew it is improbable that Council Members ultimately would weaken the standards. Denmark, the Netherlands and, to some extent, Italy had already made clear their opposition to these changes.⁵¹

In November 1993, the Commission publicized plans to streamline EU water legislation. They included replacing existing directives by framework directives on drinking water (to replace

the drinking water directive and portions of the directive on surface water intended for the abstraction of drinking water), the ecological quality of surface water (to repeal directives on fish and shellfish waters and surface waters for the abstraction of drinking water), the quality of bathing water, and on freshwater management and groundwater protection (to replace the existing directive on protection of groundwater from pollution by certain dangerous substances). New directives to control pollution at the source, taking into consideration the principle of subsidiarity, would include a directive on the treatment of urban waste water and a directive to prevent water pollution by nitrates from agricultural sources. The Commission anticipated presenting the proposals to the Council at its December 1993 meeting in Brussels with some trepidation. It was anxious to prevent a re-opening of debate on controversial portions of the legislation on which agreement already had been achieved.

The actual drinking water proposal recommended abolishing the 0.5 mg/l limit on all concentrations but maintaining the "surrogate zero" limit of 0.1 g/l for each individual pesticide.⁵² The proposal opened the door for individual Members to require that scientifically-based values be set for individual pesticides. In most cases this is likely to result in a relaxation of the current limit. The chemical industry reacted furiously to the Commission's decision to leave the stringent nitrates limit unchanged at 50 mg/l. It also wanted the Commission to drop the 0.1 mg/l limit pesticide limit and set values on the basis of WHO guidelines. In a press statement, the ECPA complained that the Commission had: "demonstrated its disdain for science-based decisions.... The text adopted by the Commission perpetuates purely politically inspired European Union decision-making with respect to crop protection products (pesticides), and seriously jeopardized the industry's ability to survive."⁵³

In the explanatory memorandum accompanying the text, DGXI admitted that scientific information on the interactive effects among pesticides in drinking water is limited or nonexistent. In an unusual use of the "precautionary" concept, DGXI wrote that because of this scientific uncertainty, it felt "obligated to take a careful and precautionary approach" and not propose new limits for individual pesticides at this time. This approach was in line with advice from the

Commission's Scientific Advisory Committee to Examine the Toxicity and Ecotoxicity of Chemical Substances (CSTE)⁵⁴ which opined that setting revised limit values toxicologically acceptable for lifetime consumption will be possible only after a complete case-by-case evaluation, "bearing in mind the inadequacies in data bases and uncertainties in the assessment of variables." CSTE found that WHO limits for pesticides in drinking water "may not provide sufficient safety for the European Union" because data on the toxicity of mixtures are almost entirely lacking.

In January 1995, the Commission finally issued its proposal for overhauling the 1980 Drinking Water Directive. It was formally presented to Environmental Ministers in Council on March 9. In February 1996, the Commission issued a Communication on European Water Policy to provide a basis for a future Water Resources Framework Directive. A raft of interested parties responded to the Communication by means of written comments.⁵⁵ An unresolved area of contention continued to be whether the policy approach should establish uniform emissions limits or water quality objectives, or both.⁵⁶ Technical meetings were held on 25-26 April between German and UK representatives to discuss possible solutions. As in the past, Britain supported a predominantly quality objective approach to protecting water, Germany (with Austria) favored the establishment of limit values, with the Netherlands falling somewhere between the two preferences. As Council President during the latter half of 1996, Ireland made dealing with the water Communication and drinking water proposals a top priority. All participants in the legislative process aspired to have framework legislation ready for adoption by the end of the calendar year.

Conclusion

This case confirms that "governance" is a heuristically useful and empirically valid way to conceptualize EU water politics. Political interactions were based on an intersubjective consensus that clean water is a valid policy objective. Controversy centered around how this was to be accomplished, at what pace and cost. Activities to influence policy moved outwardly toward regional actors such as EU bodies and transnational alliances, and inwardly toward subnational interest groups such as Surfers Against Sewage and the water companies, rather than remaining

strictly confined to those with legal and constitutional authority to negotiate and legislate. As Finkelstein (1995: 368-369) postulated, the factors influencing water governance are many: manifold actors, interactions and strategies; power assets and coalitions; consensual knowledge, informational and propaganda factors; institutional procedures, etc.

The domestic influences on UK policy makers were powerful and aggressive. Existing and newly-created water companies and chemical and agricultural firms and their associations lobbied the government to relax regulatory requirements and delay implementation of the legislation. With water privatization in 1989, the British government rearranged the configuration of domestic interests and created constituents for delaying compliance and revising the legislation. Environmental and consumer groups such as Friends of the Earth and the Consumers' Association exerted pressure to maintain stringent standards.

British interest groups possessed diverse political assets and employed a variety of strategies to achieve their policy goals. In general, chemical and agricultural interests were privileged by long-term governmental relationships; however, the environmentalists had growing public support for their policy positions. Both formal and informal coalitions coalesced to exert influence, a good example of which existed between FoE and the Consumers' Association. Those favoring stringent water standards made good use of the media to publicize water quality data whose collection had been mandated by EU legislation. Because all citizens are affected by the health consequences of water quality as well as the rising costs of cleaning up water supplies, the issue received continuous and detailed news coverage. When domestic interest groups found themselves unable to affect timely and effective British compliance, they exerted cross-level influence by lodging complaints with the European Commission, which in many cases resulted in suits being brought before the ECJ.

