

THE UNIVERSITY OF HULL

The creation of the European Environment Agency and its impact on national administrations in Germany, France and Britain

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Abstract

This thesis analyses the Europeanization of national environmental agencies by assessing the impact of the European Environment Agency (EEA) and its main environmental information and observation network, the Eionet, on three of its member countries, namely Germany, France and Britain.

The EEA began its work in 1994. It established the Eionet to institutionalize cooperation with member countries from which it obtains environmental data required for its work. This thesis assesses the German *Umweltbundesamt* (UBA), French *Agence de l'Environnement et de la Maîtrise de l'Energie* (ADEME) and *Institut Français de l'Environnement* (Ifen) as well as the Environment Agency (EA) of England and Wales. The different national arrangements for Eionet participation are explained and the question of whether the creation of the EEA and national participation in the Eionet had a significant impact on the national environmental administrations in the three case countries is scrutinised. It is argued that all national environmental agencies assessed in this thesis have been affected by Europeanization, although to different degrees. This thesis draws heavily on historical institutionalism and Europeanization theories when 'testing' three hypotheses. Unpublished new empirical findings are also presented.

This thesis argues that the EEA's impact on its member countries has, overall, remained very limited which explains the continued divergence between national environmental agencies. These findings are in line with historical institutionalist explanations. The only exception is the French Ifen which was set up as an independent agency in direct response to the creation of the EEA. As explained in the thesis, the French exceptionalism was, however, short-lived and largely driven by domestic (rather than EU-level) factors. This thesis provides new empirical material and analytical insights into the cooperation of national environment agencies and the EEA within the network of Heads of European Environment Protection Agencies (EPA network).

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List of abbreviations

ADEME	Environment and Energy Management Agency (<i>Agence de l'Environnement et de la Maîtrise de l'Énergie</i>)
AFME	French Energy Management Agency (<i>Agence Française pour la Maîtrise de l'Énergie</i>)
ANRED	National Agency for the Recovery and Elimination of Waste (<i>Agence Nationale pour la Récupération et l'Élimination des Déchets</i>)
AQA	Air Quality Agency (<i>Agence pour la Qualité de l'Air</i>)
BAT	Best available technology
BATNEEC	Best available technologies/techniques not entailing excessive cost
BMI	Federal Interior Ministry (<i>Bundesministerium des Innern</i>)
BMU	Federal Ministry for the Environment, Nature Protection and Nuclear Safety (<i>Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit</i>)
BPEO	Best practicable environmental option
BPM	Best practicable means
BRGM	Office for Geological Research and Mining (<i>Bureau de recherches géologiques et minières</i>)
BRITE	Better Regulation Improving The Environment
CITEPA	Centre for Interprofessional Study Techniques on Atmospheric Pollution (<i>Centre Interprofessionnel Technique d'Études de la Pollution Atmosphérique</i>)
CO ₂	Carbon dioxide
CORINE	Coordination of information on the environment
DECC	Department of Energy and Climate Change
Defra	Department of the Environment, Food and Rural Affairs
DEHSt	German Emissions Trading Authority (<i>Deutsche Emissionshandelsstelle</i>)
DETR	Department of the Environment, Transport and the Regions
DG	Directorate General
DIREN	Regional Environment Directorates (<i>Directions régionales de l'environnement</i>)
DoE	Department of the Environment
DPSIR	Driving forces-pressures-state-impact-responses
DRIRE	Regional Industry, Research and Environment Directorates (<i>Directions Régionales de l'Industrie, de la Recherche et de l'Environnement</i>)
EA	Environment Agency of England and Wales
EAP	Environment Action Programme
EAS	European Administrative Space
EC	European Community
ECJ	European Court of Justice
ECPS	Environment and Consumer Protection Service
EEA	European Environment Agency
EEC	European Economic Community
Eionet	European Environment Information and Observation Network
ENCA	European Network of Heads of Nature Conservation Agencies
EP	European Parliament
EPA network	Network of Heads of European Environmental Protection Agencies

ETC	European Topic Centre
EU	European Union
FDP	Liberal Democratic Party (<i>Freie Demokratische Partei</i>)
FRG	Federal Republic of Germany (<i>Bundesrepublik Deutschland</i>)
GDR	German Democratic Republic (<i>Deutsche Demokratische Republik</i>)
Go4	Group of Four (the Commission, Eurostat, JRC and EEA)
HMIP	Her Majesty's Inspectorate of Pollution
Ifen	French Environment Institute (<i>Institut Français de l'Environnement</i>)
IFREMER	French Research Institute for Exploration of the Sea (<i>L'Institut Français de Recherche pour l'Exploitation de la Mer</i>)
IMPEL	Network for the Implementation and Enforcement of Environmental Law
INERIS	National Institute of Industrial Environment and Risks (<i>Institut National de l'Environnement Industriel et des Risques</i>)
INSPIRE	Infrastructure for Spatial Information in the European Community
IT	Information technology
JRC	Joint Research Centre
MAFF	Ministry of Agriculture, Fisheries and Food
MAWP	Multi-Annual Work Programme
MB	Management Board
MDIAK	Monitoring, data, information, assessment, knowledge
MEP	Member of European Parliament
MNHN	National Natural History Museum (<i>Muséum national d'histoire naturelle</i>)
NFP	National Focal Point
NGO	Non-Governmental Organization
NRA	National Rivers' Authority
NRC	National Reference Centre
OECD	Organization for Economic Cooperation and Development
OMC	Open Method of Coordination
PCP	Primary Contact Point
RCEP	Royal Commission on Environmental Pollution
SEA	Single European Act
SEIS	Shared Environmental Information System
SEPA	Scottish Environment Protection Agency
SO ₂	Sulphur dioxide
SOER	State of the Environment Report
SOeS	Observation and Statistics Service (<i>Service d'Observation et Statistiques</i>)
SPD	Social Democratic Party (<i>Sozialdemokratische Partei Deutschlands</i>)
TGAP	general tax on polluting activities (<i>taxe générale sur les activités polluantes</i>)
UBA	Federal Environment Agency (<i>Umweltbundesamt</i>)
UK	United Kingdom
UN	United Nations
UNECE	United Nations Economic Commissions for Europe
UNEP	United Nations Environmental Programme
USA	United States of America
USEPA	United States Environmental Protection Agency

WaBoLu Institute for Water-, Soil- and Air Hygiene (*Institut für Wasser-
Boden-, und Lufthygiene*)
WHO World Health Organization
WRA Waste Regulatory Authority

List of interviewees

These interviews were carried out between 2008-11. Exact dates are not listed to assure non-attributability. Some interviewees were interviewed more than once.

Milan Chrenko, Project Manager, NFP/Eionet coordinator, EEA

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Sir Ken Collins, Chair of SEPA 1999-2007, Chair of EP's Committee on the Environment, Public Health and Consumer Protection 1979-1984 & 1989-1999, European Environment Agency Management Board member (alternate)

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David Egilson, Project Manager, Secretariat of the EPA network, EEA

Petra Fagerholm, Head of Group, Executive Director's Office, EEA

Will Fawcett, EU and international relations adviser, EA

Sir John Harman, Environment Agency Chairman 2000-2008, Environment Agency Board Member 1996-2000

David Lee, NFP UK, Defra

Prof. Dr. Heinrich Freiherr von Lersner, former UBA President 1974-1995

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Terry Shears, Head of EU and international relations, EA

Jacques Thorette, NFP France, Ifen/SOeS

Prof. Dr. Andreas Troge, 1995-2009 President of the UBA, 1990-1995 Vice-President of the UBA

Dr. James Tucker, NFP UK, Defra

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Chapter 1: Introduction

1.1 Introduction

The creation of a growing number of agencies at both the national and European levels is one of the most significant developments in the administrative structure of the EU [European Union] and its Member States.¹

This dissertation will focus on the growing importance of the role of environment agencies at the national and EU level. It aims to assess the changing roles of national environment agencies in Germany, France and Britain² as a result of the Europeanization process and in particular the wave of agency creation at EU³ level.

1.1.1 Choice of topic

Dehousse considers the emergence of specialized European agencies as one of the most interesting developments in EU bureaucracy since the early 1990s.⁴ Instead of an increase in the size of the Commission (although some marginal increases did take place), EU agencies were created, taking over some of the Commission's tasks and establishing specialized administrative structures, often networks, linking the national and supranational level.⁵ The study of both Europeanization and EU agencies has increased significantly, while the role of national agencies in this new context has remained under-researched. What is lacking in particular is a better understanding of the inter-linkages among and between national administrations and European agencies,

¹ Geradin (2005:241)

² For reasons of simplicity, the terms 'Britain' and 'British' will refer throughout this thesis only to England and Wales unless otherwise stated. For the same reasons, the terms 'Britain' and 'United Kingdom/UK' are used interchangeably (although the UK also includes Northern Ireland) unless stated otherwise.

³ The term 'European Union' (EU) will be used throughout to include the European Communities (EC) and the European Economic Community (EEC).

⁴ Dehousse (2002:9). The terms 'EU agency' and 'European agency' will be used interchangeably throughout this thesis.

⁵ Dehousse (2002:9-10)

often taking the form of networks. Previous studies on national administrations have focused on regulatory competition between nation states and the EU, the impact of EU policies on national administrations or the degree to which national administrations have become integrated into the EU's administrative apparatus.⁶

The analytical focus of this thesis will be on environment agencies in France, Germany and Britain and how they cooperate with the European Environment Agency (EEA) and its European environment information and observation network (Eionet). In order for its networking activities to function properly, the EEA has to work with various actors (on a variety of levels), such as EU institutions, member state officials, or scientific experts.⁷ Most of this cooperation takes place within the EEA/Eionet framework with additional collaboration in the Network of Heads of European Environment Protection Agencies (EPA network). However, little is known about the developments and attitudes of national environment agencies regarding the creation of the EEA, its influence on the participating institutions and possible harmonizing effects. When compared to agency developments and agency creation at the national level, the creation of the EEA appears to have come at a relatively late point in time. This needs to be considered in the context of agency creation at the EU level, which only began to take off in the early 1990s. This thesis aims to assess the impact of the EEA's creation on national administrations by analysing their (degree and types of) cooperation from a Europeanization perspective and with the help of historical institutionalist theory. As will be explained in more detail in Chapter Two the expectation is that the creation of the EEA will have had little impact on national administrations in Germany, France and Britain.

⁶ Héritier *et al.* (1996), Knill (2001), Trondal (2001), Jordan and Liefferink (2004a)

⁷ Zito (2009b:1237)

1.1.2 Choice of case countries

The choice of France, Germany and Britain (sometimes referred to as “the big three”) as case countries for national environment agencies has emerged for the following main reasons: both France and Germany were founding members of the EU and played a crucial role in its development from the early beginnings. The UK joined in 1973 at a time when the EU began to establish a common environmental policy. The UK has therefore been affected by and involved in EU environmental policy-making (almost) from the start. Moreover, the three case countries are the largest (in terms of population and geographical size) EU member states. Although no two countries are the same, there are strong similarities between the three chosen case studies in terms of size, involvement of EU environmental policy-making and economical development. The use of most similar case studies has been described by Seawright and Gerring as ‘one of the oldest recognized techniques of qualitative analysis’.⁸

While France, Germany and Britain can be described as having reached a similar level of economic and technological development, they show significant differences in their political and administrative systems and structures as well as their environmental policies.⁹ France is a unitary state with a strong executive. It began a moderate decentralization/regionalization process in the 1980s by giving more powers to regional councils (*conseils régionaux*) and general councils (*conseils généraux*). Germany on the other hand has a decentralized federal structure and the representation of the *Länder* is provided by a two-chamber system.¹⁰ Britain is a state with a strong executive and, despite devolution, a strong concentration of powers in Whitehall (in particular with

⁸ Seawright and Gerring (2008:305)

⁹ Héritier *et al.* (1996:31), Knill (2001), Müller-Brandeck-Bocquet (1996), Jordan and Liefferink (2004a)

¹⁰ Héritier *et al.* (1996:31)

regard to England and Wales).¹¹ French and German political elites have close bilateral relationships and are generally in favour of furthering European integration. Until recently, France and Germany have often been referred to as the motor of European integration.¹² However, their national positions regarding EU environmental policy are less similar.

While Germany is generally considered as an environmental leader state,¹³ France has taken on the role of coalitionist and friendly onlooker who neither supports nor impedes environmental legislation.¹⁴ After being branded an environmental laggard¹⁵ and ‘policy taker’¹⁶ for much of the first two decades of EU environmental policy, Britain’s position changed in the early 1990s. Since then it can be considered as one of the pace-setters or ‘policy shapers’¹⁷ in EU environmental policy.¹⁸ Moreover, the three case countries exhibit important differences in their national environmental regulatory styles. French environmental policy is characterized by a more open outlook on EU environmental policy with the anticipation of future adjustments to national policy procedures.¹⁹ French regulatory tools are wide-ranging and flexible, and include the regional level.²⁰ Germany, on the other hand, has a strong interest in traditional regulation, relies heavily on the best-available-technology (BAT, *Stand der Technik*) approach, uniform emission limit requirements and often aims to minimize the impact of EU environmental policy and/or adaptation costs on established domestic legal, institutional and instrument patterns.²¹ British environmental policy has often been

¹¹ Héritier *et al.* (1996:31)

¹² Webber (1999b:1)

¹³ Börzel (2005:165), Liefferink and Andersen (2005)

¹⁴ Héritier *et al.* (1996:262), Buller (2004)

¹⁵ For example Weale (1992), Jordan (2004)

¹⁶ Jordan and Liefferink (2004)

¹⁷ *Ibid.*

¹⁸ Héritier *et al.* (1996:229), Knill (2001:164), Flynn (2004: 697)

¹⁹ Héritier *et al.* (1996:203)

²⁰ *Ibid.*:265

²¹ *Ibid.*:176, 265

pragmatic, involving incremental responses to specific problems.²² The traditional British approach used to include the best practicable means (BPM) which was later developed into the best available techniques not entailing excessive costs (BATNEEC), the use of soft regulatory instruments (such as informal agreements between the regulator and regulated) and reactive rather than proactive environmental policy measures.²³

Finally, as will be shown in particular in Chapters Four, Five and Six, the set of structures which needed to be put into place to accommodate the EEA's Eionet has been addressed differently in each of the three countries and the reasons for this will be assessed in this thesis. The main focus of this dissertation will be on the different roles environment agencies play on the domestic and EU level, the nature of their cooperation and the effect which the creation of the EEA has had on them.

In order for the empirical research to remain manageable, the number of case countries had to be restricted to three. A larger number of case studies would have been preferable in terms of representativeness. However, one important advantage of a relatively low number of case studies is that it allows for the in-depth assessment of national Eionet participation arrangements. The chosen countries are all hosts to well-established and influential environment agencies. Other countries and/or groups of similar countries (such as the Scandinavian countries, Benelux countries, Central and Eastern European countries and Southern European countries) could be included in future research projects.

²² Lowe and Flynn (1989:256)

²³ H  ritier *et al.* (1996:101)

1.1.3 Choice of case study

In addition to focusing on three case countries, the e Network of Heads of European Environmental Protection Agencies will be assessed as a case study in some detail in Chapter Eight. The EPA network is an informal network set up by the member countries' environment agencies in order to enable and facilitate contact and exchange at the directorial level. The network's secretariat is hosted by the EEA. The network brings together heads of environmental agencies (or similar bodies) in order to exchange views and experiences on issues of common interest.²⁴ The participating countries are EEA member countries and other countries involved in the EEA work programme.²⁵ Due to its informal non-compulsory nature, EEA member countries are not required to take part in the EPA network and, indeed, some of them do not (such as France). The EPA network as a case study is of interest as it focuses on environment agency activity at the international level and their involvement with the EEA, as not all national environment agencies are members of the Eionet. Although it hosts the EPA network's secretariat, the EEA is a network member just like the other agencies. The EPA network is a European network in which participation is voluntary. It was not formed as the result of an EU initiative but created by some of its member countries (such as the UK and Italy). The case study is of great interest because of its focus on national environment agencies' reasons behind participation in the EPA network and their roles and functions as members of this network.

²⁴ EEA (2008a:12)

²⁵ *Ibid.*:12

1.1.4 Environmental policy in the EU, Germany, France and Britain²⁶

Environmental issues arrived on the political agenda in France, Germany and Britain roughly around the same time in the late 1960s/early 1970s.

In Germany the environment gained in political importance following the election of a reform-minded centre-left Social Democratic Party – Liberal Democratic Party coalition government in 1969.²⁷ In France the creation of the Ministry of the Environment in 1971 moved the focus on the environment from the scientific to the political and eventually public sphere.²⁸ Although British environmental policy has a long history, its development and direction since the 1970s has strongly been influenced by its EU membership.²⁹ For the EU, the starting point for a common environmental policy was the 1972 Paris summit which took place a few months after the United Nations Conference on the Human Environment in Stockholm.³⁰ The environment began to emerge as a distinct common policy area in the early 1970s. The adoption of the first Environmental Action Programme (EAP) in 1972 was one of the important milestones. However, EU environmental policy was formally recognized as an EU competence only in the 1986 Single European Act (SEA).³¹ While national environmental policy-making has not necessarily diminished, it is possible to argue that most environmental policy measures in member states originate from EU legislation.³²

²⁶ For more detailed assessments see chapters two, three, four and five.

²⁷ Rüdig (2003:250)

²⁸ Larrue and Chabason (1998:61)

²⁹ Weale (1997:91), Flynn (2004:697)

³⁰ Weale *et al.* (2000:56), McCormick (2001)

³¹ Weale (2005:126-127)

³² McCormick (2001:291)

1.2 Agencies and regulation

1.2.1 The EU as a regulatory regime

Curtin points out that the EU is ‘more than a classic international organization, less than a state’.³³ While regulatory states have been described by Thatcher as having the correction of market failures through rule-making as a major function, Eisner defines regulatory regimes as

a historically specific configuration of policies and institutions which structure the relationship between social interests, the state, and economic actors in multiple sectors of the economy.³⁴

Policies decided by the EU largely take the form of regulation.³⁵ For the EU, regulation is an ideal policy instrument due to the relatively low costs incurred (at least regarding the effect on the Union’s budget) and the separation between rule-making and implementation processes.³⁶ Legislation is passed either as regulations (which are directly applicable), directives (which have to be transposed into national law by member states) or decisions (which are binding and aimed at one or more member state, institution or individual).³⁷ The main instrument used in EU environmental policy is the directive.³⁸ For the implementation of its policies the EU depends on the member states. Regulation is an important tool ensuring the creation of the single market (freedom of movement of goods, services, persons and capital).³⁹

Not all regulatory governance models used effectively at the national level can be easily applied to the EU.⁴⁰ Scott lists various models of regulatory governance employed by the EU, involving different organizations, levels, and character

³³ Curtin (2005:89)

³⁴ Eisner (1993:1), Thatcher (2002a:860)

³⁵ Nugent and Paterson (2003:96), Majone (1996)

³⁶ Scott (2005:68)

³⁷ McCormick (2001:71-73)

³⁸ Jordan and Liefferink (2004c:232)

³⁹ European Commission (2006a:4)

⁴⁰ Scott (2005:67)

(governmental and non-governmental).⁴¹ The list includes the models of the Commission as regulator, EU agencies, transnational regulatory networks, or the open method of coordination, among others.⁴² The efficiency of the listed methods can vary significantly. The Commission is in charge of many of the Union's executive functions and the only institution able to formally initiate legislation.⁴³ It considers itself as responsible for improving the quality of regulation, avoiding overlap, reducing regulation where necessary, and making proposals more understandable.⁴⁴

In parallel with the reform processes of national regulatory systems, there has been an ongoing transfer of regulatory powers to the European level (i.e. deregulation on the member state level which is followed by supranational re-regulation).⁴⁵ According to Hix and Goetz, deregulation refers to the removal of barriers to trade and re-regulation describes, for example, EU legislation and harmonization measures.⁴⁶ Since its beginnings, the range and depth of EU-level policy responsibilities has increased while simultaneously the EU has steadily expanded its regulatory policy role.⁴⁷ Importantly, Hix and Goetz suggest that the process of European integration introduces new regulatory policy styles affecting public administration in the member states.⁴⁸ As one aspect of this development they consider the creation of new independent regulatory agencies.⁴⁹ To what degree are EU agencies able to influence national agencies? Dehousse argues that by creating European agencies, EU regulatory interventions can be deepened.⁵⁰ However, this would only apply in policy areas where EU agencies have been equipped with explicit powers, thus, arguably, not in the case of the EEA which, as

⁴¹ Scott (2005:67)

⁴² *Ibid.*:69-76

⁴³ Geradin (2005:217)

⁴⁴ European Commission (2006a:3)

⁴⁵ Majone (1996a:2), Levi-Faur (2007:104)

⁴⁶ Hix and Goetz (2000:4)

⁴⁷ Nugent and Paterson (2003:93), Eberlein and Grande (2005:89)

⁴⁸ Hix and Goetz (2000:10-11)

⁴⁹ *Ibid.*:10-11

⁵⁰ Dehousse (1997:247)

will be analysed below, has not been equipped with regulatory powers and has to rely on the cooperation of the EEA member countries. McCormick argues that this kind of multi-level governance is

based on the idea of different and overlapping sets of competence among multiple levels of government, and suggests that authority is dispersed among these different levels, and involves multiple policy actors with multiple powers and interests.⁵¹

When applying the multi-level governance concept to environmental policy, it becomes clear that information is increasingly provided by the EEA (acquired through the Eionet) for the Commission and EP in particular. The Commission proposes policy measures which then need to be agreed by the Council of Ministers and EP (in order to become legally binding EU laws). EU policies are implemented (nationally, regionally and locally) by the member states. The EU environmental policy-making process thus requires actors on different levels of governance to cooperate with each other.⁵² In order to connect the national and supranational levels better, intermediate structures, which often took the form of European agencies, were created.⁵³

Majone states that the delegation of policy-making powers to (relatively) independent institutions at the national and supranational level is a central feature of regulatory reform in Europe.⁵⁴ At the EU level, regulatory powers are not concentrated within the Commission, as other EU institutions and importantly the member states (often reluctant to increase the Commission's powers) stand in the way of complete independence.⁵⁵ In most cases, the creation of European agencies involved the delegation of tasks previously dealt with by the Commission (or previously delegated to other actors by the Commission), rather than an actual transfer of powers. Moreover,

⁵¹ McCormick (2001:7)

⁵² McCormick (2001:7-8)

⁵³ Dehousse (2002:4)

⁵⁴ Majone (1996a:2-3), Majone (2002)

⁵⁵ Everson (2005:155)

Cassese points out that national public administrations, as well as adapting to their new role in a supranational context, were under pressure from the EU to adjust their national systems accordingly.⁵⁶ According to Cassese, the EU began to influence national administrative systems in the late 1970s (with varying degrees of success), reaching its height in the 1990s.⁵⁷ Whether the EEA has actively sought to influence national systems or institutional set-ups with regard to environment agencies shall be considered.

1.2.2 The role of agencies

When delegating powers, Majone lists the options available as the delegation to (regulatory) agencies, government departments (or the Commission's Directorate Generals in the case of the EU), self-regulation or control by courts.⁵⁸ Politicians (and other affected interests) often decide strategically on the agency's goals and personnel decisions when creating a new institution.⁵⁹

There is no agreement in the academic literature on what constitutes the most important roles and functions of agencies. Kreher defines agencies as 'administrative authorities or bodies operating outside the central administration'.⁶⁰ Magnette considers the creation of agencies at the supranational level as an attempt to improve the coordination of cooperation between states during the decision-making and the implementation phases.⁶¹ However, with regard to the varying actual powers of EU agencies their level of involvement and success remains to be seen.

With regard to agencies, Thatcher suggests the applicability of the principal-agent model which focuses on the delegation of powers by principals (e.g. elected politicians)

⁵⁶ Cassese (2003:131)

⁵⁷ *Ibid.*:131

⁵⁸ Majone (2003:299)

⁵⁹ Zito (2009b:1226)

⁶⁰ Kreher (1997:225)

⁶¹ Magnette (2005:7)

to non-governmental bodies (e.g. independent regulatory authorities), while creating formal controls (via review procedures, budget allocation, staff appointments/dismissals, etc.).⁶² Curtin also classes the Commission as a principal (although an unelected one) which delegates some of its own tasks to EU agencies.⁶³ However, although the degree of agency independence varies greatly, even agencies classed as independent remain influenced by the political frameworks they emerged from.⁶⁴

According to Majone, the advantages of delegating powers to agencies include governmental departments having different priorities than the tasks that need to be addressed (and can then be allocated to agencies); the likelihood of agencies being able to fulfil functions better when these are their sole concern or central interest; the ability of agencies to provide the necessary expertise on highly technical issues; and, the ability to work more independently compared to government departments.⁶⁵ Majone considers the use of expert and independent agencies in statutory legislation ‘a definite improvement over previous practices’.⁶⁶

The new public management perspective embraces agencification as one of its elements,⁶⁷ referring to

the tendency to assign to special bodies (agencies or independent authorities) duties that were previously performed by special units belonging to the state organization.⁶⁸

According to Cassese, new public management reforms have been taking place in Germany since 1978 as the so-called new governance model (*neues Steuerungsmodell*) and in France since 1989 as the renewal of public service (*renouveau du service*

⁶² Thatcher (2005a:48)

⁶³ Curtin (2005:94)

⁶⁴ Thatcher (2005a:49)

⁶⁵ Majone (2003:299-300)

⁶⁶ Majone (1996c:11)

⁶⁷ Other elements include process re-engineering, value for money, result-oriented budgeting, public-private partnership, marketization and customer orientation. See Cassese (2003:131-132)

⁶⁸ Cassese (2003:131)

public).⁶⁹ However, as the German Federal Environment Agency (*Umweltbundesamt*, UBA) was created in 1974 and French environmental agencies (albeit specialized ones) were created as early as 1964, these environment agencies came into existence long before new public management reforms became popular. Although the creation of the Environment Agency (EA) of England and Wales can be placed in the context of new public management, which influenced a lot of political developments at the time, detailed assessment of the ways in which new public management reforms have affected (existing and/or emerging) national environment agencies goes beyond the scope of this thesis.

While the Commission considers the increased involvement of national administrations as decentralizing and a more effective way of legislation enforcement, Scott notes that in the case of EU agencies this is mainly true regarding their geographical location.⁷⁰ Scott further points out that ‘in all other regards, and in particular vis-à-vis the member states, EU agencies are instruments of centralization’.⁷¹

In the perspective referred to by Goetz as comparative public administration, the focus is mainly on the bureaucratic parts of the executive, such as ministries, central agencies, and other non-elected executive actors.⁷² However, while the comparison of different national administrations and institutions can be considered as relatively straightforward, it would be more difficult to directly compare a nation state’s agency to a European one.

1.2.3 National agencies

For national governments, delegating powers to independent agencies can be a way of enhancing their credibility as it shows their commitment to certain policy areas and

⁶⁹ Cassese (2003:130)

⁷⁰ European Commission (2001:34), Scott (2005:71-72)

⁷¹ Scott (2005:72) referring to Everson *et al.* (1999:178)

⁷² Goetz (2003:74)

developments.⁷³ However, Andeweg points out that placing government department officials in a privileged position as specialized experts can lead to ‘information asymmetry’ in the bureaucracy as they potentially aim at maximising their own powers.⁷⁴ Thus governments have to find ways of decreasing such risks, either through well-chosen civil servant appointments or mechanisms to strictly control their activities (*ex ante* versus *ex post* control).⁷⁵ This risk is only enhanced by the creation of agencies, which are even further removed from ministers/the government than the civil servants working in government ministries.

With regard to their changing role, Egeberg has described national administrative agencies as ‘double-hatted’,⁷⁶ referring to their two-fold role within the national administrative system and, simultaneously, their growing importance in the EU’s multi-level administration.⁷⁷ Thus agencies remain closely linked to their national ministerial departments and national administrations, while at the same time actively participating in committees, networks and Commission activities (usually the respective directorates).⁷⁸

In many countries the national agencies become part of a network supporting the supranational agency.⁷⁹ Overall, this could potentially result in new forms of regulatory cooperation between agencies and member states.⁸⁰ However, despite the establishment of EU agencies, national agencies have not lost their importance. EU agencies depend on their national counterparts for information and cooperation. Due to procedural and financial restrictions they rely on national agencies and member countries’ involvement

⁷³ Majone (1996a:4), Majone (2002)

⁷⁴ Andeweg (2003:53)

⁷⁵ *Ibid.*:53

⁷⁶ Egeberg and Trondal (2007:16) referring to Egeberg (2006d)

⁷⁷ Egeberg and Trondal (2007:5)

⁷⁸ Egeberg and Trondal (2007:5) referring to Egeberg (2006d)

⁷⁹ Europa website, ‘Agencies of the European Union: How do they function?’

⁸⁰ Majone (1997:274)

in their management boards.⁸¹ Cooperation with a supranational agency could potentially have an impact on national institutions, however. Weale notes that the speed and structure of national policy developments and responses is mainly influenced by the type of government and national governmental structures.⁸²

I will now turn to the national environment agencies of my three case countries, the German Federal Environment Agency, the UBA, the French Environment and Energy Management Agency (*Agence de l'Environnement et de la Maîtrise de l'Energie*, ADEME) as well as the French Environment Institute (*Institut Français de l'Environnement*, Ifen) and the EA of England and Wales. A more extensive analysis of the roles and functions of these national environmental agencies will be put forward in Chapters Four, Five and Six.

UBA

The German UBA was established in 1974. It is mainly responsible for non-executive tasks such as environmental research, the collection and dissemination of information and its documentation.⁸³ It has also a wider public role nationally because 'it is considered to be the most important agency in the environmental policy area through its role as an information centre and its influence on the public debate'.⁸⁴ The UBA's work provides the federal government and in particular the Environment Ministry (*Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit*, BMU) with a scientific basis for environmental policy.⁸⁵ The BMU is responsible for the management of national environmental policy, realization of political objectives, priorities and

⁸¹ Dehousse (1997:257)

⁸² Weale (1992:15)

⁸³ Pehle and Jansen (1998:94-95)

⁸⁴ *Ibid.*:95 referring to Weidner (1995:31)

⁸⁵ UBA (2003a:30)

programmes as well as international cooperation.⁸⁶ Other important agencies in the environmental field in Germany are the Federal Agency for Nature Conservation and the Federal Office for Radiation Protection.⁸⁷

ADEME and Ifen

In France, some specialized agencies in the environmental field were created as early as 1964, such as the agency for water management, followed by agencies for waste disposal (in 1975), and for air (in 1980).⁸⁸ These agencies were usually able to impose (parafiscal) levies which were used to control, promote and invest within their respective fields.⁸⁹ The 1990 National Plan for the Environment led to reforms of the existing agencies, with several of them being merged together.⁹⁰ The new ADEME and the Ifen, both created in 1991, were responsible for statistical and informational support for the Environment Ministry.⁹¹ ADEME has branches in the French regions and is responsible for research, levying a range of environmental taxes on industry and sponsors environmental initiatives.⁹² Ifen is a body of particular interest, as it was set up as the French counterpart to the EEA. The Environment Ministry is responsible for legislative and rule-making functions and the agencies fulfil technical and financial functions.⁹³

Environment Agency of England and Wales

⁸⁶ UBA (2003a:26)

⁸⁷ *Ibid.*:32-34

⁸⁸ Larrue and Chabason (1998:70)

⁸⁹ Larrue and Chabason (1998:70)

⁹⁰ *Ibid.*:70

⁹¹ *Ibid.*:70

⁹² Szarka (2002:82)

⁹³ Larrue and Chabason (1998:70)

The EA of England and Wales and the Scottish Environment Protection Agency (SEPA) were both created in 1996.⁹⁴ They combine previously created environmental bodies such as the National Rivers Authority (NRA), Her Majesty's Inspectorate of Pollution (HMIP) and the Waste Regulatory Authorities (WRA), with the SEPA also dealing with air pollution.⁹⁵

The EA's main areas of responsibility are water quality, water resource management, integrated pollution control and waste regulation.⁹⁶ Regulation of these issues is mainly achieved through the issuing of licences, granting consent to discharge or authorisation (via regulation or licensing).⁹⁷ Additionally, a variety of rural conservation agencies operate across the country.⁹⁸

The Department of the Environment, Food and Rural Affairs (Defra) was established in 2002. It was preceded by the Department of the Environment, Transport and the Regions (DETR) which was set up in 1997, and the Department of the Environment (DoE) which was created in 1970.⁹⁹ In 2008 the Department for Energy and Climate Change (DECC) was created when the energy and climate policy units were taken out of Defra. Defra's responsibilities include environmental protection, sustainable development, water, countryside, rural development and energy efficiency.¹⁰⁰

1.2.4 EU agencies

The creation of EU agencies has resulted from the need to reform existing institutional structures, introduce geographical decentralisation and improve the scientific and

⁹⁴ Flynn (2004:705)

⁹⁵ *Ibid.*:705

⁹⁶ *Ibid.*:706

⁹⁷ Flynn (2004:706)

⁹⁸ *Ibid.*:708

⁹⁹ *Ibid.*:703

¹⁰⁰ *Ibid.*:703

technical expertise of the EU institutions and particularly the Commission.¹⁰¹ Moreover, the delegation of powers can further be considered as a way of improving efficiency in the EU law-making process.¹⁰² However, the involvement of agencies in EU law-making varies greatly depending on policy areas. Yataganas describes the EU's agencies as having been created with objectives such as flexibility, management autonomy, member state involvement and closer attention to citizens' concerns in mind.¹⁰³

While the Commission appears to be in favour of the agency model, it is cautious to limit the EU agencies' independence and has tried to prevent them from having regulatory powers.¹⁰⁴ This seems to be the case for several reasons: firstly, the Commission has an interest in protecting its own central position in the development of EU policy; secondly, the Commission is concerned about policy ambitions the agencies might harbour or develop; and, finally, the Commission is worried about potential overlaps in responsibility, which would be far from ideal from a strategic and financial perspective.¹⁰⁵ The Commission appears keen to protect and retain its own powers, as became apparent in the process which is now referred to as the Meroni doctrine, restricting the delegation of powers to other institutions (see below).¹⁰⁶ However, it is not only for the Commission to decide on the scope of each agency, but member states also play an important role.

EU legislation does not currently provide an official definition for agencies, although some explanations are available regarding their creation and roles.¹⁰⁷ The conditions recognized by the Commission for the creation of EU level agencies include the

¹⁰¹ Majone (2002:299), Europa website, 'Agencies of the European Union: History'

¹⁰² Lenaerts (1993:49)

¹⁰³ Yataganas (2001:25)

¹⁰⁴ Scott (2005:81)

¹⁰⁵ Wynne and Waterton (1998:124)

¹⁰⁶ Scott (2005:82)

¹⁰⁷ Vos (2005:122)

granting of only limited decision-making powers and exclusion of general regulatory powers, areas in which the treaties have conferred powers directly to the Commission, areas of conflicting public interest, complex economic assessments or the exercising of political discretion.¹⁰⁸ In areas requiring specific technical expertise, some decision-making powers can be granted, but all agencies are subject to supervision and control by the Commission.¹⁰⁹ Moreover, an aim of the creation of EU agencies, has been the reinforcement of effectiveness and visibility of EU law.¹¹⁰ The creation of these agencies demonstrates the political consensus reached between EU member states and institutions for the need of such bodies, which combine national and supranational competences at EU-level but with strong reliance on the member states' support (to differing degrees depending on the policy area).¹¹¹

The majority of the EU's agencies have been created through Council regulation as set out in the EC Treaty (Article 235), allowing the Council to take measures in order to ensure Community objectives.¹¹² The European Parliament (EP) has only had a consulting role during the decision-making process on creation of the agencies.¹¹³

Agencies at the EU level can be divided into three different generations.¹¹⁴ The first generation of agencies was made up of the European Centre for the Development of Vocational Training and the European Foundation for the Improvement of Living and Working Conditions, both created in 1975 (and did not use networks to fulfil their roles).¹¹⁵ In the 1990s, the second generation of EU agencies was set up. It included the European Training Foundation, Office for Harmonization in the Internal Market and the

¹⁰⁸ European Commission (2001:24)

¹⁰⁹ *Ibid.*:24

¹¹⁰ *Ibid.*:33

¹¹¹ Kreher (1997:242)

¹¹² *Ibid.*:227

¹¹³ *Ibid.*:232, Interview British official (2010a)

¹¹⁴ Majone (2002:299), Europa website, 'Agencies of the European Union: History'

¹¹⁵ Majone (2002:304), Europa website, 'Agencies of the European Union: History', Zito (2009b:1230)

EEA (among others).¹¹⁶ The third generation, which was set up in the early 2000s, included the European Food Safety Authority and the European Aviation Safety Agency.¹¹⁷ In 2010 there were more than 30 European agencies.¹¹⁸

While responsibilities, functions and tasks assigned to each agency vary, generally the supranational agencies were expected to have a decentralising effect, increase the profile of the respective policy field or area, aim at being experts in their respective fields and provide a forum for dialogue and cooperation within Europe and internationally.¹¹⁹ Moreover, the agencies operate outside the Commission, although it still has representatives on the management boards of the agencies and is, at least initially, providing some funding.¹²⁰ However, Shapiro notes, that while there is a degree of partial independence from the Commission, due to the structure of the management boards (similar to the set-up of the Council in which each member country is represented), the agencies are not independent from member state politics (intergovernmental politics).¹²¹

In its 2001 *White Paper on European Governance*, the Commission stressed its continuing commitment to autonomous EU agencies, the creation of additional agencies, and the belief that agencies will improve the application and implementation of Community rules.¹²² The White Paper further lists the prevalent conditions required for EU agency establishment which include supervision, the absence of regulatory powers and restricted decision-making powers.¹²³

¹¹⁶ Majone (2002:304-305), Europa website, 'Agencies of the European Union: History'

¹¹⁷ Europa website, 'Agencies of the European Union: History'

¹¹⁸ Europa website, 'Agencies of the European Union'

¹¹⁹ Europa website, 'Agencies of the European Union: History'

¹²⁰ Kreher (1997:227, 235). Some of the agencies were expected to finance themselves by providing services for payment (external funding), while others will continue to be financed by the EU. (Kreher 1997:235)

¹²¹ Shapiro (1997:281)

¹²² European Commission (2001:24)

¹²³ *Ibid.*:24

At the European level (as well as the national level in some cases), the agency concept has been stretched to include a variety of bodies which are not truly regulatory.¹²⁴ Magnette argued that member state governments prefer to keep control over relatively weak agencies with limited regulatory competencies rather than to set up independent agencies which are truly regulatory bodies.¹²⁵ They also prefer national over supranational agencies, the latter of which would only be created to avoid potential non-coordination.¹²⁶ Finally, Magnette suggests that EU institutions agree to the creation of a new European regulatory body only if it widens EU competences without undermining their own domestic ones.¹²⁷ Although the establishment of EU agencies is an important step for the EU's political system, the Commission remains in control and the delegated tasks do not appear to be substantial in most cases. Nonetheless the agencies have more than just symbolic value, in particular regarding their coordination- and information-related tasks.

Chiti categorizes EU agencies into four groups: firstly, agencies acting in the internal market sector, secondly, agencies acting in the social regulation sector, thirdly, social regulation agencies aiming to produce information in a specific field (to inform as well as influence policy and to which the EEA belongs), and fourthly, social policy agencies acting as information bodies (with the information directed at other administrations or political institutions only).¹²⁸

At the time of their creation, the EU agencies were not explicitly mentioned in the treaties, although the Lisbon Treaty, which came into force in December 2009, now makes reference to them, listing them as EU bodies.¹²⁹ Previously, the Laeken

¹²⁴ Magnette (2005:10)

¹²⁵ *Ibid.*:10

¹²⁶ *Ibid.*:10, Majone (2002)

¹²⁷ Magnette (2005:10)

¹²⁸ Chiti (2000:315-317)

¹²⁹ Kreher (1997:227), Official Journal of the European Union (2007)

Declaration on the Future of Europe, preparing the (failed) EU Constitutional Treaty had attempted to include some specification and legal basis for the creation of EU agencies. However, due to disagreements about the exact wording, agencies were not included in the suggested Constitutional Treaty.¹³⁰ Member states therefore missed a window of opportunity to amend treaty restrictions (see below) to agency creation.¹³¹ Despite being mentioned in the Lisbon Treaty (an indication of how important EU agencies have become), restrictions regarding EU agency creation remain.

The EU agencies' role is to complement existing institutions, structures and procedures.¹³² In some cases better and more open reporting on compliance by the EU agencies might provide a motivation for member states to improve the implementation of EU laws. However, this is probably unlikely considering the fact that sometimes even the threat of fines (after a second negative judgement by the European Court of Justice (ECJ)) does not constitute sufficient motivation for member states to improve their implementation procedures.

The majority of EU agencies are responsible for the collection and analysis of information, while some also oversee the creation and coordination of expert (information) networks in their policy area.¹³³ Despite not formally being involved in the EU policy-making process and their lack of regulatory powers, the expertise which EU agencies provide in the form of wide-ranging information may have an impact on the policy-making actors and processes.¹³⁴ Regularly published major reports in specific policy areas potentially attract more attention if they include data of all member states rather than separate national publications on similar topics.

¹³⁰ Geradin (2005:221-222)

¹³¹ *Ibid.*:221

¹³² Kreher (1997:228)

¹³³ Kreher (1997:236-237)

¹³⁴ Kreher (1997:239)

Regulation by information

Majone describes 'regulation by information' as

attempts to change behaviour indirectly, either by changing the structure of incentives of the different policy actors, or by supplying the same actors with suitable information.¹³⁵

Regulation by information is different from direct command-and-control regulation (e.g. prohibition and binding standards), although both approaches are often combined.¹³⁶

Regulation by information involves, for example, the use of information and frameworks in the Open Method of Coordination (OMC) which is a new policy instrument that emerged from the 2000 Lisbon Strategy.¹³⁷ The OMC was initially used in policy areas in which member states have exclusive responsibilities. It involves joint decision-making on common objectives, measuring the impact of instruments and criteria as well as benchmarking. Thus the generation and dissemination of information itself has therefore the potential to become a policy instrument which may be able to influence policy development.¹³⁸ The Commission states that 'sound information on the state of the environment and on key trends, pressures and drivers for environmental change is essential for the development of effective policy [and] its implementation'.¹³⁹ However, information can be used not only as the basis for legislation but also to attempt to change behaviour in line with the gathered information.¹⁴⁰ Regulatory instruments and informational tools (including moral suasion) are not mutually exclusive policy instruments. In the environmental policy field they are often used in a complementary fashion rather than as alternative instruments. However, the importance of information as a policy tool has increased in recent years.¹⁴¹

¹³⁵ Majone (1997:265)

¹³⁶ *Ibid.*:265

¹³⁷ Europa website, 'Lisbon Strategy'

¹³⁸ Majone (1997:264)

¹³⁹ European Commission (2008a)

¹⁴⁰ Majone (1997:265)

¹⁴¹ Majone (1997)

The use of information as a policy instrument would improve the standing and potentially the influence of EU agencies which collect and provide policy-relevant information. Importantly, Shapiro points out the difficulty of separating information and policy-making by stressing their mutual dependence and influence.¹⁴² Thus having a body handling information which is not as directly involved in the policy-making processes could be an advantage as its distance ideally increases its credibility.

Chiti notes that in the EC legal order, the importance of information tasks has increased over time (in many cases using mechanisms linking national authorities and the Commission).¹⁴³ However, he does point out that these links/networks lack regulation at the procedural level (e.g. the conditions around the data collection) and advocates the creation of rules and procedures regulating information (at all stages, from source to final destination).¹⁴⁴

The provision of objective information on the environment from an independent European agency (in contrast to information published by the Commission and/or from a single member state which may be perceived as biased) is likely to take into account a wider range of environmental data and achieve a higher level of credibility.¹⁴⁵ In environmental policy (as well as other areas of social regulation), dependence on information is very high.¹⁴⁶ The Commission's commitment to quality and independence of expert advice required in the decision-making process is important in this regard.¹⁴⁷ The EEA's 1997 report *Public Access to Environmental Information*

¹⁴² Shapiro (1997:285)

¹⁴³ Chiti (2000:315)

¹⁴⁴ *Ibid.*:339

¹⁴⁵ Everson (2005:146)

¹⁴⁶ Majone (1997:264)

¹⁴⁷ Everson (2005:141)

further stresses the importance of making environmental information widely accessible.¹⁴⁸

Majone lists as the first task of the new agencies the establishment of their credibility and reputation, which is essential if they are to play a bigger role in public policy.¹⁴⁹ Thus, while one of the reasons a government (or regime) creates agencies might be to increase its credibility within certain policy areas, the agencies in turn are required to be credible.¹⁵⁰ Agencies tend to be more credible than governments due to their durability (e.g. they are not dependent on elections and tend to be more stable), expertise and neutrality.¹⁵¹

Vos ascribes the creation of the new agencies to the overall process of Commission reform and modernisation on the path to a more political administration.¹⁵² With the political climate at the time making expansion of the Commission unlikely, the creation of agencies was a way of broadening EU activities without increasing the size or powers of the Commission. According to Majone, the lack of regulatory powers for EU agencies has various reasons including the Commission's reluctance to give up some of its powers as well as member states being opposed to give up powers to supranational agencies (which in some cases they had not even delegated to independent agencies at the national level).¹⁵³

Moreover, treaty provisions prevented the Commission from delegating certain powers to institutions, which were not explicitly mentioned in the treaties, as set out by the so-called Meroni doctrine.¹⁵⁴

¹⁴⁸ EEA (1997a)

¹⁴⁹ Majone (1997:269), Majone (2002)

¹⁵⁰ Majone (1997:270)

¹⁵¹ *Ibid.*:270

¹⁵² Vos (2005:132)

¹⁵³ Majone (1997:263), Majone (2002)

¹⁵⁴ Majone (2002:303)

1.2.5 Meroni doctrine

Even though EU agencies are now mentioned in the 2009 Lisbon Treaty there still remains no provision in the treaty for the creation of Community agencies.¹⁵⁵ The Meroni doctrine, which followed a 1958 ECJ decision, does not allow the Community to delegate regulatory powers to agencies.¹⁵⁶ Under the existing EC Treaty rules, EU agencies (or other newly created EU bodies) are not allowed to obtain any powers regarding the formulation of implementation rules or powers to adopt secondary legislation.¹⁵⁷ Limited delegation of certain powers could be possible (e.g. in the implementation process) which would, however, have to be strictly defined and monitored.¹⁵⁸

Thus in order to delegate significant regulatory powers to EU agencies, treaty revision would be required.¹⁵⁹ No piece of secondary legislation (with the treaties being primary legislation) would be able to allow European agencies to have regulatory powers.¹⁶⁰ Geradin warns, however, that by preventing EU agencies from acquiring regulatory powers, the needs of a modern administrative state (or in this case state-like regime) could not be met.¹⁶¹ However, even independently of the ECJ's Meroni doctrine, many member states were reluctant to support the creation of strong regulatory EU agencies (for fear of leading to an EU which might resemble an administrative state).

Changes to the Union's institutional set-up must also allow the current balance of power of formal institutions to remain intact.¹⁶² Initially, the Meroni doctrine was seen

¹⁵⁵ Yataganas (2001:28), Hofmann (2009:501)

¹⁵⁶ Majone (2002:324) referring to Case 9/56, *Meroni v High Authority* [1957-8] ECR 133

¹⁵⁷ Curtin (2005:93)

¹⁵⁸ *Ibid.*:93

¹⁵⁹ Majone (2002:303)

¹⁶⁰ Geradin (2005:222)

¹⁶¹ Geradin (2005:222)

¹⁶² Lenaerts (1993:44)

as preventing the creation of Community agencies altogether, until it was re-interpreted (by the Council and the Commission) in the mid-1970s. Subsequently, the first two agencies were created, albeit with restricted competences.¹⁶³ Moreover, the Commission can only delegate powers which have already been transferred to the supranational level by the member states.¹⁶⁴ This means that the prospect of agencies acquiring full blown regulatory powers is further limited by the distribution of competencies within the EU's multi-level governance system. As a result, EU agencies have been under the direct control of the Commission and are not fully independent.¹⁶⁵ Instead they take on more of an advisory role with the Commission retaining the right to the final say.¹⁶⁶

The Meroni doctrine has been labelled as out of step with regulatory policy developments in Europe, hindering much-needed innovations in EU governance.¹⁶⁷ As Everson points out, the doctrine 'seems to continue to stand in the path of truly effective delegation'.¹⁶⁸ However, the required treaty changes could be undertaken by the member states, if they had a desire to do so.

Due to the restrictions regarding delegation, the Commission's tasks and powers have increased over the decades, making it more reluctant to share or transfer some of its powers to the new agencies.¹⁶⁹ However, due to the restricted powers of EU agencies, the Commission does not run the risk of them trying to maximise their own power at the Commission's cost. Yataganas describes the Commission as a 'super-agency' at heart, which has reached the limits of its expansion.¹⁷⁰ According to Scott, further constraints on supranational regulation and delegation of powers to agencies are

¹⁶³ Kreher (1997:228), Lenaerts (1993:40-42)

¹⁶⁴ Lenaerts (1993:42)

¹⁶⁵ Majone (2002:306)

¹⁶⁶ Everson (2005:147)

¹⁶⁷ Majone (2002:306), Majone (2003:307)

¹⁶⁸ Everson (2005:159)

¹⁶⁹ Geradin (2005:219)

¹⁷⁰ Yataganas (2001:41)

the limited powers possessed by the EU at the supranational level and the subsidiarity principle which was introduced in the 1991 Maastricht Treaty.¹⁷¹ The subsidiarity principle states the intention

to ensure that decisions are taken as closely as possible to the citizen and that constant checks are made as to whether action at Community level is justified in the light of the possibilities available at national, regional or local level.¹⁷²

1.2.6 EU agencies and legitimacy

Finally, while some aspects regarding regulatory agencies differ depending on whether they concern a national or an EU agency, legitimacy issues affect institutions at all levels.¹⁷³ Dehousse has identified a gradual shift from decision-making by politicians to decision-making by technocrats (in agencies, committees, etc.), which is less transparent and allows for less citizen participation.¹⁷⁴ However, many policy issues which are dealt with by the EU require technocratic attention and are too specific and complex or, indeed, technical for politicians or the general public to be able to make informed decisions without additional policy-related information.¹⁷⁵ In order to increase their accountability, agencies need to ensure visibility, a good reputation and credibility regarding their work and ensure the transparency of procedures.¹⁷⁶

With member countries and EP representatives (as well as Commission officials) forming part of many European agencies' management boards, agencies could be considered as being a way of improving democracy in the EU.¹⁷⁷ However, participation by member countries and EU institutions in the management of EU agencies does not

¹⁷¹ Scott (2005:69)

¹⁷² Europa website: 'Glossary: Subsidiarity'

¹⁷³ Majone (1996a:5), Chiti (2000)

¹⁷⁴ Dehousse (2002:4)

¹⁷⁵ Majone (1996g:49)

¹⁷⁶ Kreher (1997:240-242)

¹⁷⁷ Lenaerts (1993:47)

necessarily equal legitimacy.¹⁷⁸ Everson points out that the participating interests hardly represent an adequate cross-section of the EU's civil society.¹⁷⁹ Curtin suggests that EU agencies could potentially be learning sites for new participatory practices which could then be applied to other areas of EU administration.¹⁸⁰ However, the degree to which the new European agencies can be considered as participatory also depends on the participatory arrangements of those new European agencies and the different national contact points which might allow involvement to varying degrees.

Due to the limited powers of the European agencies, it is unlikely that they will have a significant impact on increasing (or decreasing) the EU's legitimacy. Nonetheless, Dehousse argues that compared to the non-transparency of the comitology system, the setting up of European agencies has led to an improvement in terms of transparency and legitimacy and thus also democracy.¹⁸¹ Not only are EU agencies subject to more scrutiny, they are also more visible and attract more (public) attention than committees.¹⁸² According to Vos, agency networks which involve all interested parties could potentially improve public understanding and trust in EU policies.¹⁸³ Moreover, due to their visibility, agencies might be able to increase interest in their respective fields.¹⁸⁴

Prior to the establishment of EU agencies and their information networks, there had been demands for more decentralization and more independence within statistical information provision which was carried out almost exclusively by the EU's statistical office and/or national statistical offices.¹⁸⁵ The new European agencies are subject to

¹⁷⁸ Everson (2005:160)

¹⁷⁹ *Ibid.*:160

¹⁸⁰ Curtin (2005:113)

¹⁸¹ Dehousse (1997:258)

¹⁸² *Ibid.*:258

¹⁸³ Vos (2005:121)

¹⁸⁴ *Ibid.*:125

¹⁸⁵ Majone (1997:271)

varying degrees of supervision by the Commission while the EP has no direct control over the agencies, apart from indirect influence through the EU's/agencies' budgets (and in many cases appointing representatives for the management boards).¹⁸⁶

1.2.7 EEA

The creation of the EEA followed the realization that high quality environmental data was needed in order to support environmental policy-making and monitoring.¹⁸⁷ As with most EU agencies, the EEA is not a fully fledged regulatory body: it does not possess rule-making, enforcement or adjudication powers.¹⁸⁸ Although Regulation 1210/90 establishing the EEA was agreed upon already in 1990, the agency did not formally begin its work from its eventual seat in Copenhagen until December 1993. An EEA task force had to be set up within the Commission's Directorate General (DG) for the Environment because France blocked an agreement on the seat of several EU agencies until the end of October 1993.¹⁸⁹

The EEA's main task is the provision of reliable and comparable information on the environment to those involved in environmental policy-making. Like most EU agencies, the EEA functions due to network partners in the EEA member countries participating in its main network, the Eionet.¹⁹⁰ The Eionet consists of five centres focusing on particular environmental issues (the European Topic Centres, ETCs), with contact points in the member countries (the national focal points, NFPs) who allocate further contact points nationally in the different subject areas of environmental policy (the national reference centres, NRCs, e.g. for water, air waste, climate, etc.). NFPs are

¹⁸⁶ Sahpiro (1997:288)

¹⁸⁷ Zito (2009b:1229)

¹⁸⁸ Majone (1997:262)

¹⁸⁹ Kreher (1997:229)

¹⁹⁰ Europa website, 'Agencies of the European Union: How do they function?'

responsible for ensuring that the right mechanisms are put in place nationally to ensure reporting obligations to the EEA are met and assist the EEA with the preparation and implementation of its work programmes (for more on the Eionet see Chapter Three).¹⁹¹ The Eionet is part of the still emerging Shared Environmental Information System (SEIS) which aims to make environmental information available as close to the source as possible and provide it in one single data repository.

Geradin categorizes the EEA as an agency with an observatory role, responsible for the collection, processing and dissemination of reliable information.¹⁹² This characterization neglects, however, the important role which the EEA plays in coordinating the Eionet. It is true that the EEA is not a full-blown regulatory agency and lacks powers (at least when compared to the Commission or some national environment agencies such as the United States' Environmental Protection Agency (USEPA)). But, as was explained above, the importance of information (and technical expertise), particularly in environmental policy-making should not be underestimated.¹⁹³ With regard to frequent comparisons of the EEA (as well as national environment agencies) to the USEPA, Shapiro stresses that the latter is more comparable to a government department (i.e. an environment ministry in the European context) than an independent agency.¹⁹⁴ A comparison between the United States of America (USA) and the EU would be difficult because the former is a sovereign state while the latter is a supranational union of states. Even if the EU *were* a state, the different nature of the respective environment agencies makes a comparison near impossible.

The next chapter will assess Europeanization and historical institutionalist theories because they provide the theoretical framework for the empirical research findings

¹⁹¹ Zito (2009b:1234)

¹⁹² Geradin (2005:224)

¹⁹³ Shapiro (1997:285 ff.)

¹⁹⁴ Shapiro (1997:277)

presented in this thesis. It will also outline the research questions and put forward three hypotheses which will then be ‘tested’ in the remaining chapters.

Chapter 2: European integration theories and theoretical framework

2.1 Agencies and European integration

This chapter explains how Europeanization and historical institutionalist theories will be used to provide the theoretical framework from which the research questions and three hypotheses are derived for this thesis. It begins by putting Europeanization and historical insitutionalist theories within the context of a wider review of European integration theories, leading to the focus on Europeanization and historical institutionalist theories as the most suitable theories for analysing the new empirical data presented in this thesis.