In addition to the water, agricultural and chemical industries' long-term access to the corridors of power in London and Brussels, they possessed formal, regional-level alliances with their counterparts in other Member States. Examples of these organizations include EUREAU and the European Crop Protection Association. These bodies possessed the capacity to generate

their own "scientific" data and made pervasive use of public relations campaigns featuring "experts" to promote their policy positions.

Reducing the cost of compliance and maintaining political support were the British government's most salient concerns. While Conservative control of 10 Downing Street was never at risk, during the period under investigation, the government faced local elections, e.g. in the southwest, where water quality was a prominent issue. On the regional level, the British government was certainly interested to avoid action in the ECJ. And, it had articulated an interest in promoting water quality by joining its partners in enacting the original legislation. This latter interest tended to become obscured, however, in its confrontation with the EU over containing costs and compliance. It cannot be said that the British government was monolithic in its policy preferences. For example, the Ministry of Agriculture, Fisheries and Food initially opposed privatisation. However, no evidence was found of transgovernmental cooperation among segments of the British government and their Member-State counterparts. Some evidence suggests that Britain colluded with France to weaken water standards and link the issue with subsidiarity. The linkage politics of this case did not increase the likelihood of international agreement by enlarging the win-set as postulated by Putnam and others. Instead, Britain and France linked water regulation with the subsidiarity principle to dispute EU legal competence to legislate in the area. This factor, along with the Union's constitutional requirement of unanimous agreement on most Council decisions, was a powerful constraint on Commission proposals for revised water legislation. There is little doubt that most of the EU political activity centers around the Member States, in this case the British government. However, a diffused picture of political power emerges, with the British government often on the defensive relative to its domestic interest groups, the Commission and ECJ. This case confirms Evans' contention (1993: 399) that the relative autonomy of government negotiators decreases substantially after the agenda is set and negotiations proceed. Particularly in debates over legislative revision, interest groups are only too aware of the costs and benefits of the legislation and have sufficient time to mobilize to

promote their position. The government is trapped between its legal commitments and the various domestic groups affected by the legislation.

A significant quantity of cross-level alliance building occurred on both sides of this issue. The British domestic interest group, FoE, brought leverage to their cause by allying with the Commission (particularly the Environment Commissioner and DGXI) and the ECJ. For his part, the Environment Commissioner brought pressure to bear on the British government to comply by appealing to public opinion. Ripa di Meana also allied other national and regional research institutes and with officials of more "green" Member States, such as the Netherlands, to impress upon the British the severity of pollution levels. An interesting aspect of this phenomenon was that the appropriateness of cross-level alliances was not questioned; for example, EU officials' allying with British interest groups and appeals to public opinion did not elicit significant nationalistic reaction.

A prominent feature of EU water politics left unaddressed in this study is the domestic politics of other EU Member States. Britain's lively public and political debate over water quality was mirrored to some degree across the EU, with particularly assertive interest groups in countries like Germany and the Netherlands. While their concerns were aggregated within the regional umbrella organizations such as EUREAU and the Crop Protection Association, the decisions of Member States in Council are more influenced by domestic considerations than transnational interest groups. A further level of interaction left unexplored existed between intergovernmental organizations, specifically the EU and the WHO, in setting parameters for the host of water pollutants. There was "spillover" of information and policy from one body to the other and as members of both, EU Member States were obligated to take WHO recommendations into consideration.

I occur with Evans (1993: 401) who writes that over the past five or six decades, and particularly during the last 10-15 years, economic rather than security issues' increasing dominance of international agendas and the proliferation of transnational alliances have combined with learning effects to make synergistic strategies more prevalent and integrative approaches

such as governance more essential to analyzing international politics. This is most evident in the case of the European Union. Because of increasing depth and breadth of cooperation, the hybrid (i.e., intergovernmental as well as supranational capacities) and complex nature of EU constitutional structures and procedures, and the growing access of national and regional-level interest groups to its decision making bodies, we may expect the EU governance to become increasingly complex, characterized by a melange of channels where power and influence are exerted rather than well delineated levels of negotiations and gamesmanship.

Notes

¹See the classical functionalist and neofunctionalist literature, including Haas, 1958 and Lindberg, 1963. For federalist, corporatist, pluralist and bureaucratic politics conceptualizations, see, e.g. Sbragia, 1992; Streeck and Schmitter, 1991 and Peters, 1992.

²The language of "games" most often signifies a game theoretic approach to analysis (based on rational choice and probabilistic assumptions) but it may also refer to general structure of competition among policy actors seeking to influence policy in an issue area. While policy "games" are usually noncooperative (McGinnis and Williams, 1993: 32), the governance approach to policy analysis with its intersubjective foundations (e.g. consensus, legitimacy) assumes that cooperation, competition and conflict may characterize political interactions on multiple and cross levels (Rosenau and Czempiel, 1992: 6, 44).

In this article, Putnam (1988: 450) acknowledges the complicated nature of EU politics by referencing such factors as cleavage patterns, issue linkage, complex ratification procedures, the prevalence of side-payments, etc. and warns against attempting to model all aspects of empirical reality: "At some point in this analytic regress the complexity of further decomposition would outweigh the advantages...."

³Putnam, 1988: 431.

⁴Putnam (1988: 436-437) uses "ratification" broadly to imply formal voting procedures such as the constitutionally required two-third vote of the U. S. Senate for treaty approval but also non-democratic approval mechanisms such as a terrorist group's complying with or derailing peace agreements.

⁵Putnam, 1988: 444.

⁶International monetary management is often cited as an example of a highly arcane and complex issue area with low opacity and public participation.

⁷Putnam, 1988: 446-450.

⁸Marks, 1996: 418.

⁹We have very little information on how this early legislation came about since EC water politics were embryonic in the mid-1970s. Many current participants were nonexistent or relatively quiescent. Jeremy Richardson (1995: 157) speculates that "The most likely explanation seems to be an advocacy coalition of scientific and technical experts, environmental groups and an entrepreneurial Commission." although European-level environmental

groups were remarkably scarce and ineffectual at the time.

¹⁰The directive (OFFICIAL JOURNAL (OJ) L 194/34, 25 July 1975) requires Members to classify sources of drinking water based upon their physical, chemical and microbiological characteristics into three categories, A1-A3. Mandatory "imperative" (I) and non-binding "guide" (G) values are given for 46 parameters applicable to each of the three categories. The legislation entered into force (i.e. the date established for its transposition into national law) on 18 June 1977 (Commission of the European Communities, 1992: xxviii). Directive 79/869/EEC (OJ L 271/44, 29 October 1979) established a sampling and analysis regime for surface waters intended for the abstraction of drinking water. Technical criticisms of the legislation include its unclear division of water into the three categories because various assessment values can fall into more than one category. The directive is also limited in that it does not cover ground- and brackish water; in addition, water intended for drinking covers only a small portion of surface water. European Parliament, 1995: 23.

¹¹Directive 76/160/EEC was introduced as a result of the 1973 First Environmental Action Programme (OJ C 112, 20 December 1973) which stated that environmental quality objectives were to be drawn up jointly. It was to be implemented by 5 February 1977. The microbiological parameters that deal with contaminants like fecal coliforms and streptococci, salmonella and enteroviruses are perhaps its most important. Members must establish values for these parameters, 13 of which are labeled "imperative," and must regularly submit reports on bathing water quality to the Commission.

Directive 91/692/EEC (OJ L 377, 31 December 1991) introduced new rules on procedures and the frequency of reporting on the quality of the designated waters. In 1995, more than 16,000 bathing zones across the EU were covered by the legislation (European Parliament, 1995: 24-25).

¹²Annex I of the Directive lays down maximum admissible concentrations (MAC) and guide levels (GL) for 62 parameters and minimum required concentrations (MRC) for four parameters in seven categories: organoleptic parameters, physio-chemical parameters, substances undesirable in excessive amounts, toxic substances, microbiological parameters, and MRC for softened water. Derogations allow Members to take into account geological and meteorological attributes (OJ L 229/11, 30 August 1980; Commission of the European Communities, 1992: xxxix). Over the years, directives were also enacted dealing with more specific concerns such as the quality of shellfish waters and limiting pollution by substances like mercury, cadmium, and

hexachlorocyclohexane.

¹³Providing and protecting collective goods is difficult because the resources are not privately owned and thus rights to their use are divorced from responsibility for maintaining their existence and quality. Because of the nature of collective goods, particularly their virtual nonexcludability, individual actors can draw upon the good without contributing to its provision and maintenance. Theories of collective action or public good address the problem of assuming that rational self-interest will lead actors with common interests to cooperate and organize to promote those interests. There is instead a disconnection between the pursuit of individual interests and the optimal achievement of collective interests, including providing collective goods (Jacobson, 1979: 66-67; Dryzek, 1987: 10-11, 26-36).

¹⁴The Commission's power to act against noncompliant Members derives from Article 169 of the Treaty. Infringement proceedings involve the Commission's writing to the Member raising the question and asking for the Member's observations. If the Member's reply is deemed unsatisfactory, the Commission can issue a reasoned opinion and, if it still does not receive an adequate answer, it may refer the matter to the ECJ. The Member must then comply with the Court's judgment; if it chooses not to do so, it must make a penalty payment specified by the Commission. In practice, these procedures have been inadequate to secure compliance. Limited information regarding infringement is available to the Commission and the procedures are lengthy. The Commission itself can not require a Member to halt a project or put an end to a breach of environmental law.

Under Article 169, lists of infringement proceedings are available for public scrutiny. It is not publicly apparent which proceedings are not acted upon for political reasons within the Commission and the Council. An official of DGXI's legal division estimates that only 24% of proceedings are pursued due to political considerations (European Parliament, 1995: 35; Environment Committee of the European Parliament, 1995).

¹⁵Friends of the Earth, Ltd. "Complaint to the Commission of the European Commission of the European Communities against Failure to Comply with Community Law," 15 November 1986 (Buraff Publication, 1991).

¹⁶Although not a salient policy commitment when they assumed office in 1979, privatization of publicly-owned industries gradually moved up the Conservatives' agenda to become a keystone of Thatcher's neoclassical policies. Motivated generally by the desire to improve industrial efficiency, it became a significant source of government revenue. Initially there was no government intent to privatize water but between 1984 and 1986 a rather dramatic

policy "U-turn" occurred. Privatization became an attractive option as the government confronted the costs of complying with EC water directives (Maloney and Richardson, 1995: 119).

¹⁷Although the term "amnesty" was used to describe the period of the companies' freedom from prosecution if they were in breach of water regulations, company officials pointed out that this was a misnomer. About a year was required for adequate tests to be conducted to present a case for prosecution, and such prosecutions could be based on evidence gathered during the first year of operation (FINANCIAL TIMES, 25 July 1989: 16).

¹⁸Twenty-nine statutory water companies already existed in the private sector. In November 1989, these companies were transferred to plc status. Water services in Northern Ireland and Scotland remained under public ownership.

¹⁹Despite these concerns, neither FoE nor the Consumers' Association recommended purchasing bottled water or filtration systems (FINANCIAL TIMES, 13 August 1992: 12).