According to Hix and Goetz, European integration involves two related processes:

the delegation of policy competences to the supranational level to achieve particular policy outcomes; and the establishment of a new set of political institutions, with executive, legislative and judicial powers.¹⁹⁵

European integration is an open-ended process and degrees of integration differ between specific policy areas and over periods of time.¹⁹⁶ Due to the ongoing changes and developments in the EU and its political system, a variety of theories address the issues behind European integration.

2.1.1 Intergovernmentalism

Intergovernmentalism puts national governments and the state at the centre of the European integration process.¹⁹⁷ Following this logic, a state's attitude to European integration depends on cost and benefit considerations as well as the protection of the

¹⁹⁵ Hix and Goetz (2000:3)

¹⁹⁶ Kreher (1997:226)

¹⁹⁷ Cini (2003b:94), Eilstrup-Sangiovanni (2006c), Rosamond (2000), George and Bache (2001), Nugent (2003)

national interests and sovereignty of the state.¹⁹⁸ Pierson identifies three core features of intergovernmentalism: (1) the preoccupation of member states with national sovereignty; (2) the focus on grand bargains among member states in interstate negotiations (such as intergovernmental conferences which agree treaty changes); and, (3) the assumption that EU institutions act as instruments of member states.¹⁹⁹

When assessing EU environmental policy from an intergovernmental perspective, McCormick argues that it can only be applied to certain parts of EU environmental policy development such as the adoption of common environmental legislation in order to avoid the creation of trade barriers in the common market as a result of strict domestic environmental regulation in some member states.²⁰⁰ Andeweg points out that the privileged role of governments as actors in EU decision-making is widely accepted, despite the debate on the EU's intergovernmental and/or supranational nature continuing to be an issue.²⁰¹

2.1.2 Neofunctionalism

Neofunctionalism has a very different view of European integration. It is based on the Monnet method which relates integration to processes of issue linkage and spillover that result in new institutional forms.²⁰² Spillover refers to

a process where political co-operation conducted with a specific goal in mind leads to the formulation of new goals in order to assure the achievement of the original goals.²⁰³

Neofunctionalism assumes that in order for policy spillover to take place, certain prerequisites have to be met.²⁰⁴ According to the neofunctionalist perspective the move

¹⁹⁸ Cini (2003b:95-96)

¹⁹⁹ Pierson (1996:128)

²⁰⁰ McCormick (2001:5)

²⁰¹ Andeweg (2003:40)

²⁰² Weale *et al.* (2000:15-16), George and Bache (2001), Rosamond (2000), Nugent (2003),

Eilstrup-Sangiovanni (2006c)

²⁰³ Jensen (2003:84)

to adopt a common environmental policy took place to ensure the functioning of the single market. In other words, spillover effects (from the internal markets) triggered the adoption of another common policy (i.e. environmental policy).

Neofunctionalism as a theory of European integration was particularly popular during the 1960s and 1970s, as it reflected developments at that time.²⁰⁵ From the mid-1970s, other integration theories gained in importance, particularly those stressing the importance of the state (such as intergovernmentalism).²⁰⁶ Neofunctionalism enjoyed a brief revival in the late 1980s (when the Single European Act came into force) and 1990s due to the acceleration of the previously slowed down integration process.²⁰⁷

Importantly, Shapiro identifies the creation of EU agencies as ‘a kind of neo-functionalism’.²⁰⁸ He argues that in the early 1990s the EU was unable to directly further political integration.²⁰⁹ But by creating “merely” technical or informational agencies (which are located outside Brussels), it indirectly fostered European integration in a manner which appeared innocuous at the time although it had important long-term consequences.²¹⁰

It could be argued that intergovernmental and neofunctionalist theories of (European) integration have been more valid during different periods of time in the EU’s evolution.²¹¹ Weale, on the other hand, rejects the intergovernmental-neofunctionalist divide as overly simplistic, and argues instead that EU environmental policy is dependent on both supranational institutions and member states.²¹² Recently attempts

²⁰⁴ McCormick (2001:6)

²⁰⁵ Jensen (2003:83)

²⁰⁶ *Ibid.*:83

²⁰⁷ *Ibid.*:83 referring to Tranholm-Mikkelsen, J. (1991), ‘Neo-functionalism: Obstinate or Obsolete? A Reappraisal in the Light of the New Dynamism of the EC’, *Millenium: Journal of International Studies*, Vol.20, pp.1-22

²⁰⁸ Shapiro (1997:281)

²⁰⁹ *Ibid.*:281

²¹⁰ *Ibid.*:291

²¹¹ Rosamond (2003:110)

²¹² Weale (1996b)

have been made to develop combinations of these two traditional theories although the development of new theoretical perspectives such as new institutionalism, policy theories, social constructivist approaches and multi-level governance (including policy networks) have been even more important.²¹³

2.1.3 Integration through policy networks

Even though the Rhodes model of policy networks focuses on their application at the national level, some of the characteristics also apply to international networks.²¹⁴ The Rhodes model focuses on the networks' membership, degree of stability, degree of interdependence (e.g. resources or expertise) and the benefactors of the networks.²¹⁵ Due to the Eionet being an international network as set out in the EEA's founding regulation, the Rhodes model has not been chosen as the main theoretical framework for this thesis. As will be explained in this thesis the Eionet and EPA network are characterised by core features which are very different from national policy networks. However, where appropriate the Rhodes model will be referred to within this thesis.

Rhodes identifies different types of policy networks: policy communities, professional networks, intergovernmental networks, producer networks and issue networks.²¹⁶ Networks vary according to their degree of integration (from tight policy communities to loosely integrated issue networks) and the interests and motivations of the network members.²¹⁷ The network structure of the EEA's Eionet has been set out in the agency's founding regulation and become institutionalized.²¹⁸ However, the EEA also participates and supports a number of other, less extensive networks (such as the EPA

²¹³ Rosamond (2003:110)

²¹⁴ Rhodes and Marsh (1992:14)

²¹⁵ *Ibid.*:14, Peterson (2004:120)

²¹⁶ Rhodes (1997:9)

²¹⁷ *Ibid.*:10

²¹⁸ Official Journal of the European Communities (1990)

network). The network characteristics identified by Rhodes will be taken into consideration when assessing the Eionet and the EPA network (Chapters Three and Eight respectively). Majone points out the importance of close cooperation and networking to the work of European agencies.²¹⁹ In order to combine decentralized implementation with the uniformity required to achieve the single European market, it is necessary to ensure similar behaviour from national implementation actors (which in turn requires comparable data, convergence in expert opinions and similarity of procedures).²²⁰ If this is to be achieved, there is a need for some sort of structure (i.e. agencies), which can coordinate the wider network.²²¹ As well as aiming to increase interaction between government services, the networks also aim to connect the main public and private actors in a given policy sector.²²² Dehousse describes the European agencies as ‘the heart of a network’,²²³ acting as coordinators rather than central regulators.²²⁴

Dehousse considers the creation of European agencies as necessary in order to meet the Community’s functional needs.²²⁵ EU agencies set up networks by connecting existing institutions at the national level and collaborate with them.²²⁶ Moreover, Majone argues that EU agencies were designed in such a way as to make networking unavoidable.²²⁷ This is not only the case in relation to networks set up by the agencies

²¹⁹ Majone (1997:271), Majone (2005), Kreher (1997:237), Groenleer (2009:63-64), Everson *et al.* (1999)

²²⁰ Dehousse (1997:254)

²²¹ *Ibid.*:254-255

²²² *Ibid.*:256

²²³ *Ibid.*:257

²²⁴ *Ibid.*:259

²²⁵ *Ibid.*:255

²²⁶ Vos (2005:129)

²²⁷ Majone (1997:272)

(together with the member states), but also their management boards.²²⁸ Moreover, due to limited budgets the agencies depend on and cooperate with existing structures.²²⁹

According to Dehousse, a decentralized, networking administration is the most suitable system for ensuring harmonization (required for the functioning of the common market) and their creation needs to be put into context with regard to EU regulatory activity.²³⁰ Moreover, as was pointed out above, many governments were opposed to setting up truly autonomous EU agencies as this could have resulted in the loss of influence in the harmonization process.²³¹ Nonetheless, it has been suggested that harmonization measures were not sufficient to create a single market.²³²

Furthermore, Dehousse argues that within the EU context, regulation by networks involves national administrations more directly in supranational policy, resulting in more uniformity and harmonization without giving more powers to existing Community institutions.²³³ The cooperation of the EPA network with the Commission is one example of such involvement (see Chapter Eight). Even without the creation of EU agencies, a significant increase in the Commission's powers in the near future seems unlikely.²³⁴

Although national agencies play an important role in, for example, the functioning of Eionet, they would not lose their importance should the EEA cease to exist. The EEA's dependency on the Eionet seems to be significantly higher compared to the dependency of national environment agencies on the Eionet or the EEA. The EEA's Eionet as well as the other networks in which it participates tend not to be involved directly in the EU

²²⁸ Majone (1997:271-272)

²²⁹ *Ibid.*:272

²³⁰ Dehousse (1997:249, 259)

²³¹ Dehousse (1997:248-249)

²³² *Ibid.*:251

²³³ *Ibid.*:246

²³⁴ *Ibid.*:253-254

policy-making process although their indirect contribution (in the form of statements or reports) might play an important role.

2.1.4 Administrative integration

As noted by Knill, the growing importance of EU policies has had an effect on domestic administrative systems.²³⁵ Different administrative structures at the national level deal with the same Community legislation. The possibility of the convergence of national administrative structures therefore needs to be considered.²³⁶ Knill defines national administrative traditions as the

general patterns of administrative styles and structures which are strongly embedded in the macro-institutional context of the state tradition, the legal system as well as the political-administrative system of a country.²³⁷

The German administrative system is characterized by administrative resistance to change, stemming from a strong institutional core as well as a 'low structural capacity for administrative reform'.²³⁸ The French administrative system appears more flexible, allowing for more regulatory variety. However, in France there is also little room for administrative reforms.²³⁹ The administrative system of the UK is characterized by the openness of its administrative structures and a high degree of structural flexibility which operates within a wider framework of administrative styles.²⁴⁰ The EU's administrative system is less well established, partly due to its comparatively recent emergence, required ability to accommodate ongoing changes and the need to rely on the member states' administrative systems and their cooperation.²⁴¹

²³⁵ Knill (2001:1)

²³⁶ Knill (2001:2)

²³⁷ *Ibid.*:4

²³⁸ Knill (1998:11)

²³⁹ *Ibid.*:21

²⁴⁰ Knill (2001:73)

²⁴¹ Knill (1998:1)

According to Goetz, European integration tends to modify national executive arrangements rather than to transform them.²⁴² Consequently, the impact of European integration on national agencies is likely to be incremental, rather than radical, with change being likely to affect agencies' procedures rather than organization or structures. Seen from this perspective European integration and the creation of EU agencies (in certain policy fields) will not result in the convergence of national agencies. Ideally, at least from a supranational point of view, agency procedures (such as the collection, evaluation, interpretation and presentation of information) would eventually become harmonized. But the overall structures and goals of national agencies would remain largely unaffected by the creation of European agencies.

The EU's agencies could nevertheless be considered as potentially having an impact in the form of 'administrative integration'.²⁴³ The administrative integration approach is concerned with the growing intermeshing, interaction and integration of national and EU administrations.²⁴⁴ In the case of EU agencies, administrative integration is concerned with the impact of institutional developments – the creation of EC agencies – on policy decision-making processes at the Community as well as the national level.²⁴⁵ At the national level, institutional and administrative structures needed to be adapted in order to become part of the information networks, such as creating national focal points responsible for managing the collected information and passing it on to the respective European agency.²⁴⁶

However, Chiti argues that a general model of the administrative procedures managed by European agencies does not exist, with procedures varying significantly

²⁴² Goetz (2000:217)

²⁴³ Kreher (1997:239)

²⁴⁴ Trondal (2001:1)

²⁴⁵ Kreher (1997:239)

²⁴⁶ *Ibid.*:240

between different agencies.²⁴⁷ Kreher notes that the proliferation of agencies affecting relations between national and EU administrations might ultimately result in increased administrative integration.²⁴⁸ Kreher further considers the issue of European integration as ‘a process of continuous progress and restatement of the relationship between European states and their supranational institutions’.²⁴⁹ In terms of administrative integration, the creation of European agencies is a step forward.²⁵⁰ Moreover, by allowing EU applicant countries and other non-EU member countries to become part of an agency network (as is the case with the EEA and Eionet), European agencies can also play an important role in facilitating and supporting the integration of new member states. The agencies may also gain credibility in relation to what they are trying to achieve.

When considering administrative developments, a variety of perspectives and approaches can be found. Olsen points out the competing or supplementary hypotheses of global convergence versus institutional robustness.²⁵¹ He is critical of the notion of a ‘single best way of organizing administration’²⁵² while pointing out important variables such as time, place, definitions, values and purpose.²⁵³ This is important when looking at national environment agencies’ willingness (and ability) to change for harmonization, facilitation or other purposes. National administrative bodies were created within the context of specific national political systems. Unsurprisingly their structures, designs and practices therefore vary. However, Falkner points out existing national practices

²⁴⁷ Chiti (2000:341)

²⁴⁸ Kreher (1997:226)

²⁴⁹ *Ibid.*:226

²⁵⁰ *Ibid.*:243

²⁵¹ Olsen (2002a)

²⁵² Olsen (2007:252-253), Olsen (2002a)

²⁵³ Olsen (2002a)

and norms might be modified by experiencing different (national and/or supranational) practices.²⁵⁴

Sverdrup identifies the lack of a coherent EU administrative policy.²⁵⁵ The EU treaties do not demand or explicitly promote a specific EU-wide administrative model. Instead there was an assumption that different national administrative arrangements would not negatively impact on how EU legislation is implemented across different member states.²⁵⁶

Knill and others have pointed out that traditional approaches to European integration neglect the impact of the EU on domestic administrative change whereas the comparative public administration approach neglects the impact of member state administrations on European integration.²⁵⁷ However, interest in the impact of European integration on national administrative/political systems has begun to grow.²⁵⁸

2.2 Theoretical approach and main questions

2.2.1 Europeanization

This dissertation assesses the changing roles of national environment agencies in France, Germany and Britain (England/Wales) within the EU. It analyses to what degree, if any, these national environment agencies have become Europeanized in relation to the creation of the EEA (which is part of the wave of agency creation at the EU level). This dissertation will focus on the effect which the creation of the EEA has had on national environment agencies in three case countries and the wider domestic

²⁵⁴ Falkner (2000:104)

²⁵⁵ Olsen (2002a) referring to Sverdrup, U. (2002) 'Towards a European Public Administration Policy', Oslo: ARENA: manuscript

²⁵⁶ Olsen (2002a)

²⁵⁷ Knill (2001:11, 15), Hix and Goetz (2000:1-2), Vink and Graziano (2007:4-5)

²⁵⁸ Hix and Goetz (2000:2)

administrations in which these national agencies are embedded (i.e. vertical and horizontal Europeanization).

The Europeanization literature has become an important component of EU studies. Since the mid-1990s, Europeanization studies have begun to include systematically the impact of EU policy on domestic political arrangements (institutions and procedures).²⁶⁶ The concept of Europeanization can therefore be used to assess what opportunities and/or constraints the EU has provided/imposed on national (environmental) institutions and politics.²⁶⁷

Although environmental policy has been subject to a large number of Europeanization studies, there are very few studies which focus on the Europeanization of member states' environmental agencies.²⁶⁸ This dissertation aims to help close this gap while contributing to a better understanding of the Europeanization of member state environmental agencies.

Defining Europeanization

When defining Europeanization, the focus can either be on what impact the EU has on its member states and their administrative systems (i.e. top-down or vertical Europeanization), or the impact member states have on the EU (i.e. bottom-up Europeanization or uploading effect). Top-down Europeanization approaches often also take into account horizontal Europeanization which assesses whether convergence has taken place between member states' administrative systems or whether they continue to diverge.²⁶⁹

Radaelli defines the concept of Europeanization broadly as

²⁶⁶ For example Bulmer (2007:57), Knill (2001:12), Jordan and Liefferink (2004b)

²⁶⁷ Vink and Graziano (2007:3)

²⁶⁸ Bulmer (2007:57). See, however, Zito (2009b) who does consider the EA in the context of its EU activities.

²⁶⁹ Page (2003:163), Radaelli (2003), Vink and Graziano (2007)

processes of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, paradigms, styles, “ways of doing things”, and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated into the logic of domestic discourse, identities, political structures, and public policies.²⁷⁰

Radaelli’s definition includes a wide range of possible angles from which the impact of EU membership on member states (including their domestic administrative structures and procedures) can be assessed. When considering the impact of the EEA’s creation on three of its member countries, this thesis draws on Radaelli’s very complex (and inclusive) definition and Olsen’s more simplified definition of Europeanization as ‘the penetration of European-level institutions into national and subnational systems of governance’.²⁷¹

The usefulness of Europeanization as a concept has been contested due to the lack of a specific definition (which is easily operationalisable for empirical research).²⁷² Vink and Graziano further define Europeanization as ‘the domestic adaptation to European regional integration’,²⁷³ whereby regional integration refers to closer economic and/or political links among geographically near countries while domestic adaptation describes a variety of developments including administrative adaptation of national governments and the adaptation of interest groups to new opportunity structures.²⁷⁴ Europeanization studies on environmental policies have shown that member state institutions (such as environmental agencies and ministries are also affected by Europeanization. Therefore Europeanization should be a useful overall approach when assessing the impact of the EEA’s creation on national administrations in the three case countries.²⁷⁵ Its use together with historical institutionalism should lead to meaningful analytical insights

²⁷⁰ Radaelli (2003:30)

²⁷¹ Olsen (2003:334)

²⁷² Kassim (2000:235), Olsen (2003)

²⁷³ Vink and Graziano (2007:7)

²⁷⁴ *Ibid.*:7-8

²⁷⁵ See, for example, Jordan and Liefferink (2004a)

and provide a useful framework for the categorization of the ways in which national environment agencies, institutions and ministries were affected by their participation in the Eionet.

There is relatively wide agreement amongst Europeanization approaches that the degree to which EU membership impacts on member states and their administrative systems varies greatly from country to country and even between different policy areas.²⁷⁶ Moreover, due to the numerous ways in which the EU impacts on its member countries and their administrations, the exact degrees of influence of different developments are harder to establish. The future use of Europeanization as a research concept may therefore require its combination with other theoretical approaches.

Top-down approach

Olsen's definition of Europeanization regarding European-level institutions penetrating systems of governance at the national level describes vertical Europeanization.²⁷⁷ This includes aspects of the way in which rules (formal and informal) and procedures from the EU-level are incorporated at the national level. The top-down approach to Europeanization, as defined by Börzel, focuses on the impact of new EU institutions on national political structures and processes (while the bottom-up approach is concerned with the creation of EU level institutions including new rules, procedures and norms).²⁷⁸

The theoretical approach used in my thesis will mainly draw on the top-down Europeanization (or 'EUization') approaches which focus on the EU's impact on the domestic level. Although the EEA is not one of the formal EU institutions (such as the EP or the Commission), as an EU agency it can nevertheless be expected to have a discernible impact on member countries. Being a European agency puts the EEA in a

²⁷⁶ Olsen (2003:343), Lehmkuhl (2007), Knill (2001), Jordan and Liefferink (2004b)

²⁷⁷ Olsen (2003:334)

²⁷⁸ Börzel (2002:193)

different position compared to environment agencies at the national level. Efforts of one or several member states to “upload” their agency set-ups to the EU level would arguably not lead to strong downloading pressures because of the restricted powers of the EEA which, moreover, has to rely heavily on member country cooperation.

But top-down measures relating to the creation of the EEA and its Eionet with national environment agencies and administrations had to be put in place in order to enable the development of cooperation processes between the EU’s environment agency and member state environment agencies/ministries. The way in which the EEA works is arguably a good example of the EU’s dependence on collaboration with national administrations which has been increasing in recent decades (due to the EU’s expanding activities).²⁷⁹ The involvement and presence of national administrations in different areas and levels of the policy-making process impacts not only on the EU’s political system, but also on the national administrations themselves (which have been encouraged to get involved in the coordination of national officials in EU structures).²⁸⁰ However, member states with different administrative systems (and even those with similar ones) do not all react in the same way to identical Europeanization pressures. In other words, (top-down) Europeanization does not necessarily lead to a harmonization of national administrative structures across the EU.²⁸¹

Horizontal Europeanization

The main focus of this dissertation will be on the convergence versus divergence debate (see below) and whether the EU influences experienced by national environment agencies are of a vertical (i.e. top-down) or horizontal (i.e. convergence) nature. In addition to whether Europeanization is purely a top-down phenomenon or a

²⁷⁹ Kassim (2003b:147)

²⁸⁰ *Ibid.*:147-154

²⁸¹ For example Kassim (2003b:154), Page (2003), Jordan and Liefferink (2004c)

combination of top-down and bottom-up pressures, Bulmer describes the inclusion of horizontal integration as the greatest debate in the theoretical literature on Europeanization.²⁸² Horizontal mechanisms of European integration can also include domestic actors in different countries sharing good practice.²⁸³ Reasons leading to such horizontal effects include an increase in cooperation and competition between countries as well as an increase in information exchanges and mutual learning facilitated by European integration.²⁸⁴ Olsen further mentions an increase in contact between national models which could contribute to horizontal Europeanization.²⁸⁵ This could also lead to EU member states working together more closely on a bilateral level than would otherwise be the case. The research focus of this thesis will therefore not only be on top-down Europeanization pressures and processes but also on cooperation between national environment agencies, particularly in the context of the EPA network, which may possibly increase convergence.

Convergence vs. divergence

As mentioned above, one important aspect of Europeanization research in general and, as will be explained in more detail below, my thesis in particular is whether identical EU influences on different national systems lead to convergence in member states' political systems or whether national differences will prevail. Knill uses Kerr's definition of convergence, describing it as 'the tendency of societies to grow more alike, to develop similarities in structures, processes, and performances'²⁸⁶ (although the concept of convergence can be further specified).

²⁸² Bulmer (2007:51), for the inclusion of the bottom-up approach see Börzel (2005)

²⁸³ Bulmer (2007:51)

²⁸⁴ Vink and Graziano (2007:10)

²⁸⁵ Olsen (2003:345)

²⁸⁶ Knill (2005:765) quoting Kerr (1983:3), *The Future of Industrial Societies: Convergence or Continuing Diversity?*, Cambridge, Massachusetts: Harvard University Press

Harmsen points out that despite increased contact between national administrations and the EU, no significant convergence to a common European institutional model has taken place.²⁸⁷ Instead member states have, according to Harmsen, retained diversity in their structures and procedures.²⁸⁸ In a study on the Europeanization of environmental policy in ten member states, Jordan and Liefferink conclude that the member states' (environmental) policy content has been more affected than their policy styles and structures.²⁸⁹ If one applies Jordan and Liefferink's findings to the creation of the EEA, then one would expect it to have had only a limited impact on member country environment agencies and administrations. Such expectations are supported by historical institutionalism which tries to explain the lack of change in national institutional set-ups with national institutional path dependencies and the 'stickiness' of institutions (see below).

EU institutions and structures have been penetrated and influenced by national officials, who are involved in all areas of the EU decision-making process. However, national administrations not only participate in the EU decision-making process, but they are also affected by EU policies on the domestic level.²⁹⁰ However, although national administrations have undoubtedly been affected, most Europeanization studies fail to detect radical transformations within domestic arrangements, which would indicate that a move towards a common homogenized institutional model among all member states is not taking place.²⁹¹ Developments at EU level have left a significant amount of discretion to domestic institutions and actors, and the penetration of domestic institutions by the European level has remained limited.²⁹² This approach not only

²⁸⁷ Harmsen (1999:81-82), Olsen (2007)

²⁸⁸ Harmsen (1999:81-82)

²⁸⁹ Jordan and Liefferink (2004c:238-239)

²⁹⁰ Kassim (2003b:139)

²⁹¹ *Ibid.*:139, Olsen (2007:81-83)

²⁹² Olsen (2007:83)

allows member states to remain flexible regarding changes, reforms or adaptations which they may or may not want to pursue, it is also more promising due to greater opposition the EU level might encounter should it decide to introduce compulsory changes to national political and administrative systems. Thus the decisions to change domestic arrangements would in most cases originate from the domestic level. Europeanization of national structures has taken place nonetheless, with national officials (including national environment agency officials) being increasingly involved in activities at the supranational level.²⁹³

Kassim identifies three main ways in which the EU has impacted on national administrations: firstly, by national administrations taking on the role as EU policy implementers; secondly, by having to alter and adapt existing national legislation to suit EU decisions; and, thirdly, by adapting national administrative structures and procedures to allow maximum practical involvement in EU policy-making.²⁹⁴ In the case of the latter two ways this could potentially lead to the convergence of national systems because of the similar EU influences on member states and similar aims of the member states at the supranational level respectively. These examples of the ways in which national administrations could be affected are included in Radaelli's definition of Europeanization (see above). However, with Kassim's definition aiming to be as inclusive as possible, his identification not only supplements Radaelli's definition but relates it more closely to the focus of this thesis on national administrations.

Olsen suggests that, as divergence between member states persists, EU arrangements appear to be compatible with a variety of national arrangements which are flexible enough to adapt to changes at the European level.²⁹⁵ Holzinger and Knill further point out that convergence is more likely to take place when there is a legal obligation for the

²⁹³ Liefferink and Jordan (2004a:21), Egeberg and Trondal (2009)

²⁹⁴ Kassim (2003b:154)

²⁹⁵ Olsen (2003:345)

harmonization of national organizations, whereas divergence is likely to continue in cases where states are given more leeway regarding regulatory options, as would be the case in the EEA's member countries' Eionet participation.²⁹⁶

Fusion theory/European administrative space

From a different perspective, Wessels' fusion theory goes as far as to suggest the merging of the national and supranational administrations.²⁹⁷ According to Wessels' theory, member state governments who perceive an advantage in addressing their interest at the supranational level, adopt measures beyond simple cooperation, leading to supranational institutions and/or procedures in which national and supranational actors become enmeshed.²⁹⁸ Wessels stresses that this type of fusion would not signify the move towards a federal system because member states will guard their sovereignty.²⁹⁹ Bursens criticised Wessels' fusion theory when he pointed out that empirical research shows that when national adaptations to EU level changes took place they triggered only minor domestic institutional rearrangements and/or constitutional reforms.³⁰⁰ Wessels himself points out that fusion is not actually the same as increased cooperation.³⁰¹ My research on the creation of the EEA will assess whether a fusion of national environment agencies has taken place or whether national environmental agencies have remained distinctly separate entities with clear responsibilities towards national environmental ministries and/or other national government departments.

The emergence of a European Administrative Space (EAS) has also been suggested as a possible result of the convergence of public administrations to a common European

²⁹⁶ Holzinger and Knill (2005:794)

²⁹⁷ Wessels (1997:287)

²⁹⁸ *Ibid.*:287

²⁹⁹ *Ibid.*:287

³⁰⁰ Bursens (2007:118-119)

³⁰¹ Wessels (1997:287)

model based on the (contested) concept of the existence of a 'single best way of organizing administration'.³⁰² The creation of an EAS is not, however, required for EU membership which has always allowed for a wide range of national administrative systems; no specific administrative model has been imposed by primary EU law i.e. the EU treaties.³⁰³ Moreover, secondary EU law is characterized by the widespread use of directives (which are very common in environmental policy) that define common policy goals but leave it up to the member states how to achieve them.³⁰⁴

Knill pointed out that few Europeanization studies focus on the impact which the EU has on national administrative systems.³⁰⁵ A study by Martens explicitly mentioned the lack of knowledge about the role which national agencies play in European cooperation.³⁰⁶ My dissertation will aim to reduce the knowledge gaps on EU and national agencies in the Europeanization literature.

When looking at national administrations in the context of EU multi-level governance, the focus is often on their relations with the Commission which undoubtedly plays a major role in the EU policy-making process. The Commission has an important impact on national administrations, for example, through the wide use of committees which are attended by national officials. Although the creation of European agencies has not created another level to EU multi-level governance, it has added a new element to existing EU institutions and had an impact on institutional dynamics within the EU. Moreover, it is reasonable to assume that EU agencies are likely to have had a significant impact on the roles and functions of national agencies the extent of which will be assessed in this thesis.

³⁰² Olsen (2007:252)

³⁰³ *Ibid.*:261

³⁰⁴ Liefferink and Jordan (2004a:19)

³⁰⁵ Knill (2001:14), Martens (2006)

³⁰⁶ Martens (2006:126)

Vink and Graziano describe Europeanization research as a 'European route to the study of national politics'.³⁰⁷ It is the route that has been chosen in this dissertation because national politics and administrations cannot (or at least no longer) be researched in isolation from EU developments. Instead the impact of EU membership needs to be taken into account when researching the roles and functions of national (environmental) agencies.

This dissertation assesses the Europeanization of national environment agencies within the EU. It focuses primarily on the impact of the creation of the EEA and its main network, the Eionet, but it also assesses the cooperation of the three case country environment agencies (and the EEA) within the framework of the EPA network.

2.2.2 New institutionalism

New institutionalism

Europeanization is an analytical concept which arguably can be based within the broad range of theories that are commonly referred to as "new institutionalism".³⁰⁸ New institutionalism adds the analytical dimension of informal rules, conventions and routines to traditional institutional approaches which focus merely on formal governmental organizations, rules and standard operating procedures.³⁰⁹ Olsen defines institutions as organizational tools which are used to achieve desired policy goals.³¹⁰

New institutionalism is made up of a variety of strains including rational choice institutionalism, sociological institutionalism and historical institutionalism. Rational choice institutionalism considers institutional design as being based on the policy

³⁰⁷ Vink and Graziano (2007:4)

³⁰⁸ *Ibid.*:12-13, Knill (2001:15), Bulmer (2007:49), Bulmer and Burch (2009:23), Börzel and Risse (2003:58)

³⁰⁹ Vink and Graziano (2007:13), March and Olsen (1998:948)

³¹⁰ Olsen (2007:2)

objectives of rational domestic actors who try to pursue their interests within the EU decision-making process in which they encounter certain institutional opportunity structures and/or veto points.³¹¹ Sociological institutionalism tries to explain the actions of domestic actors within the EU by focusing on the internationalization of (European) norms and the potential which this process has for behavioural change and the development of new (European) identities.³¹² Finally, historical institutionalism focuses on domestic processes of adjustment to the EU over a long period of time while arguing that changes will be incremental and slow due to the ‘stickiness’ of institutions.³¹³ For all three types of institutionalism, institutions play a significant role; they do indeed ‘matter’.³¹⁴

Of the three new institutionalist theories, historical institutionalism and its longitudinal perspective is not only compatible with the Europeanization perspective but also ideally suited to provide a theoretical framework from which the research questions and hypotheses can be derived (see 2.2.3 and 2.2.4). Rational choice institutionalism focuses strongly on veto points and opportunity structures. It would not have been able to include (as well as historical institutionalism) the EEA’s impact on its member countries, the main research focus of this thesis. While sociological institutionalism would have added the undoubtedly interesting aspect of the emergence of European identities, its focus on individual actors and behavioural change rather than on institutional actors goes beyond the empirical research which it was possible to undertake for the thesis.

Importantly, the creation of new institutions at the supranational level is likely to affect national institutions and administrations, although it does not necessarily result in

³¹¹ Bulmer (2007:50)

³¹² Börzel and Risse (2003:59)

³¹³ Bulmer (2007:50), Pierson (2006)

³¹⁴ Rosamond (2000:113, 116)

national institutional changes. According to Olsen, institutional change takes place when adapting to changing environments in order to improve performance and policy outcomes.³¹⁵ However, institutional robustness and resilience means that changes will not take place easily and rapidly (unless the conditions are extraordinary).³¹⁶ New institutionalism considers the central role of institutions in political science. It assesses issues such as how powers and tasks are distributed and exercised and what resource dependencies are created by specific institutional arrangements.³¹⁷ From a (new) institutionalist perspective, significant (policy and/or administrative) changes are likely to take place gradually over a considerable period of time. The gradual reform(s) or slow adaptations are normally the result of new challenges and tasks. Because the changes tend to be incremental they are harder to identify but this is exactly what historical institutionalism aims to achieve.

Historical institutionalism

Historical institutionalism explains national differences (i.e. continued national divergence) in policy areas with reference to the conservative character (or ‘stickiness’) of national institutions.³¹⁸ It was only in the 1980s, that it came to be considered a useful theoretical approach for assessing European integration.³¹⁹ In his work on historical institutionalism, Pierson pointed out the ‘need to study European integration as a process that unfolds over time’.³²⁰ Historical institutionalism, as a theoretical approach, is of particular interest to my research due to its focus on the processes affecting

³¹⁵ Olsen (2007:2)

³¹⁶ *Ibid.*:91, Pierson (2006), Rosamond (2000)

³¹⁷ Mayntz and Scharpf (1995b:40, 44)

³¹⁸ Liefferink and Jordan (2004a:19)

³¹⁹ See, for example, Eilstrup-Sangiovanni (2006b:194)

³²⁰ Pierson (1996:123)

political developments (the historical element), and on how embedded these processes (the institutional element) are.³²¹

Institutional change tends to be slow and incremental. The wide-spread use of directives, which leave considerable leeway to member states during the implementation process, in EU environmental policy-making allows member states to minimise changes.³²² Moreover, in order to avoid arbitrary changes to institutional set-ups, political institutions are often specifically designed to obstruct institutional (and policy) reform, leading to their characterization as ‘sticky’.³²³ The ‘stickiness’ does not only refer to institutions but can also include policy arrangements and leads to broad patterns of incremental changes.³²⁴ Liefferink and Jordan identify that national differences may not only persist, but might actually become even more pronounced.³²⁵

Stacey and Rittberger, among others, point out that historical institutionalism is better equipped to explain institutional stability and persistence rather than institutional change.³²⁶ In this thesis I will consider whether the assumption of continued divergence does apply to national environment agencies and if the creation of the EEA has had any impact on reducing national differences.

Explaining stability and persistence is related to the path dependency aspect, which forms part of the historical institutionalism approach. The ways in which agencies act or react is very much determined by the norms and rules of the systems they are located in.³²⁷ Path dependency utilizes social causation and rejects the suggestion, that similar (or even the same) developments or influences will produce the same (or similar) results

³²¹ Pierson (1996:126)

³²² Liefferink and Jordan (2004a:18)

³²³ Pierson (1996:143)

³²⁴ Bulmer (2007:50)

³²⁵ Liefferink and Jordan (2004a:20)

³²⁶ Stacey and Rittberger (2003:867), Pierson (1996), Bulmer (2007)

³²⁷ Zito (2009b:1226)

everywhere, but instead stress the impact of contextual features.³²⁸ Thus a country's past and existing institutional set-up and aims will significantly influence not only its response, but also its ability to respond to new challenges.³²⁹ Once in place, institutions follow a certain path, which is ensured by mechanisms providing positive feedback or increasing returns for this path due to institutional structures and procedures becoming established and the institutions themselves becoming recognized and involved.³³⁰ Change does still happen, but the extent is somewhat limited and usually takes place incrementally although revolutionary change is possible in exceptional circumstances (e.g. a policy disaster).³³¹

At the EU's supranational level, changes to existing institutions or past reforms and decisions are even harder to undo than at the national level because changes would require a majority of, if not all, member states to agree, as well as support from the EU institutions. For example member states might often find it difficult to bring about changes after realizing the unexpected effects and costs of past decisions.³³² One example would be the 1985 directive on Environmental Impact Assessment, as assessed by Héritier *et al.* in their study on Britain, France and Germany.³³³ While the implications of the passing of the directive were relatively easily accommodated in France and Britain, they were overlooked by Germany, which as a result, faced difficulties with its implementation.³³⁴

Institutional change at the national level as a result of European integration does not necessarily mean that change in different member states takes place to the same extent

³²⁸ Hall and Taylor (1996:941), Pierson (1996:131) referring to Knight, J. (1992), *Institutions and Social Conflict*, Cambridge: Cambridge University Press and North, D. R. (1990), *Institutions, Institutional Change and Economic Performance*, Cambridge: Cambridge University Press

³²⁹ Hall and Taylor (1996:941)

³³⁰ Gilardi (2004:80)

³³¹ Pierson (2000:265)

³³² Pierson (1996:143)

³³³ Héritier *et al.* (1996:294)

³³⁴ *Ibid.*:299-300

and/or in the same direction. The involvement of national environment agencies with the EEA has been evolving over a period of almost two decades. Historical institutionalism offers a promising theoretical framework for assessing (incremental but also revolutionary) changes which may have taken place over time in national environmental institutions as a result of developments on the EU level (e.g. the setting up of the EEA).

Establishing institutional change

Bulmer and Burch use five dimensions of establishing institutional change: (1) changes in the system; (2) changes in organizations; (3) changes in processes; (4) changes in regulations; and, (5) change in the cultural aspects of institutions.³³⁵

System changes refer to developments affecting the framework of the state and government as well as constitutional rules. Organizational changes include changes to the structure of offices and positions, the distribution of formal authority and resources. Changes in processes affect the way in which business is dealt with, the distribution of information and the creation of networks in order to fulfil these tasks. Regulatory changes affect guidelines, rules and operating codes as well as the ‘capacity for strategic guidance (i.e. the means to ensure that tasks are fulfilled and that forward thinking is undertaken)’.³³⁶ Bulmer and Burch’s final dimension of changes, which is probably the most difficult to measure, relates to changes in the cultural aspects of institutions including the norms and values which govern the activities that take place within institutions.³³⁷ Although the issues involved in the cultural aspects of institutional change are mainly considered in sociological institutionalism, historical institutionalists

³³⁵ Bulmer and Burch (2009:29-30)

³³⁶ *Ibid.*:30

³³⁷ *Ibid.*:30

usually acknowledge the significance of ideas while some also recognise the importance of wider cultural aspects for institutions involved in the policy-making processes.³³⁸

Institutions can be affected by global, EU-related, or national factors, and will be further influenced by the institutional framework of central government, accountability to political environment and significant actors.³³⁹ As part of the cultural aspects of institutions, Mayntz and Scharpf's actor-centred institutionalism emphasises the importance of the actors which make up institutions.³⁴⁰ Knill suggests that approaches could be linked, using the agency-centred model to complement the institution-based approach.³⁴¹ While the importance of the individuals in certain institutions is undeniable, assessing in detail their exact impact on the institutions in which they work goes beyond the scope of this dissertation. This thesis will, however, assess some of the central roles of core individual actors in national environment agencies.

Bulmer and Burch's first four dimensions of institutional change will be used to assess the impact which the creation of the EEA has had on the national environment agencies in the three chosen case countries. Bulmer and Burch further apply Börzel and Risse's threefold classification to capture the degree of domestic institutional change: (1) absorption, (2) accommodation and (3) transformation.³⁴² Absorption relates to the incorporation of EU policies into national settings and structures with little domestic change; accommodation means the adaptation of existing processes, policies and institutions with only modest domestic change; and, transformation results in the replacement of existing institutions, policies and processes involving a high degree of domestic change.³⁴³ Jordan and Liefferink's study on the overall extent of

³³⁸ Bulmer and Burch (2009:30)

³³⁹ *Ibid.*:195

³⁴⁰ Mayntz and Scharpf (1995b: 52)

³⁴¹ Knill (2001:25)

³⁴² Bulmer and Burch (2009:25-26)

³⁴³ Börzel and Risse (2003:69-70)

Europeanization in ten countries showed that Europeanization is largely met through absorption and accommodation.³⁴⁴

The degree to which the creation of the EEA has impacted on the three member countries considered will be assessed in this dissertation. Olsen suggests that because divergence between member states persists, EU arrangements appear to be compatible with a variety of national arrangements which are flexible enough to adapt but resistant enough to be maintained during changes at the European level.³⁴⁵ How this applies in the case of EEA and Eionet participation requirements will also be considered in Chapter Three of this thesis.

The wider context

Placing the historical institutionalist approach in the context of the two competing paradigms of intergovernmentalism and neofunctionalism, Pierson criticises intergovernmentalist approaches for their focus on particular moments in time (e.g. intergovernmental conferences which negotiate EU treaty amendments), rather than processes which occur over a longer time period.³⁴⁶ He also criticises neofunctionalism for crediting supranational institutions with more powers than they actually possess.³⁴⁷ Pierson identifies as neofunctionalism's main problem the importance and autonomy which it attributes to supranational actors while neglecting member states' strong institutional positions (e.g. in the Council).³⁴⁸ He proposes the incorporation of key elements of both intergovernmentalism and neofunctionalism such as the significance of supranational actors, member state constraint and unintended consequences (spillover)

³⁴⁴ Jordan and Liefferink (2004c:231)

³⁴⁵ Olsen (2003:345)

³⁴⁶ Pierson (1996:125-126)

³⁴⁷ *Ibid.*:125-126

³⁴⁸ Pierson (2006:305)

which connects well with historical institutionalism.³⁴⁹ The intergovernmentalist theory of integration, which emphasises, for example, the importance of national interests, does overall connect more with the rational choice strain of new institutionalism.³⁵⁰

The creation of the EEA did not require treaty revision. It was created to increase policy-making efficiency by improving environmental reporting and providing solid environmental information for EU policy-making.³⁵¹ Whether this has led to significant domestic adaptation will be assessed in this thesis. Historical institutionalism would assume that the impact of EU institutions on national administrations will remain largely dependent on factors such as national administrative traditions, institutional opportunity structures, and domestic interest constellations.³⁵²

Aspinwall and Schneider point out that historical institutionalist research has focused mainly on either the EU or the national level, and less on the increasing interdependencies and mutual influences between the EU and its member states.³⁵³ For this dissertation historical institutionalism and Europeanization seem to be ideally suited for an assessment of the impact which the creation of the EEA has had on national level institutions (i.e. environment agencies and administrations).

2.2.3 Research questions

This thesis will aim to answer the following research questions and try to ‘test’ the three hypotheses which are largely derived from historical institutionalism.

³⁴⁹ Pierson (1996:147)

³⁵⁰ Vink and Graziano (2007:15)

³⁵¹ Stacey and Rittberger (2003:862), Groenleer (2009)

³⁵² Knill (2001:227)

³⁵³ Aspinwall and Schneider (2001:11-12)

The main focus of this thesis is on how and to what extent national environment agencies have been influenced by EU level developments. More specifically my thesis will aim to answer the following main research question:

What impact has the creation of the EEA had on national environment agencies and administrations?

Following the creation of the EEA in the early 1990s, the process of establishing the agency's network within national environmental agencies and administrations took place. For a better understanding of the Europeanization process of national environment agencies it is therefore important to analyse the relationship between the EEA and national environment agencies. My dissertation will therefore assess the following additional main research questions:

Did the creation of the EEA constitute a critical juncture or even a 'seismic event' which triggered significant institutional changes at the national level?

Have national environment agencies (and administrations) been Europeanized due to the creation of the EEA? If so, has Europeanization facilitated the move towards administrative convergence across the member states?

Why have member countries chosen different approaches when participating in the Eionet?

In addition to looking at the roles and responsibilities of national environment agencies in their respective countries my thesis will also analyse their roles and involvement in EU level activities and developments (including their relationship with the EEA). This is an important aspect when aiming to assess the extent to which national environment agencies have become Europeanized.

When setting up the structures to accommodate especially the Eionet (which will be assessed in detail in section 3.3 of Chapter Three), member countries of the EEA could

choose where to place the network's main contact points. While the German government chose the UBA, in Britain the contact point was located within Defra and France created the Ifen which was a newly created agency addressing environmental information issues. This thesis will assess the reasons behind the different national set-ups.

Little research exists on what impact the creation of a supranational environment agency (i.e. the EEA) has on national environment agencies. However, the following hypotheses can be derived from the literature.

2.2.4 Hypotheses and methodology

From the historical institutionalist approach outlined above, the following hypotheses can be put forward and will be 'tested' in the chapters that follow:

Hypothesis I

The creation of the EEA has only had a limited impact on national environment agencies and other national institutions directly involved with it.

From a historical institutionalist perspective it is unlikely to expect that the relatively recent creation of the EEA will have significantly affected relations of national environment agencies with the departments/ministries to which they are answerable. Whether this is indeed the case will be assessed in this thesis. Historical institutionalists would point to path dependency and the 'stickiness' of national institutional arrangements which in many cases predate the setting up of the EEA which lacks any regulatory competences and instead focuses mainly on providing Europe-wide environmental information and data. Formative procedures of national institutions

continue to influence future decisions, even if some adjustments resulting from EU-level developments are required.³⁵⁴

Applying Bulmer and Burch's dimensions of establishing institutional change,³⁵⁵ the impact at the national level is most likely to be reflected in changes to processes, regulation and cultural aspects of institutions, rather than changes to organizations or political systems. From a historical institutional perspective one would arguably expect that despite developments at the European level (i.e. the creation of the EEA and its Eionet), national environment agencies continue to be the main point of contact for member governments when information on the state of the (national) environment is required. This leads to the next hypothesis.

Hypothesis II

Despite being Europeanized to a certain degree, national differences in environment agencies have so far prevailed.

This thesis will assess whether the setting up of the EEA has had a different impact on different national environment agencies and domestic administrations. National policy structures and policy styles are likely to remain closely linked to their national context. According to, for example, Jordan and Liefferink, one might expect the biggest impact of Europeanization to be on the content of environmental policy.³⁵⁶ Policy change in response to external pressure is likely to be slow.³⁵⁷ The impact of external pressures on national institutions is likely to be even slower if an impact is discernable at all.³⁵⁸ This is not to say that administrative structures have not been affected by the Europeanization process. However, the context of long established national

³⁵⁴ Jordan (2002:55)

³⁵⁵ Bulmer and Burch (2009:29-30)

³⁵⁶ Jordan and Liefferink (2004c:242-243)

³⁵⁷ *Ibid.*:242

³⁵⁸ *Ibid.*:242

administrative traditions appears to remain the main influence on national environment agencies, resulting in continuing divergence. The creation of the EEA and its cooperation with national environment agencies represents only a fraction of the work undertaken by national environment agencies. The roles of national agencies always need to be considered in the context of a country's political system and administrative traditions (for example the use of agencies and their scope more generally), especially with the creation of the EEA at a comparatively late point in time.

Bulmer and Burch identified the emergence of institutional change when change can be detected across a majority of the five dimensions.³⁵⁹ It is expected that the creation of the EEA did not affect national institutional arrangements to the degree that it could be described as a critical juncture.

Just as Europeanization research needs to differentiate between developments that took place because of (or were influenced by) EU membership or EU level developments (as opposed to global or national trends or pressures for change),³⁶⁰ in this dissertation there is a need to separate the effects of EEA's creation and Europeanization. National environment agencies and administrations would still have been subject to Europeanization without the creation of the EEA. In fact, they (or their predecessors) have been subject to Europeanization pressures before the EEA was created. However, the focus of the thesis will be on the Europeanizing impact of the EEA as a European agency on national institutions.

Hypothesis III

Differences in national administrative traditions lead to different motivations for the participation of national environmental agencies in European networks.

³⁵⁹ Bulmer and Burch (2009:31)

³⁶⁰ *Ibid.*:25

While hypothesis I and II are aimed at assessing the general impact of the EEA's creation on its member countries, hypothesis III is put forward specifically to analyse the motivation behind the participation of national environment agencies in the EPA network. The EPA network case study has been selected in order to focus on the participation of national environment agencies in voluntary European networks and the way in which such participation (including their contact with the EEA which is also an EPA member) might contribute to the Europeanization of member agencies. Hypothesis III will be assessed in more detail in the case study on the EPA network in Chapter Eight. It provides an important insight into a network which exists alongside the EEA's Eionet, aiming to bring together European environment agencies.

The EPA network provides an important forum for meetings and exchanges between European environment agencies which often differ in size, set-ups and responsibilities. Despite these differences they often face similar issues, particularly in relation to EU legislation (the majority of network members being agencies from EU member states).

The EPA network has been described as providing an important (additional) link to the EEA which is also a network member. This appears to be particularly valuable for agencies which are not already established in a more structured or even institutionalized connection with the EEA through the Eionet. The assessment of hypothesis III aims to establish whether the motives of the members of the EPA network to participate are the same. Chapter Eight will focus especially on whether the link to the EEA can be considered as the most important aspect of network membership.

Hypothesis I expects that the creation of the EEA will have had only a limited impact on national environment agencies (and other national administrations such as environment ministries). Hypothesis II stipulates that national differences in environment agencies have prevailed and that either no or only very limited

convergence has taken place. Hypotheses I and II will be assessed throughout my thesis. Hypothesis III will be assessed primarily in the case study on the EPA network (Chapter Eight). All three hypotheses will then be reassessed again in the conclusion (Chapter Nine).

Methodology

The aim of this dissertation is to ascertain the ways in which the creation of the EEA has affected its member countries, both with regards to their participation in the Eionet and more generally. The existing secondary literature on (environment) agencies and primary sources (including internal documents as well as external assessments) will be assessed critically in this thesis. The most important source of data used in this thesis is semi-structured interviews with officials from the EEA and national environment agencies and ministries (26 in total). Interviews with the (current and former) NFPs of the three case countries were of particular interest as little material on their work was available. The interviewees were selected either by establishing via the online databases that they played a relevant role as network members, or by finding out whether they have occupied positions of interest in relation to the research questions. Moreover, a reputational approach was used by asking interviewees to identify other core network members. The interviews, which were conducted with the help of semi-structured questionnaires, addressed areas such as the setting up of the NFP, the involvement of the national level in EEA activities, the impact of the EEA's creation on the member countries and their participation in the Eionet and EPA network.

Moreover this thesis also draws on unpublished material such as unpublished internal documents obtained from interviewees offering useful insights in addition to the official publications. The obtained data was verified by undertaking several interviews on each

case country and case study. Moreover, it was corroborated with the help of official and internal documents (i.e. primary sources) as well as secondary sources (such as studies on environment agencies).

2.2.5 Chapter overview

Chapter Three will focus on the creation of the EEA, the Eionet and the participation requirements for the EEA member countries. The three chapters which follow will look at the three case countries. Chapter Four will focus on Germany and the UBA. The next chapter considers the French set-up and two environment agencies, the ADEME and Ifen. Chapter Six is concerned with the British set up and the Environment Agency of England and Wales. The three country chapters are followed by the comparative chapter (Chapter Seven) which will compare the findings of the country chapters and relate them to hypotheses I and II. Chapter Eight focuses on the case study of the EPA network and the assessment of hypothesis III. Finally, the conclusion (Chapter Nine) will reassess the validity of the three hypotheses considered while drawing on the theoretical framework and the empirical findings put forward in the earlier chapters.

Chapter 3: The European Environment Agency

3.1 The EEA

Despite an increasing number of agencies at the European level, their roles and objectives vary greatly. At their creation, a set of individual functions are assigned to each agency, with an option for amendments in the future.³⁶¹ The general aims shared by the agencies are the dispersal of EU activities and creating a higher profile for their tasks or areas of activity.³⁶²

The EEA is part of the group of European agencies in the framework of the EU's first pillar.³⁶³ Community agencies comprise the largest proportion of EU agencies, with only a small number of Common Foreign and Security Policy agencies (in the second pillar), police and judicial cooperation in criminal matters agencies (in the third pillar), or executive agencies, set up for a limited period of time and located in the Commission.³⁶⁴ While the Commission has developed set frameworks for executive and regulatory EU agencies, a framework for the so-called "information agencies" does not exist.³⁶⁵ However, the lack of homogeneity of existing agencies not only complicates the categorization of their tasks within a consistent framework, it has also raised questions about whether such a framework is useful for those agencies.³⁶⁶ The Commission, the EP and the Council have been working on an inter-institutional agreement on the operating framework of European regulatory agencies, in order to provide a common approach to the governance of these agencies.³⁶⁷

³⁶¹ Europa website, 'Agencies of the European Union: History'

³⁶² *Ibid.*

³⁶³ Europa website, 'Agencies of the EU'

³⁶⁴ *Ibid.*

³⁶⁵ European Commission (2003:5)

³⁶⁶ *Ibid.*:4-5

³⁶⁷ European Commission (2005), European Commission (2008c), Official Journal of the European Union (2008)

Bearing in mind the emergence of environmental policy at the EU-level in the early 1970s and the relatively early existence of national, sub-national and regional environment agencies (or equivalents under different names), the creation of the EEA took place comparatively late.