²⁰The WHO represents a potential additional level of political interaction, intergovernmental to intergovernmental, from which both sides in the water standards negotiations attempted to draw authoritative support. The WHO lead standard exceeded that of the EU while its upper limit for individual pesticides was lower.

²¹By June, there were 60 legal cases ongoing against EU Members over various infringements of water directives (Worth and Rose, 1994: 30).

²²The Free Access to Information on Environmental Pollution Directive (90/313/EEC, see OJ L 158/56, 23 June 1990) which was to be transposed into national law by 31 December 1992, aims to guarantee free access to and dissemination of information on the environment held by public authorities and to set out the terms under which such information should be made available. The general rule is that national authorities are required to make environmental information available to any natural or legal person on request without that person having to prove an interest. A person who regards her request as having been rejected or ignored without reason, or who has not received a satisfactory answer from a public authority, can take the matter further in the courts or through administrative channels in accordance with the laws of the country concerned (EC Directorate-General for Research, 1993: 299-300; Buraff Publication, 1992).

²³Usually figures for populations potentially affected by substandard water are more dramatic than the citing of percentages of samples failing the standards. For example, FoE's report that 14.5 million consumers were

potentially negatively affected is much more sensational than the 1.2% of noncompliance reported by the Water Inspectorate (NATURE, 22 July 1993: 268, 270; Ward, et. al., 1995: 7-21).

²⁴Evans (1993: 419) contends that new international accords often lead to the creation of new transnational alliances. EUREAU was founded in 1974, evidently with the Commission acting as an indirect catalyst. Commission personnel solicited information from the General Manager of the Brussels Water Supply Company on European practices involving cold water meters. After discussion, the Manager and his personal network of European colleagues decided that it would be useful to form a regional association since the EU was increasingly involved in water policies, the former domain of national governments (Richardson, 1995: 157).

²⁵There is evidence that the deterioration of water quality was a consequence, i.e. "spillover," of other EC policies. Increased levels of nitrates and eutrophication were a consequence of the EC's Common Agricultural Policy (CAP). The CAP was enacted in 1957 to guarantee prices for certain agricultural products in order to stabilize agricultural markets and farmers' income. Thirty years of this policy resulted in increased levels of agricultural specialization, neglect of crop rotation principles and maximizing yields. Increased specialization is often associated with the failure to manage chemicals properly. High-yield agricultural and high-density animal operations have been made possible by expanded use of chemicals and antibiotics. Even land set-aside programs for which the farmer received a subsidy with no restrictions on how much is produced create incentives to use more fertilizer than is ecologically sound. Thus, the CAP contributed to high levels of nitrates in the water across Europe. Directive 80/778/EEC relating to water intended for human consumption specifies a maximum admissible concentration of 50 milligrams per liter (mg/l) of nitrates. In Central Holland about 40 percent of ground water, and in Western and Eastern Germany 5 and 10 percent, respectively, exceeded the standards (European Environment Agency, 1995: 68-69).

²⁶In 1991, the Water Services Association specified that only fourteen cases of blue baby syndrome has been recorded in the UK in the past 35 years, the last being 1972. The majority of those cases could be traced to private well use (PROCESS ENGINEERING, 22 March 1991).

²⁷The use of atrazine and simazine on non-cropped land was banned by the UK Ministry of Agriculture, Fisheries and Food in April 1992, the first major decision influenced by the need to comply with the EU's Maximum Admissible Concentrations rather than conventional toxicological considerations (Ward, et.al., 1995: 23).

Trihalomethanes (THMs) are another chemical found widely in British drinking. THMs form when chlorine reacts with organic material in the water, such as peat. A number of studies in the United States have found an "association between the consumption of chlorinated drinking water and both bladder and rectal cancers." However, chlorine is easily added, highly soluble and inexpensive. Alternatives to chlorine, which include chlorine dioxide, chloramination and ozone, also have their drawbacks. Excessive use of chloramination risks introducing excessive quantities of nitrite into the distribution system. Ozone is expensive, lacks chlorine's residual disinfective properties and reacts with bromide in water to form bromate, a genotoxic carcinogen that the WHO includes among its guidelines. British scientists say that less chlorine has always been added to UK water supplies than in the US, and since 1974, when the Dutch discovered the by-products, procedures have been developed to minimize them (THE INDEPENDENT, 20 September 1992: 38; Turner, 1995: 11).

²⁸Moravcsik (1993: 26) writes that widely diffused costs and benefits of the international agreements allow governments to target swing groups and gain support at a relatively low cost.

²⁹The L28 billion estimate included L13.7 billion spending on sewage works, and L2.9 billion to bring most bathing beaches up to EC standards by building long sea outfalls and more sewage treatment plants on the coast. Improvement in drinking water quality would account for L1.8 billion investment up to the mid-1990s. In 1989, the plan called for 29 small water companies still owned by the state to provide L4 of the projected L28 billion. See THE TIMES, 15 August 1991.

³⁰The Urban Waste Water Directive (OJ L135, 30 May 1991) sets discharge standards for domestic and industrial waste water and bans dumping of sewage sludge at sea from 1988.

³¹This cost burden of bringing the water supply to EC standards was mirrored across the Community. For example, investment needed to bring Italy's water services up to par was estimated at somewhere between L10,000 and 1,000,000 billion (Mason: 16).

³²The environmental health officers agreed with FoE that pesticide use should be limited at the source. In general, privatization of the water industry in the UK reduced water consumption. In the England and Wales, the annual disconnection of water had increased 20% by 1992. (Scottish law doesn't allow this to happen.) The Institute of Environmental Health Officers said that water was now competing with other basic necessities for income. As is to be expected, when a household cannot afford basic hygiene, there is an increase in disease and a deterioration of

household stock. The Public Health Laboratory reported an increase in dysentery cases after privatization (2318 cases in 1990 and 17, 262 cases in 1992), and Hepatitis "A" cases increased as follows: 5226 in 1982, 7549 in 1990, and 7702 in 1991. Although the increase in these diseases was probably due to water disconnections, detailed research is required to substantiate the connection (Commission of the European Communities, 1993).

³³In December 1996, the BBC1 reported that water bills in the UK had risen an average of 42 percent since privatization.

³⁴The subsidiarity principle provides that the EU shall exercise only those powers that cannot be effectively exercised at the national or subnational level. When the Single European Act inserted environmental protection into the EC Treaty, the following was added: "The Community shall take action relating to the environment to the extent to which the [environmental policy] objectives ...can be attained better at the Community level than at the level of the individual Member States...." The subsidiarity principle was negotiated and reinforced by a declaration emerging from the December 1992 Edinburgh Summit and Article 3b inserted into the Rome Treaty: "In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community. Any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty." (Council and Commission of the European Communities, 1993: 13-14). British Prime Minister John Major was the major architect of the principle. In discussions associated with the 1991 Maastricht Treaty, he agreed to enlarge the Community's capacities only on the condition that it would be compensated for by a control principle, specifically subsidiarity (Worth and Rose, 1993: 29).

In 1993 alone, the EU repealed 158 proposals deemed technically or politically incongruent with the subsidiarity principle (EUROPE ENVIRONMENT, 11/9/93, Section No. 420). At present, interpretations of the implications of this provision vary; future EU, Member-State and ECJ decisions will likely shape the specific meaning of the concept (Tangl, 1995; Wood and Yesilada, 1996: 84-85, 94 fn 11).

³⁵The Commission's water control division was understaffed (approximately twenty persons strong in 1994). It was charged with overseeing implementation of existing directives as well as developing new legislation. That a common system to measure and report water pollution was yet to be devised was an additional complicating factor.

The Commission was forced to rely on complaints to identify areas of water contamination.

³⁶SNF Floeger (St. Etienne, France), with 33 percent of the market, was the second largest producer.

Stockhausen was third with 9 percent (Roberts, 1994: 44).

³⁷ For example, in 1996 two Cornwall women took their local Council to court for failing to force South West Water company to install screens over pipes discharging sewage into the sea with the consequence that feminine hygiene products and condoms regularly washed shore. The Court found in favor of the plaintiffs.

A 1995 National Rivers Authority survey of 51 beaches in the UK still found unacceptably high concentrations of sewage. The tests revealed that 89 percent of 464 bathing waters tested met EU minimum standards, compared to 82 percent in 1994 and 80 percent in 1993 (Surfers Against Sewage, 1995).

³⁸By mid-1992, the Commission had initiated legal action against all Member-States except Portugal alleging failure to meet the standards required by the drinking water directive.

The FoE's publicity and propaganda campaign continued simultaneously on the national front. In August 1992, the Advertising Standards Authority upheld FoE's complaint against the Water Services Association's media campaign that described British drinking water as "the best in Europe" as unsubstantiated (THE INDEPENDENT, 20 September 1992: 38).

³⁹ The Court also upheld two Commission complaints against German legislation implementing the 1980 directive. Germany had permitted deviations from the narrow parameters of the directive and did not obligate the Lander to notify the Commission of such derogations (Case C-237/90, COMMISSION V GERMANY, ECJ FC, 24 November 1992, Case-337/889, COMMISSION V UK, ECJ FC, 25 November 1992). See FINANCIAL TIMES, 1 December 1992: 10 and Origin Universal News Services Limited, 11 June 1992.

⁴⁰Jan Carlo Ripa di Meana resigned as Environment Commissioner in late 1992. His successors, Karel van Miert and Yannis Paleokrassas, continued the campaign to assure British compliance (THE GUARDIAN, 22 January 1992: 3; FINANCIAL TIMES, 3 November 1992).

⁴¹Ground water is the source of drinking water for 75% of EU households (EUROPEAN REPORT 11/27/91, Section IV, No. 1724: 12; RAPID 11/21/91).

⁴²As was noted previously, EU limits for pesticides and nitrates are .5 mg/l and 50 mg/l, respectively.

⁴³Criticism of the single-medium approach to environmental regulations emerged in the 1970s and 1980s.

Environmental problems are cross-media in nature, and control strategies often simply shift pollution from air and surface water to soil and groundwater. The most visible evidence of this is increased quantities of ashes and/or sludge with high concentrations of hazardous substances deriving from pollution control processes and the treatment of emission flows. Acting on the premise that integrated pollution control should help prevent problems rather than transfer them from one segment of the environment to another, the Commission submitted a PROPOSAL FOR A COUNCIL DIRECTIVE ON INTEGRATED POLLUTION PREVENTION AND CONTROL (COM 93 423, OJ No. C 311) to the Council in September 1993. See European Environment Agency, 1995: 339; THE REUTER LIBRARY REPORT 11/27/91; Xinhua General Overseas News Service, 11/28/91, Item No. 1128165; European Parliament, 1995: 59-62.

⁴⁴The Presidency of the Council passes from one Member State to the next every six months, in alphabetical order according to language. The Council maintains a standing Committee of Permanent Representatives (COREPER) to carry on its day-to-day work and to facilitate cooperation.

⁴⁵Tsebelis (1990: 8) labeled this game strategy "institutional design."

⁴⁶Analysts comment on the quasi-corporatist aspects of these consultative processes.