At the time of the EEA's creation, EU environmental policy was facing a range of issues, including a lack of reliable environmental monitoring systems, data limitations (with data being either unavailable or not comparable) and the need to defend environmental policy vis-à-vis other policy areas.³⁶⁸ Information on the state of the environment not only plays a role in the implementation of environmental policy, but is an important, if not *the* most important, factor in the policy-shaping process.³⁶⁹ Schout points out that

the development of environmental policy demanded administrative innovations. In line with new trends in governance, decentralising tasks in agencies and horizontal co-operation structures between member states (assisted by agencies) were put forward as solutions to the problems mentioned above.³⁷⁰

3.1.1 Pre-creation

Although the Commission published reports on the state of the environment since the 1970s, they were of poor quality and therefore little use. The 1982-1986 third EAP stressed the need for improving environmental knowledge and information and the importance of making it readily available to decision-makers, interested parties and the public.³⁷¹ In the late 1980s this was supported by a number of Members of European Parliament (MEPs), who were keen to establish a European equivalent of the USEPA with powers to initiate legislation and also to monitor, inspect and enforce.³⁷² The

³⁶⁸ Schout (1999:83)

³⁶⁹ Wynne and Waterton (1998:120)

³⁷⁰ Schout (1999:83-84)

³⁷¹ Official Journal of the European Communities (1983:6)

³⁷² Wynne and Waterton (1998:122), EEA (1995a:2)

CORINE Programme (Coordination of information on the environment) was created in 1985 by the Commission following the third EAP's call for the collection and examination of environmental data from the member states and was a first attempt to structure data gathering.³⁷³ It was considered an experimental project concerned with the creation of

an appropriate methodological framework for rational organization of the work of gathering and processing information on the state of the environment in the Community, and make it possible to assess overall how environmental phenomena interact and to monitor the development of the environment.³⁷⁴

To achieve this, close cooperation between the Commission and the member states was called for, along with the involvement of the relevant national agencies allowing and facilitating access to such data.³⁷⁵

The fourth EAP (1987-1992) pointed out the importance of ensuring the availability of comparable environmental data and the need to review the Commission's approach to the diffusion of information on environmental issues.³⁷⁶ It also announced the intention to reinforce the environmental aspect of the Community's existing statistical programme.³⁷⁷ In its December 1988 Rhodes Declaration, the European Council asked for increased efforts in the environmental policy area by the Community and the member states at the national, European and international level.³⁷⁸ This was followed by Commission President Jacques Delors' speech to the EP in January 1989. In this speech he announced the Commission's plans to 'propose the introduction of a European system of environmental measurement and verification which could be the precursor of a European environment agency'.³⁷⁹ Delors outlined the aims of such a system as the creation and expansion of links between regional and national systems (public or

³⁷³ Bailey (1997:148), Schout (1999:88)

³⁷⁴ Official Journal of the European Communities (1985:15)

³⁷⁵ *Ibid.*:15

³⁷⁶ Official Journal of the European Communities (1987b:16)

³⁷⁷ *Ibid.*:16

³⁷⁸ European Council (1988:10)

³⁷⁹ European Commission (1989a:14)

private), the establishment of a network concerned with measurement, verification, information, and early warning systems.³⁸⁰ The option for non-EU member countries to join and the establishment of links to global networks was already included in the speech.³⁸¹

Delors' ambitious plans even took officials in the Commission's DG Environment by surprise.³⁸² It has been suggested that Delors supported the idea of (and later proposal for) an environment agency for Europe in cooperation with the French government, which was about to take over the Council presidency in the second half of 1989 and was aiming for major environmental initiatives in this period.³⁸³ Ironically, it was also the French government, which later delayed the decision on the agency's location by several years (see below). The initiative was not only a call for the creation of an environment agency and a network but also a clear message that the Commission itself would not be further expanded.³⁸⁴

CORINE's structures were incorporated in the work of the agency by the Commission's EEA task force which operated from Brussels until the EEA's location was decided.³⁸⁵ CORINE has been altered and remains active in the following two areas: As CORINE land cover which provides information on land cover changes across Europe, and CORINE biotopes which is an inventory of major natural sites.³⁸⁶ By evaluating CORINE's shortcomings (too fragmented, member states were ill prepared, lack of mechanisms to develop capacities at the national and EU level), lessons could be learned and applied, such as creating better structures nationally and at the EU-level or

³⁸⁰ European Commission (1989a:14)

³⁸¹ *Ibid.*:14

³⁸² ENDS Report 169 (1989:28)

³⁸³ ENDS Report 173 (1989:30), Interview French official (2009c)

³⁸⁴ Schout (1999:86)

³⁸⁵ Europe Environment (1994b)

³⁸⁶ EEA online glossary, 'Corine'

where more resources needed to be made available when creating the EEA.³⁸⁷ The 2000 Arthur Andersen Consultants' evaluation of the EEA describes the pre-EEA European environmental information system as underdeveloped, with member country arrangements varying greatly in terms of organization, scope and methodology.³⁸⁸ This resulted in policy-making 'being carried out on an incomplete, insufficient and not fully informed basis and policy-makers were not completely aware of their own needs and requirements'.³⁸⁹ The creation of the EEA and its network were formally proposed by the Commission on 21 June 1989.³⁹⁰

3.1.2 Establishing the EEA

The EEA was established by Council Regulation (EEC) No 1210/90 of 7 May 1990 and has been subject to minor amendments in 1999, 2003 and 2009, following reviews of the agency's functions. Initially, the EP had pushed for the EEA to have inspection powers in addition to its information-gathering tasks.³⁹¹ Therefore it was unhappy with the original proposal and threatened to withhold the agency's funds.³⁹² However, incorporating the wishes of the EP in the regulation would probably have led to strong opposition from most, if not all member states.³⁹³ The initially envisaged period of two years after which a review was to take place was put back in order to allow the agency to become fully operational.³⁹⁴ The Commission issued proposals and, after consulting

³⁸⁷ Schout (1999:88)

³⁸⁸ Arthur Andersen Consultants (2000:12)

³⁸⁹ *Ibid.*:12

³⁹⁰ Zito (2009b:1229)

³⁹¹ ENDS Report 184 (1990:27)

³⁹² *Ibid.*:27

³⁹³ Wynne and Waterton (1998:122), Interview British official (2010a)

³⁹⁴ Europe Environment (1995)

the EP, the Council decided on whether the EEA would be issued with additional tasks.³⁹⁵

The EEA's Regulation 1210/90 called for the creation of a European Information and Observation Network (Eionet), whose creation and coordination was one of the EEA's main tasks.³⁹⁶ It described the agency's role as providing

the Community and the member states with objective, reliable and comparable information at European level enabling them to take the requisite measures to protect the environment, to assess the results of such measures and to ensure that the public is properly informed about the state of the environment.³⁹⁷

The regulation further sets out that the agency is to cooperate with the member countries; incorporate the work of CORINE; develop forecasting techniques; assess the state of the environment (quality, pressures and sensitivities); avoid duplication with existing activities; design the Eionet, management board and scientific committee; and to cooperate with other EU bodies and international organizations.³⁹⁸ In order to help make environmental data more comparable, the regulation calls for the EEA to 'encourage by appropriate means improved harmonization of methods of measurement'.³⁹⁹ The focus on comparability and some degrees of harmonization stemmed from earlier experiences with data collection under CORINE, which resulted in data that was completely incomparable, having been delivered in a range of formats, including tables, handwritten lists, floppy discs, etc.⁴⁰⁰

³⁹⁵ ENDS Report 184 (1990:28)

³⁹⁶ Official Journal of the European Communities (1990)

³⁹⁷ *Ibid.*

³⁹⁸ *Ibid.*

³⁹⁹ *Ibid.*

⁴⁰⁰ Interview British official (2010a)

3.1.3 Location

Initially it was hoped that the EEA would be up and running by 1989 but this proved to be too ambitious.⁴⁰¹ The legislation which created the EEA was adopted in 1990 but did not enter into force until the EEA's location was decided upon.

The decision over the EEA's location became caught up in (EEA-unrelated) disputes over the permanent seat of the EP as well as the sites of a number of other institutions (including the European Central Bank).⁴⁰² France refused to agree on any agency locations without assurance that Strasbourg continued to be the second seat of the European Parliament (France was not prepared to lose the prestige of hosting EP sessions).⁴⁰³ Only after 'a bout of horse-trading'⁴⁰⁴ was it possible to agree the seat of the EEA. The EEA and Eionet therefore began their work only in 1994. It took until 1997 for the agency and the Eionet to become fully functional.⁴⁰⁵

After the adoption of the regulation creating the EEA and Eionet, DG Environment set up a task force, which began working on the agency's first major reports and the Multi-Annual Work Programme.⁴⁰⁶ Thus the agency could start its work although only on a relatively small scale, before Copenhagen was eventually chosen as the location for its headquarters in October 1993. Apart from Luxembourg, all member states had wanted to host the EEA. Italy, Spain and Denmark were the strongest candidates. In contrast to most other member states, Denmark had only applied to host the EEA (for its symbolic value) and not any other of the newly created agencies, thus clearly stating the

⁴⁰¹ ENDS Report 173 (1989:30), Interview French official (2009c)

⁴⁰² ENDS Report 213 (1992:31)

⁴⁰³ *Ibid.*:31, Europe Environment (1992), Interview French official (2009c)

⁴⁰⁴ ENDS Report 226 (1993:39)

⁴⁰⁵ EEA (2004d:5)

⁴⁰⁶ Schout (1999:88)

environmental field as its priority.⁴⁰⁷ Moreover, it had also offered additional financial support for housing the agency (as had some others).⁴⁰⁸

3.1.4 The agency's remit

Being a decentralized EU agency, the EEA was a fairly new phenomenon at the EU-level.⁴⁰⁹ Distance from the Commission, for which the EEA was intended as a key source of information, and the member countries, which provided the bulk of the environmental data, was perceived as necessary.⁴¹⁰ The member countries are not only information providers; they can also be EEA clients and important actors in improving information activities both at the European and the national level.⁴¹¹

In order to ensure comparable information, the EEA reporting requirements indirectly encouraged the harmonization of environmental measurement procedures.⁴¹²

Standardisation or harmonization in the work of the agency refers to

developing data and information to the level of uniformity required for analysing the big picture and setting benchmarks for implementing agreed measures or legislation over wide areas.⁴¹³

While the EEA aims to harmonize information and reporting mechanisms, it does not attempt to alter national administrative structures (see the following chapters).

As opposed to economic and social indicators, environmental statistics and data were a relatively new field when the EEA began its work.⁴¹⁴ The agency's first priority was to establish itself as a reliable and independent source of environmental information.⁴¹⁵

Other early tasks included putting the agency on the map, broadening its clientele to

⁴⁰⁷ Schout (1999:87), Zito (2009b:1231)

⁴⁰⁸ Schout (1999:87)

⁴⁰⁹ IEEP/EIPA (2003c:2)

⁴¹⁰ *Ibid.*:2

⁴¹¹ *Ibid.*:2

⁴¹² ENDS Report 184 (1990:27)

⁴¹³ Jiménez-Beltrán (1994:1)

⁴¹⁴ IEEP/EIPA (2003b:50)

⁴¹⁵ House of Lords (1995a:7)

include the EP, businesses, the Committee of the Regions and the Council (as an exclusive dependence on the Commission would have put the agency in a vulnerable position). This ensured that the EEA positioned itself in the EU's institutional environment and became increasingly interconnected.⁴¹⁶ From the very beginning, the EEA aimed to establish itself as a credible provider of information. The agency's (relative) independence is the prerequisite for the credibility of the information it supplies.⁴¹⁷ The EEA's independence with regards to the kind of work it undertakes (as set out in its work programmes) is limited. However, a strong emphasis is put on its independence and how to neutralize political interference, which has resulted in the EEA's data not being doubted in negotiations.⁴¹⁸

The EEA's mission is very broad (which is necessary in order to address the existing and evolving environmental policy agenda), including practically all environmental topics.⁴¹⁹ However, to begin with there have been some issues regarding the quality of the data provided (as had previously been the case with CORINE), and the agency has had some difficulties ensuring and improving data quality.⁴²⁰ While much of the environmental data required by the EEA was already available at the national level in most countries, a large proportion of it was not considered useful; either the quality of the information was sub-standard or it was not the right kind of information the agency required.⁴²¹ In other areas the EEA had to initiate data collection because the required data was not yet being collected (such as the data for Eurowaternet, the network for inland water resources).⁴²²

⁴¹⁶ Schout (1999:123, 161)

⁴¹⁷ European Commission (2003:12)

⁴¹⁸ Schout (1999:107)

⁴¹⁹ European Commission (2003:6-7)

⁴²⁰ Wynne and Waterton (1998:129)

⁴²¹ House of Lords (1995d:29)

⁴²² IEEP/EIPA (2003b:50)

The EEA describes itself as the EU body dedicated to providing sound and independent environmental information and ‘a major information source for those involved in developing, adopting, implementing and evaluating environmental policy, and also the general public’.⁴²³ The relevance of the information provided by the EEA can, on occasion, be compromised by its broad range of clients.⁴²⁴ Its main clients are the Commission, the EP, the Council (and here in particular the rotating presidencies), the member countries and the public.⁴²⁵ Other clients include pressure groups, academia, industry and business (aiming to influence decision-making) or the media.

Box 3.1: EEA key tasks

Key tasks of the European Environment Agency

- Coordination of the Eionet
- Provision of objective information to frame and implement effective environmental policies
- Collection and analysis on state of the environment
- Provision of uniform assessment criteria
- Ensuring environmental data comparability
- Publishing reports on the state of Europe’s environment and ensuring their broad dissemination
- Promoting application of environmental forecasting techniques
- Drawing up indicators of environmental impacts
- Supporting the implementation of EU environmental policy

Source: ENDS Report 240 (1995:22)

⁴²³ EEA (2004c)

⁴²⁴ Schout (1999:106)

⁴²⁵ EEA (2004c)

The Commission has traditionally been the key user of EEA information; however, over the years the use of EEA information has increased steadily within the other EU institutions, the member states and the public.⁴²⁶ The EEA works with a model referred to as MDIAK, which stands for monitoring, data, information, assessment, knowledge.⁴²⁷ Both the EEA and the member countries are active in all areas of this model except monitoring, which is truly the role of the member countries.⁴²⁸ From the onset, the EEA found itself in the grey area between policy analysis and policy advice, leading to initial uncertainties in the relationship between the agency and the Commission (see below).⁴²⁹ In its review of the EEA, the Commission stated that ‘it is clear that the agency has greatly contributed to the quality and availability of environmental data and information in Europe’.⁴³⁰ Rather than aiming to influence the decision-making processes directly, the EEA’s work is aimed at allowing the policy-makers to make informed choices on the issues under discussion.⁴³¹ Since its creation, the EEA has evolved from an organization concerned with the provision of information and data on the state of the environment to being able to report on the effectiveness of environmental policies and their implementation.⁴³² An EEA official explained that this move took place because it makes sense for the EEA to play a role in not only pointing out which countries are doing well in a certain area and which are not, but also to look at why this is the case and what the reasons are for countries having implementation problems.⁴³³ Due to the EEA’s broad scope and restricted resources (i.e. its small size

⁴²⁶ European Commission (2003:3)

⁴²⁷ Interview EEA official (2008c)

⁴²⁸ *Ibid.*

⁴²⁹ Schout (1999:85-86)

⁴³⁰ European Commission (2003:18)

⁴³¹ House of Lords (1995d:32)

⁴³² McGlade (2006)

⁴³³ Interview EEA official (2009)

and budgetary constraints), the agency had to set out its priorities from the beginning and gradually add new areas of activities.⁴³⁴

Regulation 1210/90 lists the creation and coordination of the information and observation network Eionet as the EEA's main task. Establishing, maintaining and improving the Eionet is the biggest achievement of the EEA to date.⁴³⁵ The network is the key factor in ensuring the provision of timely and quality-assured data, information and expertise for assessing the state of the environment in Europe. The EEA's output is not only ensured by the Eionet, the agency also works with external contractors.⁴³⁶ Although monitoring the implementation of policies is not part of the role of the EEA, it does, however, play a role insofar as the provision of information on the general conditions of the environment might also sometimes include data which allows the state of policy implementation to be deduced.⁴³⁷ The EEA's first director, Domingo Jiménez-Beltrán pointed out the agency's belief that even information on its own can be a powerful persuader.⁴³⁸ The EEA further participates in the network of Heads of Environmental Protection Agencies (see Chapter Eight).

State of the environment reports

The EEA's most high profile publications are the general state of the environment reports (SOERs) which are the agency's flagship product.⁴³⁹ The agency's first SOER, the Dobříš Assessment, named after the Dobříš Castle where the first Pan-European Conference of Environment Ministers took place in 1991, published comparative information on the state of Europe's environment for the first time. The EEA task force

⁴³⁴ Schout (1999:91,96)

⁴³⁵ European Commission (2003:14)

⁴³⁶ Technopolis (2008a:69)

⁴³⁷ Schout (1999:101)

⁴³⁸ Jiménez-Beltrán (1994)

⁴³⁹ IEEP/EIPA (2003b:16)

within DG Environment began with its preparation and completed the work in August 1994 when the EEA took over to finalise and publish the report.⁴⁴⁰ In the first presentation to the management board, several national representatives demanded to be allowed to vet the draft for politically embarrassing information, which was refused.⁴⁴¹ The report highlighted the poor quality of the European environment and identified the areas which required attention most urgently.⁴⁴² Data for the report was assembled from information held by the Commission (especially DG Environment), Eurostat, United Nations' Environment Programme (UNEP), the United Nations' Economic Commission for Europe (UNECE) and the Organization for Economic Cooperation and Development (OECD) and supplemented with additional data from the participating countries.⁴⁴³ The Dobříš Assessment suffered from the differences of the quality of data provided and the delays in its delivery, thus although Europe-wide environmental trends emerged, direct comparisons between countries were not yet possible.⁴⁴⁴ The EEA's director described the report as the best available under the circumstances but not of sufficient quality to be used as a basis in policy decisions.⁴⁴⁵ Work on the second report, which was published in 1998, showed up areas in which detailed information was still missing and reporting procedures needed to be improved.⁴⁴⁶ The third assessment (published in 2003) identified progress in the sharing and streamlining of environmental information reporting procedures, although many remaining gaps and inconsistencies needed to be addressed.⁴⁴⁷ In 2007, the fourth report stressed the commitment for SEIS, which would include all European countries and regions.⁴⁴⁸ The idea of SEIS takes up former EEA

⁴⁴⁰ EEA (1995b:xi)

⁴⁴¹ Wynne and Waterton (1998:125)

⁴⁴² EEA (1995b:xi)

⁴⁴³ *Ibid.*:xi

⁴⁴⁴ ENDS Report 248 (1995:40)

⁴⁴⁵ ENDS Report 240 (1995:21)

⁴⁴⁶ EEA (1998b:8)

⁴⁴⁷ EEA (2003c:9)

⁴⁴⁸ EEA (2007d:16)

initiatives for the modernization of environmental reporting, such as the European Environmental Information System or Reportnet, which include the development of a common information system in order to facilitate the sharing of available data. The EEA's fifth SOER was published in the autumn of 2010.

Other EEA products include the publication of rough data (as collected and forwarded), general and specific reports, briefings, technical reports, factsheets, multimedia publications and online information services.⁴⁴⁹ Alongside the provision of information, the EEA is involved in developing methodologies and systems as well as environmental forecasting techniques.⁴⁵⁰

The agency's annual and multi-annual work programmes are developed by the EEA in collaboration with the Commission, the member countries (via the management board) and the scientific committee.⁴⁵¹ In its 2009-2013 multi-annual work programme (MAWP), the EEA describes its vision as:

to be recognised as the world's leading body for the provision of timely, relevant and accessible European environmental data, information, knowledge and assessments.⁴⁵²

Budget

The EEA's work is mainly funded through Community subventions although additional income is received through EEA membership contributions of non-EU member countries.⁴⁵³ Despite budgetary increases alongside the growth of the EEA in the first ten years of its existence, the agency's highly ambitious services and products set out in the work programmes could not always be achieved.⁴⁵⁴ The resulting need for

⁴⁴⁹ Technopolis (2008a:21)

⁴⁵⁰ *Ibid.*:21

⁴⁵¹ Schout (1999:155)

⁴⁵² EEA (2009a:3)

⁴⁵³ European Commission (2003:7)

⁴⁵⁴ *Ibid.*:8

prioritisation within the EEA, due to constantly prevalent budgetary constraints tends to be perceived as a healthy process, although budgetary constraints have led in some cases to work being contracted out despite the expertise being available within the agency itself.⁴⁵⁵ Since 2004, budget growth in real terms has been very limited.⁴⁵⁶ The EEA's budget for 2010 was just over £50 million.⁴⁵⁷

Homepage

Initial homepage designs have been described as 'disappointing'⁴⁵⁸, however, just as the EEA was developing, so was the internet. Moreover, promoting the use of 'new telematics technology'⁴⁵⁹ for the dissemination of environmental information to the public (as well as internally) was not a part of the EEA's regulation until the 1999 amendment. Since then, continuous efforts have been undertaken to redesign and modernise the agency's website. The website today is the main distribution channel for the dissemination of the EEA's information and data and its main communication tool, having become one of the 'most comprehensive public environmental information services on the internet'.⁴⁶⁰

Languages

Due to the high cost of translation, many of the EEA's reports are published in English, with only the summaries being available in all the official languages.⁴⁶¹ Reports on the state of the environment are also published in the EU's official languages and for other reports there is always the option for member countries to translate publications

⁴⁵⁵ European Commission (2003:8)

⁴⁵⁶ Technopolis (2008a:20)

⁴⁵⁷ EEA (2010a:2)

⁴⁵⁸ Bailey (1997:154)

⁴⁵⁹ Office for Official Publications of the European Communities (2003)

⁴⁶⁰ Environment for Europeans (2004), Technopolis (2008a:47)

⁴⁶¹ Schout (1999:160)

themselves. The number of languages the agency has to cater for tends to increase with every EEA enlargement, which adds further challenges to the procedures.⁴⁶²

In order to make the EEA's work more accessible for the public, the main sections of the EEA's homepage are now available in the languages of all the EEA's member countries.⁴⁶³ Apart from the public, offering EEA publications in all required languages is also vital as the target audience includes officials working for national and regional administrations.⁴⁶⁴

3.1.5 The EEA's importance

The agency's early reports already had a significant impact through highlighting the ongoing deterioration of the European environment.⁴⁶⁵ The Commission considers the EEA as crucial for the

evaluation and dissemination of information, distinction between real and perceived risks and provision of a scientific and rational basis for decisions and actions affecting the environment and natural resources.⁴⁶⁶

Now that the agency has matured, it is a recognised player in Europe.⁴⁶⁷ The 2008 EEA effectiveness evaluation has found that the agency's work could not be achieved more efficiently or less costly in any other set-up and concluded that 'the agency is therefore the most efficient way to deliver the products and services required by the stakeholders'.⁴⁶⁸

With the importance given to environmental policy nationally, at the EU level and internationally, the provision of reliable and comparable environmental information has become even more essential. The information provided by the EEA has the potential to

⁴⁶² EEA (2002a)

⁴⁶³ Interview EEA official (2009)

⁴⁶⁴ Technopolis (2008a:69)

⁴⁶⁵ Schout (1999:88)

⁴⁶⁶ European Commission (1992:5)

⁴⁶⁷ Technopolis (2008a:6)

⁴⁶⁸ *Ibid.*:8

influence political decision-making.⁴⁶⁹ Gornitzka and Sverdrup point out that rather than being neutral, information affects the way in which problems are defined and solutions searched for.⁴⁷⁰ The EEA is very aware of its position and potential influence, as an EEA official pointed out ‘we have quite a powerful position of just gathering [...] the data and presenting it as it is, so this is what we do’.⁴⁷¹ Another issue is that the agency has always been a pioneer (technical developments, IT innovations, assessments, indicators, or frameworks such as driving forces-pressures-state-impact-responses (DPSIR), etc.) leading to a lot of countries taking inspiration from the EEA’s work and to using the EEA as an aspiration for themselves.⁴⁷²

3.1.6 Changes

Changes to the EEA’s regulation

Since 1990, some amendments to Regulation 1210/90 have taken place in 1999 (Council Regulation (EC) 933/1999), 2003 (Regulation (EC) 1641/2003 of the European Parliament and of the Council) as well as 2009 (Regulation (EC) 401/2009 of the European Parliament and of the Council). As part of the agency’s review, four new potential areas of EEA activity were considered: The drafting of criteria for environmental impact assessment, assisting with policy implementation, promoting cleaner technologies and eco-labelling.⁴⁷³ Despite good overall progress and promising results, challenges in a number of areas remained (such as some ETCs not performing to satisfaction or difficulties with information delivery from national networks).⁴⁷⁴ This resulted in the Commission – unsurprisingly – concluding that adding major tasks to the

⁴⁶⁹ Martens (2010:882)

⁴⁷⁰ Gornitzka and Sverdrup (2008:1), Zito (2009b:1236)

⁴⁷¹ Interview EEA official (2010c)

⁴⁷² Interview EEA official (2008d)

⁴⁷³ ENDS Report 270 (1997:40)

⁴⁷⁴ *Ibid.*:40

agency's remit would not be appropriate.⁴⁷⁵ However, acquiring a role in implementation or compliance was never the aim of the EEA, which realized the negative impact this would have on its ability to collect environmental information from the member countries.⁴⁷⁶

The main changes to the regulation in 1999 included the introduction of sustainable development, advising individual member countries – if requested – on developing or improving their monitoring systems, extending the publication of SOER reports to every five years, cooperation with the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), and extending management board membership to non-EU member countries, among others.⁴⁷⁷ The 2003 and 2009 amendments were less extensive and included provisions regarding public access to information as well as revisions of revenue and expenditure procedures.⁴⁷⁸

EEA Enlargement

The first EU enlargement since the creation of the EEA took place in 1995 (when Austria, Finland and Sweden joined). However, this was still very early in its existence and therefore only had little impact.⁴⁷⁹ Countries joining the EU at the 2004 enlargement had been in contact with the EEA since 1996.⁴⁸⁰ Most of them joined the EEA member countries in 2001 and by 2003 they were all EEA members and fully involved in the Eionet.⁴⁸¹ The EEA has helped the new members to develop data management and reporting systems.⁴⁸² Generally, countries tend to be very keen on

⁴⁷⁵ ENDS Report 270 (1997:40)

⁴⁷⁶ Interview EEA official (2010c)

⁴⁷⁷ Office for Official Publications of the European Communities (2003)

⁴⁷⁸ *Ibid.*

⁴⁷⁹ IEEP/EIPA (2003b:25)

⁴⁸⁰ EEA (2005c:3)

⁴⁸¹ *Ibid.*:3

⁴⁸² IEEP/EIPA (2003b:25)

early EEA membership.⁴⁸³ For the new EU member states early involvement with the EEA has been a useful European integration exercise, helped with the harmonization of environmental information systems and has helped in raising the profile of environmental issues nationally.⁴⁸⁴ Although there was initially some disagreement over the agency's member countries, EEA membership does not require EU membership and the EEA was the first European body open to EU candidate countries before their accession.⁴⁸⁵ It is not only in the EEA's interest to increase its own geographic data coverage area but also a significant part of the political process of accession.⁴⁸⁶ Obviously an increase in EEA member countries also results in the growth of the Eionet.⁴⁸⁷

In 2010 the EEA had 32 member countries; the 27 EU member states as well as Iceland, Liechtenstein, Norway, Switzerland and Turkey. In addition to the full member countries, the EEA cooperates with six further countries from the West Balkans: Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia.

Task expansion and reorganization

Due to an increased focus on policy integration and integrated assessments in environmental policy in general, the EEA has continuously improved coordination between agency units and the ETCs of the Eionet.⁴⁸⁸ Regarding the performance of the member countries in submitting the required data, the overall percentage has risen from

⁴⁸³ IEEP/EIPA (2003:27)

⁴⁸⁴ IEEP/EIPA (2003b:26), European Commission (2003:13)

⁴⁸⁵ European Report (2001), Zito (2009b:1230) referring to Brown, L. (1995), 'Advocacy coalitions and the founding of the European Environmental Agency', manuscript, University of Florida European Report (2001)

⁴⁸⁶ IEEP/EIPA (2003b:25)

⁴⁸⁷ EEA (2005c:3)

⁴⁸⁸ Schout (1999:120)

roughly one third in the early 2000s to about two thirds of the data being received in 2008.⁴⁸⁹ So while there are still some deficits regarding the amount of data that is being reported, improvements to the data delivery records are ongoing.⁴⁹⁰

The EEA's structure is organized functionally in units (like the Commission) reflecting informational work areas and priorities.⁴⁹¹ Over the years some restructuring has taken place.⁴⁹² In 2001 the agency prepared for its enlargement (and accompanied rise in staff numbers) by reorganizing into five programme groups, which were connected horizontally by cross-cutting teams in order to improve efficiency, effectiveness as well as internal and external communications.⁴⁹³ The restructuring process also took recommendations from a performance evaluation carried out by external consultants on board.⁴⁹⁴ The 2000 Arthur Andersen Consultants' evaluation of the EEA and the Eionet suggested that more attention was required on standard procedures, people management and administrative support in order for the EEA to progress from its start-up phase to a mature phase and adjust to its evolving needs.⁴⁹⁵

In its 2003 evaluation of the EEA⁴⁹⁶, the Institute for European Environmental Policy and the European Institute for Public Administration identified the stages in the EEA's development as:

⁴⁸⁹ Interview EEA official (2008c)

⁴⁹⁰ *Ibid.*

⁴⁹¹ Hoornbeek (2000:161)

⁴⁹² *Ibid.*:161

⁴⁹³ EEA (2002a:12, 23)

⁴⁹⁴ EEA (2001b:10)

⁴⁹⁵ Arthur Andersen Consultants (2000:4-5)

⁴⁹⁶ IEEP/EIPA (2003a:26)

Box 3.2: Stages in the EEA's development

Stages in the EEA's development:

1990-1995: Developing baseline information and assessments on individual environmental themes, as reflected in the work of the EEA task force, and MAWP1.

1995-1999: Attempting to link assessments with the effects of environmental policies, and developing an understanding of the difficulties of such policy evaluation. This phase included work on the interim review, and the global assessment, of the Fifth EAP, as presented in the EU 95 and EU 98 reports. Eionet achieves the maturity and capacities necessary to function efficiently in 1998.⁴⁹⁷

1999-2002: Seeking to reform the information system, through streamlining, the development of indicators and regular reporting, and focusing on sectoral integration and prospective analysis.

2003-2006: A shift towards scenario analysis and assessments in the framework of sustainable development, move from the provision of products to the provision of services, greater involvement in EU policy development and policy effectiveness evaluation.⁴⁹⁸

Since 2007: Move towards SEIS and accessing information at the source.

Source: IEEP/EIPA (2003a:26), EEA (1999c:9), Interview EEA official (2009)

A substantial reorganization in order to tailor and focus the EEA's organizational structure with the agency's new five-year strategy's direction and priorities took place in 2003 and was completed in 2004.⁴⁹⁹ It included the creation of groups in order to

⁴⁹⁷ EEA (1999c:9)

⁴⁹⁸ Interview EEA official (2009)

⁴⁹⁹ EEA (2004f:26)

allow a more integrated approach in six programme areas as well as a new corporate affairs programme aiming at the provision of more effective communication with the Commission, the EP, other EU institutions, EEA member countries and the agency's partners around the world, as well as the inclusion of spatial analysis.⁵⁰⁰ The most recent reorganization of the agency came into force at the beginning of 2009 alongside the new MAWP.

A role for the EEA in the implementation process?

A weakness of EU environmental policy is the implementation deficit (which is higher than the implementation deficit in, for example, the single market, industry or consumer affairs).⁵⁰¹ Knill and Lenschow link the effectiveness of (environmental) policy implementation to the level of embeddedness of existing administrative structures and traditions, which makes it harder for some countries to implement legislation.⁵⁰² As in other policy areas, the Commission has to rely on national (and often sub-national) ministries, agencies and authorities to ensure policy implementation.⁵⁰³ EU environmental policy has always faced the challenge that individual member states are at different stages of implementing environmental legislation. Those member states which try to catch up economically with leading member states, often feel unable to give environmental protection as high a priority.⁵⁰⁴ While this was true for the EU-15, it is even more the case in the EU-27.

An EEA official emphasised the EEA's importance in providing information in policy-making, particularly when following up the policies.⁵⁰⁵ However, rather than

⁵⁰⁰ EEA (2004f:26), Technopolis (2008a:68)

⁵⁰¹ Lenschow (2005:319)

⁵⁰² Knill and Lenschow (1998:595)

⁵⁰³ Nugent and Paterson (2003:94-95)

⁵⁰⁴ Butt Philip (1998:254)

⁵⁰⁵ Interview EEA official (2008c)

looking at the extent to which the member countries implement EU legislation, the EEA focuses instead on the impact EU legislation has on the state of the environment (i.e. policy effectiveness).

Moreover, with the agency currently being responsible for the quality of the reporting rather than the quality of the environment, inclusion into the implementation process would require more involvement in the quality of the data and its gathering processes.⁵⁰⁶ Greater involvement in the implementation process would also significantly alter the relationship between the EEA and its member countries. As one EEA official pointed out ‘when you’re an inspectorate or a compliance organization, people will respond to you differently from being an information agency’.⁵⁰⁷ More generally, Wynne and Waterton suggested a move of regulatory cultures towards more information-dependent styles, which would consequently increase the policy importance of an information agency such as the EEA.⁵⁰⁸

3.1.7 Criticism

Burchell and Lightfoot suggest that not having the powers to act in cases of member states not meeting the requirements of EU regulations and standards ‘weakens the supposed “objective” and independent status of the agency’.⁵⁰⁹ However, this is not strictly true. It is particularly the aspect of not being involved in the compliance and implementation process, which plays an important role in ensuring the agency’s independence and objectivity. Such involvement could significantly affect the information member countries are willing to provide. Critics already question the accuracy of the environmental information passed on to the agency and whether it is

⁵⁰⁶ Technopolis (2008a:52)

⁵⁰⁷ Interview EEA official (2010c)

⁵⁰⁸ Wynne and Waterton (1998:124)

⁵⁰⁹ Burchell and Lightfoot (2001:77)

filtered by national ministries or the national focal points.⁵¹⁰ While it is beyond the scope of this thesis to ascertain whether this is the case or not, the risk of this happening would significantly increase, if the EEA were to be equipped with regulatory powers.

Another criticism is that the data published by the EEA reports (particularly in the SOER) is out of date by the time it is published.⁵¹¹ Timely data is not equally important in all policy areas.⁵¹² Nonetheless the EEA is constantly working on the provision of more timely and in some cases even real-time data.⁵¹³

Despite being described as important and influential, it has been suggested that the EEA has a lower profile than it could have, particularly in the member countries and to some extent also within the EP.⁵¹⁴ Calls by MEPs for the agency to attract more attention to its work in the media and the public and developing communications methods are as recent as 2007, thus indicating that more work is required.⁵¹⁵ However, while the agency is responsible for its cooperation with EU and other international institutions, the promotion of itself and its work in the member countries is largely the responsibility of the national focal points and the way and extent to which they promote the EEA varies from country to country.

3.1.8 International Activity

Over the years the EU has become an important global actor in international environmental relations.⁵¹⁶ It is an actor in its own right and tends to represent a strong

⁵¹⁰ Burchell and Lightfoot (2001:76)

⁵¹¹ IEEP/EIPA (2003b:24)

⁵¹² *Ibid.*:24

⁵¹³ *Ibid.*:24

⁵¹⁴ Interview Defra official (2008)

⁵¹⁵ European Environment & Packaging Law (2007)

⁵¹⁶ Sbragia (2005:218), Bretherton and Vogler (2006)

pro-environment position in international environmental politics.⁵¹⁷ The EU has developed from a largely economic organization, to ‘an important agent of environmental protection’.⁵¹⁸ It is thus not surprising, that the EEA is also active beyond the EU’s borders. An EEA official pointed out that

the fact that you have so many diverse regions and countries across the EEA membership coming together, and sharing and talking to each other, meeting three times a year, is absolutely unique, there’s nothing like it.⁵¹⁹

While its set-up is unique (compared to other international environmental cooperation measures), the EEA has been described as a ‘role model’.⁵²⁰ The Eionet does not only have an impact on its neighbouring countries, it also has an enormous influence at the global level, often being considered as a perfect example for the setting up of other regional or even global environmental observation networks.⁵²¹ Regions interested in learning lessons from the Eionet set-up are Southeast Asia, African regions bordering the Mediterranean and the Arctic and the EEA also has relationships with countries such as Brazil and China.⁵²² The EEA has also been working closely with the UNEP from the start, realizing overlapping mandates and interests and the mutual benefits of their cooperation.⁵²³ Thus, for example, the UNEP’s Environment Watch (‘a holistic, coherent and distributed system for watching the environment’⁵²⁴) concept is based on the Eionet.⁵²⁵

⁵¹⁷ Connelly and Smith (2003:263)

⁵¹⁸ *Ibid.*:268

⁵¹⁹ Interview EEA official (2008d)

⁵²⁰ *Ibid.*

⁵²¹ *Ibid.*

⁵²² *Ibid.*, Technopolis (2008a:37)

⁵²³ Groenleer (2009:236)

⁵²⁴ UNEP (2005)

⁵²⁵ Interview EEA official (2008d)

3.2 EEA governance and EU institutions

3.2.1 EEA governance

Within the EEA, a special effort is made to keep the organizational structure flat, rather than hierarchical as is the case in the Commission.⁵²⁶ The agency consists of three fairly independent parts.⁵²⁷ The EEA governance structure includes the management board, the bureau, the executive director and the scientific committee.

Management board

The main tasks of the management board (MB) are outlined in the EEA regulation. It decides annual work programmes, five-year strategies, adopts general reports on EEA activities, decides about EEA publications, future topics, the ETC work programmes, staff policy and generally assesses the agency's efficiency.⁵²⁸ The MB consists of a representative of each of the member countries, two members designated by the EP, two members representing the Commission (and the chairman of the scientific committee as an observer) and is concerned with supervising the agency.⁵²⁹ In this set-up, national interests only play a minor role and decisions tend to be made consensually.⁵³⁰ EEA member countries, which do not belong to the EU are also represented in the MB. They are fully integrated in the board, however, they are unable to take on specific functions, sit in the bureau or vote (should a vote take place).⁵³¹ The adoption of decisions in the MB per vote requires a two-thirds majority.⁵³² Although the management board plays an important role in approving the EEA's work programmes and other organizational

⁵²⁶ Schout (1999:119)

⁵²⁷ *Ibid.*:119

⁵²⁸ Official Journal of the European Communities (1990), Interview German official (2008d)

⁵²⁹ EEA (2004c), Official Journal of the European Communities (1990)

⁵³⁰ Interview German official (2008d)

⁵³¹ *Ibid.*

⁵³² Official Journal of the European Communities (1990)

decisions, Zito points out that ‘this is more a negative form of control rather than the ability to manage the EEA’s direction’.⁵³³

The EEA’s importance is reflected by the fact that the member state representatives in the MB tend to be senior environmental policy officials.⁵³⁴ The degree of influence in the MB has been linked to the degree of preparation the national MB member undertakes prior to the meetings.⁵³⁵ This can sometimes be related to a country’s size (which could be reflected in the available resources), but this is not necessarily the case.⁵³⁶ Similarly, the length of EU/EEA membership of a member country may affect how important the EEA is considered to be at the national level and thus the degree of preparation and number of valid points a country’s MB member has to make.⁵³⁷

Bureau

The MB aims to ensure that the EEA is a well-managed, able and swift institution.⁵³⁸ With an increase in the number of EEA member countries, the size of the MB and its agenda increased. For this reason, the bureau was established in 1997 (and formalized in the 1999 regulation amendments).⁵³⁹ The bureau consists of the MB chairperson, vice-chairpersons, the EP and Commission representatives and is entitled to take executive decisions in between MB meetings to allow the effective operation of the agency and it prepares MB meetings and decisions.⁵⁴⁰

⁵³³ Zito (2009b:1235)

⁵³⁴ Wynne and Waterton (1998:122)

⁵³⁵ Interview German official (2008d)

⁵³⁶ *Ibid.*

⁵³⁷ *Ibid.*

⁵³⁸ *Ibid.*

⁵³⁹ European Commission (2003:15)

⁵⁴⁰ EEA (2008b), European Commission (2003:15)

Executive director

The EEA's founding regulation stipulates that the agency's executive director is appointed by the MB, based on a proposal by the Commission.⁵⁴¹ The director is responsible for the implementation of the programmes and the daily running of the EEA.⁵⁴² The influence of the director on the MB is reported to be quite strong.⁵⁴³

Germany in particular had pressed for the first director to be a German.⁵⁴⁴ It argued that it is not only the largest and industrially strongest member state, but Germany was also the only country with unification experience which is important, particularly in the light of future EU enlargement to the East.⁵⁴⁵ This was opposed by most member states which were of the opinion that Germany already had too much influence in Europe.⁵⁴⁶ The EEA's first director was Domingo Jiménez-Beltrán who is a Spanish environmental policy official.⁵⁴⁷ Although it was an objective decision for a well-qualified professional, the influence of political motivations was obvious and not denied as Spain was among the candidate countries short-listed for the EEA's headquarters and the appointment of a Spanish director was considered a partial compensation.⁵⁴⁸

In the beginning a lot of focus was on publishing everything the EEA produced to avoid turning into a 'graveyard of data'.⁵⁴⁹ Although the focus in the early days was on quantity rather than quality of publications, it helped establish the EEA, giving it enormous exposure and great visibility.⁵⁵⁰ Jiménez-Beltrán was followed as an executive director in 2003 by Prof. Jacqueline McGlade, a British-Canadian environmental scientist.

⁵⁴¹ Official Journal of the European Communities (1990)

⁵⁴² EEA (2004c), EEA (2008b)

⁵⁴³ Technopolis (2008a:63)

⁵⁴⁴ Interview German official (2009)

⁵⁴⁵ *Ibid.*

⁵⁴⁶ *Ibid.*

⁵⁴⁷ *Ibid.*

⁵⁴⁸ Europe Energy (1994)

⁵⁴⁹ Schout (1999:122)

⁵⁵⁰ Interview EEA Official (2008d)

Scientific committee

The scientific committee consists of scientists designated by the MB. It advises the MB and the executive director on scientific matters and recruitment of the agency's scientists.⁵⁵¹ It is considered to be the interface between EEA and the scientific community.⁵⁵² The scientific committee is consulted on the agency's work programmes and takes part in the quality control of the EEA's and ETCs' reports, and looks at issues that might become important in the future.⁵⁵³ The scientific committee's involvement also helps safeguard the agency's credibility and policy of openness, for example, by publishing its opinions.⁵⁵⁴

3.2.2 The European Commission

The Commission's work is not reduced to EU administration, it is also the only institution that initiates policy, drafts proposals and monitors compliance in the member states.⁵⁵⁵ However, the final decision about adopting new legislation lies with the Council and the EP in areas in which the co-decision procedure is applied.⁵⁵⁶

The Commission is further responsible for drafting the various EAPs. In 1972 the Environment and Consumer Protection Service (ECPS) was created within the Industry Directorate to provide bureaucratic support for the EAP.⁵⁵⁷ At that time environmental

⁵⁵¹ EEA (2004c)

⁵⁵² European Commission (2003:16)

⁵⁵³ Schout (1999:127)

⁵⁵⁴ *Ibid.*:127, Journal of the European Communities (1990)

⁵⁵⁵ Connelly and Smith (2003:262)

⁵⁵⁶ McCormick (2001:99)

⁵⁵⁷ Burchell and Lightfoot (2001:82)

issues were still treated as subordinate to economic interest and a potential obstacle for the creation of the common market.⁵⁵⁸

The evolution of the ECPS to an independent DG for Environment, Nuclear Safety and Civil Protection by 1981 reflected the increased importance given to environmental issues, and importantly allowed the DG to initiate policy.⁵⁵⁹ DG Environment's status was further protected through the SEA in 1987, due to environmental protection becoming a Community competence.⁵⁶⁰ DG Environment is the main Directorate-General involved in environmental policy, but not the only one (DG Agriculture, DG Energy and Transport, DG Fisheries, among others, participate as well).⁵⁶¹ A shift from a more general environmentalist outlook to a more technical and bureaucratic approach has increased the DG's credibility.⁵⁶²

DG Environment has been the EEA's main client from the beginning.⁵⁶³ In the early years, the Commission's interpretation of Regulation 1210/90 was to consider itself and the member states as the main users of the EEA's outputs.⁵⁶⁴ However, this was not made explicit by the text, which had simply referred to the Community (which included the EP, the Committee of the Regions and other bodies).⁵⁶⁵ This is not to say that the Commission did not turn out to be the agency's main client, but it is by no means the only one, nor should it be.

In the beginning, the EEA was perceived as a potential competitor by DG Environment, which considerably strained relations, despite an initial harmonious and productive relationship between the Commission and the EEA task force.⁵⁶⁶ This

⁵⁵⁸ Burchell and Lightfoot (2001:82)

⁵⁵⁹ *Ibid.*:83

⁵⁶⁰ *Ibid.*:83

⁵⁶¹ McCormick (2001:103-104)

⁵⁶² *Ibid.*:103

⁵⁶³ Schout (1999:138)

⁵⁶⁴ Wynne and Waterton (1998:127)

⁵⁶⁵ *Ibid.*:127

⁵⁶⁶ House of Lords (1995a:9)

contributed to the emergence of a healthy amount of tension between the agency and the Commission (similar to corresponding institutions at the national level).⁵⁶⁷ The Commission regarded itself as the policy-maker and in control of the agency's output while expecting the EEA to serve the Commission.⁵⁶⁸ This tension led to the agency demanding greater visibility and recognition of its independent standing. Frictions between the Commission and the agency reduced over time, mainly due to better management of mutual relations and the clarification of respective roles.⁵⁶⁹

Martens identifies two phases in the relationship between DG Environment and the EEA: (1) 1994-2003 inter-institutional tension and (2) 2003-2007 (and beyond) institutional consolidation and partnership.⁵⁷⁰ Changes in the relationship are due to a number of reasons, including two important personnel changes in both institutions: a new director-general at DG Environment and a new executive director in the EEA.⁵⁷¹ In addition to the EEA not changing its approach by continuing to provide policy analysis rather than purely environmental data reporting, the fall of the Santer Commission in 1999 and the decision by the new Commissioner to cooperate more closely with the EEA and its new director and to abandon the Commission's perception that the EEA should be restricted to data production were significant factors.⁵⁷² Moreover, the Commission's resignation also led to a review of the Commission and a change in attitude towards its work and the management of its relationships with its partners (including the EEA).⁵⁷³ By planning and synchronising EEA services and products with the needs and working areas of the Commission in mind, policy relevance of the

⁵⁶⁷ Interview German official (2008d)

⁵⁶⁸ *Ibid.*, European Commission (2003:12)

⁵⁶⁹ European Commission (2003:10)

⁵⁷⁰ Martens (2010:887)

⁵⁷¹ *Ibid.*:890

⁵⁷² *Ibid.*:888,890

⁵⁷³ Interview EEA official (2010c)

provided information has increased.⁵⁷⁴ Moreover, tensions between the agency and the Commission (in this case predominantly DG Environment) were not EEA-specific. Many of the other independent EU agencies have experienced friction with the Commission's respective DGs, mostly due to overlap and areas of contention.⁵⁷⁵ Groenleer further points out that while initial problems such as the EEA's desire to demonstrate its autonomy from the Commission might have alienated the institutions from one another, they also strengthened the (perceived) independence and reputation of the EEA, which did not want to be seen as following Commission orders.⁵⁷⁶

While DG Environment was mainly interested in the information (data and analysis) to support its policies and policy processes, the EEA also wanted to add policy-related comments to its analysis.⁵⁷⁷ Another area of potential conflict was the impact of EEA state of the environment evaluations as they could be perceived as a criticism of DG Environment's effectiveness.⁵⁷⁸ Moreover, the relative distance from the decision-making process allows the agency to highlight more provocative topics and take positions based on its own convictions.⁵⁷⁹

An EEA official stressed the importance of open-mindedness on both sides in trying to work together to improve unsuccessful policies:

If you are two bodies in the same kind of game, of course you should help each other. Why not sit down and discuss it? And sort of share the view in which direction the policy should go. I'm not quite sure we're there yet.⁵⁸⁰

So while relations between the Commission and the agency have improved significantly over time, there still appears to be room for improvement. On the other hand, tensions about, for example, the data or how it is published are usually restricted to relatively

⁵⁷⁴ European Commission (2003:9)

⁵⁷⁵ Environment Watch Europe (2003)

⁵⁷⁶ Groenleer (2009:237)

⁵⁷⁷ Schout (1999:85)

⁵⁷⁸ *Ibid.*:92

⁵⁷⁹ Interview German official (2008d)

⁵⁸⁰ Interview EEA official (2008c)

minor issues and are perceived in the agency as ‘quite normal’.⁵⁸¹ However, there is also an increasing awareness within DG Environment that it might benefit considerably from a strong, independent EEA, which provides the Commission with independent and convincing arguments of the need for additional action.⁵⁸² Martens points out that over time, the relationship between DG Environment and the EEA has become more reciprocal and has moved towards mutual recognition.⁵⁸³ But the Commission is not only a client of the EEA, it also has organizational responsibility and has to ensure the existence of an adequate legal basis for the EEA (and its adherence to the regulation).⁵⁸⁴ DG Environment has not only established itself as the EEA’s main client but is also responsible for the proposal of the agency’s budget.⁵⁸⁵ Being part of DG Environment’s budget, can lead to a tendency for the DG to try to influence the way in which the agency’s budget is used, i.e. where the focus of the EEA’s work should lie.⁵⁸⁶ The 2008 effectiveness evaluation of the EEA concluded that the Commission and especially DG Environment’s informational needs are largely being met by the agency.⁵⁸⁷ For some sectors within DG Environment (such as those involved in strategic planning and evaluation), the EEA is the main source of information.⁵⁸⁸

3.2.3 The European Parliament

The EP is another important client of the EEA. The EP and its Environment Committee in particular have traditionally been strong proponents of the agency.⁵⁸⁹ The EEA’s reports give the EP an important tool not only to evaluate policy effectiveness but also

⁵⁸¹ Interview EEA Official (2009)

⁵⁸² Schout (1999:93)

⁵⁸³ Martens (2010:894)

⁵⁸⁴ Schout (1999:133)

⁵⁸⁵ Martens (2010:896)

⁵⁸⁶ Schout (1999:97)

⁵⁸⁷ Technopolis (2008a:7)

⁵⁸⁸ *Ibid.*:44

⁵⁸⁹ Schout (1999:93)

to somewhat control the Commission.⁵⁹⁰ The EP is, however, not able to work as closely with the EEA as the Commission does.⁵⁹¹ Traditionally, the EP has been pushing for the expansion and improvement of environmental legislation while steadily increasing its powers vis-à-vis the Council.⁵⁹² The EP is now an equal legislative player to the Council under the co-decision procedure, used for the adoption of most environmental legislation.⁵⁹³ The task of drafting reports on environmental legislation in the EP mainly falls to the Committee for the Environment, Public Health and Food Safety. It is one of the largest and most powerful committees in the EP.⁵⁹⁴ Despite changing leadership, the committee's direction and focus on the promotion of an environmental agenda in the EP has remained remarkably consistent.⁵⁹⁵ Rather than work on specific measures, the EP can consult the EEA in the preparation of proposals to ensure that they have a proper factual basis.⁵⁹⁶ The Environment Committee tends to have greater interest in EEA products and reports, although the general reports on the state of the environment are also appreciated within the EP.⁵⁹⁷

Nonetheless, outside the EP's Environment Committee, the use of EEA services and information by MEPs is (still) quite limited.⁵⁹⁸ Problems regarding the timeliness of EEA reports impacted on the agency's reputation in Parliament.⁵⁹⁹ However, due to a lack of mechanisms in the EP to formulate precise demands sufficiently in advance, the situation is not improved easily.⁶⁰⁰ Overall, the role of the EP as information users is more passive than that of the Commission, often relying on the EEA to predict how best

⁵⁹⁰ Schout (1999:93)

⁵⁹¹ Technopolis (2008a:7)

⁵⁹² Burns (2005:87)

⁵⁹³ *Ibid.*:87

⁵⁹⁴ *Ibid.*:89

⁵⁹⁵ *Ibid.*:89-90

⁵⁹⁶ Schout (1999:139)

⁵⁹⁷ *Ibid.*:139

⁵⁹⁸ Interview German official (2008d)

⁵⁹⁹ European Commission (2003:9)

⁶⁰⁰ *Ibid.*:9

to serve the EP's information needs.⁶⁰¹ On issues such as the EEA's role, independence and budget, the Parliament has supported the agency.⁶⁰² Martens points out that EEA employees tend to regard the EP as 'an ally in the EU system'.⁶⁰³

The EP representatives from the MB report back to Parliament (just as the EEA's director does on a regular basis). The EEA's relationship with the EP is not as close as with the Commission, but there has also been less conflict and the EP still supports calls for a stronger EEA.⁶⁰⁴ Giving the EEA more powers is not only opposed by the member states, the agency itself is also sceptical of such a move. As one EEA official pointed out

it might compromise our neutrality and independence if we also dealt with controlling whether the countries comply with EU legislation. It is the Commission's role to do that. Each of us has our role and we respect the other one's role, so I think it would be going too far.⁶⁰⁵

3.2.4 Other EU institutions and bodies

Due to its predominantly national perspective, the Council of Ministers is likely mostly to rely on national information provided by national agencies or departments rather than the EEA. However, the EEA plays an important role for the rotating Council presidencies in the preparation of environmental policy issues which it would like to or needs to address. This cooperation has also helped in establishing links with the member states (outside the existing networks) and offer support to the Council in the decision-making process.⁶⁰⁶

⁶⁰¹ Technopolis (2008a:82)

⁶⁰² Martens (2010:892)

⁶⁰³ *Ibid.*:892

⁶⁰⁴ Interview German official (2008d), Interview EEA official (2008d), Technopolis (2008a:67)

⁶⁰⁵ Interview EEA official (2008d)

⁶⁰⁶ European Commission (2003:9)

With the EEA not being the only EU body working on the collection and dissemination of environmental data, duplication of work had to be avoided. This is particularly important in the cooperation of the EEA, Eurostat and the Joint Research Centre (JRC). Although the latter are both dealing with a broader range of statistics and research, some of it invariably concerns environmental data, in some cases similar or identical to the EEA's work.

Eurostat also collects information from the member states rather than gathering data themselves.⁶⁰⁷ However, in contrast to the EEA, Eurostat's focus is on reporting rather than analysing environmental data, for which the EEA has been criticised.⁶⁰⁸ Moreover, as Eurostat has been collecting environmental data since the 1980s, the EEA was expected to make as much use as possible of Eurostat's statistical information system (as well as the statistical systems in the member countries).⁶⁰⁹ The EEA and Eurostat have been cooperating to varying degrees since 1995.⁶¹⁰ Although areas in which their work overlaps are relatively few, it is still an unnecessary duplication of work.⁶¹¹

The cooperation with the JRC involves the harmonization of environmental measurement methods, the standardization of data formats and the development of new environmental measurement methods and instruments.⁶¹² Together with the JRC the EEA will help to establish new research and technologies to meet existing and emerging environmental challenges.⁶¹³

⁶⁰⁷ Schout (1999:95)

⁶⁰⁸ *Ibid.*:95

⁶⁰⁹ IEEP/EIPA (2003b:52), Journal of the European Communities (1990)

⁶¹⁰ IEEP/EIPA (2003b:52-53)

⁶¹¹ *Ibid.*:52-53

⁶¹² Journal of the European Communities (1990)

⁶¹³ EEA (2000:27)

The Group of Four

In order to improve cooperation in the field of European environmental information, the so-called Group of Four (Go4) was created in 2005.⁶¹⁴ It consists of the Commission's DG Environment, Eurostat, the JRC and the EEA, which have adopted a technical agreement that sets out the division of their roles and responsibilities and how they will work together.⁶¹⁵ The framework was created to include and connect the four main EU bodies involved in providing environmental data for policy-making processes in the EU.⁶¹⁶ Although the JRC and Eurostat are technically part of the Commission, they have a different role to DG Environment, but are nonetheless more closely connected than the EEA is.⁶¹⁷ Much of the EEA's daily work takes place within the Go4 framework, whose biggest project is to streamline environmental reporting and provide web-hosting for specific thematic areas contributing to the creation of SEIS.⁶¹⁸ In addition to the Go4 arrangement, the agency has several alliance officials located in Brussels, where they deal with the Commission on a daily basis and aim to work with all the relevant EU institutions and bodies.⁶¹⁹

3.2.5 Other partners and clients

Member countries

The EEA member countries are mainly responsible for gathering the majority of data required.⁶²⁰ In addition, the coordination of the network's activities at the national level is the responsibility of the member countries (see section 3.3 on the Eionet). While

⁶¹⁴ Interview EEA official (2008d)

⁶¹⁵ *Ibid.*

⁶¹⁶ Technopolis (2008a:25)

⁶¹⁷ *Ibid.*:25

⁶¹⁸ EEA (2009a:13)

⁶¹⁹ Interview EEA official (2009)

⁶²⁰ Schout (1999:140)

member countries are expected to cooperate, they were not always able to deliver the required information immediately.⁶²¹ New monitoring systems often needed to be put in place as the capacities of the member countries for the monitoring and delivery of environmental information vary considerably.⁶²² Although there is no formal obligation for member countries to adapt, some pressures for adaptation were perceived simply through participating in the agency's networks, most notably the Eionet.⁶²³ The agency is not attempting to replace existing national and sub-national reporting structures but wants to bring them together in compatible formats. It is by no means a quick or easy process, as procedures and structures are highly complex.⁶²⁴ Moreover, the EEA also provides a link to the environmental research community.⁶²⁵

International Organizations

Cooperation with international organizations is part of the EEA's remit, which was strengthened in the first amendment of its regulation in 1999.⁶²⁶ The agency's main international partners are the UNEP, UNECE and OECD.⁶²⁷ International organizations are not only clients but also partners of the EEA and some joint reporting initiatives have been successful.⁶²⁸ The EEA has very good links with other international organizations (such as the USEPA) with whom it collaborates, for example, on environmental information and information technology issues.⁶²⁹

⁶²¹ Schout (1999:141)

⁶²² *Ibid.*:141

⁶²³ *Ibid.*:141

⁶²⁴ EEA (1999d:5,10)

⁶²⁵ Arthur Andersen Consultants (2000:17)

⁶²⁶ EEA (1999d:12)

⁶²⁷ *Ibid.*:12

⁶²⁸ Technopolis (2008a:47)

⁶²⁹ *Ibid.*:30

The public

The 2008 EEA effectiveness evaluation divides the public into three categories as EEA clients: the professional public (e.g. scientists), the public at large and the local public/local community in Copenhagen.⁶³⁰ The public at large tends to be hard to cater for, because the information needed could be unavailable in the required language, too specific or not part of the EEA's provisions.⁶³¹ Overall, the EEA tends to be less well-known than national environment agencies.

The agency has links with environmental NGOs (non-governmental organizations), who benefit from the agency's outputs. However, the agency has to monitor the extent and closeness of the links with NGOs, as it could potentially affect how it is perceived in terms of its reliability and independence.⁶³² Businesses as clients of the agency tend to be more interested in technical data.⁶³³ The press mainly relies on the agency for providing relevant and reliable expert information.⁶³⁴

3.3 European Environment Information and Observation Network

The Commission's 2003 review of the EEA describes the Eionet as

a crucial infrastructure in the decentralised set-up of the EEA. Not only is it the main channel of primary data for the agency, it also brings in expertise from across Europe and serves as a forum to discuss agency activities and priorities.⁶³⁵

The network encourages reporting format harmonization and capacity-building, provides a platform for discussion and facilitates contacts to experts all over Europe.⁶³⁶

The EEA was not set up as an independent organization; instead the subsidiarity

⁶³⁰ Technopolis (2008a:50-51)

⁶³¹ *Ibid.*:50-51

⁶³² *Ibid.*:30

⁶³³ *Ibid.*:22

⁶³⁴ *Ibid.*:46

⁶³⁵ European Commission (2003:14)

⁶³⁶ *Ibid.*:21

principle was taken into account, leading to the strong involvement of the member countries in building a European network.⁶³⁷ However, even without the subsidiarity principle, the EEA would not be able to fulfil its role without the inclusion and cooperation of the member states and their existing environmental information networks; the task would have been simply too big and costly. It has been pointed out that

the EEA is not supposed to be a massive agency, [...] it is one of its strengths that it connects individual agencies and creates a common pool of knowledge and is positioned like a spider in its web, being a central unit.⁶³⁸

The Eionet has come into being because the EEA relies on it to feed its reporting activities.⁶³⁹ It connects the best available national expertise with national and EU level policy-makers via the EEA.⁶⁴⁰ Eionet is a partnership network of the EEA, its member countries and cooperating countries, as well as the key network at the core of the EEA's activities. It is crucial for the ability of the EEA to meet its information provision requirements. According to its mission statement,

the European environment information and observation network aims to provide timely and quality-assured data, information and expertise for assessing the state of the environment in Europe and the pressures acting upon it. This enables policy makers to decide on appropriate measures for protecting the environment at national and European level and to monitor the effectiveness of policies and measures implemented.⁶⁴¹

The Eionet's three main purposes are: firstly, to support the EEA's data collection, reporting and assessment activities; secondly, to support member countries and DG Environment (as well as other relevant DGs) in their data collection and reporting work; and finally, to facilitate and streamline data flows between countries, EU institutions

⁶³⁷ IEEP/EIPA (2003a:72)

⁶³⁸ Interview German official (2008d)

⁶³⁹ Interview EEA official (2008d)

⁶⁴⁰ EEA (2005c:9)

⁶⁴¹ *Ibid.*:2

and international bodies in order to minimise the duplication of work.⁶⁴² The Eionet is not just an operational but also a telematics network.⁶⁴³

The Eionet consists of the EEA itself, the ETCs, NFPs and NRCs, forming a network made up of around 900 experts from national environment agencies and other bodies and more than 300 national institutions dealing with environmental information. With regards to the creation of Eionet, the EEA had to ensure the setting up and organizing of the network. It had to contact partners and ensure common methodologies for the collection and distribution of data.⁶⁴⁴ The Eionet allows member countries' capacities to become increasingly interconnected.⁶⁴⁵ The network has further been accredited with reinforcing environmental monitoring facilities in the member countries.⁶⁴⁶

The EEA does not ensure data delivery through regulations, instead the aim is to get the support from all the member countries in the management board.⁶⁴⁷ If the MB members believe in a particular cause or indicator and agree to deliver the data then it will usually be delivered.⁶⁴⁸

An advantage of the Eionet is its flexibility: every country can decide for itself which institution they would like to work with the agency and at which level.⁶⁴⁹ The EEA is 'just dependent on the countries having the appropriate set-up and being able to engage the appropriate experts within their national level'.⁶⁵⁰ However, depending on the national structures and arrangements, appointed people can be found at different

⁶⁴² EEA (1999c:19)

⁶⁴³ Arthur Andersen Consultants (2000:2)

⁶⁴⁴ Schout (1999:150)

⁶⁴⁵ *Ibid.*:149

⁶⁴⁶ *Ibid.*:149

⁶⁴⁷ Interview EEA Official (2008d)

⁶⁴⁸ *Ibid.*

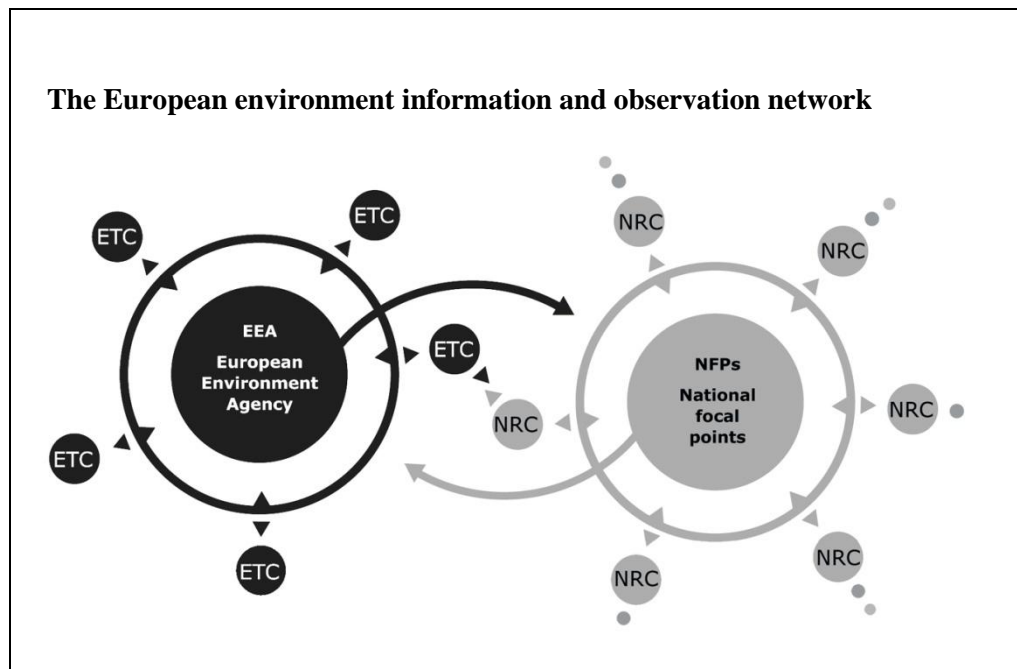
⁶⁴⁹ *Ibid.*

⁶⁵⁰ Interview EEA Official (2008d)

distances to the policy-making process, NFPs and MB members can be either within the same institution (and even the same department) or in different institutions.⁶⁵¹

Not all components of the Eionet structure are controlled by the EEA, whose staff is controlled by the management board, as are the ETCs who were contracted by the EEA.⁶⁵² For NFPs and NRCs, the control lies with the host institutions of the respective member countries.⁶⁵³

Diagram 3.1: The Eionet



Reproduced from: EEA (2009d)

When considering the Eionet in the context of the Rhodes policy networks model, it most resembles a policy community (with restrictive membership, high continuity, high vertical interdependence, in this case based on shared information delivery responsibilities).⁶⁵⁴ The Eionet is hierarchically structured with the EEA being the coordinator of the network. Although the member countries can choose the way in

⁶⁵¹ IEPP/EIPA (2003b:51)

⁶⁵² *Ibid.*:72

⁶⁵³ *Ibid.*:72

⁶⁵⁴ Rhodes (1997:38)

which they participate in the Eionet, they do not have the option of not being part of it. The interests/aims of the network are set out by the EEA's founding regulation and need to be prioritized before additional tasks can be considered.

3.3.1 European Topic Centres

The five ETCs are in charge of the data collection on various topics (and the publication of their findings).⁶⁵⁵ ETCs are defined by the EEA as

a consortium of organizations from EEA member countries with expertise in a specific environmental area and contracted by the EEA to support the EEA work programme.⁶⁵⁶

The ETCs are subordinate to the EEA. The agency has direct input through the ETCs' work programmes and largely provides their budget.⁶⁵⁷

The ETCs were appointed by the EEA on each of the priority topics mentioned in the regulation and require approval from the management board.⁶⁵⁸ ETCs work on air and climate change; biological diversity; sustainable consumption and production (previously resource and waste management); water; and land use and spatial information (previously terrestrial environment).⁶⁵⁹ The ETCs' work is set out in the EEA's five-year strategies (the MAWPs) and annual management plans.⁶⁶⁰ Each ETC is made up of a leading organization and specialist partner organizations, which combine resources and expertise and are selected by the management board following a Europe-wide competitive selection process.⁶⁶¹ ETCs facilitate the provision of data to the EEA and Eionet.⁶⁶²

⁶⁵⁵ Arthur Andersen Consultants (2000:44)

⁶⁵⁶ EEA (2005c:4)

⁶⁵⁷ Schout (1999:142)

⁶⁵⁸ *Ibid.*:118, Journal of the European Communities (1990)

⁶⁵⁹ EEA (2005c:4)

⁶⁶⁰ Journal of the European Communities (1990)

⁶⁶¹ EEA (2005c:4)

⁶⁶² *Ibid.*:4

It has been suggested that the central capacities of the EEA are being weakened by concentrating a significant amount of topical expertise in the ETCs despite this restricted – albeit renewable – lifespan, and little policy orientation.⁶⁶³ However, the inclusion of the ETCs' work (or bulk of their work) in the EEA itself would significantly alter the agency's structure and size and might not necessarily lead to more efficiency. Moreover, it would also require changing the EEA's founding regulation.

Due to their small number, not every member country hosts a topic centre and there is great competition for the ETCs as they add prestige to national institutes which host them, because they get a lot of work and data, additional funding and provide good links to other European projects, experts and institutions.⁶⁶⁴ However, for countries that lose out in the competition to host an ETC, there is still the option of being part of the consortia, which consists of a number of institutions providing expertise and increasing capacities.⁶⁶⁵

3.3.2 National Focal Points

The NFP is the main link between the EEA and the national level of the member countries. The work of the NFPs is central to the Eionet's success.⁶⁶⁶ The regulation establishing the EEA and Eionet allows the member countries to designate individually the institutional arrangements of the Eionet at the national level, choosing institutions, 'which in their judgement could contribute to the work of the agency'.⁶⁶⁷ Due to the variety of national institutional set-ups and NFP locations, it can be hard to precisely

⁶⁶³ European Commission (2003:14)

⁶⁶⁴ Interview EEA official (2009)

⁶⁶⁵ Schout (1999:142-143)

⁶⁶⁶ Arthur Andersen Consultants (2000:44)

⁶⁶⁷ Office for Official Publications of the European Communities (1990)

present their work.⁶⁶⁸ NFPs are not only nominated and funded by the member countries, they also remain under the countries' control.⁶⁶⁹

Generally, NFP tasks involve the development and maintenance of the national network; facilitating and coordinating contacts, requests and deliveries between the national level and the EEA; acting as advisers to their MB member; promoting key publications; and developing contacts to other relevant networks (such as Eurostat).⁶⁷⁰ Each national focal point consists of (at least) one person, who is the main contact for the EEA in the member countries. NFPs are usually located within national ministries or national environment agencies. They have a good overview of relevant and related organizations in the member countries and insight into national data gathering systems.⁶⁷¹ NFPs are crucial to managing the network around the EEA and in aiming to adapt national monitoring systems in their respective administrations.⁶⁷² However, whether an NFP is able to achieve such adaptation depends on a variety of factors, including the position of the NFP in the hierarchy of their national administrations, the degree of administrative openness or resistance to change, structural procedures, constrictions of political systems, support of their work within the administrations, and so on.

Additionally, NFPs need to be closely connected to their respective national MB member, providing them with insights into developments at the national level and on the agency's agenda.⁶⁷³ Together with the MB, the NFPs are crucial for ensuring the consistency of the information, which is supplied.⁶⁷⁴ In some cases, NFPs also attend the management board meetings and in some member countries the NFP is even the

⁶⁶⁸ IEEP/EIPA (2003a:79)

⁶⁶⁹ Groenleer (2009:218)

⁶⁷⁰ EEA (2005c:5)

⁶⁷¹ Schout (1999:147)

⁶⁷² *Ibid.*:148

⁶⁷³ Schout (1999:148)

⁶⁷⁴ IEEP/EIPA (2003b:51)

alternate MB member.⁶⁷⁵ A range of mechanisms can help NFPs to establish themselves in their national administrative systems. This includes a high level backing from the MB member, the reputation of Eionet increasing their visibility and influence or EEA visits creating additional awareness.⁶⁷⁶

All the NFPs meet three times a year, exchanging views and developments, discussing Eionet-related issues and expressing national interests and concerns. The meetings are informal and cooperation and issues related to the NFPs working with the agency are more important than national positions.⁶⁷⁷ The focus on the NFPs working together has been described as one of the strengths of the NFP meetings and the network.⁶⁷⁸ Due to the differences in NFP set-ups and their differing strengths and weaknesses, a strong coordinator (as exists in the EEA) is vital.⁶⁷⁹ It is not uncommon for former NFPs to end up working for the EEA, either as national experts or “proper” EEA staff.⁶⁸⁰ This benefits the agency’s networking and enriches its work by providing a different perspective.⁶⁸¹

Another aspect of Eionet’s work is that NFPs are both an institution and a person.⁶⁸² Thus not only the institutional location of the NFP has an impact, but also the kind of person taking on the role, the atmosphere they create around their work and how well they manage to sell the EEA to the people in their national agency, ministry or institution.⁶⁸³ NFPs also defend and promote the agency’s interests in the member countries.⁶⁸⁴

⁶⁷⁵ Interview EEA official (2009)

⁶⁷⁶ IEEP/EIPA (2003a:81)

⁶⁷⁷ Interview British official (2008)

⁶⁷⁸ *Ibid.*

⁶⁷⁹ IEEP/EIPA (2003a:81)

⁶⁸⁰ Interview EEA official (2009)

⁶⁸¹ *Ibid.*

⁶⁸² Interview EEA official (2008d)

⁶⁸³ Interview EEA official (2008d)

⁶⁸⁴ Schout (1999:147)

The three case countries focussed on in this thesis have set up their NFPs in different institutions: The German NFP is located in the UBA, the British NFP within Defra and until recently the French NFP was located within Ifen, which is now part of the Environment Ministry's Environmental Statistics Service (*Service d'Observation et Statistiques*, SOeS).

3.3.3 National Reference Centres

The member countries also nominate the NRCs, who consist of national experts (or groups of experts) in

organizations which are regular collectors or suppliers of environmental data at the national level and/or possess relevant knowledge regarding various environmental issues, monitoring or modelling.⁶⁸⁵

NRCs relate to particular areas of environmental and ETC activity (such as climate change, air quality, energy, biodiversity, etc. and their number and structure can vary according to changing requirements and priorities of the EEA strategy).⁶⁸⁶ Different set-ups regarding the respective national information networks and most importantly a country's resources available for the Eionet (which is often coupled to the countries' size) significantly affect the number of different actors able to take on the role of NRCs.⁶⁸⁷

The relevant NRCs work together with their respective ETCs (either directly or via their NFP), presenting their activities and discuss future measures, which strengthens the relationships between ETCs and NRCs and between countries.⁶⁸⁸ The frequency of NRC meetings depends on their subject areas, with the most active NRCs usually

⁶⁸⁵ EEA (2005c:7)

⁶⁸⁶ *Ibid.*:7, EEA (1999d:10)

⁶⁸⁷ Interview EEA official (2009)

⁶⁸⁸ EEA (2005c:8)

meeting once a year, although they tend to be in contact all through the year.⁶⁸⁹ All NRCs are nationally funded and each EEA member country is responsible for organizing the relationship between the NRCs and the NFP.⁶⁹⁰ An additional level between the NFPs and the NRCs can be found consisting of primary contact points (PCPs), grouping thematically related NRCs together and overseeing their work.⁶⁹¹

3.3.4 Functioning of the Eionet

Priority data flow

The EEA publishes a yearly progress report on how successful member countries are in delivering the required data, set out in the priority data flows.⁶⁹² Being unable to force the submission of information, the EEA has from the onset relied heavily on benchmarking in order to receive the required information and has been relatively successful in its efforts.⁶⁹³ The priority data flows are a useful benchmarking tool regarding the countries' performances and also as an encouragement (or 'competition'⁶⁹⁴) for countries to improve their response.⁶⁹⁵ Although the EEA's credibility depends on the data delivered by its member countries, it has no other instrument to obtain timely data and ensure quality and has to rely on the member countries' cooperation and goodwill.⁶⁹⁶

The data collected in specific areas is used to update the core set of environmental indicators, which are the basis of the agency's reports and assessments.⁶⁹⁷ The set of priority data flows is identified by the EEA in cooperation with the Eionet and covers a

⁶⁸⁹ Interview EEA official (2009)

⁶⁹⁰ EEA (2005c:7), EEA (1999d:11)

⁶⁹¹ IEEP/EIPA (2003a:80)

⁶⁹² EEA (2005c:9)

⁶⁹³ Hoornbeek (2000:172)

⁶⁹⁴ EEA (2008a:13)

⁶⁹⁵ EEA (2005c:9)

⁶⁹⁶ IEEP/EIPA (2003b:50-51)

⁶⁹⁷ EEA (2005c:9)

range of environmental themes.⁶⁹⁸ Countries are assessed regarding their progress on agreed well-defined objectives, which are stable in order to allow countries to put the required reporting procedures in place to provide the data the EEA needs for its regular products.⁶⁹⁹

Despite providing the required data on time, the variation in national approaches can affect the quality of the data provided.⁷⁰⁰ Problems, such as the strength of the NFP, its ability to coordinate or the quality or quantity of reported data can in some cases be related to the monitoring traditions, national policy coordination systems or resources available at the member state level.⁷⁰¹ Thus, several of the new member countries are performing just as well or better than some old member countries in the priority data flows.⁷⁰²

Disadvantages of the Eionet structure

The elements of Eionet appointed at the national level can vary in quality, largely related to the appointed officials, their expertise, resources and closeness to policies which differs from country to country, often depending on national structures.⁷⁰³ Due to the EEA only having limited control over some of the Eionet's components, the quality of the relationships within the network plays an important role in its success.⁷⁰⁴

While the network's flexibility has generally been perceived as positive, it can also have disadvantages. If a country appoints an NFP in a position of little influence in a hierarchical institutional set-up, it is likely to affect what they are able to achieve.⁷⁰⁵ In

⁶⁹⁸ EEA (2008a:13)

⁶⁹⁹ *Ibid.*:13

⁷⁰⁰ IEEP/EIPA (2003a:80)

⁷⁰¹ *Ibid.*:80

⁷⁰² EEA (2003b:9)

⁷⁰³ IEEP/EIPA (2003b:51)

⁷⁰⁴ Technopolis (2008a:19)

⁷⁰⁵ Interview EEA official (2009)

the new member countries, NFPs tend to be in higher positions in their respective institutions, tending to be either at directorial level or with very good contacts to the director, often working as NFP teams in order to fulfil their tasks.⁷⁰⁶

But it is not only the opportunities (or lack of) that appointed individuals will be presented with; their personality and dedication will influence not only the degree of success in, for example, the priority data flows but also to some extent the degree of influence they will have within the Eionet, as all EEA member countries are considered equals. The right choice of official is even more important for the role of NFP than it is for the NRCs. This is not only true for officials involved in the Eionet, but the EEA as a whole, as the chairman of the MB pointed out in 1999: ‘The quality of the agency’s work depends fundamentally on the quality of the staff’.⁷⁰⁷

Restructuring Eionet

Its founding regulation requires the agency to periodically re-examine the component elements of the Eionet and make changes where required.⁷⁰⁸ So far, restructuring of the Eionet has mainly affected the number and areas of ETC and NRC activity. ETCs and NRCs are adapted to accommodate new or close down no longer relevant areas and aspects of the agency’s work programmes.⁷⁰⁹ Normally the NFPs would assess their respective national NRC structures in relation to the new strategies and either create new NRCs or eliminate those that are no longer active in this context.⁷¹⁰ Other areas addressed include the frequency of meetings and their structure, cooperation and contacts between meetings, or the increased use of tools such as teleconferences.⁷¹¹

⁷⁰⁶ Interview EEA official (2009)

⁷⁰⁷ EEA (1999c:8)

⁷⁰⁸ Journal of the European Communities (1990)

⁷⁰⁹ Interview EEA official (2009)

⁷¹⁰ Interview EEA official (2009)

⁷¹¹ *Ibid.*

3.3.5 New NFP Role Description

In the legislation establishing the EEA, there is little information given with regards to the exact role of the NFP. It merely states that

Member States may in particular designate from among the institutions referred to in paragraph 2 or other organizations established in their territory a ‘national focal point’ for coordinating and/or transmitting the information to be supplied at a national level to the agency and to the institutions and bodies forming part of the Network [...].⁷¹²

With the role and tasks of the NFPs having evolved alongside the EEA, the Eionet had come to a stage where the work carried out by the EEA went well beyond its original (very vague) description.⁷¹³ And although the new NFP role description mostly contains the work the NFPs were already doing anyway, it had not before been written down in such detail.⁷¹⁴

In the role description, the main task of the NFP remains the ‘establishment, development and maintenance of the national network on the basis of the actual Eionet structure and other requirements’.⁷¹⁵ It further gives detailed descriptions about the way in which the NFP is expected to coordinate the national activities of the network, support national network members, cooperate with the MB member, promote EEA information and publication at the national level and participate in EEA projects (such as SEIS).⁷¹⁶ NFPs are also expected to cooperate with fellow NFPs, cooperate with the EEA and the ETCs as well as the European level (in particular the Go4).⁷¹⁷

Additionally, the role description also outlines the desired skills and expertise and the position the NFP should occupy within its organization in order to enable it to function properly.⁷¹⁸ Finally, the document setting out the NFP roles has been agreed by the

⁷¹² Official Journal of the European Union (2009: Article 4, Paragraph 3)

⁷¹³ Interview EEA official (2010a)

⁷¹⁴ *Ibid.*

⁷¹⁵ EEA (2009c)

⁷¹⁶ EEA (2009c)

⁷¹⁷ *Ibid.*

⁷¹⁸ EEA (2009c)

EEA's management board, thus allowing the NFPs to have some clout vis-à-vis their respective superiors within their institutions or MB members.⁷¹⁹ Should, for example, issues arise regarding the NFPs resources, they can refer to the role description ('this is what I have to do and what we have agreed on'⁷²⁰). Moreover, having a detailed description of the NFPs' role allows new member countries or new officials in the existing member countries to get a clear idea about what the work as an NFP involves.

3.4 Conclusions

Over the years the EEA has matured and has become a well established agency and environmental actor in its own right. According to Martens the EEA has gradually become 'a more stable, predictable and trustworthy partner within the EU's administrative system'.⁷²¹ In order to fulfil its objectives, the agency has to rely on its member countries' cooperation in the Eionet, which has become well-established and functions successfully. Regarding the evolution of the agency from a small task force located in the Commission to a Copenhagen-based staff of around 200, its achievements have been immense. Apart from the initial growth of agency staff in order to make the EEA fully functional, the biggest impact has been its ongoing enlargement to 32 member countries (and six cooperating countries) in the beginning of 2009. This was, however, part of the agency's objectives and part of its perception as a truly European agency, rather than purely an EU agency, and as an intended development it is of little use when looking at how the agency has adapted to changing conditions.

The EEA has managed to move from being considered as a competitor by the Commission to being an accepted and valued (if unequal) partner. The role of the EEA

⁷¹⁹ Interview EEA official (2010a)

⁷²⁰ *Ibid.*

⁷²¹ Martens (2010:894)

has been described as ‘a bridge between the Commission and the member countries’.⁷²²

While the member countries have been supportive of the EEA and its work from the beginning (not least via the MB), the agency’s relationship with the Commission only improved over time.⁷²³

The EEA has been able to move on from merely providing information on the state of the environment – a role which it had to focus on while it was still establishing itself – to playing a role in assessing policy effectiveness.⁷²⁴ Moving into the field of analysing the effects of EU environmental policy was possible for the EEA due to the vague wording of its mandate in the founding legislation, allowing it to go beyond the provision of policy support.⁷²⁵

Aside from the rapid growth in member countries in the early 2000s, changes to the EEA have been gradual, rather than radical. The historical institutionalism perspective and path dependency fit nicely with the EEA closely following its founding regulation.⁷²⁶ However, this does not mean that the EEA did not take advantage of the regulation’s vagueness by expanding its work into areas which were not necessarily intended to be addressed by the EEA (e.g. policy effectiveness evaluations). Once the agency expands its tasks, it becomes more difficult for the Commission to reverse this development.

The regulation establishing the agency is the overarching framework within which the agency acts. Its amendments do not fundamentally alter the EEA’s remit and the agency’s own MAWPs in coordination with the EAPs appear to have had more impact on the agency’s priorities, work procedures and structures than changes to the regulation. Regular review procedures of the EEA’s structures and effectiveness as well

⁷²² Interview EEA official (2010c)

⁷²³ *Ibid.*

⁷²⁴ *Ibid.*

⁷²⁵ Groenleer (2009:236)

⁷²⁶ Zito (2009b:1240)

as new requirements in line with changing MAWPs have led to a number of reorganizations within the agency itself and its main network, the Eionet (where changes have taken place mainly in relation to the activities and numbers of the ETCs and NRCs). The role actors (EEA and national network officials) play or are able to play depends on a range of factors, including their level in the organization, personal relations (within the network and to superiors) and most importantly in many areas of the work personal commitment can make a difference.

The influence of the agency on the components of its main network, the Eionet, appears limited, and with the EEA not aiming to harmonize national administrative structures but instead concentrating on standardising environmental data reporting formats and procedures, the focus has to be on the degree to which the EEA has had an impact in this respect.

Whether the involvement of national administrations in the EEA's work through the Eionet has resulted in an increased Europeanization of these administrations or whether it has mainly had a localised effect on the individual members of the network will be considered in the following chapters. While the EEA is expected to have had a harmonizing effect on national data reporting arrangements, this effect is not expected to have extended to the agencies and ministries involved with the EEA. The way in which the EEA's reliance on the cooperation of its member countries in the Eionet to fulfil its mandate affects the member countries themselves will be considered in the following chapters.

Chapter 4: The German Federal Environment Agency

4.1 The UBA

This chapter focuses on the role of the Federal Environment Agency and how it has been affected by the creation of the EEA and its participation in the Eionet.

4.1.1 Pre-creation

1969 is widely considered to mark the beginning of environmental policy in Germany.⁷²⁷ Previously, isolated laws addressed environmental issues (such as air pollution in the 1960s).⁷²⁸ However, for the environment to be considered a policy area in its own right, it required the development of a ‘comprehensive concept of environmental protection’.⁷²⁹

The formation of a coalition between the Social Democratic Party (SPD) and the Liberal Democratic Party (FDP) in 1969 can be considered as the starting point of German environmental policy.⁷³⁰ The 1969 official government declaration (*Regierungserklärung*) to the Federal Parliament included the solving of environmental problems among its priorities.⁷³¹ 1969 was also the year when an environmental department within the Interior Ministry (*Bundesministerium des Innern*, BMI) was created.⁷³² Soon the task of protecting the environment developed its own dynamism first in politics and then in society as a whole.⁷³³

⁷²⁷ Müller (1995:51), Rüdig (2003:250-251), Weidner (1995:1)

⁷²⁸ Jänicke and Weidner (1997b:136)

⁷²⁹ *Ibid.*:136

⁷³⁰ *Ibid.*:136

⁷³¹ *Ibid.*:136

⁷³² Troge (1999:97)

⁷³³ Weidner (1995:3)

A 1970 quick-start programme (*Sofortprogramm*) was followed by the 1971 Environmental Programme outlining initial steps to protect the environment.⁷³⁴ The guidelines established in the programme were progressive for that time.⁷³⁵ Despite initial opposition from different (industrial) sectors, the 1971 Environmental Programme stated that

the federal government considers the creation of a federal agency for environmental protection as a central umbrella organization for the effective concentration of existing federal bodies and institutions in the field of environmental research and the assumption of non-ministerial tasks in the federal environmental responsibilities framework.⁷³⁶

This was followed by the federal Commissioner for efficient administration (*Bundesbeauftragte für Wirtschaftlichkeit in der Verwaltung*) proposing organizational and administrative structures for such an agency.⁷³⁷ The creation of a central scientific authority, which combined some of the existing institutions and bodies that dealt with environmental protection issues, was controversial.⁷³⁸ It nonetheless went ahead although it resulted in the initial exclusion of some bodies from the UBA.⁷³⁹ The aim was to combine different environmental protection sectors in one body, rather than having a different institution for each sector.⁷⁴⁰

The UBA's creation took place at a time when environmental problems became more visible and pressing, resulting in political actors increasingly requiring scientific support.⁷⁴¹ Although information itself cannot be considered neutral, the process of acquiring it should be as rigorous and unbiased as possible. For example, it should avoid allowing (often polluting) industry undue influence.

⁷³⁴ Jänicke and Weidner (1997b:136)

⁷³⁵ Weidner (1995:5)

⁷³⁶ Bundesregierung (1973:48)

⁷³⁷ *Ibid.*:48

⁷³⁸ Genscher (1995:129)

⁷³⁹ *Ibid.*:129

⁷⁴⁰ *Ibid.*:132

⁷⁴¹ Wissenschaftsrat (2007:19)

4.1.2 Creation of the UBA

The UBA was created by an act of the *Bundestag* on 22 July 1974. Its founding legislation, which was last changed in 1996, specified that the UBA is answerable to the BMI.⁷⁴² In 1986 an independent Federal Ministry for Environment, Nature Protection and Reactor Safety (*Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit*, BMU) was set up to which the UBA has become answerable. The UBA's main task is to provide scientific assistance to the ministry to which it is answerable (i.e. the BMI and later the BMU) as well as other relevant ministries within the federal government.

Other responsibilities include developing and operating an environmental planning information system, central environmental documentation, measuring national air pollution, providing central services for research and development to the BMI/BMU, the coordination of environmental research at the federal level, and informing the public about environmental issues and protection.⁷⁴³ The decision to create an agency, which focused on different environmental media (i.e. air, water and soil), rather than a range of different media-specific agencies, has proven to have been an advantage, because it both broadened the perspectives of the specialists involved and put the agency in a stronger position politically.⁷⁴⁴ The creation and design of the UBA was inspired by the USEPA, which had been created in 1970.⁷⁴⁵ However, in contrast to the USEPA, the UBA did not receive the authority to inspect or to issue instructions.⁷⁴⁶

The location of the UBA in Berlin was highly controversial.⁷⁴⁷ More than 50 cities and towns had applied to be chosen as the site for the UBA.⁷⁴⁸ As the founding president of the UBA, Prof. Dr. Heinrich Freiherr von Lersner explained, the Western

⁷⁴² UBA (2003a:28-29)

⁷⁴³ *Ibid.*:28-29

⁷⁴⁴ von Lersner (1994b:217)

⁷⁴⁵ Genscher (1995:134)

⁷⁴⁶ *Ibid.*:134

⁷⁴⁷ UBA (1990:8)

⁷⁴⁸ Interview German official (2009)

powers of the Allies (i.e. America, Britain and France), which still had residual powers over the status of Berlin in particular, were not opposed to the setting up of the UBA in Berlin and the protests of Russia and the GDR were ignored.⁷⁴⁹ The status of West Berlin either as part of the Federal Republic of Germany or an independent city and whether federal administrative institutions could be located there was contentious.⁷⁵⁰ The Federal Authority for Environmental Protection (*Bundesstelle für Umweltschutz*) began its work in Brühl, a town near Bonn, in 1973.⁷⁵¹ It had a staff of 32 and was already led by the person who was to become the UBA's first president.⁷⁵² When it moved to Berlin in 1973 it was renamed UBA.⁷⁵³ The move from Brühl to West Berlin was possible also because the UBA was not granted the right to issue instructions to the *Länder*.⁷⁵⁴

4.1.3 Role of the UBA

The tasks assigned to the UBA by the federal government and legislators can be divided into three categories: First, providing scientific assistance to the BMU, and other federal ministries (e.g. health, education and research, transport, construction and urban development) on matters of environmental protection; second, applying important legislation requiring scientific knowledge (e.g. the authorisation of chemical products) and third, providing information about environmental protection to the public.⁷⁵⁵

⁷⁴⁹ Interview von Lersner (2009)

⁷⁵⁰ Interview German official (2009)

⁷⁵¹ *Ibid.*

⁷⁵² *Ibid.*

⁷⁵³ *Ibid.*

⁷⁵⁴ Mackenthun (1994) , Interview German official (2009)

⁷⁵⁵ UBA (2006c:1)

The state of the environment is constantly being examined and assessed in order to discover environmental problems as soon as possible.⁷⁵⁶ In many cases the UBA prepares technical information and material required in the discussion of policy initiatives.⁷⁵⁷

Box 4.1: The key tasks of the UBA

Key tasks of the UBA:

- Scientific support to the BMU, especially for the preparations of environmental legislation (on air pollution, noise abatement, soil protection, waste management, water management, health-related environmental protection aspects)
- Development and operation of an information system for environmental planning and central environmental documentation
- Providing the public with information about environmental issues
- Coordinate environmental research on the federal level, provide services for research to the BMU
- Support the federal government in environmental impact assessment
- Cooperation on awarding the environmental label (“blue angel”), promotion of environmentally friendly products
- Emission reporting (for example, in the context of the Kyoto Protocol)
- National focal point of the EEA, participation in the Eionet

Source: UBA (2003a:28-30)

While the UBA sets its main work areas itself, additional tasks can be allocated to it by the BMU. However, assigned tasks aside, the UBA is able to publish reports under its

⁷⁵⁶ UBA (2003a:30)

⁷⁵⁷ Rose-Ackerman (1995:121)

own name, and its position is not always congruent with that of the environment minister or the government.⁷⁵⁸ This was the case on, for example, increasing petrol prices, introducing a motorway toll and the introduction of speed limit on motorways (which the UBA has been in favour of for more than two decades).⁷⁵⁹ Despite being an institution largely concerned with scientific developments, the concept of freedom of science does not wholly apply to the UBA.⁷⁶⁰ The UBA remains subject to instructions from the BMU which is not bound to make use of the scientific results, reports, conclusions or recommendations drawn up by the agency.⁷⁶¹ Thus in the rare case of the ministry deciding that certain findings by the UBA would not provide adequate support for its own agenda, it can prevent the general release or publication of such reports.⁷⁶² The UBA also represents Germany in international environmental committees and meetings and also advises private and regional bodies.⁷⁶³

Scientific research is an important part of the UBA's work. It is partly done internally or contracted to external scientific institutes.⁷⁶⁴ Special effort is put into allocating research contracts to independent research institutes in order to ensure impartial assessments.⁷⁶⁵ In some cases this meant giving research jobs to institutes abroad which are not linked to the influential (German) chemical industry.⁷⁶⁶ Moreover, all UBA staff are vetted to ensure their independence and avoid any potential conflict of interest.⁷⁶⁷ Budget restrictions since the early 1990s affected the UBA's ability to undertake its own scientific research.⁷⁶⁸

⁷⁵⁸ Rose-Ackerman (1995:120)

⁷⁵⁹ Mackenthun (1994)

⁷⁶⁰ Bruns (1998:152)

⁷⁶¹ *Ibid.*:163

⁷⁶² *Ibid.*:163

⁷⁶³ Rose-Ackerman (1995:121), UBA (2003a:30)

⁷⁶⁴ Wissenschaftsrat (2007:34)

⁷⁶⁵ Interview German official (2009)

⁷⁶⁶ *Ibid.*

⁷⁶⁷ *Ibid.*

⁷⁶⁸ Wissenschaftsrat (2007:31)

Importance of the UBA

The UBA is a well-established and respected agency, which fulfils an important role in Germany. Environmental policy-makers depend on a large range of scientific disciplines. As the UBA's first president stated, the BMU needs the agency to provide the scientific basis for environmental policy.⁷⁶⁹ The UBA is an important interface between environmental sciences and environmental policy-makers. It prides itself on the breadth of its scientific services, which it considers to be unrivalled in Germany.⁷⁷⁰ In Germany, the UBA 'is clearly the most important agency in the environmental policy area.'⁷⁷¹

Cooperation with universities and research institutions in Germany and abroad takes place on informal and formal levels.⁷⁷² The UBA participates in roughly 450 German, 250 European and 200 international scientific or subject-specific committees.⁷⁷³ Regional environment agencies (*Landesumweltämter*) are more focussed on enforcement and generally have responsibilities in more specific policy areas.⁷⁷⁴

The UBA's organizational structure

At the top of the UBA hierarchy stands its president.⁷⁷⁵ Until 2009, the position of UBA president had been occupied by only two different officials. This is quite unusual considering the UBA was created already in 1974. The stability and continuity of UBA presidents strengthened the agency's position vis-à-vis the BMU and raised its broader political and public standing.

⁷⁶⁹ von Lersner (1994b:217), UBA (2003a:30)

⁷⁷⁰ Wissenschaftsrat (2007:10, 19)

⁷⁷¹ Weidner (1995:29)

⁷⁷² Wissenschaftsrat (2007:41)

⁷⁷³ *Ibid.*:42

⁷⁷⁴ *Ibid.*:19

⁷⁷⁵ *Ibid.*:27

Its first president, Prof. Dr. Heinrich Freiherr von Lersner, insisted on the main BMI/BMU orders being distributed within the UBA and contacts made by its officials through him, thereby institutionalising a presidential governance structure within the agency.⁷⁷⁶ This set-up, however, has been criticised for being time-consuming, inflexible and problematic for an organization of the size and thematic variety as the UBA.⁷⁷⁷ Instead it has been suggested that giving more powers to the heads of divisions could improve the agency's functioning.⁷⁷⁸

In 2009 the UBA's budget was about 100 million Euros and its employees totalled approximately 1,130.⁷⁷⁹ The UBA's structure is split into six divisions: (1) the Central Office, (2) Environmental Planning and Sustainability Strategies, (3) Environmental Health and Protection of Ecosystems, (4) Environmentally Compatible Engineering and (5) Chemical and Biological Safety Division.⁷⁸⁰ The German Emissions Trading Office (*Deutsche Emissionshandelsstelle*, DEHSt), which was set up only in 2004 constitutes division E (the sixth division for Emissions Trading), which, unlike the other five divisions, is financed entirely from external fees.⁷⁸¹

4.1.4 Changes

The UBA and East Germany

Paradoxically, the German Democratic Republic (GDR) was the first country in the world to include environmental protection in its constitution (in 1968), and began passing environmental laws relatively early.⁷⁸² However, despite the concept of

⁷⁷⁶ Interview German official (2009)

⁷⁷⁷ Wissenschaftsrat (2007:73)

⁷⁷⁸ *Ibid.*:73

⁷⁷⁹ UBA (2006d:107-108)

⁷⁸⁰ UBA (2006c:4)

⁷⁸¹ *Ibid.*:36

⁷⁸² Jänicke and Weidner (1997b:152)

environmental protection being addressed at such an early date, the overall results were nonetheless very poor.⁷⁸³ From the mid-1970s onwards, economic and foreign policy issues were put before environmental concerns, resulting in the neglect of environmental protection as a whole.⁷⁸⁴ Environmental problems in the GDR included poor water quality (polluted drinking-water, river and lake contamination, with only three per cent considered as healthy), high use of agricultural pesticides, high sulphur dioxide (SO₂) pollution, and contaminated waste sites (*Altlasten*).⁷⁸⁵ The catastrophic state of the environment in the GDR surprised even critical experts, with large parts of the country having to be decontaminated and cleaned up.⁷⁸⁶ Environmental achievements included high recycling rates which were due to raw material shortages and reductions in road transport which were due to oil shortages that resulted mainly from economic pressures rather than environmental concerns.⁷⁸⁷ Nonetheless, one criticism made after unification was that instead of trying to combine (positive) environmentally friendly elements of the GDR with existing West German practice, the former were replaced with the West's procedures and administrative system.⁷⁸⁸ Jänicke and Weidner point out that the GDR provides a warning that the mere existence of governmental environmental institutions is not sufficient to ensure successful environmental policy.⁷⁸⁹

Environmental problems in the new *Länder*, some of which differed significantly (in range and severity) from those experienced in the old *Länder*, had to be addressed as a matter of urgency after unification.⁷⁹⁰ In an environmental protection declaration, the

⁷⁸³ Jänicke and Weidner (1997b:152)

⁷⁸⁴ Jänicke (2003)

⁷⁸⁵ Jänicke and Weidner (1997b:152), Pehle and Jansen (1998:83)

⁷⁸⁶ Weidner (1995:17)

⁷⁸⁷ Jänicke and Weidner (1997b:152)

⁷⁸⁸ Weidner (1995:19)

⁷⁸⁹ Jänicke and Weidner (1997b:153)

⁷⁹⁰ Pehle and Jansen (1998:82)

environment ministers both East and West Germany identified the systematic ecological restoration of the former GDR as the main priority for environmental policy in the 1990s.⁷⁹¹ Together with economic, political and social union, environmental union was agreed, resulting in the GDR accepting West-German environmental legislation.⁷⁹²

Following German unification, economic slowdown and the immense cost of not only cleaning up environmental pollution in Eastern Germany but also the cost of unification as a whole has led to a decrease in support for costly environmental policy measures (such as the national carbon dioxide (CO₂) tax or emission-cutting initiatives).⁷⁹³ Consequently the federal government called instead for EU-wide ecological effectiveness measures while also taking into account more strongly Germany's international competitiveness.⁷⁹⁴

Unification and its impact on the UBA

Two years before the fall of the Berlin wall, both German states decided on a mutual agreement outlining future relations in the environmental protection field.⁷⁹⁵ It aimed to exchange scientific and technical information as well as practical experience in addition to undertaking a discussion about environmental protection measures.⁷⁹⁶ Contacts between the East German environment agency, the Institute for Environmental Protection (*Institut für Umweltschutz der Deutschen Demokratischen Republik*), which was located in Wittenberg, and the UBA existed prior to the fall of the wall in 1989.⁷⁹⁷ However, due to the controversy surrounding recognition of the GDR, all contacts between the East and West German agencies took place on an unofficial level, often via

⁷⁹¹ UBA (1990:8)

⁷⁹² *Ibid.*:10

⁷⁹³ Pehle and Jansen (1998:91-92)

⁷⁹⁴ *Ibid.*:91-92

⁷⁹⁵ UBA (1990:9)

⁷⁹⁶ *Ibid.*:9

⁷⁹⁷ Interview German official (2009)

East German universities, to which the UBA president would, be invited for a lecture or event.⁷⁹⁸

Pre-unification, environmental data in the GDR was strictly confidential.⁷⁹⁹ The Institute for the Environment's initial report on the state of the environment constituted the first broad and critical overview of the most important environmental problems in the GDR.⁸⁰⁰ Previously, information on the environment had been classified material for ideological reasons.⁸⁰¹ Only partial environmental data was made available and exchanges between state institutions were restricted.⁸⁰² Estimates and calculations of environmental pollution had replaced scientific measurements because in many cases the technology was simply unavailable.⁸⁰³ Moreover, much of the available information had been tampered with in order to play down existing problems or to fulfil commitments outlined in the planned economy.⁸⁰⁴ Complaints by the public had been ignored and civil society movements – whether they focussed on environmental protection or other issues – were suppressed.⁸⁰⁵ This strategy proved unsuccessful as environmental groups later formed part of the political protest movement, which eventually led to the collapse of the GDR.⁸⁰⁶

Former UBA president von Lersner identifies the effects of German unification as the biggest challenge the agency has faced.⁸⁰⁷ It resulted in significant changes in the UBA's structure and size.⁸⁰⁸ Thus the most important organizational change which took place to the UBA's structure was entirely unrelated to Europeanization and Germany's

⁷⁹⁸ Interview German official (2009)

⁷⁹⁹ UBA (1990:9)

⁸⁰⁰ *Ibid.*:9

⁸⁰¹ *Ibid.*:12

⁸⁰² *Ibid.*:12

⁸⁰³ *Ibid.*:12

⁸⁰⁴ *Ibid.*:13

⁸⁰⁵ *Ibid.*:12

⁸⁰⁶ *Ibid.*:12

⁸⁰⁷ Interview von Lersner (2009)

⁸⁰⁸ *Ibid.*

EU membership. Just as all federal governmental institutions, departments and ministries needed to adjust to unification, the UBA had to adapt as well. Unification significantly increased the UBA's workload, which, in addition to dealing with environmental problems in the West, included assessing the state of the environment in the former GDR, designing measures to improve it and embarking on projects to address the relevant issues.⁸⁰⁹ Although, as was mentioned above, the UBA's location in West Berlin had initially been heavily contested, after the fall of the Berlin wall its geographic position at the centre of the former GDR made the agency a main contact and information point for scientists, businesses, GDR officials and the general public from the new *Länder*.⁸¹⁰

The UBA also gained 197 new employees who had previously worked in the GDR's environmental protection sector.⁸¹¹ They made up about a fourth of the UBA's workforce.⁸¹² Some environmental experts had already joined the UBA shortly after the fall of the Berlin wall in November 1989, but the majority of them were taken on following unification a year later.⁸¹³ A period of adaptation followed for the new staff who had to get used to different ways of working in the UBA. As the former UBA president Troge pointed out, in the former GDR, reports on the environment had tended to be seen only by direct superiors.⁸¹⁴ In contrast, all of the UBA publications are often widely distributed and have to be comprehensible and verifiable at all times.⁸¹⁵ Additionally, as part of the new *Länder* adapting to a federal system, the creation of *Land* environment agencies was required.⁸¹⁶ The UBA helped with their set-up by

⁸⁰⁹ UBA (1990:5)

⁸¹⁰ *Ibid.*:8

⁸¹¹ *Ibid.*:5

⁸¹² *Ibid.*:5

⁸¹³ *Ibid.*:5, Interview German official (2009)

⁸¹⁴ Interview Troge (2010)

⁸¹⁵ *Ibid.*

⁸¹⁶ Interview German official (2009)

delegating some of its officials to the new *Länder*.⁸¹⁷ Research projects planned by the UBA had to be postponed in order to be able to afford the collection of data and subsequent assessment of the state of the environment in the former GDR, the development of action plans and model restoration measures.⁸¹⁸

Additional Changes

Former UBA president Troge identified the three biggest changes for the UBA as (1) unification, (2) the integration of the Institute for Water-, Soil- and Air Hygiene into the UBA and (3) the UBA's move to Dessau in 2005.⁸¹⁹ None of these three changes was directly instigated and/or affected by the EU/Europeanization.

Since its creation in 1974, the UBA has recommended the integration of the Institute for Water-, Soil- and Air Hygiene (*Institut für Wasser- Boden-, und Lufthygiene, WaBoLu*) into the agency in order to increase and expand its research facilities.⁸²⁰ However, this merger happened only in 1994 after (financial) scandals within the Institute were unearthed by the media. Previously the Institute had belonged to the former Federal Health Office (*Bundesgesundheitsamt*).⁸²¹ As part of the integration of the Institute in 1994, the UBA's organizational structure was modernized by becoming more cross-media oriented and sector-specific.⁸²² The main aim of this organizational reform was to integrate environmental objectives into other policy areas as well as to increase the UBA's focus on global environmental protection issues.⁸²³

Following Germany's unification, the *Bundestag* moved together with many federal ministries, agencies and quasi-governmental organizations from Bonn to Berlin, the new

⁸¹⁷ UBA (1990:11)

⁸¹⁸ *Ibid.*:11

⁸¹⁹ Interview Troge (2010)

⁸²⁰ von Lersner (1994b:218)

⁸²¹ Wissenschaftsrat (2007:6)

⁸²² UBA (2003a:30)

⁸²³ von Lersner (1994b:217)

capital. However, the geographic relocation also took place in a different direction because a federalism commission (*Föderalismuskommission*) recommended locating some federal governmental institutions in the new *Länder*. The move of the UBA to Dessau, which is in the state of Saxony-Anhalt, took place in May 2005. In early 2006 just over half of all employees worked at the new headquarters in Dessau.⁸²⁴ The other half is located at one of the UBA's (eleven) other locations (including stations for monitoring air quality) although most work at the previous site in Berlin.⁸²⁵ The relocation to Dessau had some disadvantages. Existing UBA staff were mostly opposed to the relocation and some took out a lawsuit against Environment Minister Töpfer in the administrative court.⁸²⁶ Due to Dessau's relative geographic remoteness, the UBA has found it harder to attract qualified personnel.⁸²⁷ This comes on top of the uncompetitive public sector wages when compared to higher business salaries.⁸²⁸ Moreover, in order to continue to be recognized as an important source of information by political actors and the media, the ongoing presence in Berlin is important due to the closeness to government.⁸²⁹

Other developments taking place are the UBA's active involvement (since 1999) in the federal government's 'modern state – modern administration' programme (*Moderner Staat – moderne Verwaltung*) which is aiming to adapt and modernise existing administrative structures.⁸³⁰ From 2002 onwards, new areas (such as sustainable development, environmental health, international environmental protection and climate change) gained in importance, while work intensity on previously dominant

⁸²⁴ UBA (2006c:1-2)

⁸²⁵ *Ibid.*:2

⁸²⁶ von Lersner (1994b:217), Mackenthun (1994)

⁸²⁷ Wissenschaftsrat (2007:32)

⁸²⁸ *Ibid.*:32

⁸²⁹ Interview German official (2010)

⁸³⁰ Wissenschaftsrat (2007:56)

issues (such as monitoring and analysing environmental data) has been reduced.⁸³¹ Whenever new environmental policy topics arose, existing approaches were widened and/or new departments were created within the UBA.⁸³² Moreover, the UBA's way of working evolved from concentrating on individual sectors (such as soil, air and water) to a more cross-sectoral, integrated approach (with a focus on environmental quality).⁸³³

Box 4.2: Stages in the UBA's development

Stages in the UBA's development:

1974-1990: Establishment phase: establishing the UBA's position in Germany; gradually increasing its tasks (although not its powers), overall relatively stable development (same president for the whole period)

1990-1994: German unification phase: increase in staff due to unification which increased geographical area covered

1994-2004/2005: Consolidation and organizational modernisation phase: inclusion of Institute for Water-, Soil- and Air Hygiene (1997/1998); major internal restructuring taking into account the cross-sectoral approach and the inclusion of sustainable development principle

Since 2004/2005: Relocation and expansion phase: move of headquarters to Dessau (2005); responsibility for the DEHst

In July 2004, the UBA obtained authority over the newly founded German Emissions Trading Authority (*Deutsche Emissionshandelsstelle*, DEHst) which is responsible for

⁸³¹ Wissenschaftsrat (2007:21)

⁸³² Interview German official (2008b)

⁸³³ Wissenschaftsrat (2007:21)

the national regulation of the EU emissions trading system (including the monitoring of emission allowances, reporting and the issuing of fines in cases where operators failed to meet their obligations under EU legislation and/or the Kyoto Protocol).⁸³⁴ Overall, however, the UBA's legal obligations have remained the same.⁸³⁵

4.1.5 Clients and partners

Environmental groups began to emerge in the mid-1970s, many of them opposing nuclear energy and forming part of the left-libertarian agenda.⁸³⁶ With the increase of environmental problems, the environmental groups' focus widened to include issues such as acid rain and global environmental problems.⁸³⁷ Traditionally, environmental groups were not included in the policy-making process in Germany, which was an important factor leading to the creation and support of the Green Party in 1980.⁸³⁸ In its work, however, the UBA takes scientific research results from (environmental or other) NGOs into account. It tends to have close links with these organizations and arranges workshops on specific issues for NGOs, pressure groups and enterprises.

Environmental awareness in Germany is not only concentrated on environmental movements or environmentally oriented pressure groups, environmental protection has become a major public concern.⁸³⁹ The UBA considers the public as its most important ally on environmental protection issues and informing the public as 'one of the Agency's most important tasks'.⁸⁴⁰ Going beyond scientific assistance for the

⁸³⁴ Wissenschaftsrat (2007:24), UBA (2006d:103)

⁸³⁵ Interview German official (2008b)

⁸³⁶ Rüdig (2003:256)

⁸³⁷ *Ibid.*:256

⁸³⁸ *Ibid.*:257

⁸³⁹ OECD (2001:1)

⁸⁴⁰ UBA (2006c:9)

government, the UBA takes the task of informing the public and generating public support very seriously.

In order to inform and engage the public, the UBA publishes leaflets, brochures, provides information on its homepage, in electronic newsletters, at conferences and press releases.⁸⁴¹ By responding to millions of individual questions and requests from the public, the UBA considers itself as having played an important part in creating the high level of environmental awareness as it exists in Germany today.⁸⁴²

While informing the public is listed in the UBA's founding regulation, other parts of the government administration were much more guarded and only allowed highly restricted access until the 1994 Environment Information Act (*Umweltinformationsgesetz*) which was brought about by the (delayed) transposition of the EU directive on *Access to Environmental Information*.⁸⁴³ While there had been talk of transparent environmental protection allowing the public to be informed on and have access to a range of environmental data and analysis, official data was traditionally regarded as confidential within the German administrative culture and also within the industrial sector (which often refused to provide information to the UBA or the public).⁸⁴⁴

4.1.6 International activity

The UBA's credo is making its knowledge and experience available not only nationally, but also internationally.⁸⁴⁵ Part of its international activity is hosting the EEA's national focal point in the UBA. Moreover, the UBA took (and still takes) part in a variety of

⁸⁴¹ Wissenschaftsrat (2007:48)

⁸⁴² von Lersner (1994b:217)

⁸⁴³ Knill (2001:142-143)

⁸⁴⁴ Genscher (1995:129), Héritier *et al.* (1996:239-240)

⁸⁴⁵ UBA (2006c:3)

twinning and advisory projects designed to assist new EU member states, accession countries and applicants as well as countries bordering the EU in attaining EU environmental protection levels.⁸⁴⁶ The UBA is very involved in EU-level developments through (among others) committees, consultations, and various input and feedback processes.⁸⁴⁷ With the large impact EU legislation has on the member states, the UBA provides scientific support not only to the BMU and other ministries but also – although to a more limited extent – to the Commission.⁸⁴⁸

Despite its active involvement at the EU level, the absence of a Europeanization strategy (*Europäisierungsstrategie*), especially in the light of the ever-increasing importance of the EU in environmental policy, has been criticised.⁸⁴⁹ Such a strategy could include the coordination of tasks with EU institutions and institutions in other European countries.⁸⁵⁰ This has been pointed out by a 2007 UBA evaluation, which focussed on the agency as a whole. Within division I (the division dealing with cooperation at the European Union and international level and the EEA) some coordination and close sector specific cooperation obviously exists. However, it was suggested that UBA and its work could benefit from a more clearly defined overall European perspective.⁸⁵¹ The UBA's president at the time, Prof. Dr. Troge, pointed out that when looking at the environmental topic areas the UBA is dealing with, in practical terms it is almost impossible to differentiate any longer between national, European and international issues (although legally this differentiation is possible).⁸⁵² Thus because there is such a strong orientation in the UBA's work towards the EU – about 90 per cent of its work is affected by EU measures and legislation – such a strategy was not

⁸⁴⁶ UBA (2006c:7)

⁸⁴⁷ Interview German official (2008b)

⁸⁴⁸ *Ibid.*

⁸⁴⁹ Wissenschaftsrat (2007:76)

⁸⁵⁰ *Ibid.*:60

⁸⁵¹ *Ibid.*:60

⁸⁵² Interview Troge (2010)

considered necessary.⁸⁵³ The UBA had been subjected to the Europeanization process almost since its creation in 1974 which coincided with the EU moving into the environmental policy field (see Chapter Three).⁸⁵⁴

In addition to its European level activities, the UBA works together with the United Nations (UN, UNESCO and UNEP), the OECD, and the World Health Organization (WHO).⁸⁵⁵ The national and EU level aside, UBA staff also participate in international conferences and committees.⁸⁵⁶ The UBA is a member of the EPA Network, which connects environment agencies in Europe (see Chapter Eight).

4.2 The UBA in the national context

The Federal Republic of Germany (FRG) is a parliamentary democracy based on a division of powers between the legislative, executive and judicial branches of government. It is a three-tiered system which includes the national level, federal states and local authorities.⁸⁵⁷ In addition to the federal level (*Bund*) and the 16 states (*Länder*), responsibilities are also distributed among districts (*Kreise*) and municipalities (*Gemeinden*). Each *Land* has its own constitution, government, parliament and environment agency.