⁴⁷Attendees also included WHO and U.S. Chamber of Commerce and Environmental Protection Agency representatives.

⁴⁸Founded in 1992, the ECPA is a member of the International Group of National Associations of Manufacturers of Agro-Chemical Products and represents 17 national associations including the thirteen leading research-based crop protection product manufacturers in Europe. Its policy preferences are difficult to promote because the public and the European Parliament are not convinced that pesticides are beneficial and may be benign (Richardson, 1995: 158-159; The EC Committee of the American Chamber of Commerce in Belgium, 1994: 207).

⁴⁹WHO standards were more exacting for only three pesticides--aldrin, dieldrin and heptachlor/heptachlorepoxyde (ENVIRONMENT WATCH WESTERN EUROPE, 2/19, 1 October 1993).

⁵⁰He pointed out that a single ECU would buy about 1000 liters of drinking water compared to two liters of bottled sparkling water or less than a liter of beer (RAPID 9/23/93).

⁵¹The British press' revelation of the existence of a "hit list" provoked comment to the extent that the French Environment Minister felt compelled to defend France and Britain's application of the subsidiarity principle as

providing positive consequences for the environment (EUROPEAN ENVIRONMENT 9/14/93; ENVIRONMENT WATCH WESTERN EUROPE, 2/19, 1 October 1993). The public also expressed its opinion on water quality legislation. The Commission received some 12,000 letters from Germany alone concerning the 1993/94 revisions to the Drinking Water Directive.

⁵²In conformity with the subsidiarity principle, the proposal covered only those parameters or quality indicators the Commission deemed essential to be established at the regional level. 48 parameters were eliminated from 67 in the existing directive. 27 parameters were deleted and 13 new parameters introduced. Of the remaining 35 parameters, 10 values were changed and new values were introduced for 4. The limit on lead in drinking water was reduced from 50 to 10 mg/l as recommended by the WHO, the reduction would be phased in over 15 years. Although not mentioned in the previous legislation, copper was limited to 2 mg/l as recommended by the WHO. Commission officials said that South American copper producers had lobbied hard against this provision and had succeeded in delaying efforts to finalize the proposal before Christmas. The fact that South American mineral producers could delay the policy process attests to the permeability of Commission decision-making. The copper industry extracted a commitment from the Commission to review the limit if the WHO changes its recommendation which the industry is challenging.

The proposal allows each Member ten exemptions for limit values where the water supply cannot be maintained by reasonable means and provided there is no danger to public health. The public must be informed of the exemptions. The legislation obligated Members to establish programs to monitor water quality based on the minimum standards and publish annual reports on drinking water quality within a year. The Commission obligated itself to publish these data every three years (ENVIRONMENT WATCH WESTERN EUROPE, 22 October 1994, No. 20, Vol. 3; European Parliament, 1995: 48-50).

⁵³The ECPA said that the proposal would prolong regulatory uncertainty indefinitely by putting a large number of existing chemicals at risk of not being reauthorized for sale. European farmers would be disadvantaged because they would be unable to apply pesticides utilized by their competitors (ENVIRONMENT WATCH WESTERN EUROPE, 20 January 1995, No. 2, Vol. 4).

⁵⁴Experts drawn from national administrations and regulatory agencies and academic and other research centers comprise this committee. There is no equivalent committee dealing with economic concerns (Richardson, 1995:

163-164).

⁵⁵These included the *Bundesverband der deutschen Gas- und Wasserwirtschaft c. V.* (BGW, Federal Association of German Gas and Water Industries), OFWAT, the UK Environment Agency (formerly the NRA and Inspectorate), the European Waste Water Group, etc.

⁵⁶The debate over whether pollution control should be undertaken by means of best available techniques (BAT) versus a system of established quality standards began well before an effort toward compromise was made in the 1976 Discharge of Certain Dangerous Substances Directive. While the compromise enacted in that legislation prescribed emission limits based on BAT, Members were allowed to adopt system where emission limits could be fixed on the basis of the quality standards of the receiving waters.

References

- Allison, Graham T. 1971. **ESSENCE OF DECISION: EXPLAINING THE CUBAN MISSILE CRISIS**. Boston: Little, Brown.
- Axelrod, Robert. 1984. **THE EVOLUTION OF COOPERATION**. BasicBooks.
- Bates and Wacker EC Environmental Issue Manager. 1993. "Conference on Drinking Water," **MONTHLY BULLETIN**, October.
- Bukowski, Jeanie J. 1997. "Policy Networks and Complex Interactions in the European Union: Environmental Policy in Spain;" paper presented at the European Community Studies Association 5th Biennial Conference; Seattle, WA; May 29-June 1.
- BNA INTERNATIONAL ENVIRONMENT DAILY**, various issues.
- Buraff Publication. 1991. **1992 EUROPEAN UNIFICATION**, 29 November.
- Commission of the European Communities. 1992. **EUROPEAN COMMUNITY ENVIRONMENT LEGISLATION**, Vol. 7, **WATER**. Luxembourg.
- _____. 1993. **COMMISSION CONFERENCE ON DRINKING WATER, BRIEF ON EUROPEAN PARLIAMENT'S ACTIVITIES**.
- Council and Commission of the European Communities. 1993. **TREATY ON EUROPEAN UNION**. Luxembourg: Office for Official Publications of the European Communities.
- THE DAILY TELEGRAPH**, various issues.
- Department of the Environment. 1986. **PRIVATISATION OF THE WATER AUTHORITIES IN ENGLAND AND WALES**, Cmnd 9734. London: HMSO.
- Deutsch, Karl W., et. al. 1957. **POLITICAL COMMUNITY IN THE NORTH ATLANTIC AREA: INTERNATIONAL ORGANIZATION IN THE LIGHT OF HISTORICAL EXPERIENCE**. Princeton: Princeton University Press.
- Dryzek, John S. 1987. **RATIONAL ECOLOGY, ENVIRONMENT AND POLITICAL ECONOMY**. Oxford: Basil Blackwell Inc.
- The EC Committee of the American Chamber of Commerce in Belgium. 1994. **EU ENVIRONMENT GUIDE 1995**. Brussels.
- EC Directorate-General for Research. 1993. **FACT SHEETS ON THE EUROPEAN PARLIAMENT AND THE ACTIVITIES OF THE EUROPEAN UNION**. Luxembourg: 299-300
- Environment Committee of the European Parliament. 1995. Internal memorandum, 24 November.
- ENVIRONMENT WATCH WESTERN EUROPE**, various issues.
- EUROPEAN ENVIRONMENT**, various issues.
- European Environment Agency (EEA). 1995. **DOBRIS REPORT**.
- European Parliament, Scientific and Technological Options Assessment (STOA). 1995. **ASSESSMENT OF EU WATER QUALITY POLICY**, prepared for the European Parliament (EP) public hearing on water quality.
- Evans, Peter B. 1993. "Building an Integrative Approach to International and Domestic Politics, Reflections and Projections," in Peter B. Evans, Harold K Jacobson, and Robert D. Putnam, eds. 1993. **DOUBLE-EDGED DIPLOMACY, INTERNATIONAL BARGAINING AND DOMESTIC POLITICS**. Berkeley: University of California Press: 397-430.