In most policy areas the federal government relies on the states and municipalities for the execution of its laws, due to not having its own administrations in those areas.⁸⁵⁸ State governments participate in federal-level law-making through the *Bundesrat*, in which state government members approve legislative proposals which affect the states

⁸⁵³ Interview Troge (2010)

⁸⁵⁴ Interview German official (2010)

⁸⁵⁵ UBA (2006c:7), Wissenschaftsrat (2007:43)

⁸⁵⁶ UBA (2006c:3), Wissenschaftsrat (2007:42)

⁸⁵⁷ UBA (2003a:5)

⁸⁵⁸ Pehle and Jansen (1998:93)

directly.⁸⁵⁹ Moreover, the *Bundesrat* has a veto over some federal laws while constitutional changes require a two-thirds majority by the *Bundesrat* and the *Bundestag* (lower house).⁸⁶⁰ As a result, policy-making in the FRG can be very complex and time-consuming.⁸⁶¹ Rüdig identifies five main forces shaping contemporary environmental policy in Germany: (1) local and state government, (2) federal environmental institutions, (3) the EU and international environmental policy arenas, (4) environmental policy instrument traditions and (5) non-governmental organizations.⁸⁶² While all these aspects are undoubtedly important, the main focus in this thesis will be on the UBA as a federal environmental institution.

4.2.1 The UBA and the BMU

Up to the early 1970s, the environment was considered a policy field of little importance.⁸⁶³ Between 1971 and 1986 environmental policy issues were mostly dealt with by the BMI and, to a lesser degree, the Ministry for Agriculture and the Health Ministry, although several other ministries (such as Economic Affairs and Transport) were responsible for aspects of the federal environmental policy.⁸⁶⁴

The department for environmental protection within the BMI was created in autumn 1969.⁸⁶⁵ The BMU was only established in 1986 following the Chernobyl nuclear power station disaster. The establishment of an independent environment ministry would have been desirable at an earlier stage, as it was considered to create greater visibility and focus. The newly created BMU became responsible for environmental and nature

⁸⁵⁹ Pehle and Jansen (1998:93)

⁸⁶⁰ *Ibid.*:93

⁸⁶¹ *Ibid.*:93

⁸⁶² Rüdig (2003:249)

⁸⁶³ Pehle and Jansen (1998:95)

⁸⁶⁴ *Ibid.*:94

⁸⁶⁵ von Lersner (1991:14)

protection, nuclear plant security and radiation protection, as well as health-related environmental protection.⁸⁶⁶ In order to function effectively, the staff working in the areas for which the new ministry had become responsible were transferred to the BMU.⁸⁶⁷ It had been feared that the BMU would not be able to stand up to stronger ministries (such as the Economics, Agriculture and Transport Ministries).⁸⁶⁸ The BMU is responsible for national environmental policy and the realisation of political objectives, priorities and programmes.⁸⁶⁹ It participates in the legislative process and controls or supervises subordinate authorities.⁸⁷⁰

The UBA was created twelve years before the environment (together with nature conservation and reactor safety) was assigned an independent ministry. Together with the Federal Agency for Nature Conservation (*Bundesamt für Naturschutz*) and the Federal Office for Radiation Protection (*Bundesamt für Strahlenschutz*) the UBA is now answerable to the BMU.⁸⁷¹ In addition to the above mentioned agencies, the BMU is also able to draw on a number of independent expert bodies which provide it with advice.⁸⁷² Following the creation of the BMU, the *Bundestag* also set up its own environment committee.⁸⁷³ The Committee on the Environment, Nature Conservation and Nuclear Safety addresses ecological issues (including climate change, nuclear power, animal protection and renewable energy) under the sustainability principle.⁸⁷⁴

Early German environmental policy shows that for policy successes, the existence of a separate environment ministry is not necessary. It has even been suggested that because environmental policy competencies were located in such a strong ministry as

⁸⁶⁶ UBA (2003a:26)

⁸⁶⁷ Pehle and Jansen (1998:95)

⁸⁶⁸ Weidner (1995:15)

⁸⁶⁹ UBA (2003a:26)

⁸⁷⁰ *Ibid.*:26

⁸⁷¹ *Ibid.*:28

⁸⁷² *Ibid.*:28

⁸⁷³ Pehle and Jansen (1998:107)

⁸⁷⁴ Bundestag Homepage (2009)

the BMI, better outcomes were achieved because the ministry was able to assert itself against other powerful ministries in the policy-making process.⁸⁷⁵

Being part of the BMU's portfolio, the ministry has a coordinating and supervisory role regarding the UBA's activities.⁸⁷⁶ This requires ongoing (formal and informal) exchanges between the two institutions.⁸⁷⁷ The areas of UBA research activity are shaped by the political and environmental topics and research requirements of the BMU; they are set out in an annual environmental research plan (*Umweltforschungsplan*).⁸⁷⁸ Agreement on new topics and relevant research areas is usually reached by consensus.⁸⁷⁹ However, in the case of disagreement, the BMU can overrule the UBA.⁸⁸⁰ Although its tasks include the preparation of political and administrative decisions, the UBA itself is not directly involved in the legislative process.⁸⁸¹

As a scientific institution, the UBA had to continuously perform a balancing act of positioning itself as an independent scientific institute while also forming part of the executive which required a certain degree of loyalty.⁸⁸² The UBA's aim was to occupy a position somewhere between being completely independent (but not influential) and being the voice of the ministry (but lacking scientific credibility).⁸⁸³

Occasionally, the UBA's president has been reprimanded for his position and/or UBA statements.⁸⁸⁴ On rare occasions, the BMI/BMU (or even the Chancellor) has sought to publicly distance itself (him-/herself) from the UBA's positions.⁸⁸⁵ For

⁸⁷⁵ Genscher (1995:131)

⁸⁷⁶ Wissenschaftsrat (2007:25)

⁸⁷⁷ *Ibid.*:26

⁸⁷⁸ *Ibid.*:29

⁸⁷⁹ *Ibid.*:29

⁸⁸⁰ *Ibid.*:29

⁸⁸¹ Bruns (1998:153)

⁸⁸² von Lersner (1994b:217)

⁸⁸³ *Ibid.*:217

⁸⁸⁴ Interview von Lersner (2009)

⁸⁸⁵ *Ibid.*

example, in 1994 the UBA's president von Lersner was in favour of increasing the price of petrol, engine efficiency of cars and improving public transport networks.⁸⁸⁶ He was then publicly and officially castigated by the government's spokesperson who referred to him as incompetent and warned that he might have to face consequences for his – in hindsight relatively harmless – statements.⁸⁸⁷ This incident visibly illustrated how strongly the UBA was (and still is) bound by the political guidelines which are determined by the BMI/BMU and/or Chancellor.⁸⁸⁸ There were, however, also cases where the UBA had the implicit support of the interior (and later environment) minister, who could not publicly support its position due to opposition from the Chancellor and/or economic minister.⁸⁸⁹

4.2.2 Federal level and the *Länder*

The federal set-up of Germany has led to a distribution of powers over various levels, even in the same policy area. With regards to competencies in the environmental field, a constitutional amendment in 1972 granted the federal government concurrent power in several areas of environmental policy, including protection from radiation, air pollution control, noise abatement, criminal law relating to environmental protection matters and statutory regulations on waste management.⁸⁹⁰ In those areas power is shared between the *Bund* and *Länder*, with federal law superseding state law while the government has the ability to issue detailed regulations.⁸⁹¹ In other areas (nature conservation, water management or regional planning), the *Bund* can only issue framework laws to which

⁸⁸⁶ Die Zeit (1994)

⁸⁸⁷ *Ibid.*

⁸⁸⁸ *Ibid.*

⁸⁸⁹ Interview German official (2009)

⁸⁹⁰ Jänicke and Weidner (1997b:137)

⁸⁹¹ *Ibid.*:137

the states then add specific legislation.⁸⁹² A major federalism reform (*Föderalismusreform*) in 2006 brought about only relatively minor changes to the environmental policy competences of the *Länder* and federal government.⁸⁹³ Moreover, it failed to adopt a long planned Environmental Act (*Umweltgesetzbuch*) which was meant to unify and make more transparent the large number of environmental laws in Germany.⁸⁹⁴

Most ministries can draw on agencies, institutes or expert councils which provide them with technical assistance (often through monitoring, assessments, preparing regulations and informing the public).⁸⁹⁵ In order to be able to carry out these tasks, they are staffed with scientific and technical experts. They have been provided with appropriate facilities for measurements, monitoring and analysis of – in this case – the environment while other federal authorities focus on the implementation of law and some agencies combine both functions.⁸⁹⁶ In order to efficiently advise and inform policy-makers and to inform the public, an agency needs to be as neutral as possible regarding its scientific work and output because its credibility and influence depend on it.⁸⁹⁷ However, it is possible for the UBA to take a position which can be considered as controversial within the ministry or even the public.

The UBA and the Länder

Environmental law in Germany is dominated by the federal level in areas of air pollution control, chemicals, waste management, noise abatement, nuclear safety and

⁸⁹² Jänicke and Weidner (1997b:137)

⁸⁹³ Wurzel (2010:463)

⁸⁹⁴ *Ibid.*:463

⁸⁹⁵ UBA (2003a:13-15)

⁸⁹⁶ *Ibid.*:13-15

⁸⁹⁷ Bruns (1998:154)

genetic engineering.⁸⁹⁸ Due to federal framework laws the *Länder* have relatively little room for policy-making on their own.⁸⁹⁹ In some areas, however, the *Länder* have passed important laws nonetheless, including nature and landscape conservation as well as water management.⁹⁰⁰

Similar to the federal level, the state authorities usually have specific departments concerned with environmental policy (formulation and implementation) as well as agencies responsible for environmental research, planning and development.⁹⁰¹ All states have environmental ministries, which are in a strong position due to their right of self-determination (Article 28 on the federal guarantee of *Land* constitutions and of local self-government).⁹⁰² *Land* environment ministries are responsible for the distribution of funds for environmental protection and monitoring the state of the environment.⁹⁰³

Because responsibilities are divided between the federal level, the *Länder* and the municipalities, intensive cooperation and coordination is required. It involves information exchange on issues such as scientific findings, environmental problems, experiences in environmental law implementation and planned environmental measures.⁹⁰⁴ In contrast to the late creation of the BMU, some states set up their own environment ministries as early as 1971 (e.g. Bavaria).⁹⁰⁵ Meetings between the environment ministers from the *Länder* (*Umweltministerkonferenz* which also includes

⁸⁹⁸ UBA (2003b:16)

⁸⁹⁹ *Ibid.*:16-17

⁹⁰⁰ *Ibid.*:17

⁹⁰¹ Jänicke and Weidner (1997b:143)

⁹⁰² *Ibid.*:144

⁹⁰³ UBA (2003a:15)

⁹⁰⁴ *Ibid.*:23

⁹⁰⁵ Pehle and Jansen (1998:102)

the federal environment minister) take place twice a year.⁹⁰⁶ They are concerned with the coordination of state and federal environmental policy.⁹⁰⁷

The majority of the environmental administrative tasks are exercised by the *Länder*, who also distribute administrative responsibilities and tasks to their authorities.⁹⁰⁸ Their responsibilities can vary depending on the *Land* in which they are located, but also on their size and the size of their municipalities.⁹⁰⁹ Some responsibilities of the municipalities have been allocated to them by the *Länder* authorities, others are based on their constitutional right to self-government.⁹¹⁰ Institutions at the state and local levels are responsible for enforcement and prosecution.⁹¹¹ However, there are significant differences in implementation and enforcement processes and structures in different *Länder*, as local authorities have the right to self-administration.⁹¹² The *Land* environment agencies' competences tend to be significantly narrower than those of the UBA.⁹¹³ However, while the *Länder* have a certain amount of flexibility regarding the way they implement federal environmental legislation, most of the legislation itself is decided at either the national or EU level.⁹¹⁴ The *Länder* still play a part in the law-making process through the required agreement of the *Bundesrat*. They are also directly involved in the implementation of the laws.⁹¹⁵

Overall, like the BMU, the UBA has relatively little influence in environmental policy areas which are within the exclusive competence of the *Länder*. Apart from passing some wider framework laws, the federal level can only indirectly try to

⁹⁰⁶ Weidner (1995:37)

⁹⁰⁷ *Ibid.*:37

⁹⁰⁸ UBA (2003a:15)

⁹⁰⁹ *Ibid.*:19

⁹¹⁰ *Ibid.*:19

⁹¹¹ Weidner (1995:25)

⁹¹² *Ibid.*:31-32

⁹¹³ Wissenschaftsrat (2007:19)

⁹¹⁴ Pehle and Jansen (1998:102)

⁹¹⁵ *Ibid.*:102

influence *Länder* policy-making in these cases.⁹¹⁶ This was often a source of conflict between the UBA and the *Länder*.⁹¹⁷ Changes in responsibilities from the regional to the federal level, as demanded by the UBA, were not always pursued.⁹¹⁸ While the UBA has no right to issue instructions on areas for which the responsibility lies with the *Länder*, cooperation between the UBA and the *Land* environment agencies is nonetheless an important aspect of their work. Thus although the UBA does not legally or formally exercise any influence on the *Land* environment agencies, its informal influence does play a role.⁹¹⁹ It is therefore not uncommon for *Land* environment ministries or agencies to approach the UBA and ask it to address certain issues at the federal level (on which the *Länder* were unable to reach agreement).⁹²⁰ Because a large extent of environmental policy is made at EU level, the focus has moved away from shared environmental responsibilities within a federal system.⁹²¹ It does, however, raise a number of other issues such as the degree of *Länder* involvement in the EU decision-making processes.⁹²² While this might apply to the policy-making and agenda-setting procedures, federalism still creates barriers affecting the implementation process.

4.2.3 Germany and EU environmental policy

As one of its founding members, Germany has not only played an important part in the development of EU environmental policy, but has also been influenced by supranational environmental legislation. The German government stated already in its 1971 environment programme the significance of European cooperation and coordination as

⁹¹⁶ Interview German official (2009)

⁹¹⁷ *Ibid.*

⁹¹⁸ *Ibid.*

⁹¹⁹ *Ibid.*

⁹²⁰ *Ibid.*

⁹²¹ *Ibid.*

⁹²² *Ibid.*

well as its intentions to participate in finding solutions to shared environmental problems and its support for the adoption of the first European EAP.⁹²³ The German 1971 Environment Programme was generally considered a success, with then interior minister Genscher even referring to it as ‘a blueprint for European environmental policy’.⁹²⁴

From the early 1980s onwards, Germany was among a group of environmental leader states (together with Denmark and the Netherlands which were joined by Sweden, Finland and Austria in 1995) that demanded EU-wide high environmental standards.⁹²⁵ Domestically in these countries, environmental issues are highly salient and public pressure for strict policies to address environmental problems is high.⁹²⁶ Strict EU environmental policy was also in Germany’s interests for industrial competitiveness reasons.⁹²⁷ German industry did not want to find itself disadvantaged by stricter national standards than its foreign competitors and EU-wide regulation would open up new markets for its environmental technology industry.⁹²⁸

Germany’s role in EU policy-making

Environmental leader states (such as Germany) tend to demand on the EU level the introduction of environmental standards which are similar to their own domestic standards.⁹²⁹ EU policy initiatives are not exclusively formulated by the Commission, but also take into account national proposals.⁹³⁰ In the 1980s, Germany managed to significantly influence EU environmental policy, most prominently in the field of air

⁹²³ Bundesregierung (1973:70)

⁹²⁴ Genscher (1995:127)

⁹²⁵ Weale *et al.* (2000:448), Burchell and Lightfoot (2001:29)

⁹²⁶ Burchell and Lightfoot (2001:30)

⁹²⁷ Knill (2001:136)

⁹²⁸ *Ibid.*:136

⁹²⁹ Burchell and Lightfoot (2001:30-31)

⁹³⁰ Knill (2001:125)

pollution (due to suffering heavily from acid rain).⁹³¹ However, from the 1990s onwards, some EU policy initiatives, such as the environmental information directive and the directive on environmental impact assessments, were not actively supported and even opposed by Germany.⁹³²

The *Länder* also expanded their activities from the regional and national to the EU level. Most of the *Länder* have established (joint) offices in Brussels from where they monitor EU-level developments, build alliances and lobby relevant institutions and/or officials.⁹³³ The inclusion of the subsidiarity principle in the Treaty of Maastricht (which was welcomed by the *Länder*) further secures their position nationally and at the EU-level.⁹³⁴

Implementation

In contrast to its often highly ambitious position during the policy-formulation process, Germany's implementation record left a lot to be desired in some areas of environmental legislation. Thus its role as an environmental leader state cannot be extended to all aspects of the policy cycle.⁹³⁵ Difficulties regarding the implementation of EU environmental laws are largely due to the federal administrative structures.⁹³⁶ Environmental standards formulation and implementation are separated with the *Länder* being mainly responsible for enforcing environmental laws, many of which have been formulated by the federal government and/or the EU.⁹³⁷ The often mentioned implementation deficit in Germany does not apply to all areas of EU environmental policy. Some EU policy measures were implemented quickly and efficiently (e.g. air

⁹³¹ Rüdig (2003:253), Weidner (1995:13)

⁹³² Rüdig (2003:254)

⁹³³ Weidner (2002:170)

⁹³⁴ *Ibid.*:170

⁹³⁵ Héritier *et al.* (1996:177)

⁹³⁶ Weale *et al.* (2000:303-304)

⁹³⁷ *Ibid.*:303-304

pollution control measures or cadmium reduction measures).⁹³⁸ In cases brought before the ECJ, it was explicitly stated that complications due to a federal system cannot be used as an excuse for non-implementation and/or delays in the implementation process.⁹³⁹ Instead they have to be anticipated and addressed on time.⁹⁴⁰ Highly developed and differentiated domestic environmental institutions and practices, which are often inconsistent with EU requirements, further complicated compliance with EU environmental laws.⁹⁴¹

Administrative adaptation

German national administrative traditions are characterized by stability and continuity of long established cultures and procedures, rarely undergoing major innovations or reforms.⁹⁴² This tends to impede adjustments to EU policy requirements.⁹⁴³ Despite recognised problems (such as inflexibility, ineffective implementation and bureaucratic inefficiency) domestic environmental policy principles and structures tend to remain the same.⁹⁴⁴ Moreover, change that does take place usually happens within the existing administrative system, leaving organizational frameworks unchanged.⁹⁴⁵

4.3 The UBA and the Eionet

The NFP for the EEA's Eionet is located within the UBA's Environmental Planning and Sustainability Strategies division. The NFP is the main link between the EEA and the member countries. Because secondary sources and EEA and UBA primary documents

⁹³⁸ Weale *et al.* (2000:304)

⁹³⁹ *Ibid.*:305

⁹⁴⁰ *Ibid.*:305

⁹⁴¹ *Ibid.*:305-306

⁹⁴² Knill (2001:99)

⁹⁴³ *Ibid.*:162

⁹⁴⁴ *Ibid.*:162

⁹⁴⁵ *Ibid.*:87

merely list the host department of the German NFP (within the UBA) without providing any information or analysis about its cooperation with the EEA, the main sources of information are interviews with current and former UBA officials.

Setting up the NFP

Due to the nature of the Eionet as a highly flexible network, each country could individually choose where to locate its NFP and NRCs by determining the most appropriate institution for collecting national data and providing it to the EEA.⁹⁴⁶ The task of setting up the NFP was given to the divisional head at the UBA who had been liaising with the task force created to build up the EEA.⁹⁴⁷ Due to the high rank and workload of the head of division, the decision was made to allocate the work of the NFP to a different member of staff.⁹⁴⁸ The position of NFP was specifically allocated to a member of staff with a broader, more strategic overview of environmental matters, rather than a scientific expert.⁹⁴⁹ The German NFP consists of one person, assisted by another UBA official.

4.3.1 Working of the NFP

While the UBA is responsible for gathering some of the data required by the EEA, a significant amount of data comes from the *Länder* (depending on the area of responsibility) and is collected by the NFP before being passed on to the EEA.⁹⁵⁰

The NRCs consist of national experts in the specific field. About 90 per cent of the 24 NRCs are located within the UBA itself.⁹⁵¹ Initially, it was envisaged that NRC

⁹⁴⁶ Interview German official (2008a)

⁹⁴⁷ *Ibid.*

⁹⁴⁸ *Ibid.*

⁹⁴⁹ *Ibid.*

⁹⁵⁰ Interview German official (2008b)

functions would be allocated throughout the *Länder* as well. But it was later decided that the NRCs which are responsible for the coordination with their counterparts in the *Länder*, should be located at the national level.⁹⁵² As a result, the NFP does not contact the *Länder* directly but goes through the NRCs.⁹⁵³ This arrangement needed to be secured through legislation in the form of an administrative agreement on the exchange of environmental data between the federal level and the *Länder* (*Verwaltungsvereinbarung zwischen Bund und Ländern über den Datenaustausch im Umweltbereich*) which was passed in 1996.⁹⁵⁴ This agreement outlines data provision duties of the *Länder* as well as the federal government in the light of increasing international reporting obligations in the EU (including the EEA), OECD and UNEP.⁹⁵⁵ The passing of the legislation is a direct consequence of the UBA having become the NFP for Germany.⁹⁵⁶

As part of the priority data flow reports, countries are assessed and compared with regards to their progress in information provision (e.g. whether data provisions are on time and complete). Germany's performance in the priority data flow varies significantly, ranging from 64 per cent in 2001 to 100 per cent for the first time in 2009.⁹⁵⁷ Although there are no consequences for countries failing to reach high percentages (or even 100 per cent) with regards to their reporting obligations, NFPs can nonetheless use the results.⁹⁵⁸ It is thus possible for the NFP to discuss the reasons for possible shortcomings with the head of the division/the UBA, assess why they performed badly in certain areas, what would be required to improve the performance

⁹⁵¹ Interview German official (2008a)

⁹⁵² *Ibid.*

⁹⁵³ *Ibid.*

⁹⁵⁴ *Ibid.*

⁹⁵⁵ Bundesregierung (1996a)

⁹⁵⁶ Interview German official (2008a)

⁹⁵⁷ EEA (2010b:5)

⁹⁵⁸ Interview German official (2008a)

(e.g. more resources, higher commitment from the NRCs or the *Länder*) and aim to improve in the future.⁹⁵⁹ As a German official pointed out, for the countries ‘it is a benchmark and they can compare themselves, so it is a very good motivation tool’.⁹⁶⁰

When setting up the Eionet participation in the UBA, some challenges had to be overcome. While UBA officials were generally interested in participating in Eionet through being an NRC, their role had to be integrated into the existing work profiles of national experts. Time and money had to be allocated as all NRC activities needed to be nationally funded (as they do not receive financial support from the EEA).⁹⁶¹ As all countries had to participate in the Eionet there was no room for manoeuvre and the required structures had to be put in place.⁹⁶²

In the first years of the Eionet being set up there had been some difficulties with regard to the EEA-related cooperation between the BMU (providing the MB member) and the UBA’s NFP.⁹⁶³ The main reason for this was the distribution of roles and responsibilities. Due to there being no clear communication structure, contacts and communication were only sporadic, with the NFP side feeling neglected and the MB side not knowing what was going on.⁹⁶⁴ In 1997/98 a more systematic and efficient way of communicating was worked out by both parties.⁹⁶⁵

Initially, the NRCs’ – and therefore NFP’s – dependence on the *Länder* in the provision of data, was seen as ‘an enormous extra burden’.⁹⁶⁶ Not only did they have to

⁹⁵⁹ Interview German official (2008a)

⁹⁶⁰ *Ibid.*

⁹⁶¹ *Ibid.*

⁹⁶² *Ibid.*

⁹⁶³ *Ibid.*

⁹⁶⁴ *Ibid.*

⁹⁶⁵ *Ibid.*

⁹⁶⁶ *Ibid.*

ensure the delivery of the relevant data, it also had to be on time, complete, comparable and consistent with other member countries.⁹⁶⁷

This was accompanied by technical problems (regarding the formats in which data and information was stored and delivered) which generally impeded communication between the EEA and NFPs as well as among NFPs themselves.⁹⁶⁸ The EEA was always technically advanced and pushed towards the use of an electronic communication system (as set out in its founding regulation).⁹⁶⁹ Eventually the EEA developed its own software which facilitated communication, installing national Eionet servers in the member countries and providing the relevant training to the people involved at the national level.⁹⁷⁰ The EEA also consulted a number of NFPs which wanted to get involved and could therefore tailor technical applications according to the NFP's and Eionet's needs.⁹⁷¹

Overall the sudden exposure of national environmental data and information took some getting used to for the member countries, including Germany.⁹⁷² Although national data and information had previously been reported (mainly directly to the Commission), it had never been published in a comparable manner before.⁹⁷³ Countries had to get used to being directly compared to other countries.⁹⁷⁴

Another, more general but potentially crucial problem of the NFP is the language issue.⁹⁷⁵ The EEA does not possess a large translation apparatus for its outputs (as the main EU institutions do), most of which are in English. NFPs and ideally also NRCs therefore have to be able to speak English. This issue has been solved (in the UBA) by

⁹⁶⁷ Interview German official (2008a)

⁹⁶⁸ *Ibid.*

⁹⁶⁹ *Ibid.*

⁹⁷⁰ *Ibid.*

⁹⁷¹ *Ibid.*

⁹⁷² *Ibid.*

⁹⁷³ *Ibid.*

⁹⁷⁴ *Ibid.*

⁹⁷⁵ *Ibid.*

choosing bilingual officials to fulfil the role of German NFP (being able to act internally as translators if required).

ETCs

Out of the set of eight first ETCs, two were located in German institutes: the ETC on Catalogue of Data Sources at the *Land* Environment Ministry in Lower-Saxony (*Niedersächsisches Umweltministerium*, NUM) and the ETC on Air Emissions at the UBA.⁹⁷⁶ A number of German institutes participated within other ETCs. Out of the five ETCs active in 2009, none was hosted by the UBA or any other German organization, which, however, does not mean that they are not part of a number of ETC consortia.

The NFP and the management board member

Germany's EEA MB member (and the alternate MB member) has traditionally always been a BMU official from its General International Cooperation Directorate.⁹⁷⁷

Preparing the MB member is part of the NFP's responsibilities.⁹⁷⁸ The MB member and the NFP stay in close contact through official meetings prior to MB meetings.⁹⁷⁹ The NFP and another BMU official responsible for cooperation with the EEA brief the MB member on relevant issues, previously distributed documents and internal positions.⁹⁸⁰ In the BMU the MB member is considered as a mediator between national politics and the EEA.⁹⁸¹ The MB member promotes EEA positions in Germany but also

⁹⁷⁶ EEA (1996)

⁹⁷⁷ Interview German official (2008d)

⁹⁷⁸ Interview German official (2008c)

⁹⁷⁹ Interview German official (2008d)

⁹⁸⁰ *Ibid.*

⁹⁸¹ *Ibid.*

raises matters which are of interest to the German government and/or the general public at the meetings.⁹⁸²

Within the MB, being well-prepared for the meetings is considered more important than a country's size for the ability to influence decisions.⁹⁸³ The amount of preparation undertaken by the members of the MB is by no means proportionate to the size of their country (although a lack of resources in smaller member countries might be a detrimental factor).⁹⁸⁴ For the (previous and current) German MB members, getting involved has always been a central concern.⁹⁸⁵ The EEA has always been regarded as important and there was an attempt to retain continuity of MB members (by 2010 there have only been three different German MB members).⁹⁸⁶

4.3.2 Effects on the UBA

The EEA is not equally well-known throughout all of its subject areas and units within the UBA and/or BMU. Knowledge about the EEA often depends on whether a topic is addressed at the EU-level or internationally and how active the EEA is in a particular field.⁹⁸⁷ Where the EEA and its work are better known, it is considered as well-established, especially considering its relatively small size and limited scope.⁹⁸⁸

The EEA not only works for (and thus also has an effect on) the Commission, EP and the public although those are important "clients". Its influence by 'holding up a mirror'⁹⁸⁹ to Germany is also important. The EEA is thus an important source of

⁹⁸² Interview German official (2008d)

⁹⁸³ *Ibid.*

⁹⁸⁴ *Ibid.*

⁹⁸⁵ *Ibid.*

⁹⁸⁶ *Ibid.*

⁹⁸⁷ *Ibid.*

⁹⁸⁸ *Ibid.*

⁹⁸⁹ *Ibid.*

reflection on achievements and shortcomings. The EEA played a supporting role during Germany's preparations for its 2007 EU and G8 presidencies.⁹⁹⁰

It has been suggested that it is generally harder for the EEA to play a prominent role in long established administrations, with the agency being better known and more influential in Central and Eastern European countries (or EEA member countries like Turkey) which have set up modern day environmental administrations only more recently.⁹⁹¹ This is partly due to the often very limited resources of administrations (environment ministries and agencies) in the latter countries. It is also because the EEA often played a guiding and capacity-building role when national environmental institutions in these countries were created.⁹⁹²

The EEA itself is not able to influence the working of national environment agencies or ministries in its member countries.⁹⁹³ On issues concerning the networks which include and rely on national administrations, the EEA can try to promote a certain directional focus. However, discussions about such issues as the restructuring of the Eionet take place in cooperation with the NFPs.⁹⁹⁴ The EEA provides a set structure whilst incorporating a degree of flexibility (to facilitate, for example, expansion with new member countries).⁹⁹⁵

Bilateral cooperation takes place between the UBA and the French environment agency (ADEME), environment agencies in Austria and Switzerland but also environment agencies in the newer EU member states (such as the Czech Republic,

⁹⁹⁰ Interview German official (2008d)

⁹⁹¹ *Ibid.*

⁹⁹² *Ibid.*

⁹⁹³ Interview German official (2008b)

⁹⁹⁴ Interview German official (2008c)

⁹⁹⁵ Interview German official (2008b)

Poland or Rumania).⁹⁹⁶ As with other policy areas, the EU has become more important for German environment policy.⁹⁹⁷ As one UBA official commented

over the years the importance of the EU has become clearer for the [...] UBA. When the UBA was created, how many areas in environmental policy were regulated by the EU? None. And today you would look [hard] for areas which are *not* regulated by the EU. This illustrates the development nicely.⁹⁹⁸

Although this development is not solely attributable to the EEA's creation, it has possibly had an impact by connecting people more systematically and/or facilitating interaction. The EEA has added another dimension to the existing set-up.⁹⁹⁹ Since the creation of the EEA, the UBA has seconded at least one of its staff to the agency at any one time.¹⁰⁰⁰

Within the specialist areas, many contacts get established through working together in committees, leading to informal links, rather than organized official networks. While these contacts are still expandable, they can already be considered as quite extensive.¹⁰⁰¹ These international connections, however, cannot directly or exclusively be attributed to the existence of the EEA, as they are not solely established through Eionet participation.¹⁰⁰² This does not, however, mean that the creation of the EEA had no impact whatsoever on the UBA. The UBA's involvement in Eionet has resulted in the data flow from the *Länder* to the national level becoming more systematic and organized.¹⁰⁰³ Previous reporting arrangements (or, to be more precise, lack of arrangements) had resulted in the data flow being 'all over the place'.¹⁰⁰⁴ The imposed deadlines and newly created structures put in place a system of procedures from which German environmental policy benefitted. In addition, the creation of the Eionet

⁹⁹⁶ Interview German official (2008b)

⁹⁹⁷ *Ibid.*

⁹⁹⁸ *Ibid.*

⁹⁹⁹ Interview German official (2008c)

¹⁰⁰⁰ Interview German official (2008b)

¹⁰⁰¹ *Ibid.*

¹⁰⁰² Interview German official (2008c)

¹⁰⁰³ Interview German official (2008a)

¹⁰⁰⁴ *Ibid.*

improved communication on different topics in the UBA, giving it a broader strategic overview of the work of the *Länder*, the UBA and the EEA.¹⁰⁰⁵ With regards to the BMU, the broad European strategic work received an extra boost in the UBA due to its cooperation with the ministry in a broader context (in addition to the already existing, well-established contacts between the BMU and UBA at the various topic levels).¹⁰⁰⁶

The creation of the EEA and its cooperation with the UBA also impacted on the national experts within the latter agency which saw itself being confronted more directly with current and future priorities of EU environmental policy.¹⁰⁰⁷ Moreover, by verifying data and analysing the state of the German environment, experts are required to increase their focus on national problems and to further work on improving data flows.¹⁰⁰⁸ In some areas, however, national experts criticised their role of merely providing data without being able to have any other scientific input.¹⁰⁰⁹

4.4 Conclusions

It can be concluded that the creation of the EEA did not constitute a critical juncture triggering significant institutional changes in Germany. Having in place a long and well-established environment agency at the national level, which works closely with *Länder* environment agencies, the creation of the EEA simply added another, supranational dimension to the UBA's work. Some changes (e.g. agreement on the exchange of environmental data between the federal level and the *Länder*) needed to be made in order to ensure the UBA was able to fulfil its information provision role. However, these were regulatory changes of small proportion, not critical junctures or

¹⁰⁰⁵ Interview German official (2008a)

¹⁰⁰⁶ *Ibid.*

¹⁰⁰⁷ Clark (2001)

¹⁰⁰⁸ *Ibid.*

¹⁰⁰⁹ *Ibid.*

‘seismic events’. When looking at Bulmer and Burch’s dimensions for establishing whether an event constitutes a critical juncture¹⁰¹⁰ (see Chapter Two), the same conclusion applies. There were no changes to the system or organizations, only some changes to processes and regulation (for more details see hypothesis I), thus not resulting in a critical juncture for the UBA.

Although Europeanization of the UBA has taken place, this development is not due to the creation of the EEA and the UBA’s participation in the Eionet. With European legislation playing an important role in national environmental politics since the 1970s and the environment being considered a policy area reaching beyond national borders, Europeanization of the UBA is hardly surprising. The contribution of the EEA’s creation on the Europeanization of the UBA appears to be small although it did add an additional layer of involvement and contacts to its already well established European outlook. The means by which Germany ensured participation requirements of the EEA’s Eionet network involved specifically choosing an official with a broader overview over environmental matters (and language skills) and changing legislation in order to ensure the provision of the relevant information to the NFP and the Eionet. Whether Europeanization has led to administrative convergence will be discussed in the comparative chapter (Chapter Seven). Moreover, participation by UBA officials in EU committees as well as advising national policy-makers on issues under discussion at the supranational level, have resulted in a more open, international and especially European perspective.

Hypothesis I postulates that the creation of the EEA has only had a limited impact on national environment agencies and other involved parts of the national administrations. The historical institutionalist approach expects little change to national institutions

¹⁰¹⁰ Bulmer and Burch (2009:29-30)

unless there are exceptional circumstances. Considering Bulmer and Burch's dimensions of institutional change¹⁰¹¹ in relation to the impact of the EEA's creation on the UBA, no changes to the system or organizations took place. Changes to processes did take place in order to fulfil the required information reporting obligations and successfully participate in Eionet. The changes to processes not only affected the creation of the position of the NFP but also the involvement of a significant number of other officials in their roles as NRCs and information providers. In contrast to the NFP, NRC work is added to existing roles carried out by officials. Thus, as some small changes to the processes did take place, it would be more fitting to speak of adaptation rather than change, or as Börzel and Risse would classify it, accommodation¹⁰¹².

Other ways in which the vertical processes have been affected nationally include the provision of an additional link between the UBA and BMU (through the briefing obligations and cooperation between the NFP and MB member). The setting up of the EEA has also created an opportunity to reflect on the UBA's reporting performance through the measure of Germany's performance in the priority data flows.

With regards to how the regulatory arrangements have been affected by the creation of the EEA and the UBA's participation in the Eionet, there is most notably the administrative agreement on the exchange of environmental data between the federal level and the *Länder*, leading to the data flow between the two levels to become more organized. It was introduced as a direct result of the role the UBA had to play in the Eionet. Again, this change at the regulatory level can be classified as accommodation. This was the only regulatory change which can be directly linked to the creation of the EEA and the Eionet. It is surprising that Germany's successful participation in the

¹⁰¹¹ Bulmer and Burch (2009:29-30)

¹⁰¹² Börzel and Risse (2003:69-70)

Eionet required legislation which outlined the reporting obligations of the *Länder* to the federal government and beyond.

The lack of impact of the EEA on the UBA and BMU is also highlighted by the new empirical findings put forward in this chapter which show that the EEA is not well-known in the UBA and the BMU (let alone non-environmental agencies or ministries) as well as the general public. Surprisingly, apart from the people directly involved through the networks (or the MB) not many officials are aware of the EEA and its work.

The main impact the creation of the EEA and Eionet has had on the UBA appears to be on the information reporting procedures from the *Länder* to the UBA/federal level. Networking between departments and international networking has also become more systematic since the EEA/Eionet was set up. Moreover, due to the institutionalisation of the Eionet's NFP and NRC structure, it has become easier for national experts and specialists to contact their counterparts in other countries.

It is remarkable that there was any impact at all on an agency which has existed as long and is as well established as the UBA. However, reforms and reorganizations that did take place appear to be largely unconnected to the existence of the EEA or even EU membership. Examples include the intake of a large number of environmental officials from the former GDR, the modernisation of the UBA's structures which are better able to take into account cross-media issues and the move from Berlin to Dessau.

Although a Europeanization strategy within the UBA does not exist, the agency has nonetheless been subject to Europeanization (as can be expected from a national environmental institution). The UBA has been affected by the gradual move of more and more environmental policy-making competences to the EU level. It has also been affected by the linking of scientists across Europe (among one another and with EU

officials) through participation in EU committees. The latter development can be considered as a less obvious, indirect Europeanization effect on the UBA.

The effects of the creation of the EEA and the setting up of the Eionet have been more direct and intended. They are also more easily identifiable. Although the NRCs are numerous and include virtually all areas of environmental policy-making, the EEA is not particularly well known outside the Eionet framework. Therefore on the UBA as a whole, the limited impact of the Eionet is not surprising.

Thus while the EEA's creation has had some impact, it is not far reaching and does not affect the position which the UBA occupies nationally (regarding its role and relations to other domestic institutions such as the BMU). Finally, in addition to the overall stability of the German political system and its institutional landscape, it has to be remembered that by the time the EEA started its work, the UBA had already been operating for twenty years.

Chapter 5: The French Environment and Energy Management Agency and the French Environment Institute

5.1 The ADEME

This chapter looks at the role of the ADEME and the Ifen where the Eionet's NFP for France is located.

5.1.1 Creation of the ADEME

The idea behind the creation of a French “super-agency” for the environment did not originate from the Environment Ministry¹⁰¹³, the affected agencies themselves or environmental groups but came from governmental services (the Prime Minister's division).¹⁰¹⁴ The suggestions were supported by the environment minister at the time, Brice Lalonde.¹⁰¹⁵ In the past, the number of agencies dealing with environmental matters alongside one another had been criticised for complicating a unified environmental policy approach leading to their (partial) amalgamation.¹⁰¹⁶

The ADEME was created in December 1990 by combining the Air Quality Agency (*Agence pour la Qualité de l'Air*, AQA, created in 1980), the National Agency for the Recovery and Elimination of Waste (*Agence Nationale pour la Récupération et l'Élimination des Déchets*, ANRED, which had been created in 1975), and the largest and most influential French Energy Management Agency (*Agence Française pour la Maîtrise de l'Énergie*, AFME, created in 1982 from several bodies including the Solar

¹⁰¹³ Due to the high number of changes in the Environment Ministry's responsibilities and resulting changes of its name, it will be referred to throughout the text as the Environment Ministry.

¹⁰¹⁴ Müller-Brandeck-Bocquet (1996:108)

¹⁰¹⁵ *Ibid.*:108

¹⁰¹⁶ *Ibid.*:55

Energy Commissariat and the Geothermal Committee).¹⁰¹⁷ As well as taking over the tasks of these agencies, ADEME was also given responsibilities in additional fields, including air pollution prevention, noise abatement and (since 2009) combating climate change.¹⁰¹⁸ Due to being well established and already functioning efficiently, the water agencies were not included in the ADEME.¹⁰¹⁹

The plan creating the ADEME was controversial and led to conflict.¹⁰²⁰ There was significant opposition to the plans within the Environment Ministry itself, fearing that simply due to its size (and corresponding budget) the new agency would be more powerful than the ministry it was supposed to be subordinate to.¹⁰²¹ The smaller agencies which were to form part of the ADEME also voiced concerns that the new agency would be dominated by the larger AFME.¹⁰²² Other points of contention included the future location of the new agency and the selection of its first president.¹⁰²³ However, the law creating this new large environment and energy management agency was passed rapidly as part of the French government's *Plan Vert* (Green Plan, see below).

Initially, the agency was supervised jointly by the Ministry of the Environment and the – more dominant – Ministry of Industry (after dropping the Research Ministry due to fears about the complications that might arise from having three supervisors for a single agency).¹⁰²⁴ Eventually, changes were made and the ADEME found itself under

¹⁰¹⁷ Müller-Brandeck-Bocquet (1996:107)

¹⁰¹⁸ *Ibid.*:107, X. Lefort, Managing Director of ADEME, in: Sénat (2010)

¹⁰¹⁹ Müller-Brandeck-Bocquet (1996:107)

¹⁰²⁰ *Ibid.*:108

¹⁰²¹ *Ibid.*:108 referring to *Le Monde* (7/11/1991)

¹⁰²² Müller-Brandeck-Bocquet (1996:109)

¹⁰²³ *Ibid.*:109-110

¹⁰²⁴ *Ibid.*:108

the joint supervision of the Environment Ministry and the Ministry for Higher Education and Research.¹⁰²⁵

5.1.2 Role of the ADEME

The ADEME is classed as an industrial and commercial public agency (*Établissement Public à Caractère Industriel et Commercial*).¹⁰²⁶ ADEME's mission is described as 'encouraging, supervising, coordinating, facilitating and undertaking operations with the aim of protecting the environment and managing energy'.¹⁰²⁷ Its prime mandate is the use of its expertise to support research and technological innovation, develop and improve monitoring systems and advise government authorities.¹⁰²⁸ The 2007-2010 Charter Agreement on objectives between ADEME and the state pointed out that

ADEME aims to be the point of reference and the obvious partner for the general public, businesses and local authorities, acting as a tool of the state in the realization of best practices designed to protect the environment and manage energy.¹⁰²⁹

The agency has no regulatory powers and is not involved in the process of proposing laws.¹⁰³⁰ It aims to be a source of proposals in order to initiate and further public policies.¹⁰³¹ However, it can only advise the ministry on planned measures, but it is then up to the government, whether or not it takes the agency's opinion into account.¹⁰³² On occasion the ADEME has played a participatory role in drafting national and local policy.¹⁰³³ The agency considers the provision of expertise to public authorities as one

¹⁰²⁵ ADEME (2009a), The Ministry of Industry temporarily rejoined the supervision of the ADEME, which has since gone back to being supervised by the Environment Ministry and the Research Ministry.

¹⁰²⁶ ADEME (2009a)

¹⁰²⁷ *Ibid.*

¹⁰²⁸ ADEME (2007c)

¹⁰²⁹ ADEME (2007d:6)

¹⁰³⁰ Interview French official (2009a)

¹⁰³¹ ADEME (2007c)

¹⁰³² Interview French official (2009a)

¹⁰³³ ADEME (2009a)

of its primary missions, fulfilling the state's needs for expert advice, technical and economic support services, at all levels, local and regional, national and international.¹⁰³⁴

Box 5.1: ADEME's role and functions

ADEME: main role and functions:

Designing, managing and financing research programmes:

research and technological innovation in the fields of energy and the environment

Advice and expertise:

offering technical skills, advice and financial assistance to companies, public authorities and individuals

Developing practical tools and disseminating best practices:

promoting model initiatives, studies, research projects and fieldwork and help spread most effective practices and best technologies

Financing decision-support assistance, exemplary operations and projects:

providing support in promoting energy efficiency and environmental conservation

Training, information, communications and awareness-raising initiatives:

guidance for companies, public authorities, NGOs and the general public

Source: ADEME (2010)

The ADEME works further on developing, disseminating and promoting practical methods and best practice in order to help spread effective measures and the best technologies.¹⁰³⁵ It works in close collaboration with producers and users in the field in order to follow technological and organizational innovations from their conception through to the deployment phase.¹⁰³⁶ A large part of the agency's remit in addition to its motivating and advising role involves the collection of environmental information, coming up with and planning new environmental ideas and technologies, trialling them

¹⁰³⁴ ADEME (2007c)

¹⁰³⁵ ADEME (2009a)

¹⁰³⁶ ADEME (2007a:20)

and making them available to as many users as possible.¹⁰³⁷ These users include decision-makers in order to guide their choices but also to companies, public authorities and individuals.¹⁰³⁸ ADEME supports the development of French environmental and energy policies.¹⁰³⁹ It also assists local and regional authorities through the support of its regional offices.¹⁰⁴⁰

Although the ADEME does not carry out research on its own, it manages, finances, pilots, guides and develops research and technological innovation in the environmental field and on energy-related issues.¹⁰⁴¹ ADEME's capacity for neutral expert analysis makes it an ideal partner to involve in the coordination of research.¹⁰⁴² Moreover, the ADEME offers information, provides training, communication campaigns and awareness-raising initiatives to public authorities, companies, NGOs and the general public.¹⁰⁴³

The ADEME aims to play a central role in France (as well as Europe) in achieving a convergence of views between environmental actors, accelerating research and developments in order to find solutions and responses to the human pressure on the environment.¹⁰⁴⁴ Its main fields of activity are energy, transport, waste, air, soil, and environmental management, as well as climate change and sustainable development.¹⁰⁴⁵

¹⁰³⁷ Müller-Brandeck-Bocquet (1996:107)

¹⁰³⁸ ADEME (2009a)

¹⁰³⁹ *Ibid.*

¹⁰⁴⁰ *Ibid.*

¹⁰⁴¹ *Ibid.*

¹⁰⁴² ADEME (2007a:21)

¹⁰⁴³ ADEME (2009a)

¹⁰⁴⁴ ADEME (2007a:2)

¹⁰⁴⁵ ADEME (2009a)

Importance

The ADEME's role in France is that of being a 'state instrument'¹⁰⁴⁶ as well as a partner and contact point for the public, companies and local authorities in order to promote and generalise good practices aiming to protect the environment and controlling the use of energy.¹⁰⁴⁷ In its field of operation, the ADEME plays a central role in the government's environmental policy.¹⁰⁴⁸ The state benefits from the ADEME's technical support and expertise as much as businesses. The ADEME's commitment to its work throughout France has been described as 'indisputable and indispensable'.¹⁰⁴⁹

Organizational structure

The ADEME has three central departments (in Paris, Angers and Valbonne), 26 regional branches, offices in France's overseas territories and a representative office in Brussels.¹⁰⁵⁰ The role of regional offices is to provide further support and advice in the required proximity to local actors.¹⁰⁵¹

The ADEME is structured around four core functional areas: the Executive Directorate for Strategy and Research (responsible for the analysis of development in areas in which the agency is involved and coordinating its research activities), the Executive Division for Operations (responsible for the implementation of the agency's policies in each field and guaranteeing their consistency), the Executive Directorate for Territorial Action (in charge of coordinating the different regions in which the ADEME is involved), and the Secretariat General (responsible for managing financial and human

¹⁰⁴⁶ ADEME (2006:3)

¹⁰⁴⁷ *Ibid.*:3

¹⁰⁴⁸ Sénat (2001b:5)

¹⁰⁴⁹ Planete Energies (2008)

¹⁰⁵⁰ ADEME (2009a)

¹⁰⁵¹ X. Lefort, Managing Director of ADEME, in: Sénat (2010)

resources).¹⁰⁵² In 2009/2010 a reorganization took place in order to ensure greater connection and cooperation between the agency's areas of activity.¹⁰⁵³ In order to ensure this, thematic services were created, addressing issues such as climate change and agriculture across the different sectors of agency activity.¹⁰⁵⁴

In 2009 the agency employed more than 900 people (mainly engineers, managers, secretaries, and communications, training and documentation officials). The 2009 budget was €638 million (of which €557 million were allocated to an action budget and €81 million for an operating budget), which is comparatively high (see the comparison in Chapter Seven).¹⁰⁵⁵ The budget of the agency partially consists of money obtained through environmental taxes and governmental funds.¹⁰⁵⁶

5.1.3 Challenges and criticism

The creation of two additional environmental institutions, (around the same time as the ADEME was founded in 1990/1991), were interpreted as a potential sign of the agency's weakness.¹⁰⁵⁷ The newly created National Institute of Industrial Environment and Risks (*Institut National de l'Environnement Industriel et des Risques*, INERIS) and Ifen (see section 5.3 below) could potentially be competing with ADEME.¹⁰⁵⁸ This was in addition to worries about the ADEME being a potential competitor to the Environment Ministry which led to some tension between the two institutions.¹⁰⁵⁹

¹⁰⁵² ADEME (2010a)

¹⁰⁵³ ADEME (2010b:3)

¹⁰⁵⁴ *Ibid.*:4

¹⁰⁵⁵ ADEME (2009a), Interview French official (2009a)

¹⁰⁵⁶ C. Descheemaeker, Court of Auditors in: Sénat (2010)

¹⁰⁵⁷ Müller-Brandeck-Bocquet (1996:110)

¹⁰⁵⁸ *Ibid.*:110

¹⁰⁵⁹ *Ibid.*:108

A senatorial review pointed out that the ADEME has encountered a number of crises since its creation.¹⁰⁶⁰ The merger of the agencies making up the ADEME led to a “culture shock” and took some time to be absorbed, affecting the agency’s internal order and efficiency.¹⁰⁶¹ This was followed by a change in the government’s majorities (and priorities) in 1997, affecting the ADEME which was without a president (and administrative board) for more than one year.¹⁰⁶² Finally, the ADEME lost its financial autonomy in 1998 when a general tax on polluting activities (*taxe générale sur les activités polluantes*, TGAP) was introduced which combined those taxes previously earmarked to finance the ADEME and now had to be paid to the state instead of the ADEME.¹⁰⁶³ Financing the ADEME through the allocation of a budget in order to make up for the loss of money through the introduction of the TGAP was badly executed.¹⁰⁶⁴ It resulted in the gross overvaluation of the agency’s budget.¹⁰⁶⁵ Thus in 2000, the ADEME only used 20 per cent of the funds which it had available.¹⁰⁶⁶ Subsequent adjustments of the budget were too abrupt, leading to a shortage in agency funds.¹⁰⁶⁷ The agency’s financial constraints have, on occasion, led to the need to restrict some of their programmes.¹⁰⁶⁸ The financial crisis of the ADEME was not fully overcome until 2007.¹⁰⁶⁹

Another criticism of the ADEME is the ongoing set-up of having offices in three locations, rather than a single site.¹⁰⁷⁰ ADEME defends its existing organizational set-up

¹⁰⁶⁰ Sénat (2001b:6)

¹⁰⁶¹ *Ibid.*:6-7

¹⁰⁶² *Ibid.*:6-7

¹⁰⁶³ *Ibid.*:23

¹⁰⁶⁴ *Ibid.*:34

¹⁰⁶⁵ *Ibid.*:35

¹⁰⁶⁶ *Ibid.*:35

¹⁰⁶⁷ C. Descheemaeker, Court of Auditors in: Sénat (2010)

¹⁰⁶⁸ Pappalardo (2004)

¹⁰⁶⁹ C. Descheemaeker, Court of Auditors, in: Sénat (2010)

¹⁰⁷⁰ *Ibid.*

by pointing out that it functions well and caters for the agency's needs.¹⁰⁷¹ Having offices in different locations is regarded by the agency as the logical consequence of the merger of the agencies which preceded ADEME with work continuing at their former locations.¹⁰⁷²

5.1.4 Clients and partners

ADEME provides support for companies addressing their environmental and energy needs and concerns (such as waste limitation, energy efficiency, emissions reductions and implementing environmental management systems, as well as providing technical and methodological aid for project implementation).¹⁰⁷³ The ADEME also provides support for French businesses operating outside France.¹⁰⁷⁴

In order to provide information and advice for the public, the ADEME organizes communication campaigns, publishes and circulates brochures and educational material and makes available information and publications on its website.¹⁰⁷⁵ By keeping the public informed of its research activities, the ADEME hopes to show people that they respond to their concerns and to facilitate the appropriation of new technologies by the public.¹⁰⁷⁶

¹⁰⁷¹ X. Lefort, Managing Director of ADEME, in: Sénat (2010)

¹⁰⁷² *Ibid.*

¹⁰⁷³ ADEME (2009a)

¹⁰⁷⁴ ADEME (2010b:3)

¹⁰⁷⁵ ADEME (2009a)

¹⁰⁷⁶ ADEME (2007a:23)

5.1.5 International activity

Although some of its activity takes place at the European and international level, the ADEME is primarily a national agency.¹⁰⁷⁷ This means that, in the financial context, 98 per cent of the agency's budget is used nationally.¹⁰⁷⁸ At the international level the agency is particularly active in the fields of energy management and waste (due to the former agencies making up the ADEME).¹⁰⁷⁹ It aims to contribute to the development of best practice and knowledge at the European level and describes this task as 'promoting French excellence in Europe',¹⁰⁸⁰ aiming to upload their policies to the EU level. At the European level, the agency assists national representatives with the preparation of texts, monitors and leads programmes involved in the development of EU policies.¹⁰⁸¹

The ADEME's Brussels office works to highlight the value of the agency's (and to some extent also France's) expertise and best practice.¹⁰⁸² Moreover, the Brussels office is watching events at the European level, determining which information, developments or upcoming legislation could be of interest nationally.¹⁰⁸³ Within its responsibilities the agency contributes to the implementation of European policy.

The ADEME is active internationally outside the EU as well. It aims to contribute to the strengthening of institutional capacity in environmental protection and energy management in countries applying for EU membership as well as developing countries (in particular the Mediterranean countries, Russia and China) by providing expert advice to public bodies on institutional and technical matters.¹⁰⁸⁴

¹⁰⁷⁷ Interview French official (2009a)

¹⁰⁷⁸ *Ibid.*

¹⁰⁷⁹ *Ibid.*

¹⁰⁸⁰ ADEME (2007b:19)

¹⁰⁸¹ ADEME (2009a)

¹⁰⁸² ADEME (2007b:33)

¹⁰⁸³ Interview French official (2009a)

¹⁰⁸⁴ ADEME (2009a)

The ADEME aims to take global environmental concerns into account and to apply international agreements.¹⁰⁸⁵ Moreover, the agency works with counterpart agencies in other countries (in and outside Europe) through bilateral cooperation agreements (e.g. with Germany or China) and takes part in a variety of European and international networks (although it is not a member of the EPA network, see Chapter Eight).¹⁰⁸⁶ The ADEME further participates in the Sustainable Development Commission, the UNECE Transboundary Pollution Convention, and the Climate Change Convention, among others.¹⁰⁸⁷

EEA

Apart from specific projects (such as energy efficiency indicators) the involvement of the ADEME with the EEA remains very limited.¹⁰⁸⁸ This is due to the NFP not being hosted in the ADEME but another environmental institution, the Ifen (see 5.3 below). The ADEME focusses its international activity on energy matters (rather than environmental information). But to some extent it is probably also due to the perception within the ADEME of the role which the EEA should have had. In 2002, ADEME's then-president, Pierre Radanne, described the creation of the EEA as a huge failure, because of its focus on environmental information and state of the environment reporting, rather than an agency concerned with the coordination of national policies.¹⁰⁸⁹ This criticism, however, does not take into account that the coordination (at the European level) of national and/or sub-national policies is rarely the task of agencies. An EU agency dealing with the coordination of national policies would have been practically impossible to establish. It seems misguided to hold it against the EEA that it

¹⁰⁸⁵ ADEME (2006:15)

¹⁰⁸⁶ ADEME (2009a)

¹⁰⁸⁷ *Ibid.*

¹⁰⁸⁸ Interview French official (2009a)

¹⁰⁸⁹ Radanne (2002)

is not something it was not supposed to be. This is not to say that the wish for more coordinated national (environmental) policies does not make sense, but merely that the EEA is not the institution which could achieve it.

5.2 The ADEME in the national context

French political and administrative institutions are characterized by a high degree of fluidity. This goes against historical institutionalist expectations of institutional change being rare and if it does take place, being gradual and slow. This high degree of change is especially prevalent in the environmental field. The reform, restructuring, division or fusion of entire ministries is commonly used in order to mirror both governmental and programme changes.¹⁰⁹⁰ Müller-Brandeck-Bocquet describes this as a French characteristic, whereby each government tends to have their political priorities reflected by organizational changes which are quite common in the French political system.¹⁰⁹¹ Larrue and Chabason further describe the complexity of French environmental policies and its administration (at all levels) as its main characteristic feature.¹⁰⁹² Buller points out that environmental policy is positioned uneasily in the French political system which remains highly centralised and administered vertically.¹⁰⁹³ This leads to reform attempts taking place regularly. In addition to frequent changes at the ministerial level, the French environmental administrative system features quite independent technical agencies, such as the ADEME.¹⁰⁹⁴ As previously mentioned, the ministry has the

¹⁰⁹⁰ Müller-Brandeck-Bocquet (1996:59)

¹⁰⁹¹ *Ibid.*:59

¹⁰⁹² Larrue and Chabason (1998:67)

¹⁰⁹³ Buller (2004:81)

¹⁰⁹⁴ Larrue and Chabason (1998:70)

legislative responsibility for making the rules, whereas the agencies take on the technical and financial functions.¹⁰⁹⁵

5.2.1 Environment Ministry

In France, the first coherent programme for the environment was published by the government in 1970.¹⁰⁹⁶ This was followed by the creation of the Ministry for the Protection of Nature and the Environment (*Ministère chargé de la Protection de la Nature et de l'Environnement*) in 1971.¹⁰⁹⁷ However, the area of responsibilities included more problematic tasks such as promoting environmental awareness and measures among businesses the industrial field.¹⁰⁹⁸ It also lacked important competences in areas such as infrastructure, water and energy.¹⁰⁹⁹ Moreover, the creation of the new ministry did not lead to the creation of new administrative arrangements or even a restructuring of the existing ones.¹¹⁰⁰ The only change taking place was at the highest level, leading to ongoing commitment to industry, growth and infrastructure, rather than environmental concerns.¹¹⁰¹ The ministry thus had to establish itself in the existing and unaccommodating French political system, which was especially challenging as, at that time, the creation of new ministries was practically unheard of in France and came as a surprise to the existing administration.¹¹⁰² From the outset, the challenges of the new ministry were made clear by then-President Georges Pompidou who already pointed out the likely lack of resources, influence and the need

¹⁰⁹⁵ Larrue and Chabason (1998:70)

¹⁰⁹⁶ Müller-Brandeck-Bocquet (1996:48)

¹⁰⁹⁷ *Ibid.*:48

¹⁰⁹⁸ *Ibid.*:49

¹⁰⁹⁹ *Ibid.*:49

¹¹⁰⁰ *Ibid.*: 49-50

¹¹⁰¹ *Ibid.*: 49-50

¹¹⁰² Poujade (1975:20-21)

for long-term vision (to make up for the lack of immediate results).¹¹⁰³ Robert Poujade, the first environment minister referred to it as ‘the impossible ministry’¹¹⁰⁴, which is what it was perceived to be at the time.¹¹⁰⁵ On the other hand, however, Poujade also pointed out the need for an environment ministry, as difficult as establishing it might have been, as environmental issues only began to matter in France after the creation of an independent ministry.¹¹⁰⁶ This is in marked contrast to Germany, where environmental policy was an important part of the Interior Ministry’s work before the BMU was created. On the other hand, the early creation of the French Environment Ministry did not require environmental policy to be addressed by other ministries. Once the environment had become an issue at the political level, it began to enter the mind sets of the wider public, although the contribution of the Environment Ministry to this appears limited.¹¹⁰⁷

To begin with, the ministry was established as a ministry of mission (*ministère de mission*), primarily aimed at influencing larger, more “important” ministries (such as industry or agriculture, to consider pursuing environmental objectives, as well as coordinating inter-ministerial actions).¹¹⁰⁸ Having to rely on scientific and technical support rather than direct legislative powers, it was mainly concerned with the promotion of the environmental agenda within the government and its administrations, rather than being responsible for the environment as a distinct policy sector.¹¹⁰⁹ Moreover, being part of the Prime Minister’s Office and lacking executive powers, the ministry had no administrative capacity on its own to implement environmental policy but was dependent on other sectors’ ministries for the implementation of environmental

¹¹⁰³ Poujade (1975:27)

¹¹⁰⁴ *Ibid.*

¹¹⁰⁵ *Ibid.*:33

¹¹⁰⁶ *Ibid.*:265

¹¹⁰⁷ *Ibid.*:265

¹¹⁰⁸ Buller (2004:88)

¹¹⁰⁹ *Ibid.*:88

policy.¹¹¹⁰ It took about two years for the ministry to establish itself fully.¹¹¹¹ Over time the powers of the ministry increased in a piecemeal fashion.¹¹¹² This included gaining water pollution control and management functions, the introduction of a more unified legislative framework in the field of nature protection (which was introduced with the adoption of the Nature Protection Act) and a renewed legitimacy given to the ministry due to the increase in EU environmental legislation.¹¹¹³ With the detachment of a number of sectors and secretariats from existing ministries, the Environment Ministry was given its own administrative branch, although it still had to rely on the local services of the ministries of agriculture and industry for local policy implementation.¹¹¹⁴

In France the early 1980s also led to a decline in environmental policy development due to the economic crisis in the aftermath of the second oil crisis and a lack of public support for environmental measures.¹¹¹⁵ However, economic recovery and the aftermath of the 1986 Chernobyl incident led to the re-emergence of environmental consciousness and policy.¹¹¹⁶ In this new political context, competencies of the Environment Ministry were increased (especially in the fields of nuclear plant safety, landscape policy, the building of infrastructure, coastal zones and mountain area management).

It was only in the late 1980s that the Environment Ministry has been able to consolidate its position within government.¹¹¹⁷ The position of the ministry was further strengthened in the 1990 National Environment Plan (*Plan national pour l'environnement*), which justified the strengthening of the ministry by pointing out the need for a properly established and working ministerial structure in the environmental

¹¹¹⁰ Larrue and Chabason (1998:61)

¹¹¹¹ Poujade (1975:67)

¹¹¹² Buller (2004:89-90)

¹¹¹³ Buller (2004:89)

¹¹¹⁴ Larrue and Chabason (1998:61-62)

¹¹¹⁵ *Ibid.*:63

¹¹¹⁶ *Ibid.*:63

¹¹¹⁷ Buller (1998:77)

field, which, by then, had become an important area of EU activity as well.¹¹¹⁸ The environment ministry was finally granted proper local services in each region in the early 1990s, the Regional Environment Directorates (*Directions régionales de l'environnement, DIREN*).¹¹¹⁹

In the first decade of its existence, the ministry changed its name (and often remit) no fewer than seven times, with only the period between 1981-97 offering some consistency, if only regarding its name.¹¹²⁰ During periods when the environment ministry was weak, there was – somewhat understandably – a lack of significant environmental policy initiatives.¹¹²¹ The changing status of the minister and ministry of the environment reflected to a certain extent the degree and/or lack of importance assigned to environmental policy by the various French governments.¹¹²² Developments in environmental policy at EU-level have had a significant impact on raising the ministry's profile nationally and increasing its authority.¹¹²³ It provided a more regulatory role for the ministry, due to its involvement in European environmental legislative processes.¹¹²⁴

Moreover, the frequent changes in (name and) status of the ministry show that for a long time the environment had not become an established policy area in France.¹¹²⁵ On the other hand, due to its particular and often changing organization and structure, the ministry of the environment has at least been able to adapt to shifting priorities at the domestic and European level.¹¹²⁶ The Environment Ministry was initially only concerned with the environment and nature protection (perceived by its first minister as

¹¹¹⁸ Buller (2004:89)

¹¹¹⁹ Larrue and Chabason (1998:63)

¹¹²⁰ Buller (2004:89)

¹¹²¹ Szarka (2002:94)

¹¹²² Müller-Brandeck-Bocquet (1996:59-60)

¹¹²³ Buller (1998:78)

¹¹²⁴ *Ibid.*:78

¹¹²⁵ Müller-Brandeck-Bocquet (1996:59-60)

¹¹²⁶ Buller (2004:88)

the best solution for the French set-up), but eventually other policy areas were added, leading to the environment becoming one of many policy areas dealt with by the same ministry.¹¹²⁷ Other changes, taking place around the same time (such as the administrative restructuring measures) had only very limited impact.¹¹²⁸ In addition to working with and alongside other central ministries and being an active player at the European and international level, the environment ministry also had to adapt to sharing policy space with a number of semi-independent environmental agencies and regional levels of government.¹¹²⁹

It is not uncommon for the ministry to argue – nationally and at the European level – against official French government views.¹¹³⁰ This was the case, for example, regarding genetically modified organisms or the initial French response to EU plans regarding the Kyoto agreement implementation.¹¹³¹ Despite its importance, the resources directly available to the Environment Ministry are very limited (usually around 0.1 per cent of state spending).¹¹³² Not only does the Environment Ministry occupy a relatively weak position when compared to other ministries, important environmental areas (such as nuclear power, agricultural pollution control or waste treatment) remain outside the ministry's remit and influence.¹¹³³ Szarka described French environmental policy as 'characterized by a mismatch between ambitions and means'.¹¹³⁴ Although there appears to be a long list of Environment Ministry shortcomings, the problems it had to face need to be considered in the context of the increasing importance of the

¹¹²⁷ Poujade (1975:266)

¹¹²⁸ Müller-Brandeck-Bocquet (1996:111)

¹¹²⁹ Szarka (2002:95)

¹¹³⁰ Buller (2004:93)

¹¹³¹ *Ibid.*:93

¹¹³² Szarka (2002:83)

¹¹³³ Buller (2004:93)

¹¹³⁴ Szarka (2002:216)

environment as a policy area and the learning curve undergone by the ministry while experiencing the changes.¹¹³⁵

Since 2010 the ministry is concerned with the environment, sustainable development, transport and housing (*Ministère de l'Écologie, du Développement durable, des Transports et du Logement*). Although over time many different policy areas were represented, the overall power of the ministry is not very strong, with the environment still being considered a relatively weak area even within the ministry.¹¹³⁶ Ministerial restructuring does not appear to change the importance given to the environmental section of the ministry.

ADEME and the Environment Ministry

The ADEME takes on the role of advisor to the ministry.¹¹³⁷ Szarka described the Environment Ministry as having an 'arm's length relation to the ADEME, which, in terms of resources and visibility was close to constituting a rival'¹¹³⁸ during the 1990s. Because the Environment Ministry's budget was significantly smaller than those of the agencies it was feared the ministry's capacities would be affected when trying to introduce reforms which fall within the remit of the agencies.¹¹³⁹ The autonomy enjoyed by the ADEME and water agencies (which could levy charges and make use of their proceeds) from the ministry for a long time meant that a concentration of resources and power was prevented.¹¹⁴⁰ In order to avoid competition or even potential conflict, environment ministers tend to seek influence over the ADEME by nominating its chief

¹¹³⁵ Szarka (2002:94)

¹¹³⁶ Interview French official (2009c)

¹¹³⁷ Interview French official (2009a)

¹¹³⁸ Szarka (2002:84)

¹¹³⁹ *Ibid.*:84

¹¹⁴⁰ *Ibid.*:84

executives.¹¹⁴¹ Therefore presidents of the agency tend to be close to government.¹¹⁴² Changes to ADEME's leadership appear to be less frequent than the changes in environment ministerial positions. However, ADEME's leadership tends to change more frequently than that of the UBA or even the EA. An environment ministry official described the relation between the ADEME, environment ministry and the decentralised services as a set up in which 'the ministry is the head of the operation, the decentralised services are the arms, and the ADEME is their tool'.¹¹⁴³

5.2.2 Regions and local authorities

In addition to the local services, the regional environment directorates were also given environmental protection responsibilities.¹¹⁴⁴ The regional environment directorates are located in each of the 22 regions to represent the Environment Ministry in the fields of nature conservation, town planning, architecture and (to some degree) water coordination.¹¹⁴⁵ These Regional Directorates for Industry, Research and the Environment (*Directions régionales de l'industrie, de la recherche de l'environnement*, DRIRE,) and their services were placed under co-jurisdiction of the Environment Ministry and the Industry Ministry.¹¹⁴⁶ Industrial pollution, for example is dealt with by the DRIRE, rather than the DIREN.¹¹⁴⁷ The ministry's field services operate by coordinating public and private actors (horizontally) and by collecting and disseminating planning information as well as implementing specific programmes

¹¹⁴¹ Szarka (2002:84)

¹¹⁴² Avignon (2008)

¹¹⁴³ J.-F. Monteils, General Secretary of the Ministry of ecology, energy, sustainable development and the sea, in: Sénat (2010)

¹¹⁴⁴ Szarka (2002:81)

¹¹⁴⁵ *Ibid.*:81

¹¹⁴⁶ *Ibid.*:81

¹¹⁴⁷ Larrue and Chabason (1998:71)

(vertically).¹¹⁴⁸ Expanding its institutional capacity was an important aspect of being able to enforce the increasing amount of European legislation.¹¹⁴⁹ The actual powers of the regional field services DIREN and DRIRE are, however, very limited, which in turn affects the ministry's ability to use command and control style intervention measures.¹¹⁵⁰

Some of the additional responsibilities in the environmental field have been allocated to local, departmental and regional governments. *Communes*, the local governments have only limited involvement in environmental policy, although they do have certain duties regarding water delivery, waste-water collection and treatment or municipal waste disposal.¹¹⁵¹ The *départements'* competencies allow little involvement in environmental policy.¹¹⁵² Although involved in the implementation of environmental policy, arrangements vary between regions.¹¹⁵³ With the increase of decentralisation measures, there is a potential for growing regional ecological disparities, as some local governments are heavily involved in environment protection measures, while there are others with little or no environmental awareness.¹¹⁵⁴

5.2.3 Plan Vert Initiative

In the early 1990s France began a process of reforming its institutional environmental policy structures referred to as the *Plan Vert*, (green programme, officially *plan national pour l'environnement*) in order to address its deficits, reactivate French environmental policy and raise it to an equal level of environmental policies in other industrialized

¹¹⁴⁸ Szarka (2002:81)

¹¹⁴⁹ *Ibid.*:81

¹¹⁵⁰ *Ibid.*:93

¹¹⁵¹ Larrue and Chabason (1998:72)

¹¹⁵² Szarka (2002:91)

¹¹⁵³ Larrue and Chabason (1998:77)

¹¹⁵⁴ *Ibid.*:79

countries.¹¹⁵⁵ The plan defined objectives that need to be fulfilled, the means to be applied in each sector, and put together ambitious objectives and new means for national environmental policies.¹¹⁵⁶ This was partly the result of a wider institutional and administrative restructuring drive in France, but also due to initiatives to address administrations involved in all areas of environmental policy specifically.¹¹⁵⁷ State secretary for the environment Brice Lalonde, a former environmental activist, was the leading force behind the programme which aimed to improve the general efficiency of its environmental administration, whilst also addressing public pressure stemming from increased environmental awareness in France.¹¹⁵⁸

Müller-Brandeck-Bocquet describes the creation and supervisory arrangements of the ADEME as the price which Lalonde had to pay in order to secure the introduction of other successful measures as part of the *Plan Vert*.¹¹⁵⁹ Initially, the agency was placed under the joint supervision of the Environment Ministry and the significantly stronger Industry Ministry, leading to fears that industrial concerns, rather than environmental ones, would dominate the ADEME's agenda.¹¹⁶⁰

The *Plan Vert* identified the severe lack of environmental information available as a major obstacle to environmental policy in France and French influence in Europe.¹¹⁶¹ The creation of ADEME and the Ifen was supposed to lead to the provision of better environmental information, thus allowing France to strengthen its position (e.g. in EU environmental policy-making).¹¹⁶² The most important result of the *Plan Vert* was the creation of a field service of the Environment Ministry, the DIREN and the regional

¹¹⁵⁵ Müller-Brandeck-Bocquet (1996:98)

¹¹⁵⁶ Larrue and Chabason (1998:66)

¹¹⁵⁷ Müller-Brandeck-Bocquet (1996:100)

¹¹⁵⁸ Müller-Brandeck-Bocquet (1996:98-99)

¹¹⁵⁹ *Ibid.*:110

¹¹⁶⁰ *Ibid.*:110

¹¹⁶¹ *Ibid.*:111

¹¹⁶² *Ibid.*:111

environmental directorates, which although subordinate to the ministry, were allowed increased involvement in the implementation of environmental policy.¹¹⁶³

5.2.4 France and EU environmental policy

Environmental policy at the national level largely emerged around the same time that the EU adopted a common environmental policy in the early 1970s.¹¹⁶⁴ However, with environmental issues not being high on the domestic political agenda, no (powerful) environmental lobby and no well-established corpus of environmental legislation, France's often reserved involvement in EU environmental policy-making comes as no surprise.¹¹⁶⁵ In 2009, almost 80 per cent of environmental legislation in France derived from EU environmental laws.¹¹⁶⁶ French environmental policy has been heavily influenced by developments at the EU level, which strengthened (domestic) regulatory pressure in favour of the environment.¹¹⁶⁷

In the past, the French position with regards to EU environmental policy has frequently been described as friendly onlooker or coalitionist.¹¹⁶⁸ These descriptors refer to the French strategy of taking on a neutral or indifferent position, with the option of building coalitions with either the pace-setters or foot-draggers, depending on the environmental issue in question. Furthermore, countries in this position tend not to promote, initiate or veto specific policies.¹¹⁶⁹ France has acted as a pace-setter only on very few occasions while direct acts of defiance have also been rare.¹¹⁷⁰ On occasion France's position could, however, be seen as giving way to supporting proactive

¹¹⁶³ Müller-Brandeck-Bocquet (1996:112)

¹¹⁶⁴ Buller (2004:82)

¹¹⁶⁵ *Ibid.*:83

¹¹⁶⁶ ADEME (2009a)

¹¹⁶⁷ Buller (2004:84), Larrue and Chabason (1998:6), Szarka (2002:117)

¹¹⁶⁸ Börzel (2005:173), Héritier *et al.* (1996:V)

¹¹⁶⁹ Börzel (2005:173)

¹¹⁷⁰ Szarka (2002:118)

environmental initiatives promoted by other countries.¹¹⁷¹ In the French case, aiming to ‘naturalize’ European measures made them appear relatively easy to accommodate domestically, although often costly.¹¹⁷² European measures therefore often required little legal and institutional adjustment. Moreover, the multitude of regulatory instruments used in France meant that there was no need to try to impose its own regulatory approach.¹¹⁷³

In the long term, EU environmental policy had an impact domestically because of its substantive content, but also because of its procedural dimension (e.g. being part of wide policy networks involving many countries and a range of categories) and communicative dimension (e.g. the accumulation of scientific knowledge on the environment and its dissemination as institutionalized in specialist agencies, such as the EEA).¹¹⁷⁴ But it has also led to expectations for more openness in domestic environmental policy-making, as currently addressed in the *Grenelle* process, which is France’s multi-party environmental forum.¹¹⁷⁵

Administrative adaptation

Changes to administrative structures (including ministerial set-ups) are quite common in France. The Europeanization of administrative structures in France is therefore harder to judge than in countries where administrative systems appear more stable and less prone to change such as in Germany. Buller points out that in France ‘internal considerations continue to drive the environmental policy agenda and structural and institutional adaptations to it’.¹¹⁷⁶ Thus the majority of changes taking place within French

¹¹⁷¹ Szarka (2002:118)

¹¹⁷² *Ibid.*:217

¹¹⁷³ Héritier *et al.* (1996:206)

¹¹⁷⁴ Szarka (2002:217)

¹¹⁷⁵ *Ibid.*:217

¹¹⁷⁶ Buller (2004:95)

administrations appear to be the result of governmental preferences, rather than European influence. France's aim to influence EU developments or promoting French excellence in Europe seems to be hindered by the frequency of changes at the national level. As opposed to many other traditional sectoral ministries, the Environment Ministry's structure, policies and style are closer to the emerging European policy-making model.¹¹⁷⁷ The use of European policy by the Environment Ministry has been described as a strategy for greater empowerment.¹¹⁷⁸ However, by the time the ADEME was created, EU environmental policy was already well-established. It was therefore taken into consideration when ADEME's areas of responsibilities were established.

5.3 The Ifen and the Eionet

Rather than locating the NFP in the (then recently created) ADEME or in the Environment Ministry, the creation of a new institution, the French Environment Institute, was decided upon.

5.3.1 The creation of the Ifen

As opposed to most developments which are often hard to attribute to any one influence, the creation of the Ifen took place in direct response to European level developments; Ifen was set up as the national equivalent to the newly created EEA.

¹¹⁷⁷ Buller (2004:91)

¹¹⁷⁸ Larrue, C. (1999), 'Le Ministère de l'Environnement et la mise en oeuvre en France de la politique européenne de l'environnement', in: Lascoumes, P. (ed.), *Instituer l'environnement: vingt cinq ans d'administration de l'environnement*, Paris: L'Harmattan, pp.179-94 as referenced in Buller (2004:91)

Prior to the creation of the Ifen, observation of the environment took place infrequently and only in an unsystematic manner.¹¹⁷⁹ There were no coordinating networks and no ways of producing series of reliable statistical reports or geographical information.¹¹⁸⁰

When the creation of the EEA was being discussed in 1989, a range of different committees (on environmental research, on the future of statistics, on natural sciences and on environmental statistics) decided that it was ‘absolutely necessary’¹¹⁸¹ to create a national institute similar to the structure of the EEA.¹¹⁸² Thus the Environment Ministry decided to create a French equivalent to the EEA which could deal with the collection and dissemination of environmental information independently of the ministry (or DG Environment in the case of the EEA).¹¹⁸³ Thus, this EU level development had a major impact on domestic structures in France, a development contradicting historical institutionalist expectations. The Ifen was created in 1991 as part of the *Plan Vert*, as an administrative public agency (*Établissement Public à Caractère Administratif*) under the tutelage of the Environment Ministry for which it acts as its statistics service.¹¹⁸⁴ It was decided to locate the new institute outside the ministry, as the ministry did have a culture of regulation, rather than a culture of data production, and although the idea had been around for a while, it was not until the creation of the EEA that the opportunity to realise such an institution arose.¹¹⁸⁵

The Ifen was located in Orléans. The Council of State (*Conseil d’État*) which is France’s highest administrative court commented on the creation of the Ifen by describing it as an institution (distinguished from the regulatory functions of the ministry) appropriate for the production of environmental information and reports on

¹¹⁷⁹ Varet (2004a:51)

¹¹⁸⁰ *Ibid.*:51

¹¹⁸¹ Interview French official (2009b)

¹¹⁸² *Ibid.*

¹¹⁸³ Varet (2004a:50)

¹¹⁸⁴ Ifen (2000)

¹¹⁸⁵ Interview French official (2009c)

the state of the environment to evaluate policy efficiency.¹¹⁸⁶ As former Ifen director, Jacques Varet, pointed out:

A public agency, where the scientific and financial independence is guaranteed via councils/committees offers some additional guarantees to the public that it will have a voice independent of the administration in the observation of the effect and efficiency of public policy.¹¹⁸⁷

Another reason for setting up the Ifen as an independent agency was the wish to have an institution which not only had the ability to comment on the state of the environment, but was also equipped with a scientific committee which would ensure the accuracy of reports.¹¹⁸⁸

5.3.2 Role of the Ifen

Generally, the Ifen's mandate could be best described as conveying scientific publications to the state and the public.¹¹⁸⁹ The Ifen focused on the collection, processing and dissemination of environmental data and on information on natural risks and technology.¹¹⁹⁰ Its tasks included the assessment of economic costs and impacts of environmental developments as well as the costs of preventative, protective and restorative measures.¹¹⁹¹ It further worked on environmental indicators and the optimisation of measuring and surveillance techniques.¹¹⁹² In order to achieve this, it worked closely with a network of environmental information producers and users.¹¹⁹³

It undertook studies and published summaries on the state of the environment, its development and indicators. Ifen also took part in the efforts to harmonize methods of

¹¹⁸⁶ Varet (2004a:51-52)

¹¹⁸⁷ Varet (2004b)

¹¹⁸⁸ Interview French official (2009c)

¹¹⁸⁹ Interview French official (2009b)

¹¹⁹⁰ Ifen (2000)

¹¹⁹¹ Varet (2004a:53)

¹¹⁹² *Ibid.*:52

¹¹⁹³ Ifen (2008)

environmental data collection and data processing.¹¹⁹⁴ Its most well known publication was the monthly “4 pages” (*4 pages de l’Ifen*) series which targeted a broad audience by describing and explaining environmental issues based on the latest scientific findings.¹¹⁹⁵ In addition, major reports on the state of the environment in France were published every four years.¹¹⁹⁶ The Ifen did not undertake research of its own.¹¹⁹⁷

The Ifen proved its ability to produce environmental information independently, with the necessary scientific backing ensuring its credibility.¹¹⁹⁸ The scientific committee assessed the quality and coherence of Ifen’s work and passed its opinions on to the director and the committees.¹¹⁹⁹ The Ifen also assisted the Environment Ministry with its preparations for the French EU presidencies.¹²⁰⁰ In addition to its role as NFP in the EEA’s Eionet, the Ifen also worked closely with European and international organizations (such as Eurostat, OECD and the UN) ensuring French representation in their working groups.¹²⁰¹ It also took part in international environmental conferences and summits as well as bilateral programmes and contributed to discussions on statistical regulatory issues in Brussels.¹²⁰² Moreover, the Ifen took part in programmes aimed at helping EU applicants with regard to data-related issues.¹²⁰³ On certain topics, the Ifen took part in the technical preparations for national, European and international programmes or legislation (such as the EU’s Infrastructure for Spatial Information in Europe, INSPIRE, directive).¹²⁰⁴ The Ifen was in contact with the environment

¹¹⁹⁴ Ifen (2000)

¹¹⁹⁵ Ifen (2006:16)

¹¹⁹⁶ Ifen (2007:5)

¹¹⁹⁷ Varet (2004a:50)

¹¹⁹⁸ Action Nature (2004:6)

¹¹⁹⁹ Ministère de l’Écologie et du Développement Durable (2004a)

¹²⁰⁰ Ifen (2007:21)

¹²⁰¹ Ifen (2000)

¹²⁰² *Ibid.*

¹²⁰³ *Ibid.*

¹²⁰⁴ Ifen (2007:22)

ministry's regional environment directorates, the DIREN.¹²⁰⁵ The Ifen's organizational structure was divided into the following three pillars: (1) general secretariat, (2) department of data methods and synthesis (which hosted the international relations unit and the NFP), and (3) department of environmental matters.¹²⁰⁶ The Ifen also worked with the EEA on the translation of some publications for the French-speaking readership.¹²⁰⁷ The Ifen provided environmental information via its homepage, where its publications could either be accessed online or paper versions could be ordered.¹²⁰⁸

From 1991 until 2004 the Ifen represented France in the EPA network (see Chapter Eight).

5.3.3 From the Ifen to the SOeS

The two most important changes to the Ifen were the changes to its statute in 2004 and finally its dissolution in 2008. The creation of the Ifen as an administrative public agency allowed it a certain degree of administrative and financial autonomy, although it was already under the Environment Ministry's supervision. Although the ministry wanted to be kept informed of planned Ifen publications in advance, it only very rarely opposed the publication of data on the grounds that it was considered incorrect or embarrassing.¹²⁰⁹

The suggested changes to Ifen of attaching it to the ministry (a move strongly supported by the Environment Ministry) were opposed by the State Council as well as a number of former environment ministers, who wrote to the French President to alert him

¹²⁰⁵ Ifen (2000)

¹²⁰⁶ Ifen (2008)

¹²⁰⁷ Ifen (2001:10)

¹²⁰⁸ *Ibid.*:23

¹²⁰⁹ Interview French official (2009c)

of the consequences of such a move.¹²¹⁰ Nevertheless in 2004 the Ifen's statute was changed from administrative public agency to that of national competency service (*Service à Compétence Nationale*) which resulted in the Ifen finding itself directly attached to the Environment Ministry and becoming part of the central administration.¹²¹¹ The role of the Ifen changed massively and the international outlook of the agency was lost.¹²¹² From an environmental point of view there was no new activity or innovation and the Ifen became purely administrative.¹²¹³ Officially, the move was supposed to facilitate the Ifen exercising its tasks and achieving its aims.¹²¹⁴ This might be true for some tasks (such as its regional activity) which the Ifen had found hard to set up due to requiring the ministry's initiative and agreement for cooperation with the DIREN.¹²¹⁵ Another advantage was that from 2005 onwards the Ifen's budget could be solely used on running costs and investments, as personnel costs were carried by the ministry.¹²¹⁶ The general perception of the changes, however, was that of a total loss of independence, as well as significantly weakened links to the scientific community and the public.¹²¹⁷ Although the scientific committee continued to exist, its role had been reduced to that of a procedural council.¹²¹⁸ The move further saw the abolition of its user committee (consisting of journalists, businesses, consumer associations, environmental groups, as well as local representatives) and administration council, excluding large parts of civil society from getting involved in its activities.¹²¹⁹ The administration council was replaced by an orientation committee consisting of administrative representatives, employee representatives and other qualified officials

¹²¹⁰ Varet (2004b)

¹²¹¹ Varet (2004a:55)

¹²¹² Interview French official (2010a)

¹²¹³ *Ibid.*

¹²¹⁴ Ifen (2006)

¹²¹⁵ *Ibid.*, Sénat (2001a)

¹²¹⁶ Ifen (2006:21)

¹²¹⁷ Varet (2004a:55)

¹²¹⁸ *Ibid.*:55

¹²¹⁹ Interview French official (2009b)

from the field, giving their opinion on the Ifen's programmes.¹²²⁰ Moreover, internationally the Ifen lost the ability to enter into contracts with the EU or the EEA, work with them on additional projects (outside the continuing NFP role) or establish contractual relations with other public scientific establishments.¹²²¹ The Ifen had been the only French organization set up to produce independent environmental evaluations.¹²²² The national environment syndicate describes the dissolution of the Ifen as contributing to the weakening of the awareness of environmental problems in France.¹²²³

From 2004 onwards, while the Ifen was further integrated into the central administration, its liberties have been slowly reduced.¹²²⁴ In 2008 it eventually became part of the Environment Ministry's statistical service, the SOeS. It could be argued that the creation of the Ifen was too large a departure from French administrative tradition, resulting in its de facto dissolution, and cannot be explained from a historical institutionalist perspective. The SOeS was created from the Ifen, an economic statistics service concerned with construction, housing and transport (*Service économie, statistiques et prospective*) and an energy observatory (*Observatoire de l'énergie*).¹²²⁵ However, on the other hand, one needs to be cautious in concluding that the creation, change in statute and demise of the Ifen cannot be explained from the historical institutionalism perspective as it does fit well the longstanding tradition in the French political system of high flexibility.

¹²²⁰ Ministère de l'Écologie et du Développement Durable (2004a)

¹²²¹ Varet (2004a:56)

¹²²² Actualité-news-environnement (2008)

¹²²³ *Ibid.*

¹²²⁴ Interview French official (2009b)

¹²²⁵ Service de l'observation et des statistiques (2010)

When asked about the time period it took the Ifen to become fully functional, one former Ifen official replied that ‘Ifen was never fully functional’.¹²²⁶ Problems had existed from the beginning relating to difficulties merging the different cultures (statisticians, scientists, technicians, etc.), frequent changes at the directorial level and risks taken with regards to the direction the institute was supposed to take.¹²²⁷ Another official described the Ifen’s existence as having had ‘a bad start and a despicable end’.¹²²⁸ Having a good reputation in the field was not enough to ensure its ongoing existence.¹²²⁹

Prior to the merger, the Environment Ministry was the only ministry with an independent statistics service, which is likely to have played a role in the restructuring and eventual dissolution of the Ifen.¹²³⁰ Moreover, the central administration was opposed to the institute’s independence and the reasons behind the changes that took place have been described as political, rather than practical.¹²³¹ One might even consider the 2004 change in Ifen’s status and loss of a significant amount of autonomy as the first step towards the agency becoming integrated into the ministry.¹²³²

The decree passed in 2008 outlining the dissolution of the Ifen mainly states that the Ifen was to become part of the SOeS and the word “Ifen” to be replaced with the Observation and Statistics Service of the Environment Ministry. The role of the Ifen’s director was to be replaced by the head of the sustainable development commissariat.¹²³³ Because the SOeS unites the statistical services of all areas which form part of the Environment Ministry, the environment will only be one component of

¹²²⁶ Interview French official (2009c)

¹²²⁷ *Ibid.*

¹²²⁸ Interview French official (2010a)

¹²²⁹ Interview French official (2009c)

¹²³⁰ Roux-Goeken (2008a)

¹²³¹ Interview French official (2009b)

¹²³² Roux-Goeken (2008a)

¹²³³ MEEDDAT (2008b)

the new service (in addition to energy, transport, etc.).¹²³⁴ While the part of the SOeS which used to be the Ifen is still located at Orléans, most of the SOeS is located in Paris, resulting in the still remaining culture of the Ifen being less affected by the merger and likely to remain present for a longer period due to the geographic distance.¹²³⁵

The Sustainable Development Commissariat of the Environment Ministry described the move from Ifen to SOeS as having less of an impact on the Ifen.¹²³⁶ It considers the biggest change to be the move from public agency to national competency service which had already taken place four years earlier; it moved the Ifen closer to the ministry.¹²³⁷

Box 5.2: Stages in the Ifen's development

Stages in the Ifen's development:

1991-2001: Setting up phase: setting up the Ifen, establishing itself, integrating the international dimension (independent)

2001-2004: Reorganization phase: reorganization of Ifen as an independent agency

2005-2008: Loss of independence phase: loss of some independence for the Ifen which became attached to the Environment Ministry

Since 2009: Dissolution phase: Ifen became part of the SOeS (which forms part of the Environment Ministry)

Source: Based on interviews with French officials (2009 and 2010)

¹²³⁴ Roux-Goeken (2008a)

¹²³⁵ Interview French official (2009b)

¹²³⁶ Roux-Goeken (2008b)

¹²³⁷ *Ibid.*

The commissariat also pointed out that the role of the Ifen had not changed.¹²³⁸ However, during the changes introduced in 2004 and 2008, the loss of independent evaluation of the environmental policy was most criticised and regretted.¹²³⁹ Moreover, the decree establishing the central organization of the Environment Ministry describes the role of the SOeS as supporting and enhancing the general strategy of the ministry, managing statistical systems on environmental matters and sustainable development, as well as evaluating socio-economic instruments for use in environmental regulation.¹²⁴⁰ Although some elements of evaluating the effects of public and private decisions on the environment were included, being part of the ministry, such evaluations would not be independent.

Loss of independence aside, becoming part of the SOeS meant that the focus of the Ifen on statistics was to be increased.¹²⁴¹ Another change was the target group of the publications, with the SOeS excluding the public (which the Ifen used to include).¹²⁴² The main audience of the SOeS are public authorities and journalists.¹²⁴³ During its existence, the Ifen was almost completely independent, but becoming part of a large administration (with its attachment to the ministry) in 2004 increased the number of stages of validation a potential publication has to go through before it is finally published.¹²⁴⁴

¹²³⁸ Roux-Goeken (2008b)

¹²³⁹ Roux-Goeken (2008a), *Actualité-news-environnement* (2008)

¹²⁴⁰ MEEDDAT (2008a)

¹²⁴¹ Interview French official (2009b)

¹²⁴² *Ibid.*

¹²⁴³ *Ibid.*

¹²⁴⁴ *Ibid.*

5.3.4 Working of the NFP

Due to the Ifen having been created as France's counterpart to the EEA, it was clear from the beginning that it would also be the location of the NFP.¹²⁴⁵ The Ifen's international activity is mainly centred around the functions of the NFP, Eionet activities and the EEA.¹²⁴⁶ About 80 per cent of the time, the French NFP official is used on the actual NFP work, with a tendency for it to increase.¹²⁴⁷

Since 2000, France's performance in the Eionet's priority data flow has improved each year, from 47 per cent in 2000 to 96 per cent in 2009.¹²⁴⁸ The change from the Ifen to the SOeS had no direct impact on France's performance in the priority data flow which might be due to the same officials still undertaking the work, only within a different institutional framework.¹²⁴⁹ It is also the NFP's responsibility to coordinate the presence of French representatives at meetings dealing with different environmental topics and the preparation of the MB member for the meetings.¹²⁵⁰

Prior to becoming part of the SOeS, all the principal contact points were located within the Ifen, in order to facilitate the Eionet's management.¹²⁵¹ This however, did not work out as intended, as the PCPs had major problems in fulfilling their tasks.¹²⁵² With regards to the choice of PCPs the integration into the central administration means that people can be chosen from a wider range of officials.¹²⁵³

¹²⁴⁵ Interview French official (2009c)

¹²⁴⁶ Ifen (2001:10)

¹²⁴⁷ Interview French official (2009b)

¹²⁴⁸ EEA (2010b:5)

¹²⁴⁹ Interview French official (2010b)

¹²⁵⁰ Ifen (2006:19)

¹²⁵¹ Interview French official (2009b)

¹²⁵² *Ibid.*

¹²⁵³ *Ibid.*

NRCs

However, finding the right locations for the NRCs to begin with was slightly more complicated and their designations were discussed at length in a special committee in the Prime Minister's European Affairs Office.¹²⁵⁴ Some organizations were keen to become NRCs, considering it as prestigious, others were designated by the Environment Ministry.¹²⁵⁵

While some of the NRCs were located within the Ifen, the majority of NRCs were positioned in a range of institutions. The main data providers supporting the Ifen's work were the ADEME, the water agencies, Ifremer (French Research Institute for Exploration of the Sea, *l'Institut Français de Recherche pour l'Exploitation de la Mer*), Citepa (Centre for Interprofessional Study Techniques on Atmospheric Pollution, *Centre Interprofessionnel Technique d'Etudes de la Pollution Atmosphérique*), BRGM (Office for Geological Research and Mining, *Bureau de recherches géologiques et minières*) and MNHN (National Natural History Museum, *Muséum national d'histoire naturelle*).¹²⁵⁶ While there are some NRCs located in the ADEME (in areas such as air and waste), this appeared to have been the only contact point between the Ifen and the ADEME.¹²⁵⁷

The French part of the Eionet network is somewhat informal, with the participants often contributing when they find the time, rather than when their contributions are required.¹²⁵⁸ Apart from being professionally qualified, the people taking on the role of NRCs need to want to participate.¹²⁵⁹ Seeing the data produced being published or

¹²⁵⁴ Interview French official (2009c)

¹²⁵⁵ *Ibid.*

¹²⁵⁶ Ifen (2006:19)

¹²⁵⁷ Interview French official (2009b)

¹²⁵⁸ *Ibid.*

¹²⁵⁹ *Ibid.*

contributing to publications is one way of adding value to their work, which means data producers were usually interested in providing the information that was required.¹²⁶⁰

With the Ifen initially not being part of the central administration, it lacked the political weight to allocate the work and demand the results.¹²⁶¹ Initially, the NRCs were very keen to be involved, which is important as the Eionet functions without legal obligations (as opposed to Eurostat which can obtain their results through regulation which is binding in the member states).¹²⁶² But the EEA's system of distributing overall percentages (in the annual priority data flow performance publications) worked quite well in the French Eionet set-up, as bad performances would lead to questions about the NFP's/NRCs' work from the Environment Ministry.¹²⁶³

ETCs

A former Ifen official described the French position with regards to the distribution of ETCs as 'too ambitious',¹²⁶⁴ referring to the number of ETCs France was aiming for when the EEA set up the Eionet. The Environment Ministry wanted the MNHN to be the ETC for Nature. Ifen officials involved with the CORINE landcover programme were also keen on getting the ETC for land cover, although there was only a limited number of ETCs to be allocated among all the member countries.¹²⁶⁵ Finally there was strong lobbying from the powerful French water companies to the director of the Prime Minister's Cabinet, who wanted the ETC for water to be located in France as well, despite not knowing what exactly was involved in the work of the ETCs, let alone the

¹²⁶⁰ Interview French official (2009b)

¹²⁶¹ *Ibid.*

¹²⁶² Interview French official (2009c)

¹²⁶³ *Ibid.*

¹²⁶⁴ *Ibid.*

¹²⁶⁵ *Ibid.*

Eionet.¹²⁶⁶ Although the ETC for Nature had been allocated to France already, French officials were expected to try and get the one for water as well, simply because they had political instructions to get it.¹²⁶⁷ Eventually the ETC for water was located in the UK, while offering a leading position to a French official, whose post was financed by the French water agencies.¹²⁶⁸

The NFP and the management board member

While the Ifen considered the contact to the EEA and other members of its networks as important and valuable, there appeared to be a certain disinterest on behalf of the ministry with regards to the work of the EEA.¹²⁶⁹ This was reflected in the poor working relationship between the NFP and the French MB member.¹²⁷⁰ This was related to a general difficulty in France to create and maintain structures managing and coordinating more technical relations at an international level.¹²⁷¹

Challenges

To begin, with the organization of the Eionet's data flows caused some problems, not just on Ifen's part but also from the EEA's perspective, regarding the speed of setting up its own database.¹²⁷² The loss of the link to the scientific community after the dissolution of the Ifen led to a perceived need to re-connect the SOeS with the scientific research community.¹²⁷³ However, this connection does not appear to be part of the ministry's intentions for the service.

¹²⁶⁶ Interview French official (2009c)

¹²⁶⁷ *Ibid.*

¹²⁶⁸ *Ibid.*

¹²⁶⁹ Interview French official (2009b)

¹²⁷⁰ *Ibid.*

¹²⁷¹ *Ibid.*

¹²⁷² Interview French official (2009c)

¹²⁷³ Interview French official (2009b)

Outside the Ifen and specific departments in the ministry, the EEA is not well-known in France and within the French administration.¹²⁷⁴ One problem likely to play a role in the lack of knowledge about the EEA is the language barrier, and the EEA's publications often being published in English only, which can often prove to be an issue.¹²⁷⁵ While this might to some degree affect the general public, it is also of importance for the participants of the Eionet in France.

Effect of changes on NFP work

In the past, one of the challenges faced by the Ifen was how it was perceived by other institutions.¹²⁷⁶ It was not considered to be a part of the central administration, which complicated the work of the NFP in particular.¹²⁷⁷ The closeness and – at least in theory – facilitated access to statisticians from other areas (such as transport and water) has been perceived as an advantage of becoming part of the ministry.¹²⁷⁸ But the 24 different topics the Eionet deals with were almost entirely represented at the Ifen, whereas some areas now require cooperation within different units of the ministry.¹²⁷⁹

With the SOeS (and therefore NFP) being located relatively far down in the administrative hierarchy, contacting other services, departments or units from which data might be needed, often requires going via the Sustainable Development Commissariat of the central administration.¹²⁸⁰ While in reality short cuts are being used frequently, and there is also the option of creating some sort of network within the administration facilitating NFP work, it has led to the suggestion that being located

¹²⁷⁴ Interview French official (2009b)

¹²⁷⁵ *Ibid.*

¹²⁷⁶ *Ibid.*

¹²⁷⁷ *Ibid.*

¹²⁷⁸ *Ibid.*

¹²⁷⁹ *Ibid.*

¹²⁸⁰ *Ibid.*

higher up the administrative hierarchy might facilitate the NFP's work.¹²⁸¹ The extent to which the NFP needs to follow procedures is related to how much responsibility and freedom it will be attributed.¹²⁸² Moreover, the overall position of the SOeS within the ministry gives the NFP very little political weight, or at least not as much as would be required.¹²⁸³ On the other hand, the location within the statistical service is perceived as ideal for the fulfilment of the NFP tasks.¹²⁸⁴

It is still too early to tell whether the new location of the NFP allows it to function more efficiently. However, first impressions indicate improvements.¹²⁸⁵ This is supported by the ongoing improvement of France's performance in the Eionet's priority data flow (89 per cent in 2007, 94 per cent in 2008, and 96 per cent in 2009) despite the above mentioned rearrangements.¹²⁸⁶

5.3.5 Effects of Eionet participation on the French administrative system

Technological innovations rather than the creation of the EEA have been identified as the main driver for change to the reporting of environmental data in France.¹²⁸⁷ This was partly due to general technological advances as well as those introduced by the EEA which were required to be used by Eionet members.

While the effects of the creation of the EEA and the participation in the Eionet on the French Environment Ministry and the ADEME are somewhat limited, it had nonetheless a significant impact on institutional structures in the environmental field in France. Of the three case countries assessed in this dissertation, the French case is the only one in

¹²⁸¹ Interview French official (2009b)

¹²⁸² *Ibid.*

¹²⁸³ *Ibid.*

¹²⁸⁴ *Ibid.*

¹²⁸⁵ Interview French official (2009b)

¹²⁸⁶ EEA (2010b:5)

¹²⁸⁷ Interview French official (2009b)

which the creation of the EEA at the European level directly resulted in the creation of a new national institution. It is difficult to establish to what extent the creation of the EEA and the requirements for participation in the Eionet have been the reason or catalyst for national developments, as the need for better environmental information in France had previously been identified and administrative structures (including those of the ministries) appear more readily changeable than in other countries.

Due to not being well-known, the EEA has little impact or influence on the work of the Ifen and now the SOeS and even less on the central administration in France.¹²⁸⁸ There is ongoing interest from the scientific community regarding the work of the EEA, however, and increasingly from journalists as well.¹²⁸⁹ Among the general public the EEA is not well-known at all.¹²⁹⁰

5.4 Conclusions

When looking at the literature addressing EU environmental policy-making, France is rarely mentioned as a significant actor. Instead it is often seen but as taking on a role of an actor somewhere in the middle between environmental leader and laggard states. This is in contrast to the importance EU environmental policy occupies in environmental institutions and administrations in France, which are keen to play an important role on both the EU and international levels. The ADEME's decision to have a (small) European office in Brussels further underlines the importance it ascribes to EU-level environmental policy developments. However, despite the best efforts within environmental institutions, the lack of importance often assigned to environmental

¹²⁸⁸ Interview French official (2009b)

¹²⁸⁹ *Ibid.*

¹²⁹⁰ *Ibid.*

issues by past French governments is reflected by the role France has traditionally taken at the EU level.

The impact of EU environmental policy on French environmental policy is undeniably high and the Europeanization of environmental policy has been significant. The impact on the French institutional landscape (with the exception of the Ifen) is less obvious, mainly because the French readiness and openness for institutional change makes less obvious changes within domestic institutions harder, if not impossible, to trace and to attribute to particular causes. Buller points out that

accounts of the political development of the environment within France still pay scant attention to the direct or indirect influence of the EU, though this tendency is not limited to the environmental policy domain.¹²⁹¹

The impact of the EU on French environmental policy is far easier to assess than the effect of European developments on national institutions. Moreover, the Europeanization of French environmental policy had a significant strengthening impact on the role which the Environment Ministry was able to play domestically. This does not appear to be the case for ADEME and Ifen.

When considering the first hypothesis stating that the creation of the EEA has only had a limited impact on national environment agencies in relation to the two French environmental agencies addressed in this chapter, stark differences become apparent. Although having been affected by Europeanization, the ADEME has been unaffected by the creation of the EEA and the Eionet. Cooperation between the ADEME and EEA is very limited, despite some of the Eionet's NRCs being located in ADEME. The Ifen, on the other hand, owes its existence to the creation of the EEA, to which it was supposed to be the counterpart at the national level.

¹²⁹¹ Buller (2004:95)

When applying Bulmer and Burch's conceptual dimensions for establishing institutional change,¹²⁹² it can be concluded that the creation of the EEA has not resulted in significant changes to the overall French political system. However, in contrast to the other two countries considered in this thesis, the EEA's creation has, in the French case, led to changes in organizations by leading to the creation of a whole new institution. It has also triggered changes to processes (such as accommodating the Ifen) and regulation (such as the regulation establishing the Ifen). This impact is even more surprising, as the legislation creating the EEA and the participation in its Eionet does not require such actions from its member countries. As long as the roles within the network are allocated nationally and the reporting obligations are being met through whichever arrangement established in the member countries, they have fulfilled their duty.

Applying Börzel and Risse's classification¹²⁹³, some transformation did take place, not of the whole political system, but of the environmental institutional landscape. When looking at the vertical level, the creation of the EEA initially added an extra dimension to the existing institutions through the creation of the Ifen. Already by changing the Ifen's statute, this extra dimension was reduced as it was under closer control of the Environment Ministry, lost its independence and was completely removed from the institutional landscape four years later with the Ifen becoming part of the SOeS. Horizontally, as with the other EEA member countries, the Eionet linked national experts internationally and nationally through their participation as NRCs in the Eionet.

A change as significant as the creation of a whole new institution as a response to the creation of the EEA disproves the hypothesis expecting the EEA's creation to have had only a limited impact on the member countries. Thus the theoretical literature from which the hypothesis is derived might require modification or the hypothesis might

¹²⁹² Bulmer and Burch (2009:29-30)

¹²⁹³ Börzel and Risse (2003:69-70)

require combining with a different theory. This will be further discussed in the comparative chapter (Chapter Seven) and the conclusion (Chapter Nine).

Moreover, displaying a higher degree of fluidity regarding administrative structures suggests that requirements resulting from EU membership or developments such as the creation of the EEA are more easily accommodated, even if they require significant changes to existing domestic structures. Müller-Brandeck-Bocquet points out that the creation of new structures, such as the ADEME, Ifen and INERIS is a typically French reaction to a new challenge, which responds to a newly emerging problem with institutional differentiation.¹²⁹⁴ However, the creation of new public bodies appeared to be some sort of compromise, which does nothing to remove the environment from its subordinate position.¹²⁹⁵

The creation of the Ifen represents a significant impact on the French administrative system as it was the creation of the EEA which led to the creation of the Ifen in the first place. The changes taking place to the Ifen's status and its eventual dissolution, however, are due to national developments and preferences. The openness to institutional change not only allowed the Ifen's creation but also facilitated the change of its statute and dissolution and absorption into the Environment Ministry's statistical services.

It is still too early to assess how the move from Ifen to SOeS will affect the work of the NFP overall. When simply looking at the performance in the priority data flow, French performance continues to improve.

¹²⁹⁴ Müller-Brandeck-Bocquet (1996:111)

¹²⁹⁵ *Ibid.*:111

Chapter 6: The Environment Agency of England and Wales

6.1 The Environment Agency

This chapter looks at the role of the Environment Agency of England and Wales and the British set-up for participation in the Eionet at Defra. It therefore does not include a focus on the SEPA.

6.1.1 Pre-creation

In the late 1980s and early 1990s, a number of new organizations were created, which would eventually be combined to form the core of the EA. With the focus of this chapter being on the EA, only the immediate predecessors (some of which go back as far as the nineteenth century) eventually making up this agency will be considered.¹²⁹⁶

The relatively late creation of a unified EA of England and Wales needs to be considered in the context of previously existing environmental protection bodies, namely the NRA, HMIP and WRAs.

HMIP

In 1987, HMIP was created by combining previously separate inspectorates for industrial air pollution, radiochemical, hazardous waste and water pollution.¹²⁹⁷ HMIP was part of the DoE.¹²⁹⁸ It was responsible for the regulation of polluting discharges to air, water and land.¹²⁹⁹ Integrating pollution control responsibilities in a single body had been called for by the Royal Commission on Environmental Pollution (RCEP) since the

¹²⁹⁶ Weale (1996a:110)

¹²⁹⁷ *Ibid.*:119, Gray and Flynn (1994:584)

¹²⁹⁸ Gray and Flynn (1994:584), Weale (1996a:119)

¹²⁹⁹ Gray and Flynn (1994:584)

mid-1970s.¹³⁰⁰ However, it took many more years, inter-departmental disputes, pressure resulting from embarrassing pollution incidents and the European Commission before HMIP was established.¹³⁰¹ By 1987, new issues had arrived on the environmental regulation agenda and some of the traditional operating assumptions had become outdated, leading to HMIP struggling to define its role and mode of operation in the first five years of its existence.¹³⁰² The increasing importance of EU environmental policy had also not been anticipated during the design and creation of the inspectorate.¹³⁰³

The principle employed by HMIP to address pollution discharges into the whole of the environment was the principle of best practicable environmental option (BPEO) which replaced the previously used principle of best practicable means (BPM).¹³⁰⁴ Although prosecution of offenders was an option for HMIP, it was only used as a last resort.¹³⁰⁵ Difficulties faced by the inspectorate included problems regarding the coordination of its inherited operation practice traditions and underfunding.¹³⁰⁶ As a result HMIP's regulatory record was considered patchy.¹³⁰⁷

NRA

The NRA was created under the 1989 Water Act following criticism by the European Commission (amongst others) of the decision to privatise of the water industry as it was argued this would lead to problems in the implementation of EU legislation.¹³⁰⁸ In contrast to HMIP, the NRA's size was described as 'enormous'¹³⁰⁹ and it was created as a non-departmental body with its own board, although it was still accountable to

¹³⁰⁰ Gray and Flynn (1994:584)

¹³⁰¹ *Ibid.*:584

¹³⁰² Weale (1996a:115)

¹³⁰³ *Ibid.*:116

¹³⁰⁴ *Ibid.*:114

¹³⁰⁵ Gray and Flynn (1994:585)

¹³⁰⁶ *Ibid.*:585

¹³⁰⁷ *Ibid.*:585

¹³⁰⁸ Ward (1998:256)

¹³⁰⁹ Zito (2009b:1231)

Parliament via the DoE.¹³¹⁰ Additionally, the NRA was also independent from the water companies, which it had to regulate and was keen to display its regulatory independence.¹³¹¹ The NRA's implementation style was more adversarial than those of its predecessors.¹³¹² Prior to the NRA's creation, the water authorities were responsible for protecting the water environment, but they were also major polluters (e.g. through sewerage), with the NRA separating operational and regulatory functions.¹³¹³ The NRA also addressed the previously uneven system of consent discharges and policy implementation across England and Wales.¹³¹⁴

The NRA's main functions were flood defence, coastal protection, water resource management, pollution control, fisheries, navigation on certain rivers, as well as recreation and conservation.¹³¹⁵ The NRA managed to establish itself through having a powerful presence and being highly influential in the emerging pattern of pollution control.¹³¹⁶ Although pollution control was its main function, the NRA became renowned for its readiness to prosecute polluters with, often substantial, fines following pollution incidents.¹³¹⁷ The NRA was not only significantly larger than HMIP, it also had a much higher public profile.¹³¹⁸

WRAs

WRAs were responsible for the safe treatment and disposal of controlled waste (including household waste and waste produced by agriculture, mines and quarries).¹³¹⁹

The 1990 Environmental Protection Act further established Waste Collection

¹³¹⁰ Weale (1996a:119)

¹³¹¹ *Ibid.*:121

¹³¹² Wurzel (2002:27)

¹³¹³ Gray and Flynn (1994:585)

¹³¹⁴ Weale (1996a:122)

¹³¹⁵ Gray and Flynn (1994:585)

¹³¹⁶ Weale (1996a:119)

¹³¹⁷ Gray and Flynn (1994:585)

¹³¹⁸ Flynn (2007:750)

¹³¹⁹ *Ibid.*:750

Authorities and Waste Disposal Authorities, which remained part of local government, authorities or local contractors.¹³²⁰ The creation of the EA has been described as ‘a merger of 83 organizations’¹³²¹ due to the 81 WRAs (which were combined with the NRA and HMIP) all functioning very differently from each other, further complicating the shaping of the EA into a single organization.¹³²²

Calls for reform in general and a unified agency in particular were supported by shortcomings in the then existing set-ups, which included the duplication of some powers (resulting in unnecessary administrative costs for regulators and the regulated), considerable room for regulatory discretion leading to uncertainties regarding the behaviour of the enforcer, competition between regulatory bodies (resulting in a lack of agreement on regulatory priorities), diminished supply of employees and loopholes (allowing the polluters to play regulators off against each other).¹³²³ An internal dispute between the NRA, DoE and MAFF (the Ministry of Agriculture, Fisheries and Food) was largely responsible for the delay in the setting up of a single environment agency.¹³²⁴

6.1.2 Creation of the EA

There had been demands for a single unified environment agency since the mid-1970s, when the existing RCEP called for the integration of functions then carried out by a number of disparate organizations and the House of Commons Select Committee on the Environment also proposed the setting up of an environment agency in 1976.¹³²⁵

¹³²⁰ Flynn (2007:750)

¹³²¹ Interview British official (2010b)

¹³²² *Ibid.*

¹³²³ Helm (1992:72-73)

¹³²⁴ *Ibid.*:82

¹³²⁵ Flynn (2007:750), Helm (1992:66)

In 1990, the Conservative government issued a White Paper on the Environment entitled *This Common Inheritance*, which was followed by policy documents from the opposition parties (*An Earthly Chance* by Labour and *What Price Our Planet?* by the Liberal Democrats), which outlined their commitment to major institutional reforms.¹³²⁶ This led to a change of the government's position, with John Major in his first speech on the environment as Prime Minister in July 1991 arguing that 'it is right that the integrity and indivisibility of the environment should now be reflected in a unified agency'.¹³²⁷ He also announced that the government was intending 'to create a new agency for environmental protection and enhancement'.¹³²⁸

However, once the creation of such an agency had been decided, the appropriate institutional structure had to be determined.¹³²⁹ The 1991 Green Paper on *Improving Environmental Quality: The Government's Proposal for a New, Independent Environment Agency* listed four possible options for the design of the agency to be considered¹³³⁰: The first option suggested the combination of HMIP and waste regulation to create an environmental agency catering for air and land, with a separate NRA, which would be allocated HMIP's water responsibilities. The second option was the creation of an umbrella organization with a common board which would oversee the functions of the otherwise separate NRA and HMIP, with waste management becoming the responsibility of the latter. The third – and chosen – option was the creation of a fully integrated agency which included operational, regulatory and enforcement activities of HMIP, NRA and WRAs. The fourth and final option was the combination of HMIP, WRAs and the NRA's regulatory and enforcement activities, with the NRA continuing to exist, but focussing on its operational activities. Moreover, the role of

¹³²⁶ Flynn (2007:750)

¹³²⁷ John Major quoted in Gray and Flynn (1994:589)

¹³²⁸ *Ibid.*:589

¹³²⁹ Helm (1992:67)

¹³³⁰ *Ibid.*:73

local government in environmental matters and whether or not the NRA was going to be divided were important debates which took place at the time.¹³³¹

Proponents of the creation of a single unified environment agency stressed the need for greater consistency in regulation, the improved ability of a high profile organization to ensure its independence, having a single environmental regulator or one-stop shop and the need to look at the sum of companies' pollutants.¹³³² The opponents of a single unified environment agency, on the other hand, stressed the higher flexibility of small specialist bodies to adapt; they considered cross-sectoral regulation as too complex for a single body and wanted to shift the focus on integrating the environment into sectoral policies.¹³³³ When creating the EA, the government described its main purpose was 'to enable the functions vested in it to be carried out in a way which brought greater overall benefit for the environment as a whole'.¹³³⁴ The 1995 Environment Act established the EA of England and Wales and the SEPA. It describes the principal aim and objectives of the EA as

to protect or enhance the environment, taken as a whole, as to make the contribution towards attaining the objective of achieving sustainable development.¹³³⁵

The act further lists the areas of agency responsibilities.