- _____, Harold K Jacobson, and Robert D. Putnam, eds. 1993. **DOUBLE-EDGED DIPLOMACY, INTERNATIONAL BARGAINING AND DOMESTIC POLITICS**. Berkeley: University of California Press.
- THE FINANCIAL TIMES**, various issues.
- Finkelstein, Lawrence S. 1995. "What is Global Governance?" **GLOBAL GOVERNANCE** 1: 367-372.
- Franco, Sandra. 1996. **NGOS AND TRANSNATIONAL COALITIONS: THE POLITICS OF OIL AND THE ENVIRONMENT IN ECUADOR**. Unpublished Masters paper, University of Florida.
- Gourevitch, Peter. 1986. **POLITICS IN HARD TIMES, COMPARATIVE RESPONSES TO INTERNATIONAL ECONOMIC CRISES**. Ithaca, NY: Cornell University Press.
- Haas, Ernst B. 1958. **THE UNITING OF EUROPE: POLITICAL, SOCIAL AND ECONOMIC FORCES, 1950-1957**. Stanford: Stanford University Press.
- Haigh, Nigel. 1994. **MANUAL OF ENVIRONMENT POLICY: THE EC AND BRITAIN**. London: Longman, 4.2.1.
- THE HERALD**, various issues.
- Holsti, K. J. 1992. "Governance without Government: Polyarchy in Nineteenth-Century European International Politics," pp. 30-57 in James N. Rosenau and Ernst-Otto Czempiel. 1992. **GOVERNANCE WITHOUT GOVERNMENT: ORDER AND CHANGE IN WORLD POLITICS**. Cambridge: Cambridge University Press.
- Jacobson, Harold S. 1979. **NETWORKS OF INTERDEPENDENCE, INTERNATIONAL ORGANIZATIONS AND THE GLOBAL POLITICAL SYSTEM**, 2nd ed. New York: McGraw-Hill Publishing Company.
- Jordan, Andrew. 1997. "'Overcoming the Divide' between Comparative Politics and International Relations Approaches to the EC: What Role for 'Post-Decisional' Politics?" Paper presented at the Biennial International Conference of the European Community Studies Association, Seattle, Washington, USA, May 29-June 1.
- Katzenstein, Peter J. 1976. "International Relations and Domestic Structures: Foreign Economic Policies of Advanced Industrial States," **INTERNATIONAL ORGANIZATION** 30, Winter: 1-45
- _____, ed. 1978. **BETWEEN POWER AND PLENTY: FOREIGN ECONOMIC POLICIES OF ADVANCED INDUSTRIAL STATES**. Madison: University of Wisconsin Press.
- Knopf, Jeffrey W. Knopf. 1993. "Beyond Two-Level Games: Domestic-International Interaction in the Intermediate-Range Nuclear Forces Negotiations," **INTERNATIONAL ORGANIZATION** 44, 4, Autumn: 599-628.
- Lindberg, Leon. 1963. **THE POLITICAL DYNAMICS OF EUROPEAN ECONOMIC INTEGRATION**. Stanford: Stanford University Press.
- Maloney, William A. and Jeremy Richardson. 1995. "Water Policy-Making In England and Wales: Policy Communities under Pressure?" pp. 110-138 in Hans Bressers, Laurence J. O'Toole, Jr. and Jeremy Richardson, eds. **NETWORKS FOR WATER POLICY, A COMPARATIVE PERSPECTIVE**. London: Frank Cass.
- March, James G. and Johan P. Olsen. 1989. **REDISCOVERING INSTITUTIONS, THE ORGANIZATIONAL BASIS OF POLITICS**. New York: The Free Press.