The EA was created as a non-departmental public body and began its work in April 1996. Although it is considered as independent, some dependencies remain such as the accountability to Parliament or depending on Defra (its overseeing department) for the allocation of its budget.¹³³⁶ The EA is located in Bristol, although some headquarter functions (such as the parliamentary and media relations work) are located in

¹³³¹ Helm (1992:73-75)

¹³³² Gray and Flynn (1998:503)

¹³³³ *Ibid.*:503

¹³³⁴ Defra (2002:5)

¹³³⁵ United Kingdom (1995: Part I, Chapter I, Paragraph 4.1)

¹³³⁶ Helm (1992:76-77)

London.¹³³⁷ The EA also has a main office in Cardiff (EA Wales) and seven regional offices in England.¹³³⁸

6.1.3 Role of the EA

The 2006 Report on the EA by the House of Commons' Environment, Food and Rural Affairs Committee states that 'the Environment Agency is the leading public body protecting and improving the environment in England and Wales'.¹³³⁹ The agency's main aims are the protection and improvement of the environment while promoting sustainable development.¹³⁴⁰ It describes its vision as creating 'a better place for people and wildlife, for present and for future generations'.¹³⁴¹ The EA's work is largely based on the delivery of environmental priorities set out by the central government and the Welsh Assembly.¹³⁴² It acts as environmental regulator and operator, monitors the state of the environment, and advises on the development of environmental policy.¹³⁴³

A former EA chairman, Sir John Harman, pointed out that regulation protects the environment and health.¹³⁴⁴ Additionally, environmental regulation should also aim to shape economic developments to increase resource efficiency, and thus be involved in economic processes as well.¹³⁴⁵ The agency takes part in an ongoing effort to improve regulation.¹³⁴⁶ In the draft of its corporate strategy for 2010-2015, the EA states that its principal aims are 'to protect and improve the environment, and to promote sustainable

¹³³⁷ Defra and Welsh Assembly (2002:14)

¹³³⁸ *Ibid.*:14

¹³³⁹ House of Commons (2006a:3)

¹³⁴⁰ Environment Agency (2009a)

¹³⁴¹ Environment Agency (2009b)

¹³⁴² Environment Agency (2009a)

¹³⁴³ *Ibid.*

¹³⁴⁴ Sir John Harman quoted in ENDS Report 382 (2006:4)

¹³⁴⁵ *Ibid.*:4

¹³⁴⁶ ENDS Report 406 (2008:36)

development'.¹³⁴⁷ The EA thus aims to consider environmental protection and improvement in relation to the social and economic impact of its decisions.¹³⁴⁸ The EA considers these aims to be its primary purpose.¹³⁴⁹ The draft corporate strategy further highlights the central role played by the agency in delivering the environmental priorities of the central government and the Welsh Assembly.¹³⁵⁰

Box 6.1: The EA's roles and responsibilities

The EA's roles and responsibilities:

- **Modern regulator:** Risk-based, proportionate approach, driving for improvements and taking action when acceptable standards are not being met.
- **Efficient operator:** Taking local action to improve and protect the environment.
- **Influential advisor:** Advising government at all levels (EU, national, regional and local) on development and implementation of environmental strategy and policy.
- **Active communicator:** Promoting environmental information, reporting on the state of the environment, participating in public debate, engaging with local authorities and communities, regional bodies, industry and other stakeholders.
- **Champion of the environment:** Promotion of the safeguarding and improvement of the environment.

*Source: The Environment Agency's Corporate Strategy 2002-2007: Making it happen*¹³⁵¹

¹³⁴⁷ Environment Agency (2009a)

¹³⁴⁸ EA Corporate Strategy 2002-07 in: House of Commons (2006a:9)

¹³⁴⁹ *Ibid.*:9

¹³⁵⁰ Environment Agency (2009a)

¹³⁵¹ EA Corporate Strategy 2002-07 in: House of Commons (2006a:9)

The functions and duties of the agency as set out in the management statements, which are issued to the EA by Defra and the Welsh Assembly, have been categorized as flood defence, water resources, water quality, waste management, process industry regulation, fisheries, radioactive substances, land contamination, navigation, recreation, and conservation.¹³⁵² In its environmental vision, published in 2000, the EA further lists its areas of activity as: a better quality of life, enhancing the environment for wildlife, improving air quality, protecting and improving inland and coastal waters, improving soil quality, greening the business world, promoting sustainable use of natural resources, trying to limit and adapt to climate change.¹³⁵³ The EA also plays an important role with regards to environmental information. It has statutory responsibilities involving assembling and disseminating environmental data, communicating on the general state of the environment, assessing the impacts of pollution, and promoting an understanding of methods for environmental protection.¹³⁵⁴

In its role as environmental advisor, the agency takes an independent knowledge-based approach.¹³⁵⁵ The EA not only advises businesses on environmental issues, it also offers expert advice to the government for which it is one of the main sources of information when developing new environmental policies and strategies.¹³⁵⁶ Apart from cooperating with Defra and the Welsh Assembly, the EA is also expected to work closely with other government departments and statutory agencies as well as a wide range of partners in the public, private and voluntary sectors.¹³⁵⁷ Defra suggests that the EA ‘should strive to maintain itself as a recognised centre of knowledge and expertise

¹³⁵² Defra and Welsh Assembly (2002:5-6)

¹³⁵³ Environment Agency (2000:5)

¹³⁵⁴ Defra and Welsh Assembly (2002:6)

¹³⁵⁵ EA Corporate Strategy 2002-07 in: House of Commons (2006a:9)

¹³⁵⁶ Defra (2002:8-9)

¹³⁵⁷ Defra and Welsh Assembly (2002:7)

within its areas of responsibility'.¹³⁵⁸ Moreover, the inclusion of the EA as an advisor in the early stages of policy-making is important, as due to its involvement in the implementation process, the EA cannot afford to give impractical advice.¹³⁵⁹ While it might seem straightforward to judge the agency's work and efficiency based on the numbers of prosecutions it makes, it has been suggested that the EA should be assessed based on trends in environmental quality (in addition to the number of notices it serves).¹³⁶⁰

The simultaneously created SEPA was allocated additional powers (such as local authority environmental health officers dealing with air pollution) due to political factors and the wish to avoid party-internal opposition from local authorities.¹³⁶¹ The EA works a lot with SEPA and practical collaboration, particularly in the border region has been described as very good.¹³⁶²

Importance

Not only is the EA – according to its own statement – the biggest organization protecting and improving the environment in England and Wales, it is also the largest agency of this type in Europe and the second largest in the world.¹³⁶³ In 2000, a report on the EA by the Environment, Transport and Regional Affairs Committee highlighted the central importance of the agency's role:

the extreme importance of the role which the Agency has to play. Environmental protection and enhancement are at the heart of sustainable development: as the Government recognised in its Sustainable Development Strategy, a damaged environment impairs quality of life and, at worst, may threaten long term economic growth. The Agency, placed as it is at the point where business and the environment meet, should be at the forefront of the move towards sustainable

¹³⁵⁸ Defra (2002:9)

¹³⁵⁹ Interview British official (2010b)

¹³⁶⁰ ENDS Report 249 (1995:5)

¹³⁶¹ Flynn (2007:750)

¹³⁶² Interview British official (2010b)

¹³⁶³ Environment Agency (2009b), House of Commons (2006a:3)

development. We look forward to seeing an Environment Agency which takes its place as the leading organization in the process of attaining that goal.¹³⁶⁴

The agency's strength and size further reduces the risk of it being broken up in the future.¹³⁶⁵ Moreover, as former EA chairman Sir John Harman points out, the length of time it took for the EA to become a unified agency and fully integrate all of the processes leads to a situation where, in the near future, 'breaking up the EA is unlikely to happen for reasons of cost and purpose'.¹³⁶⁶

Organizational structure

When the EA was created, a matrix structure was introduced, organized around nine over-arching themes, involving regional and area actors aiming for a more integrated approach to regulation.¹³⁶⁷ In 2002, EA management restructured the agency into a policy setting unit and a policy translation unit giving instructions to the regions and the science department.¹³⁶⁸

The EA is run by an appointed board consisting of the chairman, the deputy chairman and between eight and 15 members (14 in 2009), all appointed by the Secretary of State (with the exception of one board member who is appointed by the Welsh Assembly).¹³⁶⁹ The board's collective responsibility includes taking decisions on the EA's overall strategic direction, shaping its policies, promoting its policies to external audiences, ensuring that agency activities and policies are consistent with existing legislation, and approving annual reports and accounts.¹³⁷⁰ The agency's chairman is appointed by the Secretary of State and is responsible for the EA's overall

¹³⁶⁴ House of Commons (2000)

¹³⁶⁵ Interview British official (2010b)

¹³⁶⁶ Interview Harman (2010)

¹³⁶⁷ Zito (2009a:17)

¹³⁶⁸ *Ibid.*:32

¹³⁶⁹ Defra and Welsh Assembly (2002:11)

¹³⁷⁰ *Ibid.*:11-12

direction and management, as well as ensuring the effectiveness of the board.¹³⁷¹ The agency's matrix management structure does provide consistency, although it has been criticised for lacking flexibility.¹³⁷²

The EA's chief executive is responsible for the overall organization, management and staffing of the agency, advising the board, acting as the agency's accounting officer (answerable to Parliament and Defra), and developing the agency's five-year corporate strategies.¹³⁷³ The chief executive and the agency's directors are responsible for ensuring that the EA's policies are carried out across the country.¹³⁷⁴

In 2008, the EA had around 12,500 staff and an annual budget of around £1.1 billion, making it the largest (in addition to also being the most powerful) environment agency in Europe.¹³⁷⁵ As a public body, the EA receives most of its funding from Defra (around 60 per cent), with the rest mainly coming from various charging schemes.¹³⁷⁶ However, cuts to the Defra's budget are highly likely also to affect the EA to a certain extent.

6.1.4 Changes and challenges

The EA appears to be restructuring frequently, particularly during the first decade of its existence.¹³⁷⁷ One British official interviewed pointed out that it took roughly until 2000 to shape the EA into a single organization and that the agency changed beyond recognition between 1996 and 2010.¹³⁷⁸ A lot of the changes undertaken were restructuring measures in order to create a unified agency, able to fulfil its role.¹³⁷⁹

¹³⁷¹ Defra and Welsh Assembly (2002:11)

¹³⁷² ENDS Report 304 (2000:33)

¹³⁷³ Defra and Welsh Assembly (2002:12-13)

¹³⁷⁴ Environment Agency (2009b)

¹³⁷⁵ ENDS Report 406 (2008:36), Jordan (1998:188)

¹³⁷⁶ Environment Agency (2009b)

¹³⁷⁷ Interview British official (2010b)

¹³⁷⁸ *Ibid.*

¹³⁷⁹ *Ibid.*

Box 6.2: Stages in the EA's development

Stages in the Environment Agency's development:

1996-1998: organizational amalgamation: bringing the NRA, HMIP and WRAs together

1999-2001: real integration of different policy areas, separating authorisation and enforcement functions

2002-2004: EA's Better Regulation Improving The Environment (BRITE) Programme (restructuring the headquarters into three strands to ensure consistency), acquiring of new policy functions

Since 2005: work on making national processes consistent, greater involvement at EU level

Sources: Interview British official (2010b), Zito (2009a:32), ENDS Report 372 (2006a:51)

Although the EA was never 'supposed to look beyond these shores'¹³⁸⁰, eventually it became obvious that the EA needed to be more involved in the early stages of EU environmental policy-making. The need to include practitioners from the beginning of the procedures was eventually recognized about ten years after the EA's creation.¹³⁸¹

Because the creation of the EA involved the merging of two major and a large number of smaller well-established organizations, a number of difficulties were encountered in getting the agency up and running (according to its remit as set out in the 1995 Environment Act). Zito points out that officials in each of the organizations making up the EA were hoping that the new agency would reflect the main organizational characteristics of their respective institution.¹³⁸² Due to the differences in size of the organizations which were combined to form the EA, it comes as no surprise

¹³⁸⁰ Interview British official (2010b)

¹³⁸¹ *Ibid.*

¹³⁸² Zito (2009b:1233)

that the new agency (and its board) were dominated by ex-NRA officials.¹³⁸³ The resulting concerns raised by former HMIP and WRAs employees about being swamped by the NRA's culture were comprehensible.¹³⁸⁴

Although it has taken longer than originally expected for the combined bodies to form a cohesive agency, it has to be pointed out that expectations were very high, to the point of being unrealistic.¹³⁸⁵ Some review processes took place very early, perhaps not giving the agency sufficient time and failing to take into account its relatively young age. On the other hand, it might be an advantage to identify early on those areas where the agency was seen to be falling behind expectations or failing altogether, so that improvements could be made before ineffective procedures became established. The report of the Environment, Transport and Regional Affairs Committee on the EA, published in 2000, criticises the agency in a number of areas, most notably for lacking a coherent vision, failures as regulator, a low public profile and lack of accountability.¹³⁸⁶ McMahon suggests that the lack of a sense of mission in the EA can be traced back to its creation which was seen as necessary to increase administrative efficiency rather than create an agency for the environment.¹³⁸⁷

However, as Bell and Gray point out, many of these criticisms do not take into account all the circumstances surrounding the agency's "failures".¹³⁸⁸ Thus the EA, suffering from a lack of an integrated vision, does not sufficiently take into account the diverse nature of the agency and the background of its staff.¹³⁸⁹ It also ignores the impact of trying to incorporate the (changing and complex) concept of sustainable

¹³⁸³ ENDS Report 247 (1995:3)

¹³⁸⁴ *Ibid.*:3

¹³⁸⁵ Flynn (2007:751)

¹³⁸⁶ House of Commons (2000)

¹³⁸⁷ McMahon (2006:127)

¹³⁸⁸ Bell and Gray (2002)

¹³⁸⁹ *Ibid.*:78

development.¹³⁹⁰ Bell and Gray further point out that environmental protection is not the same as the promotion of sustainable development and that, while the agency might be able to contribute to both, tensions between these two continue to exist.¹³⁹¹ The EA's low public profile can be attributed to the attitudes of both the agency's first chairman and chief executive and its dependence on Defra, from which it received large parts of its budget (although the Welsh Assembly also made some budget contributions).¹³⁹² With regards to the claim that the EA failed as a regulator, Bell and Gray point out that in addition to an inappropriate management system, poor management and a flawed pay system, some of the reasons for the EA's performance are external (including underfunding, ring-fenced funding and inadequate legislation).¹³⁹³ Finally, the EA was accused of lacking accountability, particularly regarding its lack of transparency and the way it deals with its stakeholders, who tend not to feel involved and informed enough.¹³⁹⁴ Bell and Gray have pointed out that the causes for the agency's shortcomings and the changes it was implementing in order to improve its performance were not sufficiently taken into account in the review.¹³⁹⁵

Another major challenge the agency faces in its work is that of combining its role as regulator with that of 'Champion of the Environment'. In reviews of the EA, some of its stakeholders expressed the view that the agency struggles to combine both roles and that a clearer distinction between its functions would be desirable.¹³⁹⁶ Moreover, the difficulty of a single body combining the role of advisor and prosecutor has been pointed out.¹³⁹⁷ Enterprises occasionally refrain from accessing EA out of fear of

¹³⁹⁰ Bell and Gray (2002:78)

¹³⁹¹ *Ibid.*:80

¹³⁹² Bell and Gray (2002:81-82)

¹³⁹³ *Ibid.*:85-86

¹³⁹⁴ *Ibid.*:90-91

¹³⁹⁵ *Ibid.*:93

¹³⁹⁶ House of Commons (2006a:11)

¹³⁹⁷ *Ibid.*:13

prosecution when trying to comply with existing legislation or following the introduction of new legislative measures.¹³⁹⁸

The EA has almost continuously found itself facing significant budgetary constraints, resulting in the agency having to change its priorities, outlook and in some cases abolish certain organizational levels (such as national centres).¹³⁹⁹ Its financial position was worsened by external events (such as the 2007 floods) and budgetary constraints faced by Defra which have a knock-on effect on the agency's budget.¹⁴⁰⁰

Another problem faced by the EA is the difficulty it has been experiencing in recruiting specialist staff.¹⁴⁰¹ This is due not only to a technical skills shortage in the areas needed (mainly flood risk engineering, hydrology or geomorphology), but also the insufficient reflection of the importance of these positions in the agency's pay structure.¹⁴⁰² Contributions to the 2006 EA review considered the lack of specialist staff as 'one of the agency's most significant drawbacks'.¹⁴⁰³ It has often been pointed out that although the level of pay is high enough to attract university graduates, it is not sufficient to attract (and retain) experienced professionals, who would be required in order to maintain the quality of its services.¹⁴⁰⁴

These issues might be resolved over time as the creation of the EA took place during unprecedented organizational reforms in Britain.¹⁴⁰⁵ The EA has to find its own way as it does not fit as well into Britain's traditional administrative culture as its predecessors.¹⁴⁰⁶

¹³⁹⁸ House of Commons (2006a:13)

¹³⁹⁹ Zito (2009a:33)

¹⁴⁰⁰ *Ibid.*:33

¹⁴⁰¹ House of Commons (2006a:19)

¹⁴⁰² *Ibid.*:19

¹⁴⁰³ *Ibid.*:19

¹⁴⁰⁴ ENDS Report 257 (1996:3)

¹⁴⁰⁵ Flynn (2007:750)

¹⁴⁰⁶ *Ibid.*:750

6.1.5 Partners and clients

Business and industry

The EA generally attempts to take on the role of educator to business (a tradition followed on from the working style of HMIP).¹⁴⁰⁷ However, this approach is not successful in all cases and the agency also (often in parallel to issuing fines and prosecution) produces its annual *Spotlight on Business* report which is a high profile name and shame campaign publicising major polluters.¹⁴⁰⁸ Since it was first published in 1999, the *Spotlight* reports have developed into an assessment of business performance, companies' environmental management, pollution incidents and information on prosecutions.¹⁴⁰⁹ Evaluations of the *Spotlight* reports point to steady improvements in business performance.¹⁴¹⁰ Flynn points out that most businesses will not have noticed differences in the way in which they are regulated since the move from the EA's predecessors to the agency.¹⁴¹¹

While many small and medium enterprises would welcome working more closely with the EA, the agency points out that it is impossible to give tailored advice to every single business on every environmental issue, taking on the role of a consultant, when it is up to the businesses themselves to understand and fulfil their environmental responsibilities.¹⁴¹²

¹⁴⁰⁷ Flynn (2007:751)

¹⁴⁰⁸ *Ibid.*:751

¹⁴⁰⁹ ENDS Report 355 (2004:25)

¹⁴¹⁰ *Ibid.*:28

¹⁴¹¹ Flynn (2007:751)

¹⁴¹² ENDS Report 373 (2006:43)

The public

A 2001 Defra survey of public environmental attitudes revealed that environmental issues remain a major concern for the public in England and Wales.¹⁴¹³ Looking at earlier reviews and statements of the EA, a shift appears to have taken place from a mainly regulatory approach to a larger focus on working with the public. The agency is supposed to act as a citizen's friend through its actions to protect the environment.¹⁴¹⁴ However, although its actions usually automatically fulfil that role, the EA does not always appear to be perceived like this by the public.

The area the agency appears to have had most success in raising its public profile is its flood defence work.¹⁴¹⁵ In addition, the EA constantly works on the development of information and education programmes on its website and through its annual State of the Environment Reports (which, however, do not exclusively target the public as their main audience).¹⁴¹⁶ In the first years of its existence, the EA was criticised for not targeting the public enough and the Environment, Transport and Regional Affairs Committee stated in its 2000 review that it

would like to see the Agency engage more vigorously in public debate and raise its profile on matters of importance where protection and enhancement of the environment and sustainable development are concerned.¹⁴¹⁷

It is, however, important to bear in mind that the EA is first and foremost a regulatory agency. This is not to say that its role in informing the public is less important nor that it should not be one of the agency's main concerns. Dr. Paul Leinster, the Agency's Chief Executive wanted the EA to more actively engage with the public, creating partnerships through dialogue with communities.¹⁴¹⁸

¹⁴¹³ ENDS Report 333 (2002:10)

¹⁴¹⁴ Flynn (2007:750)

¹⁴¹⁵ Bell and Gray (2002:82)

¹⁴¹⁶ *Ibid.*:82-83

¹⁴¹⁷ House of Commons (2000: Paragraph 22)

¹⁴¹⁸ ENDS Report 406 (2008:37)

6.1.6 International activity

Part of the work of the EA's EU and international relations team is concerned with the facilitation of the EA's relationships outside England and Wales, often in the form of participation in networking projects, bilateral relations with other European countries (mainly on the technical level such as inspection issues with France or the Netherlands), assistance to developing countries on environmental issues and sharing good practice with, for example, the USA, Canada and Australia.¹⁴¹⁹ Moreover, the EU and international relations team are also in contact with the Commission's DG Environment and some MEPs.¹⁴²⁰ Lowe and Ward criticise British environment agencies for often focussing their contacts too narrowly on DG Environment.¹⁴²¹ However, environment agencies tend to play a very marginal role in the EU policy-making process and are very rarely involved in the agenda-setting legislative stages.¹⁴²² This is not necessarily the role the agencies want to play at the EU level, but often they do not have a choice.

The EA is heavily involved in the EPA network and the IMPEL network.¹⁴²³ The IMPEL network was created following Dutch and British initiatives to improve the implementation of EU environmental law.¹⁴²⁴ Its first meeting took place in Chester in 1992 after which the network changed its name from Chester network to IMPEL network in 1993.¹⁴²⁵ Most of the British contacts with the EEA take place through Defra, with the EA only having occasional and limited contact with the EEA.¹⁴²⁶ The EA's contacts with the EEA are mainly through the EPA network (although some links were established between the EA's data and monitoring department and the EEA).¹⁴²⁷

¹⁴¹⁹ Environment Agency Official interview (2009)

¹⁴²⁰ *Ibid.*, Interview British official (2010b)

¹⁴²¹ Lowe and Ward (1998b:97)

¹⁴²² *Ibid.*:97

¹⁴²³ Interview British official (2009a)

¹⁴²⁴ Martens (2006:127-128)

¹⁴²⁵ IMPEL website (2009)

¹⁴²⁶ Interview British official (2009a)

¹⁴²⁷ *Ibid.*

6.2 The EA in the national context

6.2.1 Defra

The DoE was set up in 1970. It incorporated elements of different ministries concerned with housing, local government, public building and transport.¹⁴²⁸ Although it was hoped that the existence of a DoE would promote the integration of environmental concerns in other policy areas, the organizational reform was not sufficient to deal with environmental problems.¹⁴²⁹ This was due to several reasons, including the DoE mainly consisting of previously created branches of government, it not having been given any new powers and key environmental responsibilities remaining with other departments (such as agriculture or energy).¹⁴³⁰ Thus, contrary to what its name suggests, the DoE's primary purpose was not the protection of the environment.¹⁴³¹ Instead it was mainly concerned with local government, although it did also have responsibilities for pollution control (which it shared with the ministries for agriculture, fisheries and food), countryside and nature protection.¹⁴³²

After a change of government (from Conservatives to Labour), the DoE was merged with transport and regional planning, creating DETR, a super-ministry.¹⁴³³ Within DETR, environmental regulation remained a separate function, but as previously with the DoE, some environmental responsibilities were still held by other ministries (e.g. MAFF).¹⁴³⁴ With DETR not gaining significant new powers in the environmental field, there were doubts about whether it would be able to deliver a better performance than its predecessor.¹⁴³⁵

¹⁴²⁸ Gray and Flynn (1994:583)

¹⁴²⁹ *Ibid.*:583

¹⁴³⁰ *Ibid.*:583-584

¹⁴³¹ Weale (1996a:108-109)

¹⁴³² *Ibid.*:108-109

¹⁴³³ Budge *et al.* (2001:577)

¹⁴³⁴ *Ibid.*:577

¹⁴³⁵ Flynn (2007:748)

In 2001 (following a general election), another reorganization took place resulting in the creation of Defra which merged the environment section of DETR with the former MAFF (whose performance had not been considered satisfactory).¹⁴³⁶ In addition, Defra was also assigned responsibilities for sustainable development, environmental protection and water, rural development and countryside, as well as energy efficiency.¹⁴³⁷ It was hoped that Defra would be able to lead to a greening of agricultural policies; however, environmental policy was expected to be disadvantaged by the transfer of one of its key tools, planning, to the office of the Deputy Prime Minister.¹⁴³⁸ Flynn describes the development of environmental protection institutions as a story of integration and fragmentation aimed at addressing political priorities or problems.¹⁴³⁹ However, changes might not necessarily aid integrated policy-making and tensions between sectors remain, even if they are combined to a single department.¹⁴⁴⁰

Although responsible to Defra, the EA works closely also with the DECC which was created in 2008.¹⁴⁴¹ Although it involves major environmental issues, transport was eventually assigned its own department, the Department of Transport.¹⁴⁴² This was undertaken due to its political prominence, removing it from the only one-year old Department of Transport, Local Government and the Regions.¹⁴⁴³

6.2.2 The EA, Defra and the Welsh Assembly

The 1995 Environment Act outlines that

¹⁴³⁶ Flynn (2007:748)

¹⁴³⁷ *Ibid.*:748

¹⁴³⁸ *Ibid.*:748

¹⁴³⁹ *Ibid.*:748

¹⁴⁴⁰ *Ibid.*:748

¹⁴⁴¹ ENDS Report 406 (2008:37)

¹⁴⁴² Flynn (2007:748)

¹⁴⁴³ *Ibid.*:748

the Ministers shall from time to time give guidance to the Agency with respect to objectives which they consider it appropriate for the Agency to pursue in the discharge of its functions.¹⁴⁴⁴

The importance of the EA establishing itself as independent from Defra was recognized from the beginning and the agency was allowed to exercise a significant degree of independence.¹⁴⁴⁵

The 2002 Management Statement issued to the EA describes the roles of Defra and the Welsh Assembly in England and Wales respectively as setting up the policy framework for the EA, allocating resources for its activities, monitoring its performance in relation to agreed objectives and targets, and issuing general guidance or specific directions, among others.¹⁴⁴⁶

When the EA acquired new policy functions in 2002, tensions between the agency and Defra over roles and responsibilities in developing policies increased.¹⁴⁴⁷ Eventually the agency began to play a bigger role in consultations and early stages of the policy-making process with Defra.¹⁴⁴⁸ However, this approach is not uncontroversial. It has been criticised by business representatives who are concerned about the agency getting too involved.¹⁴⁴⁹ Despite the EA being an independent, non-departmental body, Defra has control over policy decisions, the agency's budget and in many cases over the agency's access to the EU (at least involvement in the decision-making process).¹⁴⁵⁰ In order for the EA to be able to get involved at an earlier stage in EU decision-making, the agency and Defra have signed a Concordat on EU and International Relations.¹⁴⁵¹ This agreement contained Defra's acceptance that the EA has a role in all stages of the EU policy-making process and outlined its

¹⁴⁴⁴ United Kingdom (1995: Part I, Chapter I, Paragraph 4.2)

¹⁴⁴⁵ Interview British official (2010b)

¹⁴⁴⁶ Defra and Welsh Assembly (2002:9-10)

¹⁴⁴⁷ ENDS Report 372 (2006:51)

¹⁴⁴⁸ House of Commons (2006a:28)

¹⁴⁴⁹ *Ibid.*:27

¹⁴⁵⁰ Zito (2009a:40)

¹⁴⁵¹ Environment Agency Memorandum, House of Commons (2006b:Ev165)

involvement.¹⁴⁵² Nonetheless, the EA's role in EU policy-making remains restricted by Defra and despite now being part of Council negotiations, the EA would not be able to be the UK's sole representative.¹⁴⁵³ The concordat can be considered more a manifestation of the emerged changes than a turning point in the EA's involvement in EU and international relations.¹⁴⁵⁴ Overall, the relationship between the EA and Defra has been described as good, and the ongoing improvement of the relationship has also led to better results as a consequence of their cooperation.¹⁴⁵⁵

6.2.3 Regions and local authorities

The devolution process has had a significant impact in Wales and particularly Scotland on environmental policy and its implementation.¹⁴⁵⁶ This is because the Scottish Parliament is equipped with significantly more powers than Wales' National Assembly.¹⁴⁵⁷ Apart from the agency set-up differentiating along national lines between Scotland, Northern Ireland as well as England and Wales, the EA of England and Wales is further divided into regions. In 2006, the EA's area of activity consisted of seven English regions (Southern, Thames, South West, Midlands, Anglian, North West and North East) and of Wales.¹⁴⁵⁸ The regional offices support the 22 area offices and coordinate their activities, which include the management of the area, meeting the needs of the local community and responding to emergencies and incidents.¹⁴⁵⁹

The 1995 Environment Act requires the EA to establish a number of Regional Environment Protection Advisory Committees for different English regions and

¹⁴⁵² Interview British official (2010b)

¹⁴⁵³ Zito (2009b:1239)

¹⁴⁵⁴ Interview British official (2010b)

¹⁴⁵⁵ *Ibid.*

¹⁴⁵⁶ Flynn (2007:744)

¹⁴⁵⁷ *Ibid.*:744

¹⁴⁵⁸ House of Commons (2006a:4)

¹⁴⁵⁹ Environment Agency (2009b)

Wales.¹⁴⁶⁰ It also points out the agency's duty of consulting them on matters affecting the regions and taking their positions into account.¹⁴⁶¹ In addition, each region has a Regional Flood Defence Committee and a Regional Fisheries, Ecology and Recreation Advisory Committee. The committees advise on regional issues of concern, the way regions are affected by national policy proposals and the operational performance of the EA in general. The EA further works with regional bodies (such as regional development agencies), regional chambers and other relevant bodies within the regions to produce sustainable development frameworks.¹⁴⁶² Traditionally, local authorities were highly involved in environmental regulation.¹⁴⁶³ They are the EA's key partners on flood defence, planning, air pollution control and waste issues and cooperate on developing community strategies and local sustainable development strategies.¹⁴⁶⁴

The agency has been criticised (particularly by regulated firms) for allowing regulatory inconsistencies to persist between areas and within the same regions.¹⁴⁶⁵ Its work aims to improve the consistency of regulation in different areas and regions to create a level playing field for businesses.¹⁴⁶⁶

6.2.4 Britain and EU environmental policy

When joining the then EEC in 1973, Britain had already established a number of environmental rules but underestimated how far-reaching EU environmental policy would turn out to be.¹⁴⁶⁷ Not only was the perception of EU environmental policy in Britain affected by widespread antipathy to the EU as a whole, the environment was

¹⁴⁶⁰ United Kingdom (1995: Part I, Chapter I, Paragraph 12)

¹⁴⁶¹ *Ibid.*

¹⁴⁶² Defra and Welsh Assembly (2002:8)

¹⁴⁶³ Flynn (2007:754)

¹⁴⁶⁴ Defra and Welsh Assembly (2002:8)

¹⁴⁶⁵ ENDS Report 404 (2008:5)

¹⁴⁶⁶ ENDS Report 399 (2008:15)

¹⁴⁶⁷ Jordan (2004:205)

considered as already sufficiently protected.¹⁴⁶⁸ Environmental measures originating from the EU were therefore considered of little benefit.¹⁴⁶⁹ With regards to the impact of EU membership on environmental policy in the UK, Budge and colleagues state that

from the beginning of the 1980s the EU has been one of the principal forces operating on the British system of environmental protection, reshaping many of its characteristics. Indeed, there is no other area apart from agriculture where the EU has been so influential in changing the assumptions and standard operating procedures of UK policy.¹⁴⁷⁰

At the time of joining the EU, Britain considered itself to be an environmental pioneer, although national measures were largely conservation-related and environmental policy only occupied a niche position on the political agenda.¹⁴⁷¹ In the mid-1980s the UK could often be found opposing the introduction of strict environmental measures and higher environmental standards the EU sought to introduce and eventually became known as the “dirty man of Europe”.¹⁴⁷² Thus while Britain often occupied a laggard position in EU environmental policy-making it was also the case that on some important decisions Britain was pushing for new common environmental legislation (such as wildlife protection and integrated pollution control).¹⁴⁷³

Eventually, with environmental degradation becoming more apparent, Britain’s reluctance to embrace EU environmental initiatives gradually gave way to a greater willingness to get involved in environmental debates at the European level, moving from the margin of EU environmental policy to the mainstream.¹⁴⁷⁴ The early 1990s saw the first signs of change emerging with the environment department beginning to try to

¹⁴⁶⁸ Flynn (2007:762)

¹⁴⁶⁹ *Ibid.*:762

¹⁴⁷⁰ Budge *et al.* (2001:586)

¹⁴⁷¹ Jordan (2004:208)

¹⁴⁷² Budge *et al.* (2001:588)

¹⁴⁷³ Budge *et al.* (2004:595)

¹⁴⁷⁴ Flynn (2007:762)

influence EU environmental policy at an early state in order to ensure its interests were not neglected.¹⁴⁷⁵

While the EA's predecessors had European officers, they lacked a strategic perspective on EU developments.¹⁴⁷⁶ This reactive approach limited their direct involvement in environmental committees at the EU level.¹⁴⁷⁷ After recognizing the EA's competence in the implementation of EU regulations, Defra had no real choice but to allow the agency to be more involved in discussions about new EU environmental policy measures.¹⁴⁷⁸ With Defra involving the EA in its EU policy-making role (for example, by involving the agency in Council negotiations), the agency became more visible and active internationally.¹⁴⁷⁹ However, this kind of involvement tends to require the EA to maintain the ministerial line.¹⁴⁸⁰

In 2003, the agency proposed a closer working relationship with Defra on how EU environmental legislation should be implemented.¹⁴⁸¹ The EA wanted to be assigned the task of producing the first draft of regulations in the process of transposing EU directives into UK law, later formalized by the signing of the Concordat on EU and International Relations (see above).¹⁴⁸² The EA's chief executive stressed the agency's special interest in legislative processes and becoming involved as the final implementation would later become the EA's job.¹⁴⁸³

¹⁴⁷⁵ H ritier *et al.* (1996:231)

¹⁴⁷⁶ Lowe and Ward (1998b:97-99)

¹⁴⁷⁷ Zito (2009a:15)

¹⁴⁷⁸ *Ibid.*:34

¹⁴⁷⁹ *Ibid.*:35

¹⁴⁸⁰ *Ibid.*:35

¹⁴⁸¹ ENDS Report 341 (2003:37)

¹⁴⁸² *Ibid.*:37

¹⁴⁸³ *Ibid.*:37

Administrative adaptation

Having evolved over centuries with little overall planning, administrative structures in Britain tend to be complex and often lack coherence.¹⁴⁸⁴ Due to this lack of structural coherence and hierarchical control, administrative authorities and agencies at all levels tend to enjoy a high level of discretion, with often the only control exercised over them being through the provision of a broad legal, operational and financial framework.¹⁴⁸⁵ At the core of British administrative tradition is the pursuit of a mediating administrative style.¹⁴⁸⁶ Focus on the consensual approach began to change with the creation of the NRA and continued with the work of the EA.¹⁴⁸⁷

Under the condition of governmental commitment, large-scale reforms and developments in Britain's public administration are possible and have taken place.¹⁴⁸⁸ New public management reforms and the resulting Next Steps initiative heavily influenced the creation of semi-autonomous agencies concerned with operational management.¹⁴⁸⁹ While the structural potential and the capacity for the reform of national administrative structures in Britain is high, this does not mean that such reforms occur frequently.¹⁴⁹⁰ Administrative changes and reforms, however, appear to be largely unrelated to developments at the European level. With regards to EU environmental policy Knill points out that

administrative reforms occurring independently of European influence reduced the institutional incompatibility of European and domestic arrangements, hence opening up new opportunities for sectoral adjustment.¹⁴⁹¹

Moreover, Knill states that administrative flexibility within a system not only facilitates compliance with supranational requirements, it might ultimately increase opportunities

¹⁴⁸⁴ Knill (2001:81)

¹⁴⁸⁵ *Ibid.*:81

¹⁴⁸⁶ *Ibid.*:83

¹⁴⁸⁷ Weale (1996a:119-121)

¹⁴⁸⁸ Knill (2001:100)

¹⁴⁸⁹ *Ibid.*:113. For a more general discussion of these concepts see chapter one.

¹⁴⁹⁰ *Ibid.*:115

¹⁴⁹¹ *Ibid.*:164

for administrative persistence within national systems.¹⁴⁹² EU environmental policy has impacted on environmental policy in the UK in a number of ways. However, impact and influence do not automatically result in administrative adaptation.

6.3 Defra and the Eionet

6.3.1 Setting up the NFP

When the EEA was created, the UK initially wanted a body, which was independent from the Commission and responsible for environmental monitoring and reporting.¹⁴⁹³ Although complete independence from the Commission was not granted and the actual remit of the EEA was quite limited, its creation was still perceived as positive and the UK expected to be required to fulfil only limited additional reporting obligations.¹⁴⁹⁴

As part of the national arrangement for UK participation in the Eionet, the NFP is located in Defra's environmental statistics unit. The initial focus of the Eionet was mainly on data reporting obligations and the creation of links with the data providers. The statistics unit, which was already involved in similar reporting procedures, linked with Eurostat and overseeing environmental reporting procedures was considered to be the ideal NFP location.¹⁴⁹⁵ As one Defra official pointed out: 'I'm not sure whether it was really a long-term strategic decision or whether it was just a matter of consequence'.¹⁴⁹⁶ Due to initially being primarily occupied with data flows and the notion that data is best dealt with by statisticians, the NFP location defaulted to the statistics division in Defra, rather than the European division or the environmental

¹⁴⁹² Knill (2001:197)

¹⁴⁹³ Interview British official (2009d)

¹⁴⁹⁴ *Ibid.*

¹⁴⁹⁵ Interview British official (2008)

¹⁴⁹⁶ *Ibid.*

strategies unit.¹⁴⁹⁷ The EA was not an option (for the location of the NFP) because it did not yet exist.

Since the EEA was set up, the role of the NFP has expanded significantly, going beyond pure data reporting obligations. In this context it has been pointed out by a British official that ‘there is no real 100 per cent fool-proof way of hosting the NFP’.¹⁴⁹⁸ This is being dealt with by considering the NFP as a point of contact which can draw upon other resources should an issue arise that it cannot address on its own.¹⁴⁹⁹ With statistics being their field of expertise, the individual taking on the role of NFP is required to acquire a broader understanding of policy implications, environmental monitoring, EU policy processes and so on.¹⁵⁰⁰ On the data provision side, the UK was in the fortunate position that much of the data required by the EEA was already available.¹⁵⁰¹ The UK tends to occupy a high position in the priority data flow rankings, the exception being 2008 (when it dropped from 94 per cent in 2007 to 65 per cent).¹⁵⁰² The reason for this was that reporting procedures were affected by changes in the monitoring networks following the introduction of the EU water framework directive.¹⁵⁰³

The NRCs are located within Defra and in external organizations (including private companies and actors involved in environmental monitoring and implementation) which are not contractually obliged to participate in the Eionet but do so on a voluntary basis.¹⁵⁰⁴ With no budget available within Defra for the work of the NRCs, they are not being paid.¹⁵⁰⁵ As one British official pointed out (somewhat ironically), NRCs are

¹⁴⁹⁷ Interview British official (2009d)

¹⁴⁹⁸ *Ibid.*

¹⁴⁹⁹ *Ibid.*

¹⁵⁰⁰ *Ibid.*

¹⁵⁰¹ Interview British official (2009b)

¹⁵⁰² EEA (2009b:5)

¹⁵⁰³ Interview British official (2009d)

¹⁵⁰⁴ Interview British official (2009b)

¹⁵⁰⁵ Interview British official (2008)

fulfilling their role in the Eionet ‘out of the goodness of their hearts’.¹⁵⁰⁶ This makes it even more important for the NFP to be able to motivate (existing and/or potential) NRCs by pointing out ways in which they can benefit from participating (such as contact with experts in their field of work from other countries).¹⁵⁰⁷ The UK is one of a few countries where private institutions take on the role of NRCs, which is due to the high degree of outsourcing taking place.¹⁵⁰⁸ The main challenge at the time of creating the EEA was to deal with the agency establishing itself, setting up the Eionet and finding out what exactly it wanted the countries to do.¹⁵⁰⁹ This process took longer than expected.¹⁵¹⁰

6.3.2 Working of the NFP

The main role of the British NFP, as is the case for all the NFPs in every country, is the coordination of the Eionet network and ensuring that at the national level the right connections and networks are in place to respond to requests from the EEA (such as contributions to the EEA’s SOERs and fulfilling the UK’s reporting obligations).¹⁵¹¹

In contrast to many other countries, the British set-up of Eionet structures in the case of the NRCs is less rigid and takes place in a more cooperative approach.¹⁵¹² Bearing in mind designated NRCs are not contractually obliged to fulfil the UK’s reporting obligations, the comparatively good British results in the Eionet’s priority data flow are somewhat surprising. While this approach increases flexibility, it can also lead to difficulties in generating input from people for whom the participation in the Eionet is

¹⁵⁰⁶ Interview British official (2008)

¹⁵⁰⁷ Interview British official (2009d)

¹⁵⁰⁸ *Ibid.*

¹⁵⁰⁹ Interview British official (2009b)

¹⁵¹⁰ *Ibid.*

¹⁵¹¹ Interview British official (2008)

¹⁵¹² *Ibid.*

not a priority because it is not part of their job description.¹⁵¹³ This approach can make it difficult to get responses from the people involved.¹⁵¹⁴ There is no overall trend among the NRCs.¹⁵¹⁵ Some find it easy to contribute and participation does not involve much extra work or it can be the case that their NRC work is of particular interest to them.¹⁵¹⁶ Moreover, there is a constant need for the NFP to ensure the functioning of the network; that the best possible people are involved through being NRCs, that changing positions and officials are being taken into account and NRCs are being replaced, if required.¹⁵¹⁷ For some organizations, being designated an NRC is a major motivation, as it leads to them having a relationship with the EEA, greater involvement with its work and European-level developments.¹⁵¹⁸ As a by-product there can therefore be benefits from being an NRC.¹⁵¹⁹ Moreover, being nominated an NRC can be considered prestigious in terms of being recognized as a body occupying a leading role in a certain policy area in the country.¹⁵²⁰

Another task is the circulation of EEA reports and publications within Defra, and other departments with policy contact, although the often highly detailed and technical nature of these reports requires motivation and commitment from the recipients to work through them, which they are not always willing to provide.¹⁵²¹ This work is often in relation to specific topics or part of the general drive to try to increase or maintain the EEA's profile.

¹⁵¹³ Interview British official (2008)

¹⁵¹⁴ *Ibid.*

¹⁵¹⁵ *Ibid.*

¹⁵¹⁶ *Ibid.*

¹⁵¹⁷ Interview British official (2009d)

¹⁵¹⁸ Interview British official (2008)

¹⁵¹⁹ *Ibid.*

¹⁵²⁰ Interview British official (2009b)

¹⁵²¹ Interview British official (2008)

Moreover, there is a need to take the UK's devolved administrations into account.¹⁵²² There had been a conspicuous lack of NRCs in the devolved administrations until 2009.¹⁵²³ However, this does not pose a problem in all cases because in some areas (such as air quality) the monitoring still takes places at the UK level, despite the policies being devolved.¹⁵²⁴ An ongoing aim is to increase the devolved administrations' input into the Eionet.¹⁵²⁵ In addition it is the NFP's responsibility to manage relationships within the network in Britain and to ensure that there is a unified UK position which is being heard and considered when it needs to.¹⁵²⁶

The individual characteristics of the person taking on the role of NFP is also crucial as well, not only in terms of personal commitment, but also the length of time spent working in this role. NFPs who have been working in their role for a long time acquire valuable knowledge and important connections.¹⁵²⁷ The lack of the UK's influence in the network is partly due to the frequent changes of NFPs.¹⁵²⁸ On the one hand, Defra's attempts to discourage the concentration of information among a limited number of officials is understandable.¹⁵²⁹ It does, however, potentially lead to a loss of continuity and knowledge, as the expertise required by an NFP in order to maximise efficiency in the network can only be built up gradually and experience in fulfilling the role cannot be easily replaced.¹⁵³⁰

¹⁵²² Interview British official (2009d)

¹⁵²³ *Ibid.*

¹⁵²⁴ Interview British official (2010c)

¹⁵²⁵ Interview British official (2009d)

¹⁵²⁶ Interview British official (2008)

¹⁵²⁷ Interview British official (2009b)

¹⁵²⁸ *Ibid.*

¹⁵²⁹ Interview British official (2009d)

¹⁵³⁰ *Ibid.*

The NFP and the management board member

The British MB member tends to be the head of the environment statistics unit.¹⁵³¹ MB members in other countries tend to be more senior than the UK representative.¹⁵³² Like the NFP, the MB member representing the UK is located in the statistics unit in Defra.¹⁵³³ The NFP and the MB member therefore can be expected to have a closer working relationship and better understanding of what each other's work entails than if they were located in different units in Defra or even in different departments.

6.3.3 Effects on Defra

The creation of the EEA and the involvement of the department in the Eionet has not had any measurable impact on Defra.¹⁵³⁴ This might be due to the already existing data flow and reporting mechanisms, which did not require much alteration in order to become part of the Eionet's priority data flow. The tasks related to the NFP's work form only a minute part of Defra's overall work. Regarding the NFP position, Eionet-related work is supposed to only make up about one fifth of the work of that official. However, while Defra as an institution is considered to have been unaffected, the people involved in the network (either as NRCs or participants in workshops, etc.) will have felt some effect.¹⁵³⁵ The limited impact of the creation of the EEA and the Eionet is hardly surprising, with the NRCs not being contractually bound and the national continuation of the Eionet structure appearing not to have been institutionalized throughout Defra and other possible or designated NRC locations. Although the voluntary basis of participation in the Eionet for British NRCs makes it harder to get people to agree to

¹⁵³¹ Interview British official (2008)

¹⁵³² Interview British official (2009d)

¹⁵³³ Interview British official (2009b)

¹⁵³⁴ *Ibid.*

¹⁵³⁵ Interview British official (2009d)

become NRCs, those that do agree might possibly be more motivated to participate and contribute than if they were simply obliged to do so as part of their job description.

The work of the British NFP has mainly been described as reactive to EEA demands, but also as collaborative, in the sense that NFPs really try to work together with the agency.¹⁵³⁶ While this could in some instances be related to the individual(s) fulfilling the NFP role, it is mainly due to the allocation of priorities by Defra, which allocates the time its officials may spend on their NFP work. What is more, Defra's priorities need to be balanced against European priorities.¹⁵³⁷ One interviewee described the perception of Defra's attitude towards the EEA as being 'less of a sense that the agency has a massive influence on the UK and UK policy'.¹⁵³⁸ Another British official described the creation of the EEA and the setting up of the Eionet even as having had no impact on Defra at all.¹⁵³⁹

As the EEA's demands on its networks have grown, the attitudes towards its work appear to have hardened somewhat and NRCs have on occasion become less enthusiastic about their involvement.¹⁵⁴⁰ One interviewee noted that 'it is one thing to sign up to it and another to do the work'.¹⁵⁴¹ The UK perspective has also been criticised for not evolving alongside Eionet, for not using the potential in the network and for not incorporating enough the richness of expertise available in Britain.¹⁵⁴² It is therefore perhaps not surprising that since 2000, Britain has lost the influential role it occupied during the 1990s in the Eionet and EEA.¹⁵⁴³ Thus the finding that used to apply to the British agencies regarding their lack of involvement and/or fulfilment of

¹⁵³⁶ Interview British official (2008)

¹⁵³⁷ Interview British official (2009d)

¹⁵³⁸ Interview British official (2008)

¹⁵³⁹ Interview British official (2009b)

¹⁵⁴⁰ *Ibid.*

¹⁵⁴¹ *Ibid.*

¹⁵⁴² *Ibid.*

¹⁵⁴³ *Ibid.*

potential when participating in European networks can in this case be extended to Defra.¹⁵⁴⁴ Moreover, the position of Defra and Britain as a whole has been criticised for aiming to control processes within the EEA and its networks, rather than aiming to influence them, and that this control perspective undermines its influence.¹⁵⁴⁵ This appears to be a common issue when looking at the UK's relationship with the EU in the past.¹⁵⁴⁶ On the other hand, the drive for control is not mirrored by the seniority of the Defra official chosen to represent the UK in the EEA's MB. Aiming for control within the EEA framework would not only affect Defra's willingness to compromise, but also its openness to developments at the European level, which it could potentially influence.

Finally, the big advantage British officials have in an international environment by speaking English is not being recognized and capitalized upon enough.¹⁵⁴⁷ While almost every other country has to bear the language issue in mind when setting up their national structures, this has not been the case for the UK.

6.3.4 Moving the NFP?

Another reason for locating the British NFP in Defra was that unified environment agencies as they can now be found simply did not exist in Britain.¹⁵⁴⁸ The tasks now carried out by the environment agencies were highly fragmented and sectoralised. The issue of whether or not the EA would be a better location for the NFP has occasionally surfaced, particularly during phases of departmental restructuring at Defra.¹⁵⁴⁹ However, with the NFP work not taking up a significant amount of the department's resources in terms of time and personnel, moving the NFP is not considered a major issue within

¹⁵⁴⁴ Lowe and Ward (1998b:99)

¹⁵⁴⁵ Interview British official (2009b)

¹⁵⁴⁶ Bulmer and Burch (2009)

¹⁵⁴⁷ Interview British official (2009b)

¹⁵⁴⁸ *Ibid.*, Interview British official (2008)

¹⁵⁴⁹ Interview British official (2008)

Defra.¹⁵⁵⁰ It has therefore never seriously been looked at.¹⁵⁵¹ Thus the discussions about the possibility of the EA taking on the role of NFP have never gone very far.¹⁵⁵² The EA has always considered the Eionet to be Defra's business.¹⁵⁵³ This also has to do with the EA's role being mainly regulatory although it does have the role of an information provider which, however, often appears to be a secondary role when compared to its regulation functions.¹⁵⁵⁴ Thus the EEA's and the Eionet's existence unsurprisingly did not have a significant impact on the EA.¹⁵⁵⁵

Expressing his personal opinion, a former British NFP suggested that it would be best to 'take the NFP out of Defra and put it in the environment agencies and let them arrange themselves'.¹⁵⁵⁶ This would complicate things further, as there would have to be a number of NFPs at the different environment agencies in England/Wales, Northern Ireland and Scotland. However, this would not be an impossible or even unique set-up, as other countries have resolved it by setting up NFP teams so that different regions with independent institutions can be covered (e.g. in Belgium). Most importantly, however, the agency has never seriously lobbied for the NFP to be relocated in the EA.¹⁵⁵⁷ There appears to be no political momentum behind moving the NFP to the EA.¹⁵⁵⁸ Maybe this would be different if the performance of NFPs in Defra was unsatisfactory.

Until 2009, the EA did not participate in the Eionet as an NRC, although it has come to be considered a useful addition to the existing NRCs (due to its expertise in the areas

¹⁵⁵⁰ Interview British official (2008)

¹⁵⁵¹ *Ibid.*

¹⁵⁵² Interview British official (2009b)

¹⁵⁵³ Interview British official (2010b)

¹⁵⁵⁴ Interview British official (2009b)

¹⁵⁵⁵ Interview British official (2010b)

¹⁵⁵⁶ Interview British official (2009b)

¹⁵⁵⁷ Interview British official (2008)

¹⁵⁵⁸ Interview British official (2009b)

of water and waste).¹⁵⁵⁹ Ideally, all of the UK's environment agencies would be involved in the Eionet in some way.¹⁵⁶⁰ However, such an involvement would require time (on top of the already extensive list of NFP tasks) to identify the correct divisions and officials who would then need to be persuaded to participate. In theory, the relevant people in the environment agencies should be at least updated by the existing NRCs in their policy area. However, in areas where the NRC is occupied by just one person or institution, it can have an effect if it is not linked to other relevant institutions in the field, which has led to the strategy of including as many relevant institutions as possible as NRCs for each area.¹⁵⁶¹

6.4 Conclusions

Despite a general – and displayed – willingness to reform and restructure existing institutional set-ups, changes in the environmental institutions in British politics are almost exclusively internally motivated, rather than a result of EU membership. National institutions (such as Defra and the EA) have been Europeanized, but this Europeanization process took place independently from the comparatively recent creation of the EEA. Europeanization has led more to a change in the outlook of British institutions which are now taking into account the European dimension, rather than a full scale change at the institutional level.

After its creation, the EA understandably required some time to amalgamate and work efficiently. The main characteristics of the EA's predecessors' regulatory styles were continued by the new agency. While the creation of a unified EA was a new development in the UK, it did not, in fact, represent as big an institutional overhaul as

¹⁵⁵⁹ Interview British official (2009d)

¹⁵⁶⁰ *Ibid.*

¹⁵⁶¹ *Ibid.*

the creation of such an agency might at first sight suggest due to previous experience in carrying out a combination of related tasks in a number of bodies. Although the EA is active at the EU level and involved in European networks, its involvement with the EEA and the Eionet remains very limited. Due to the EA's and EEA's very different roles this is not generally perceived as regrettable. Moreover, the creation of the EEA could not have had an impact on the EA which was set up several years later. Two years after the creation of the EA, Lowe and Ward suggested, that the continual administrative changes may disrupt strategic thinking about Europe due to (in this case) the agency being preoccupied with internal administrative and domestic matters.¹⁵⁶²

When applying hypothesis I (regarding the limited impact of the EEA's creation on other involved national administrations) to Defra, the impact of the EEA on the department has indeed been minimal. Although Europeanization of both Defra and the EA has taken place, the impact of the EEA on both institutions can best be described as absorption (as used by Börzel and Risse¹⁵⁶³). Applying Bulmer and Burch's dimensions of institutional change¹⁵⁶⁴ in relation to the impact of the EEA's creation on Defra as the host of the NFP, the only detectable change was with regards to the processes involved. The work required fitted well into the statistics division within Defra. In applying Bulmer and Burch's classification there has been no impact on the system, organizations or regulation in Britain can be identified. The involved actors interviewed for this thesis all stated that the creation of the EEA had no significant impact on Defra despite the fact that it hosts the NFP. The possibility of administrative adaptation due to the EEA's (and the Eionet's) creations must therefore be excluded, as the minor procedural adjustments that have taken place do not appear significant enough (nor are

¹⁵⁶² Lowe and Ward (1998b:99)

¹⁵⁶³ Börzel and Risse (2003:69-70)

¹⁵⁶⁴ Bulmer and Burch (2009:29-30)

they perceived internally at Defra as significant enough) to speak of an impact on the department as a whole.