- Marks, G. 1996. "Exploring and Explaining Variation in EU Cohesion Policy," in L. Hooghe, ed. **COHESION POLICY AND EUROPEAN INTEGRATION**. Oxford: Oxford University Press.
- Mason, Joanne. **INTERNATIONAL MANAGEMENT**, 48/6.
- Mastanduno, Michael, David A. Lake and G. John Ikenberry. 1989. "Toward a Realist Theory of State Action," **INTERNATIONAL STUDIES QUARTERLY** 33: 457-474.
- Mayer, Frederick W. 1992. "Managing Domestic Differences in International Negotiations: The Strategic Use of Internal Side-Payments," **INTERNATIONAL ORGANIZATION**, Vol. 46, No. 4, Autumn: 793-818.
- McGinnis, Michael D. and John T. Williams. 1993. "Policy Uncertainty in Two-Level Games: Examples of Correlated Equilibria," **INTERNATIONAL STUDIES QUARTERLY**, Vol. 7, No. 2 (March): 29-54.
- McLaughlin, Robert. 1993. **BUSINESS AMERICA**, 8 February, 114/3: 9.
- Moravcsik, Andrew. 1993. "Introduction, Integrating International and Domestic Theories of International Bargaining," in Peter B. Evans, Harold K Jacobson, and Robert D. Putnam, eds. 1993. **DOUBLE-EDGED DIPLOMACY, INTERNATIONAL BARGAINING AND DOMESTIC POLITICS**. Berkeley: University of California Press: 3-42.
- NEW STATESMAN AND SOCIETY**, various issues.
- OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES**, various issues.
- Peters, Guy. 1992. "Bureaucratic Politics and the Institutions of the European Community," in Sbragia Alberta, ed. **EURO-POLITICS**. Washington: Brookings Institution: 75-122.
- Peterson, John. 1995. "EU Research Policy: The Politics of Expertise," in Rhodes, Carolyn and Sonia Mazey, eds. **THE STATE OF THE EUROPEAN UNION**, Vol. 3, **BUILDING A EUROPEAN POLITY?** Boulder, CO: Lynne Rienner Publishers, Inc.: 391-412.
- Putnam, Robert D. 1988. "Diplomacy and Domestic Politics: the Logic of Two-level Games," **INTERNATIONAL ORGANIZATION** 42, 3, Summer: 427-460.
- RAPID**, various issues.
- Richardson, Jeremy. 1995. "EU Water Policy," in Hans Bressers, Laurence O'Toole, Jr. and Jeremy Richardson, eds. **NETWORKS FOR WATER POLICY**. London: Frank Cass.
- Roberts, Michael. 1994. "Legislation Bolsters European Treatment Sectors," **CHEMICAL WEEK**, 11 May.
- Rosenau, James N. 1969. **LINKAGE POLITICS: ESSAYS ON THE CONVERGENCE OF NATIONAL AND INTERNATIONAL SYSTEMS**. New York: Free Press.
- _____. 1973. "Theorizing across Systems: Linkage Politics Revisited," in Jonathan Wilkenfeld, ed. **CONFLICT BEHAVIOR AND LINKAGE POLITICS**. New York: David McKay.
- _____. 1990. **TURBULENCE IN WORLD POLITICS, A THEORY OF CHANGE AND CONTINUITY**. Princeton: Princeton University Press.
- _____. and Ernst-Otto Czempiel. 1992. **GOVERNANCE WITHOUT GOVERNMENT: ORDER AND CHANGE IN WORLD POLITICS**. Cambridge: Cambridge University Press.
- Sbragia, Alberta. 1992. "Thinking about the European Future: the Uses of Comparison," **EURO-POLITICS**. Washington: Brookings Institution: 259-291.
- Schoppa, Leonard J. 1993. "Two-level Games and Bargaining Outcomes: Why *Gaiatsu* Succeeds in Japan in Some Cases But Not Others," **INTERNATIONAL ORGANIZATION** 47, 3, Summer: 353-386.

- Streeck, Wolfgang and Philippe Schmitter. 1991. "From National Corporatism to Transnational Pluralism," *POLITICS AND SOCIETY* 19/2: 133-164.
- Surfers Against Sewage. 1995. *INFORMATION DOSSIER*, No. 2, November.
- Tangl, Astrid. 1995. "Maastricht's Controversial Subsidiarity Provision and How the Treaty Approaches the Issue of a Decentralised European Union," *THE ELSA LAW REVIEW*, 1: 12-27.
- THE TIMES*, various issues.
- Tsebelis, George. 1990. *NESTED GAMES, RATIONAL CHOICE IN COMPARATIVE POLITICS*. Berkeley: University of California Press.
- Turner, Aimee. 1995. "Disinfection--Two Sides of the Same Story," *WATER BULLETIN*, 15 December.
- Universal News Services, various dates.
- Walton, Richard E. and Robert B. McKersie. 1965. *A BEHAVIORAL THEORY OF LABOR NEGOTIATIONS: AN ANALYSIS OF A SOCIAL INTERACTION SYSTEM*. New York: McGraw-Hill.
- Wolinsky, Yael. 1997. "Two-Level Game Analysis of International Environmental Politics;" prepared for presentation at the annual meeting of the International Studies Association; Toronto, Canada (March).
- Ward, Neil, Henry Buller, and Philip Lowe. 1995. *IMPLEMENTING EUROPEAN ENVIRONMENTAL POLICY AT THE LOCAL LEVEL: THE BRITISH EXPERIENCE WITH WATER QUALITY DIRECTIVES, Vol. 1 SUMMARY REPORT*. Newcastle upon Tyne: Centre for Rural Economy, Department of Agricultural Economics and Food Marketing.
- Wood, David M. and Birol A. Yesilada. 1996. *THE EMERGING EUROPEAN UNION*. White Plains, NY: Longman.
- Worth, Charles and Ian Rose. 1994. "Whose Water is it Anyway?" *WATER LAW* (Special Issue).