Moreover, with the MB member also being an official (although in a slightly higher position) at Defra's statistics department, no additional vertical link was established through the cooperation of the NFP with the MB member. A Defra official pointed out: 'the story of the UK and the EEA and Eionet is a story of unrealized potential'.¹⁵⁶⁵ This refers mainly to the degree of involvement Britain has had (with the EEA and the Eionet) as well as its reactive stance. However, with only a small amount of time allocated to the NFP work, greater, more pro-active, involvement is not always possible. When simply looking at the results of UK participation in the EEA's main network, the Eionet, it appears to be complying with its major reporting obligations. Looking beyond the priority data flows, it appears that the UK's approach to the EEA's work often concentrates on reacting to certain requests, rather than a more active involvement. When such involvement took place in the past, the UK often seemed to have used the wrong approach aimed at controlling procedures rather than seeking to exert an influence on them. This might simply be due to the EEA's work and therefore also the NFP's work not being attributed much significance, rather than a reflection on the UK's position on EU environmental policy as a whole. Since 2009, the status of the UK's side of the Eionet has been described as improving by a Defra official.¹⁵⁶⁶ This can largely be attributed to a personnel change of the NFP, highlighting the importance of the person fulfilling this role.¹⁵⁶⁷

Due to the Eionet's NFP being located in Defra, and the EA not participating in the Eionet as an NRC for a long time, the agency's contact with the EEA is limited. It largely takes place through the EPA network (see Chapter Eight). Similar to Defra

¹⁵⁶⁵ Interview British official (2009b)

¹⁵⁶⁶ Interview British official (2009d)

¹⁵⁶⁷ *Ibid.*

controlling the EA's access to EU-level decision-making processes, it has also been described by Zito as 'prevent[ing] the EA from being the main interlocutor in the EEA network'.¹⁵⁶⁸ However, this needs to be considered in the context of (1) the EA not yet existing at the time the EEA was created and the Eionet was set up, (2) the satisfactory performance of the NFP at Defra, and (3) the EA's acceptance of the NFP being located in Defra and lack of momentum to change its location (at both Defra and the EA). Due to the EA's and EEA's very different roles, this outcome (of limited contact between the agencies) was not entirely unexpected and the EA's involvement in other European networks shows that the willingness for cooperation and networking at the European level exists: the EEA itself might just not provide the arena to suit best the EA's remit and needs. With the EEA's work being information-based and the EA's work being mainly of a regulatory nature, the impact of the existence of the EEA (rather than its creation considering it took place earlier) on the EA's work appears not only limited but practically non-existent.

Despite administrative changes, restructuring measures and reforms that involved environmental administrations, arguably none of these have been undertaken as a result, or even been influenced by, the creation of the EEA or Eionet participation by the UK.

¹⁵⁶⁸ Zito (2009b:1239)

Chapter 7: Comparative Chapter

7.1 Introduction

Chapters Three to Six of this thesis assessed the environment agencies of the EU, Germany, France and Britain as well as the national participation arrangements in the EEA's main network, the Eionet. This chapter aims to highlight in a comparative manner the main similarities and differences between the national agencies discussed. It will also explain the reasons behind the locations of the NFPs within the national agencies. The focus will primarily be on the Europeanizing impact of the EEA on its member countries and their (different) national responses. Chapter Seven will also discuss hypotheses I and II (which were explained in chapter two), while drawing on the empirical findings put forward in Chapters Three to Six in a cross-country comparative manner.

7.2 Reassessing hypotheses I and II in a cross-country comparative manner

This chapter will assess hypotheses I and II. Hypothesis III, which put forward the proposition that differences in national administrative traditions lead to different motivations for the participation of national environmental agencies in European networks will be addressed in Chapter Eight.

Hypothesis I postulates that the creation of the EEA had only a limited impact on national environment agencies and the wider national environmental administrations within which these agencies operate. When looking at the empirical evidence presented in Chapters Four to Six, it becomes clear that the impact of the creation of the EEA on national environment agencies (and other national administrations involved) was very limited indeed. The only exception constitutes the French case. At first sight the validity

of hypothesis I therefore seems to be largely confirmed although the picture is more complex as will be discussed below.

The identified changes to the institutional set-ups of national environment agencies appear to have been driven almost exclusively by national level developments. Examples include internal restructuring processes and the decisions (in the case of the ADEME and the EA) to combine existing bodies to form more unified ones. This helps to explain why differences in national environment agencies have (at least so far) prevailed as predicted by hypothesis II.

Although the UBA is relatively small (when compared to the EA), it is an important player in German (and EU) environmental policy. The UBA's size is therefore deceptive. Moreover, it should be acknowledged that the UBA's budget and staff numbers do not include the staff and budgets of the *Länder* agencies which form a second tier of environmental agencies in the German federal system. In contrast to the EA, where the staff numbers and budget include those of its regional offices as well, in the German case the *Länder* environment agencies are independent.

The UBA's national and international influence has not been diminished by the creation and existence of the EEA. The UBA has remained the main contact point for environmental information for the government, interest groups, the media and the general public in Germany. The need for the UBA's expertise in international agreements and conferences as well as EU committees remains high. The strength of the EEA's work lies in producing comparable environmental information on a wide range of issues. When taking into account the differences in size (measured in staff resources) and financial resources, the EEA is significantly smaller than the UBA which helps to explain the former's limited impact on environmental institutions in its member countries.

At first sight, the creation of the EEA has had a significant impact on France. However, when the fluidity of the French national environmental administrative institutions (and in particular the Environment Ministry) is taken into consideration then the significance of the impact of the EEA's creation on the French environmental agencies seems much reduced. There had to have been a perceived need at the national level beforehand in order for the EEA's creation to result in the setting up of a new national institution. Compared to Germany, changes to France's environmental administrative institutional set-up have taken place much more frequently. The relatively frequent changes in France are not only linked to changes in national governments as can be seen from several changes in ministerial positions in between elections. The French environment ministry has changed its scope and areas of responsibility almost as often as the people who occupied the post of environment minister have changed. On average, an environment minister in France stays in office for about two years (with some ministers serving as little as a few months). This can lead to a lack of continuity within the ministry which, in turn, can affect the environmental administrative bodies under its supervision. Although it is not uncommon for British Secretaries of State to be replaced by the same government, it does not take place as frequently as in France. The creation of the EEA did not constitute a critical juncture for France, despite the fact that it triggered the setting up of a new domestic institution in the environmental policy field.

In terms of its set-up and functions, France's Ifen is similar to the EEA but different compared to the German UBA and the British EA. On the other hand, the ADEME, which fulfils a special role also very different to the UBA and EA, has not been significantly affected by EU level developments. While the institutional landscape in France has been altered, EU level developments have only had a very limited impact on

the ADEME because of the limited involvement of this agency with the EEA and the Eionet; only a few of the Eionet's NRCs are located at the ADEME.

Although the influence of the EU on UK environmental institutions has been identified as important by Jordan, he does not treat it as the only or even primary factor for the creation of the EA.¹⁵⁶⁹ The EA and SEPA officials (including a former SEPA chairperson who had also been the chair of the EP environment committee when the EEA was set up) interviewed for this thesis were not able to identify a definite link between EU level developments and the setting up of the EA and/or SEPA. There were also no other primary documents which would suggest such a link. The EU's impact on the creation of the EA (i.e. the EU as one of the main reasons for the agency's creation), which is significantly different from the EEA and many other European national environment agencies, is therefore arguably only a minor one. Most notable in this context is the EA's involvement in the (monitoring of the) implementation of policies and its regulatory and licensing authority, which all result in its work being directly affected by EU (and domestic) environmental legislation.

Although the EA was established only in 1996, its institutional set-up involved the amalgamation of a range of pre-existing bodies (that dealt with environmental issues on the domestic level long before the EEA came into existence) upon which the creation of the EEA had no impact. Considering the EA's very limited involvement with the EEA and the Eionet (see Chapter Six), the lack of impact on the EA is perhaps not surprising.

Changes to the responsibilities and policy areas of governmental departments are not uncommon in the UK. This is particularly true for the environmental field as can already be seen, for example, from the permutations of the Environment Ministry which changed its name (from DoE to DETR, and to DEFRA) and responsibilities (e.g. when

¹⁵⁶⁹ Jordan (2004:215)

an independent DECC was set up). In British environmental policy there nevertheless appears to have been more stability than in the French environmental policy system. Changes to the structures of the national environmental administrative institutions in Britain have been almost always motivated by domestic developments (rather than EU level developments).

In France and the UK an effort was made to create more unified national environment agencies in the early 1990s. The new French and British environmental institutions combined the structures of agencies, institutes and authorities which, in most cases, had existed long before the EEA was created. The new agencies (such as the EA and ADEME) were created in the 1990s when EU environmental policy had reached a mature phase. Top-down Europeanization has not led to dramatic environmental institutional changes at the national level. The first wave of European agencies, which was created in the early 1990s, can be considered as an important EU level development. Because the majority of these European agencies generally lacked significant powers, their creation cannot be considered as constituting drastic change; instead they constituted a step in a new direction. From a historical institutionalist perspective (see Chapter Two), it would be reasonable to expect that such a development is unlikely to affect significantly the member countries' institutional set-ups in the short to medium term. Thus, out of Bulmer and Burch's dimensions for establishing institutional change¹⁵⁷⁰ (see Chapter Two) only minor changes, mostly focused on procedural arrangements, would be expected.

The UBA had existed for nearly twenty years by the time the EEA started its work in Copenhagen. It therefore constitutes an important case study for an assessment of the impact (or lack of impact) which the supranational EEA had on national environment

¹⁵⁷⁰ Bulmer and Burch (2009:29-30)

agencies. Even though the ADEME, Ifen and EA were all created at around the same time as the EEA, they were affected differently by EU level developments. The ADEME and EA were not as strongly affected as the Ifen which was created with its role in the Eionet in mind. Ifen's governance structures therefore matched closely those of the EEA. The ADEME and EA were both made up of other institutions which had existed prior to the EEA's creation and therefore had no experience in cooperating with the latter.

Moreover it took the EEA a few years to establish itself properly and get its networks up and running. The EEA's slow start was mainly due to the fact that it existed merely as an EEA task force located within the Commission, until it was able to move to its headquarters following the decision to locate the agency in Copenhagen in October 1993. Like many other EU agencies, the EEA relies on the cooperation of national institutions. For this reason the EEA set up the Eionet, as set out in its founding legislation. The ability to network allows the EEA to fulfil its roles despite its relatively small size and budget.

Leaving aside the strength of national institutions and the importance of national path-dependencies, the main reasons for the EEA's lack of significant impact on the structures of national environmental agencies include (1) the relatively late creation of the EEA compared to national environment agencies or their predecessors; (2) the lack of powers of the EEA (especially the lack of enforcement powers which meant that the EEA had to rely heavily on member countries' cooperation); (3) the freedom given to member countries to set up the nodes of the network (as stipulated in the EEA's founding regulation); and, finally, (4) the widely different competencies of the agencies at the national level leading to different degrees of involvement by them (with some national environment agencies not participating in the Eionet at all).

7.3 Country comparison of agencies in the light of the EEA's creation

7.3.1 Main roles and functions

The national environment agencies assessed in this thesis are very similar in relation to whom they are answerable (usually the environment ministry or a combination of environment ministry and other body) and who their main clients are (i.e. mainly the national government, regional authorities, public and NGOs).

The main roles and functions of national environmental agencies (and administrations) developed out of the national political context. Due to its size and very specific role (i.e. focusing on environmental information, data collection, data analysis and harmonization efforts), the Ifen will only be included in some of the direct comparisons.

The UBA, ADEME and EA all have advisory roles to their national governments to which they must provide expert scientific support. The fact that the UBA is more distinct from its regional counterparts (i.e. the *Länder* environment agencies) in terms of its responsibilities, is also reflected in its smaller budget compared to the EA and ADEME. The latter two agencies both have regional departments. The UBA is first and foremost active at the national level although it closely cooperates with the *Länder* environment agencies which are all independent entities. The monitoring of national air pollution is one of the few monitoring responsibilities carried out by the UBA at the federal level.

The ADEME's main focus is on the supervision of environmental research and innovation, with special attention to energy and climate issues. It provides funding for research projects and government initiatives such as the *Grenelle* which it also finances.

Table 7.1: National environment agencies (and the EEA) in comparison

	EEA	UBA	ADEME	IFEN	EA
Created in	1990	1974	1990	1991	1995
Location	Copenhagen, Denmark	Initially Berlin. Since 2005 Dessau and Berlin, Germany	Paris, Angers and Valbonne, France	Orléans, France	London and Bristol, UK
Budget	approx. € 50,000,000 (2010)	approx. € 103,000,000 (2009)	approx. € 638,000,000 (2009)	approx. € 2,850,000 (2007, excl. staff costs)	approx. € 1,200,000,000 (2010)
Staff	approx. 200 (2010)	approx. 1430 (2010)	approx. 930 (2009)	approx. 70 (2007)	approx. 12,000 (2010)
Main roles and functions	Collection and provision of sound independent environmental information; coordination of the Eionet; integration of environmental considerations in the context of sustainable development	Scientific support for the federal government, including the Environment Ministry; Implementation of environmental laws (e.g. emissions trading, authorisation of chemicals, etc.); informing the public about environmental protection	Research and innovation; developing practical tools; information, raising awareness; encouraging, supervising, coordinating, facilitating and undertaking operations with the aim of protecting the environment and managing energy	Data collection and assessment; provision of reliable environmental information and statistics; improve knowledge on the state of the environment; environmental indicators and scenarios development; environmental analysis and data harmonization	Specialist advice to the government; flood and coastal risk management; regulator of discharges to air, water, and land; environmental protection and conservation, promotion of sustainable development; champion of the environment
Answerable to	Commission	Federal Environment Ministry	Environment/ Higher Education and Research Ministry	Environment Ministry	Defra and (in parts) the National Assembly for Wales
Clients	Commission, EP, Council, countries, businesses, academia, civil society, NGOs	BMU, state and municipal institutions, businesses, NGOs, the public,	Government, business, local /regional authorities, NGOs, the public	Environment Ministry, scientific community, the public	Government, local government, businesses, NGOs, the public

In contrast to the UBA and ADEME, the EA is responsible for monitoring and regulating industry and for the implementation of (national and EU) environmental legislation in its field of responsibility. A huge part of the EA's budget is spent on flood defences as well as flood and coastal risk management. The EA is the largest agency of its kind in Europe and the second-largest in the world (after the USEPA).¹⁵⁷¹

EU legislation and EEA networking requirements are flexible enough to accommodate the different national structures of environmental agencies or ministries which are, however, expected to have in place the right mechanisms to fulfil their tasks which may include the implementation of policy and cooperation in agency networks. The EEA's work relies on national environment agencies (and ministries) but it does not try to interfere with their work. The EEA's focus is on the functioning of the Eionet and the timely provision of data in the required formats. It does not get involved in the particular national structures and procedures which are set up for achieving this objective (unless the member countries ask for assistance). Not much is requested from the national environment agencies (and ministries) which host the NFPs, apart from putting in place the right people and mechanisms for the provision of the required environmental data. Therefore the creation of the EEA has not impacted significantly on national environment agencies' main roles and functions, with the exception of the setting up of the Ifen (for a more detailed assessment of the EEA/Eionet see part 7.4 of this chapter).

7.3.2 Relations with environment ministries

An agency's degree of independence from its supervising ministry (or ministries) can be affected in a variety of ways including (1) the agency's budget, (2) the ability to set its

¹⁵⁷¹ House of Commons: Environment, Food and Rural Affairs Committee (2006a:3)

own research agenda and (3) the freedom to speak out, even if its views clash with those of the government.

The UBA, ADEME and EA find themselves in similar positions as regards their supervising ministries. They somewhat compete with the ministries for staff and budgets. Importantly, the UBA was created twelve years before an independent Environment Ministry was set up in Germany in 1986. Previously, most environmental competences had been allocated to the environmental protection unit of the BMI. Thus, the setting up of an independent BMU constitutes a major change to the German environmental policy system but has had less of an impact on the UBA. Although the UBA's budget is decided by the ministry, the majority of its activities are chosen by the agency itself. Only roughly 20 per cent of the UBA's activities are initiated by the ministry, while 80 per cent require merely ministerial agreement.¹⁵⁷² From its early beginnings, the UBA has defended its informational role as set out in its founding legislation. It does not unquestioningly support ministerial positions. On occasion the UBA has even publicly opposed the environment ministry's and/or government's position on environmental issues.

Due to its larger size and budget, the ADEME was initially regarded as a possible rival by the Environment Ministry. The ministry sought to ensure its influence over the agency (without officially reducing its autonomy) by trying to champion officials close to the government for the position of ADEME's chief executive. ADEME's position as an agency under joint supervision of the Environment Ministry and Ministry for Higher Education and Research has strengthened its position slightly, because the Environment Ministry is comparatively weak. Although ADEME enjoys some degree of independence, closeness to the government of the day appears to be an important

¹⁵⁷² Interview German official (2010)

selection factor in the appointment process of the chief executives of ADEME. Ifen's case appears to be clearer. Its independence from the ministry was retracted four years before it was finally dissolved and integrated into the ministry's statistical service in 2008. This move allowed the ministry not only to assert greater control over the institute but also its publications.

It has been suggested that the EA is too big for Defra, whose environmental staff is quite small.¹⁵⁷³ Defra's total staff amounts to approximately 11,000 while the EA has about an additional 1,000 employees. The EA's budget makes up a large part of Defra's budget allocated to the environment.¹⁵⁷⁴ Moreover, the environmental part of Defra became even smaller when the DECC was created in 2008. The EA successfully managed to assert its independence from Defra, which it considered as important for establishing and maintaining its credibility.

Although a certain degree of independence from their supervising ministries is set out in the founding legislations of all environment agencies assessed in this thesis, it is also up to the agencies themselves to assert their independence whereby their structures and procedures might facilitate such endeavours. For example, the fact that the office of UBA president is a position for life makes it easier for the office holder to defend publicly positions which are unpopular and/or not in line with the BMU because considerations about the renewal of his/her term in office do not come into play. This, however, is not the case for the ADEME's director. The EA was allowed to exercise a significant degree of independence but it also worked hard to gain recognition of its independence from the ministry. However, the EA – like the other environment agencies assessed in this thesis – is highly dependent on the ministry for its budget.

¹⁵⁷³ Interview British official (2010b)

¹⁵⁷⁴ *Ibid.*, Defra (2009: 228)

Both the UBA and ADEME act as advisors to their governments but the involvement of the EA in consultations and early stages of the decision making-process was initially frowned upon by Defra as well as businesses. However, the EA has now become more included in the early stages of EU level decision-making processes. This is because Defra eventually began to recognize the added value of the practical advice given by the EA which is responsible for ensuring the implementation of environmental legislation.¹⁵⁷⁵

7.3.3 Europeanization

Anderson described Germany's relationship to Europe as 'a portrait of motion within stability'.¹⁵⁷⁶ This characterization also holds true for the UBA and the effect which the EEA's creation has had on Germany. Bulmer has pointed out that 'German interests, institutions, and identity have a strikingly good fit with the character of the EU'¹⁵⁷⁷ (despite the fact that German environmental policy has come under pressure since the early 1990s because of some degree of misfit between its domestic and EU environmental policy).¹⁵⁷⁸ This observation can be extended to the UBA which has a position somewhat superior to the environment agencies of the *Länder*, due to being a federal institution. But, similar to the EEA and its member countries, the *Länder* agencies are not directly responsible to the UBA, which instead depends on voluntary cooperation in its dealings with these agencies. Following reunification in 1990, the UBA extended its activities to the *Länder* in the former East Germany which also set up their own new environment agencies. Roughly ten years later, the EEA went through a somewhat similar process when Central and Eastern European countries became

¹⁵⁷⁵ Interview British official (2010b)

¹⁵⁷⁶ Anderson (2005:93)

¹⁵⁷⁷ Bulmer (1997:76)

¹⁵⁷⁸ Héritier *et al.* (1996)

members of the EEA. Despite some important changes (such as the UBA expanding its work to the former East Germany), the agency has overall remained a remarkably stable institution. Since its creation in 1974, the UBA's roles and scope have overall remained remarkably similar. As was explained earlier, in Chapter Four, former UBA president Troge (1995-2009) identified the following as the three most important factors which triggered changes to the UBA: first, German unification; second, the integration of the Institute for Water, Soil and Air Hygiene; and third, the move of the UBA's seat from Berlin to Dessau.¹⁵⁷⁹ Importantly, none of these three changes were caused or influenced by EU-level developments. The impact of EU environmental policy-making on the UBA has been widely acknowledged, and the participation of the agency's officials in a wide range of EU committees has led to an internal awareness of the EU's importance in environmental matters.¹⁵⁸⁰

There is stronger empirical evidence for institutional changes triggered by Europeanization at the national level in France (see Chapter Five). However, these changes to French environment agencies were not exclusively motivated by the need to adapt to external EU constraints.¹⁵⁸¹ Moreover, while the Ifen owed its existence to EU level developments (i.e. the creation of the EEA), the impact on the ADEME was less significant. Balme and Woll stated that rather than considering France to be adapting to Europe, it is modernizing through Europe.¹⁵⁸² Thus while the setting up of the Ifen was not necessary for the fulfilment of France's reporting obligations to the EEA, the creation of such an institute was considered a beneficial addition to the environmental institutional landscape not only by being a national counterpart to the EEA but also by

¹⁵⁷⁹ Interview German official (2010)

¹⁵⁸⁰ *Ibid.*, Interview German official (2008b)

¹⁵⁸¹ Balme and Woll (2005:115)

¹⁵⁸² *Ibid.*:116

providing an important link between the scientific community and a governmental institution.

Because the Ifen was created with the EEA and wider European dimension of its work in mind, it can be argued that its creation was partly the result of Europeanization. The ADEME, on the other hand, appears to be more removed from a European impact because the bulk of its work deals with issues at the national level. However, the fact that ADEME also has an office in Brussels in order to be both better informed about EU developments and able to participate more effectively in European initiatives, proves that the agency's outlook goes beyond the national level. Moreover, out of the national environment agencies assessed in this thesis, the ADEME is the only agency which has its own office in Brussels.

David Allen pointed out the contradiction of the British case which exhibits a 'Europeanized government operating in a still non-Europeanized polity'.¹⁵⁸³ British government departments had no choice but to become Europeanized. However, although the impact of Europeanization was widely recognized, there still appears to be a lack of commitment in some areas and a significant amount of Euroscepticism within many departments as well as the government itself. In relation to this research this might be reflected by the importance given (i.e. the time and staff resources allocated) to the NFP work.¹⁵⁸⁴ After initial teething problems, the EA has become a well-established unified agency. The EA's involvement in the early stages of the (domestic and EU) decision-making and implementation process has become established practice due to the agency's practical knowledge and expertise. The EA is more directly affected by EU legislation because (unlike the ADEME and UBA) it is directly involved in

¹⁵⁸³ Allen (2005:139)

¹⁵⁸⁴ Interview British official (2009d)

implementation. The EA's best strategy was to try getting involved as early as possible in the decision-making process at all levels, which explains its European outlook.

Horizontal cooperation between national environmental agencies does take place, but it tends to be sporadic and issue specific (e.g. through contacts between NRCs across countries). The main effect of the Eionet at the NRC level was the creation of contacts at various different levels (addressing different environmental policy issues) to facilitate potential cooperation. This is unlikely to have had an effect on the involved institutions as a whole.

All environmental ministries and agencies have been subject to the Europeanization process, although to varying degrees. In an area as affected by EU policy developments as the environment, it would be impossible for the national agencies (and ministries) not to have felt an impact. The degree to which agencies have been Europeanized largely depends on the agencies' remits. Therefore an agency such as the EA which is responsible for a lot of the implementation of EU environmental legislation is likely to be more affected than, for example, the ADEME which focuses on environmental technologies and research rather than policy implementation. On the other hand, the UBA's involvement in EU committees also allows for participation which has a Europeanizing influence on the agency. Arguably the more contact points a national environment agency has with the supranational level through its involvement in the EU's legislative processes, the more likely it is to be affected by Europeanization. The biggest impact is likely to stem from EU environmental legislation leading to an altogether more European outlook, although interaction with EU institutions also plays a role.

7.3.4 Involvement of national agencies at the EU level (non-EEA related activities)

Although the exact impact of the increased importance of EU-level developments is hard to measure, the empirical findings presented in this thesis clearly show that it is most significant on individual actors within institutions (i.e. national environment agencies). It is these individual actors, who experience a ‘double-hattedness’¹⁵⁸⁵ due to their greater involvement at the EU-level (e.g. in committees or through advisory and networking activities). Egeberg refers to agencies (and their employees) as serving two masters simultaneously: their national governments and the Commission.¹⁵⁸⁶ Again, the degree to which this takes place and the amount of people in the institutions affected depends on the agencies’/ministries’ involvement and focus on the European level. A detailed assessment of the effects of Europeanization on a representative sample of the individuals employed by the national environmental institutions goes beyond the scope of this dissertation. Instead, the focus of this thesis is on the institutional structures, procedures and rules. However, this dissertation will draw on the findings gathered from national environmental agency and ministry officials whose work has been affected by the setting up of the EEA.¹⁵⁸⁷

The creation of a Brussels office of ADEME indicates the importance given to European-level developments. However, lack of such an office does not signify that an agency pays less attention to European issues or attributes less importance to them. It constitutes merely a different strategy of coping with Europeanization pressures. The creation of a Brussels office simply makes an agency’s expanded EU focus more obvious. But its mere existence cannot be used as a measure for the importance attributed to European issues by the respective agency and even less so as a measure for the quality of relations it has established at the EU level. Although the ADEME

¹⁵⁸⁵ Egeberg (2006b:9-11)

¹⁵⁸⁶ *Ibid.*:9-11

¹⁵⁸⁷ The findings relate to interviews with eighteen national officials from the three case countries.

underwent several restructuring processes, its Brussels office remains in place and is still considered as valuable for its work.

It was thought that the EA did not require an office in Brussels, because (at least initially) it was perceived by the ministry as ‘not working the Brussels circuit’.¹⁵⁸⁸ The EA also did not push for the creation of such an office. Defra therefore did not have to oppose the creation of a Brussels office for the EA although it probably would have done so.¹⁵⁸⁹ Although the UBA does not have an office in Brussels, it can be considered as a Europeanized agency. The UBA’s work is both strongly oriented towards and affected by EU developments. As an advisor to the German government, the UBA is highly involved in environmental policy discussions at the EU level. It also directly participates in the Commission’s committees. The EA, on the other hand, initially felt left out of the EU decision-making process. It had to convince Defra that in addition to participating in committees, it needed to take part in EU negotiations right from the beginning.¹⁵⁹⁰ Thus despite having no office in Brussels, both the EA and the UBA have played an important role in the EU decision-making process. Importantly, their technical expertise enriches EU policies and provides a (potential) further means of promoting country-specific positions. Most environmental laws in Germany are implemented and enforced by the *Länder* (although some further delegate these tasks to the local authorities). This might be one important reason why it is easier for the UBA to have a more European outlook, compared to the EA and ADEME which are both more centralised agencies that focus a lot more of their resources on dealing with operational issues, businesses and specific problems.

¹⁵⁸⁸ Interview British official (2010b)

¹⁵⁸⁹ *Ibid.*

¹⁵⁹⁰ *Ibid.*

7.4 Assessment of the EEA's impact

The assessment of the EEA's impact on national environment agencies in Germany, France and Britain will analyse the different ways in which these three countries have been affected and changed. Differences in changes will then be considered in relation to the drivers (for change) involved at the national and EU level.

7.4.1 Moderate change

Developments at the national level before and since the creation of the EEA involve changes made to the set-up regarding environment ministries and agencies. These include internal reforms and restructuring. They appear to be almost exclusively internally motivated.

As already pointed out above, the creation of the EEA did have some impact on all three member countries. As a minimum requirement, EEA member countries have to put in place the processes which ensure that reporting obligations to the Eionet are fulfilled. This is ensured by the designation of a NFP within the information-providing institution as well as the allocation of the positions of NRCs which forward the data from the different subject areas to the NFP and the EEA. Arguably the biggest impact the creation of the EEA can have on member countries is to affect significantly their institutional landscape, as is the case in France.

Membership of the EEA and its networks allows for a high degree of flexibility at the national level (e.g. allocating network positions and putting in place the structures and procedures). It is therefore highly improbable that the EEA's creation constituted a critical juncture leading to changes in the institutional landscape in its member countries. And although such change has taken place in the French case, the creation of the Ifen was not the result of a critical juncture.

7.4.2 Persistence of national differences

The EEA's impact on its member countries varies as the national level still remains the main frame of reference for the national environment agencies. In the German case, the management board member is located in the BMU and the NFP in the UBA. Being an EEA member country has resulted in the establishment of an additional link between the environment ministry and the agency. No such additional link was created in the case of the UK where the MB member is located within the same division (i.e. the statistics division) of Defra as the NFP. Having the NFP and MB member within the same institution can be an advantage regarding the closeness of their working relationship. However, having the head of the statistics division as the management board member reduces the Eionet's visibility within Defra (because Eionet-related work is largely contained in one division). In Germany, on the other hand, the work of the Eionet is given greater visibility and additional support due to the MB member occupying a senior position in the BMU. The need to ensure that the MB member is fully briefed on Eionet and EEA-related developments has created an additional link between the ministry and the agency which would not have existed otherwise. After initial difficulties, the cooperation now works well.¹⁵⁹¹

That the creation of the EEA did not constitute a critical juncture for any of the three case countries in this thesis seems to confirm hypothesis I (see Chapter Two). It is perhaps not a surprising finding when the EEA's lack of regulatory powers is considered. The EEA did not set out to try and change institutional arrangements at the national level. Instead, all the EEA could ask from its member countries was that they put in place the required procedures and fulfil their reporting obligations. Even in this

¹⁵⁹¹ Interview German official (2008a)

regard, the EEA relies on the member countries' willingness to supply the necessary information. The EEA cannot force the member countries to supply the information on time. The setting up of a system which lists the percentages of fulfilled requirements in the priority data flow constitutes an attempt by the EEA to achieve its targets. Additionally, there is the implicit agreement by the member countries to comply due to the passing of the EEA's founding regulation and the commitment of national officials in the MB. The EEA's lack of powers coupled with the continued independence of its member countries helps to explain why there has not been a significant Europeanization of national environment agencies in terms of significant structural changes. The impact of the EEA's creation on its member countries is simply not big enough to lead to changes at the national level which go beyond changes in procedures and regulation. While using Bulmer and Burch's dimensions of institutional change¹⁵⁹² (for more details see Chapter Two), it can be argued that the creation of the EEA has not affected organizations or political systems except in the case of the Ifen. This makes it necessary to explain the French case and the creation of the Ifen which is the odd one out.

In France, changes to the Environment Ministry's competences, names, ministers and its subordinate institutions have been frequent. But in France it is not uncommon for changes in government to affect institutional set-ups at all levels. Transferring the environmental-data reporting side from the ministry to an independent institution is less remarkable within a political system which is as fluid and used to a high degree of change as the French one.

Significant institutional changes in Germany are reflected in the creation of the UBA in 1974 and the setting up of an independent Environment Ministry in 1986. Although

¹⁵⁹² Bulmer and Burch (2009:29-30)

the main locations of and policy issues covered by these two institutions changed over time, overall, their roles and responsibilities have remained largely the same.

Changes to the British departmental landscape are also not uncommon. They have had an effect on the Environment Ministry which was been combined with food and rural affairs in 2001 to form Defra. The creation of a unified environment agency in 1996 saw the amalgamation of HMIP, the NRA and a large number of WRAs. Although there has been a long tradition of agencies (or other institutions) dealing with pollution/environmental issues and health aspects in the UK, these tended to be specialised and often lacked overall coordination. Newly created institutions, were often formed out of existing bodies. Thus one of the component parts of HMIP can be traced to the 1863 Alkali Inspectorate (which later became the Industrial Air Pollution Inspectorate).¹⁵⁹³

Considering all these national developments, one would expect the EEA's impact to be the largest in France and lowest in Germany with the UK being somewhere in the middle. However, the empirical findings presented in Chapters Four to Six suggest a role reversal in the classification of UK and Germany. The EEA has caused only minor changes to processes in the UK while in Germany, new legislation was required to introduce changes in procedures. This is in line with broader trends in EU environmental policy which have required procedural changes in Germany since the 1990s due to some member states (such as the UK) successfully uploading their domestic procedural measures to the EU level (which in turn triggered adaptation pressures in Germany and other member states because the EU procedures led to a misfit at the national level).¹⁵⁹⁴

¹⁵⁹³ Weale (1996a:110)

¹⁵⁹⁴ H  ritier *et al.* (1996:338)

The change in Germany which is characterized by relatively high institutional stability is somewhat surprising. One possible explanation is that Germany's stability is also a result of its inflexibility. While the British system was flexible enough to adapt and accommodate the required elements for cooperation without major impacts on domestic institutions, in Germany these EU developments required new regulation to fulfil reporting obligations to the EEA. But, as the French example demonstrates, less stability and/or more flexibility does not automatically lessen the impact of international developments such as the creation of the EEA.

The creation of the EEA had the biggest impact on France, resulting in the creation of the Ifen, an institution which was meant to mirror the EEA's work and set-up. However, this development has to be assessed within the context of frequently changing institutions in France including even ministry level changes (as nicely demonstrated by the frequent changes to the ministry's scope and name).

Table 7.2: National stability and EU impact

	Country ranking according to the degree of national stability	Country ranking according to the degree of the EU's impact
highest*	Germany	France
	UK	Germany
lowest*	France	UK

*Out of the three countries considered

While changes (at departmental/ministerial level) are by no means unheard of in the British political system, they appear less frequent and more strategic than in the French case. In Germany, the federal system and institutionalized procedures reduce the overall

flexibility of the administrative system and thus limit the scope for frequent institutional changes. This is due to the existence of more veto points and/or veto players in federal systems (compared to unitary systems) which therefore find it more difficult to reach consensus on the introduction of changes (as, for example, required by Europeanization).¹⁵⁹⁵ Börzel and Risse go so far as to suggest that Europeanization has even strengthened German federalism.¹⁵⁹⁶ Thus by needing to establish a system which includes the *Länder* in the EU decision-making process and in the implementation of EU legislation, their involvement has become institutionalized. This in turn has made the German environmental policy system arguably less open to top-down change from the EU level. Moreover, a unified national environment agency was created very early in Germany (when compared to many other EU member states). The creation of unified agencies in France and Britain did not take place until a later date (as was the case for the ADEME and EA which were created in the 1990s). The UBA's age and high reputation also offered protection from externally driven changes to its set-up and responsibilities. This is not to say that the UBA is immune to external pressures or opposed to change. However, overall the UBA has been a remarkably stable institution. This could be partly due to the fact that the UBA was created at a time when the environment became a distinct policy field. It was therefore able to evolve incrementally while environmental policy matured as a policy field. More importantly, this incremental change fits well the argument that German environmental structures have experienced very little overall change since the early 1970s (despite the creation of an independent Environment Ministry in 1986).¹⁵⁹⁷

¹⁵⁹⁵ Börzel and Risse (2003:64)

¹⁵⁹⁶ *Ibid.*:64

¹⁵⁹⁷ Wurzel (2004:108) referring to H. Pehle (1998), *Das Bundesministerium für Umweltschutz, Naturschutz und Reaktorsicherheit: Ausgegrenzt statt integriert?*, Wiesbaden: Deutscher Universitäts-Verlag

7.4.3 Explaining change through national and EU factors

The drivers for and barriers to change assessed in this section are those observed in the three case countries in relation to the creation of the EEA. Developments leading to institutional change can take place at various levels ranging from the institution itself (institution-internal) to pressures from the national or EU level.

The stability of the national political system can play an important role for the impact of Europeanization. A flexible political system might be more open to change while a more stable political system is likely to be more reluctant to create new national administrative structures as a result of EU-level developments and will often do so only when absolutely necessary (e.g. if EU legislation demands it). Empirical examples which confirm this assumption are the flexible French political system, which allowed for the creation of a new environmental administrative body as the direct result of the setting up of the EEA, and the stable German political system which passed new legislation regarding the exchange of information, but undertook no significant institutional changes within the domestic environmental administration.

As regards a country's (or government's) attitude to European integration, it is likely that in more pro-European countries, EU-level developments are considered less sceptically and embraced more willingly compared to more Euro-sceptic countries. Although the empirical findings of this thesis appear to confirm this assumption, at least for the British and German cases, there are also reasons unrelated to a country's/government's attitude towards European integration which help to explain the country-specific outcomes.

Table 7.3: Drivers for and barriers to change

	Drivers	Barriers
Institution-internal	Lack of flexibility High degree of independence	Flexibility Lack of independence
National level	Flexible political system Positive attitude to European integration High salience of the issue	Stable political system Negative attitude to European integration Low salience of the issue
EU level	The need to put new structures into Place	Allowing set-ups for network participation to be decided at the national level

Another possible driver for change is the high salience of a particular political issue. A highly salient issue might increase political or even public pressure for change while low salience can be a barrier to change (because change requires political and/or public support). This issue is probably most significant in the French case, where the government and wider ‘political mood’ at the time very much called for progress in environmental politics at the national and the EU level. This enabled the creation of the Ifen in 1991, something which might not have taken place at that particular point in time had the EEA been created five years earlier or later. The opening up of a policy window at that particular period of time allowed for the creation of the Ifen.

The decision to allow member countries to allocate nodes of the EEA’s network according to the location best suited for their work can be considered as the main barrier to change from the European level (because it enabled continuity). Most countries did not introduce significant changes unless they were obliged to do so. Obviously, leaving

the decision of where to locate NFPs and NRCs up to the member countries was not intended as a barrier to change. Instead it was a move to facilitate the passing of the legislation which created the EEA and an acknowledgement of the different national set-ups requiring individual arrangements for their participation in the Eionet. On the other hand, the need to put new structures in place on whatever scale is likely to involve an assessment of whether the existing structures are suitable for the newly required tasks. Such an assessment might give the impetus for internal institutional reforms if existing structures are found to be unsatisfactory for the new tasks.

These drivers for and barriers to change need to be considered in the context of the already existing institutional structures at the national level. For example, had Defra not already been highly advanced in its environmental data collection, the outcome might have been very different irrespective of the drivers and barriers listed in Table 7.3. Similarly, had there already been an established arrangement between the federal level and the *Länder* in Germany regarding the exchange of environmental data, new legislation would not have been required and the effects would possibly have been as limited as they were in the British case. Thus Table 7.3 ought to be seen as a list of possible explanatory factors which help to identify the drivers for and barriers to change rather than an ultimate checklist for explaining (or even predicting) change in a deterministic manner.

In some cases, factors can be either drivers or barriers to change depending on the situation. If an institution's flexibility is low, this could mean it is less open to change. On the other hand, this lack of flexibility can also result in the agency having no other choice than to change. The specific circumstances are therefore important. Due to the national environment agency's reliance on information from the *Länder* agencies and its inability to change the national set-up in a way which would have allowed meeting the

reporting obligations, the government was required to pass new legislation outlining the information exchange between the UBA and the *Land* level. However, a higher degree of flexibility of the institutions involved in the networks appears to facilitate their participation without having significant effects on the institutions themselves. For example Defra, was not affected significantly as an institution with the exception of a few staff who were directly involved in the Eionet.

7.5 EEA-related comparison

7.5.1 National choice of NFP locations

According to the revised EEA regulation (no 401/2009)

Member States may in particular designate from among the institutions [...] or other organizations established in their territory a “national focal point” for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the Network [...].¹⁵⁹⁸

The decision to locate the German NFP in the UBA had similar reasons as it did in the British case: the UBA was the logical place to locate the NFP in order to best fulfil its reporting obligations. As the UBA constituted the main source of environmental information for the German government (and to some degree also the public), it was chosen to host the NFP.

Initially, France’s set-up was the exception to the rule as regards the national arrangements with the Eionet. In France there was a perceived need for a new environmental body and its institutional set-up and remit was modelled on the EEA’s set up and remit. Initially the position of NFP was located at the directorial level of the Ifen. However, with the change in status and loss of independence, the NFP was assigned to a lower level.

¹⁵⁹⁸ Official Journal of the European Union (2009: Article 4.3)

The reason behind locating the British NFP in Defra was that the required information which had to be reported through the Eionet was dealt with by the department's statistics division, making it a comparatively easy choice for hosting the NFP. Moreover, there was no real alternative for the location of the British NFP available at the time because the creation of a unified environment agency did not take place until 1996. The issue of relocating the NFP to the EA was brought up from time to time, for example by a former British NFP who felt the NFP work would be given higher priority in the EA than in Defra.¹⁵⁹⁹ But moving the NFP to the EA has never been seriously discussed and the satisfactory performance of the Defra location does not make this a pressing issue.

Another issue relating to the NFP is continuity and the degree to which an effort to ensure such continuity is made. This is especially important when considering that the person who takes on a certain role can make a crucial difference. While it is not possible to assess in detail in this thesis the various degrees to which an individual can affect the job which s/he carries out in a network such as the Eionet, continuity in terms of staff for the NFP role can be an advantage. Whatever the professional background of the NFP – German NFPs tend to be generalists, French NFPs tend to be former environmental experts while British NFPs tend to be statisticians – the person who carries out the job has to acquire additional skills. The generalist will have to learn more about the data provision whereas the statistician will have to learn about the EU and environmental policy aspects. However, because the country position in the priority data flow does not depend solely on the abilities of the individuals working as NFPs, it does not serve as a reliable indicator for the quality of their work.

¹⁵⁹⁹ Interview British official (2009b)

In the German case, the NFP work is supposed to take up about 90 per cent of the time allocated to the job, with the other 10 per cent dedicated to the work relating to the EPA network. The situation is similar in the French case where the official taking on the role as NFP – first at the Ifen and now at the SOeS – spends all his/her time on work related to participation in the Eionet. For the French and German NFP, their NFP work takes up the largest part of their work and is considered (by them and their superiors) as their priority. In the UK, on the other hand, NFP work is supposed to take up only about 20 per cent, partly due to the comparatively easy data reporting in the British case (where most of the required data was already available prior to the creation of the EEA and probably needed only some minor changes to the reporting format). However, the comparatively little amount of time allocated to the NFP work in Britain also appears symptomatic of the relatively low importance allocated to the EEA and its work within the ministry. While the British NFP is able to fulfil the reporting obligations, there is little room for participation in specific working groups or additional Eionet-related projects.

7.5.2 National choice of NRC locations

Due to the flexibility granted to the member countries when choosing the (ideal) location for their NFPs, it is almost impossible to interpret these choices beyond stating that the locations were chosen because they seemed the most suitable and effective setting at the time. Thus in Germany, the NRCs are located almost exclusively within the UBA. The French Eionet set-up had most of the NRCs in Ifen, which were relocated to the SOeS after its creation, while a few are located with ADEME and other bodies. In the UK, most NRCs are located at Defra, although some other bodies are used and since 2009, the EA has taken on some NRC-related roles. NRC locations differ, simply

because each member country has to find the most appropriate location for them. Whether this is within the same institution as the NFP or a different one appears to be insignificant with regards to the (degree of) impact which the EEA has on the member countries.

The fact that the majority of NRCs are located in one institution (usually the same one as the NFP) could indicate that the size and set-up of the agency is sufficient to fulfil the network's needs without much outside help. However, it is also possible that NRCs are allocated within an organization not because they are able to fulfil all reporting requirements by themselves, but because (by allocating the NRC position internally) it may make it easier for the NFP to manage Eionet-related work. In return, the NRC is then responsible for maintaining contacts outside the institution and for ensuring that reporting requirements are met.

7.5.3 Effect of EEA creation on the institutions involved in the Eionet

In this section, the focus is on involvement in the Eionet by the UBA and Ifen, as the ADEME only hosts a small number of NRCs and the EA has only taken on NRC-related tasks since 2009. In the French case, the Ifen was created to be a national equivalent of the EEA whose organizational set-up it mirrors. The setting up of the EEA has had the effect of leading to the creation of Ifen. This is possibly the biggest effect the creation of the EEA could realistically have had on any member country. On the other hand, since the Ifen's creation, the impact of the EEA has declined. Because the Ifen was created with the EEA's work and the role of Ifen in that work in mind, the required processes have been accommodated in its institutional design. Changes to the Ifen's independence at a later date were due to national political motives, rather than the result of developments related to the EEA.

The UBA, on the other hand, was a well established agency, whose cooperation with the *Länder* level had to be altered so that it could fulfil its reporting obligations within the Eionet framework. This was easily done by passing legislation outlining the reporting obligations of the *Land* to the federal level. The UBA's reliance on the cooperation with *Land* agencies is not the result of the creation of the EEA. However, the EEA's Eionet participation has forced the cooperation to become more structured while adhering to the timetables of the NFP and NRCs. It appears that this could only be achieved through regulation. In a political system as stable as Germany, the EEA's creation has thus resulted in a new piece of legislation.

The creation of the EEA and the location of the NFP in Defra has had no impact at all on the ministry. However, the importance allocated to NFP and EEA activities is lowest in the UK compared to Germany and France. The British NFP has the least time available to focus on Eionet-related work. While the reporting obligations are fulfilled (see priority data flow), there are many other ways in which the NFPs can get involved (working groups being one of them) for which there is no time allocated in the British case.

It could therefore be argued that the less important the work of the NFP (or the Eionet and the EEA as a whole) is considered by the government, the less likely it is for that work to have an impact on that particular member country. Another possible reason for the comparable lack of importance attributed to the NFP work could be that the UK already had a strong domestic tradition of collecting environmental data which facilitated the fulfilment of the Eionet's reporting obligations. Moreover, the data collected was already held in a single place. It thus did not require much additional effort from Defra apart from ensuring that the data was forwarded to the EEA.

7.5.4 Effect of EEA creation on agencies which are not part of the Eionet

The ADEME and EA only have limited involvement with the EEA. They were therefore less affected by its creation and the reporting obligations to the Eionet.

In the French case even an increased focus on European issues and/or the existence of an agency's office in Brussels did not automatically lead to an increased involvement with the EEA by those agencies which were not involved in the Eionet network. In the case of the EA there was some contact through participation in the EPA network. However, there is currently no French representation in the network. This appears an unusual and unexpected outcome, especially when bearing in mind the reasons behind the creation of the Ifen. The reasons for the lack of French participation in the EPA network, which will be discussed further in Chapter Eight, include Ifen-internal changes, the dissolution of the Ifen and lack of apparent replacement.

The fact that EU agencies which work through networks like the Eionet (such as the EEA) depend on the participation and cooperation of their member countries, does not automatically mean that national environment agencies are required to be involved. The EEA's creation had overall relatively little impact on the national administrations it is involved with (with the partial exception of France). It would therefore be logical to expect that the EEA has had even less or no influence on those national environment agencies which are not involved in its networks. This certainly seems to be the case for the EA and the ADEME. Generally the EEA appears to be open to working with other agencies outside its networks. However, the national agencies may not share a willingness to cooperate or their budgets might not allow for it. Moreover, the more national environment agencies' remit differs from that of the EEA, the less likely cooperation is perceived as beneficial for both of them.

7.6 Conclusions

All three case countries have been subject to the Europeanization process as a consequence of EU membership. Each country has dealt with the Europeanization process in its unique way (which was in line with its national environmental policy system). It is nevertheless possible to make some generalizations regarding the impact on each country. In Germany, Europeanization resulted in some changes in an otherwise stable framework ('motion within stability'¹⁶⁰⁰). The developments in France can be described as modernization through EU membership. In the British case, Europeanization has taken place within a political system which exhibits an overall lack of commitment to deeper European integration. Looking more closely at the impact of the EEA, the developments in the three case countries tend to fit the above mentioned broad generalizations. The participation in the Eionet has required the introduction of some changes to procedures in Germany, but it has not led to significant changes to the institutional structures or the political system as a whole. In France the creation of an environmental information agency similar to the EEA was perceived as necessary at the time. The discussions in France, which preceded the creation of the EEA, provided the trigger for the Ifen's creation. In the British case, the impact of the EEA's creation is inconspicuous and limited to minor procedural adjustments, although Defra has been Europeanized unrelated to the EEA.

The EEA has had some impact on all of its member countries. It facilitated and enabled contacts and exchanges between environmental experts from different member countries in all areas of environmental policy. The degree to which such links exist depends on factors such as the individuals in place (for the NRC) and their willingness to cooperate beyond official reporting obligations. It also depends on the specific policy

¹⁶⁰⁰ Anderson (2005:93)

area, its salience and degree of activity. An event as minor as a change of NRC staff in one position in one country can mean that previously established connections are lost due to their informality and lack of institutionalisation. However, it is very hard to measure exactly the effects of such changes.

The German NFP faced the challenge of gathering information from the *Länder*. This proved to be cumbersome and required the introduction of new specific legislation. Apart from the new legislation and procedural changes, the UBA appears not to have been affected by the creation of the EEA. Its creation was certainly nowhere near the extent to which it had become Europeanized as a result of Germany's EU membership prior to the setting up of the EEA. This fits in with the overall stability of the German political system in which the environmental structures in particular remained largely unchanged, despite the fact that policy content was heavily influenced by EU environmental legislation. As was mentioned above, in an interview conducted for this thesis a former UBA president pointed out that it is nearly impossible to differentiate between national, international and global environmental issues. He argued that whatever topic UBA officials work on, the European (and/or international) perspective always also plays an important role.¹⁶⁰¹ This European outlook of the UBA (and BMU) enabled the co-evolution of national and EU environmental policy despite occasional friction between the two levels of environmental policy-making.

Finally, Germany very much favoured the creation of the EEA. For Germany (like France), the adoption of the legislation which created the EEA became a high priority issue during the French EU presidency in 1989. The enthusiasm of French environmental policy actors for the setting up of the EEA also created the political momentum which allowed for the creation of the Ifen to take place. The creation of the

¹⁶⁰¹ Interview German official (2010)

Ifen resulted out of the perceived need for an independent institution which could deal with environmental data required by the EEA. It also fitted the ‘political mood’ at a time when France was very ambitious regarding developments in the environmental field at the national and the EU level. France strongly supported the creation of the EEA and became actively involved in the setting up of the Eionet, aiming for no less than two out of the five ETCs.¹⁶⁰² France set up the Ifen to mirror the EEA in order to ensure that its national interests were well represented. However, these developments in France show that there are discrepancies between the predictions made in my first hypothesis which predicted only a limited impact of the EEA on national environment agencies and what actually took place in the French case. Does hypothesis I therefore require modification in the light of my empirical findings about the creation of the Ifen in France? Compared to the other two case countries (i.e. Germany and Britain), France appears to be the exception to the rule. In order to assess the French exceptionalism, the significance of the Ifen in France’s political system and institutional landscape needs to be considered. While the new agency was considered an important addition to the environmental institutional landscape at the time, the momentum behind its creation was lost soon after it was set up. While an independent evaluation of the environment and environmental policy was welcomed (although more by the scientific community and environmental NGOs than the government), the Ifen remained relatively small and was unable to prevent its loss of independence and eventual dissolution. Possible amendments to hypothesis I to accommodate the particularity of the French situation will be considered in the concluding chapter (Chapter Nine).

Moreover, the Ifen’s creation was initiated by a minister, whose successor already no longer saw the need for it. It is therefore not surprising that Ifen was abolished in 2008.

¹⁶⁰² Interview French official (2009c)

Hayward describes as “heroic” France’s typical decision-making style which is characterised by a large capacity for policy initiatives and the propensity of political leaders to impose their will, often resulting in a reactive short-term and piecemeal approach to problem-solving.¹⁶⁰³ The variety of different roles and powers allocated to the French Environment Ministry (and its numerous changes) by different governments and/or ministers seems to provide empirical support for Hayward’s classification of the typical French policy style which explains well the ease with which new institutions were created and disappeared within the French political system.

The impact on existing French agencies and the ministry was minimal, especially with the ADEME not being closely involved with the Eionet. The creation of the Ifen took place because neither the French Environment Ministry nor the existing environmental institutions were considered as the ideal location to fulfil the reporting role required for the Eionet. On the other hand, this would not have required a completely new institution, as the Eionet-related tasks could have been allocated to one of the existing institutions or the ministry itself. The political momentum at the time was in favour of creating a new institute which could fulfil the reporting obligations vis-à-vis the EEA and also be in charge of evaluating environmental policy developments. For the latter task it was considered important to have an independent body with close links to the scientific community. However, over time the political climate changed which led to the loss of independence and eventual dissolution of the Ifen.

Due to an overall lack of institutional ‘stickiness’ in the French environmental institutional landscape, the change that took place due to the EEA’s creation only had an impact on the French institutional landscape for seventeen years. Neither does the creation of the Ifen nor its dissolution less than two decades later seem to fit historical

¹⁶⁰³ Hayward (1982:112, 116)

institutionalist expectations. On the other hand, the aspect of historical institutionalism which is particularly important for the French case is the focus on and consideration of processes over time. With rapid institutional set-ups and reforms in France which contradicted even the policy goals of its own governments, the contradiction in hypothesis I is hardly surprising, as it appears not to be applicable to environmental institutions in the French political system. Thus, what Hall uses as a suitable framework for assessing economic policy in France and Britain¹⁶⁰⁴ does not necessarily work when applied to French environmental institutions. The reduction of independence and eventual dissolution of the Ifen was widely considered a great loss in France, not only by the scientific community. Evaluation of the state of the environment by the same body responsible for the adoption of environmental legislation leaves room for doubt about the independence and reliability of environmental assessments and publications on the effectiveness of its policies. This goes against what the French government claimed it was trying to achieve through environmental initiatives such as the *Grenelle*. Such a regressive step invites questions about the government's and ministry's motivation behind the changes to and eventual dissolution of the Ifen.

The main reason for a lack of impact which the creation of the EEA had on Defra as NFP host stems from the ministry's ability to provide the required information without the need to implement significant changes. However, in addition to the reporting obligations, NFPs can get involved in working groups and/or projects which can be beneficial for both the EEA and the participating NFPs. But in Britain there is often (apparent) reluctance to get sucked deeper into the EU and its decision-making processes. Even if a British NFP would like to increase his/her engagement beyond

¹⁶⁰⁴ Hall (1986)

what is legally required there are severe time constraints on his/her ability to take on additional tasks.

The creation of the EEA has not resulted in administrative or institutional convergence in Germany, France and the UK. But there is also no indication of existing differences at the national level having become more pronounced. While Europeanization can, on occasion, lead to changes at the national level leading to increased convergence, such developments are less likely to affect national environmental institutions themselves. The setting up of the EEA and the participation of the member countries in the Eionet has not made a significant contribution towards the emergence of an EAS among EEA member countries and is unlikely to do so in the near future. EU efforts to bring about the creation of an EAS are likely to generate great resistance and possibly also protests on the national level where EU member states are unlikely to change (well-functioning) national administrative structures and traditions. It is hard to imagine member states moving towards administrative convergence voluntarily. The EEA's main impact on national environment administrations was therefore the harmonization of environmental data reporting.

Counterfactual:

It is worth pausing for a moment to contemplate the counterfactual that the EEA had not been created. In the German case, the new legislation outlining the exchange of environmental data between the federal and the *Länder* levels was required to ensure that the German NFP was able to meet its reporting obligations to the EEA. Although this was a direct result of the UBA's Eionet participation, it is possible that such an administrative agreement (or a similar one) would have been passed eventually on the national level without any EEA/Eionet involvement. However, without the EEA such an

agreement between the federal government and the *Länder* would probably not have come about as early as 1996.

In the French case, the non-existence of the EEA is likely to have had a much more obvious impact as the Ifen would almost definitely not have been set up. Ifen's creation was a direct response to the creation of the EEA. At the time, the setting up of Ifen was considered to be the best possible solution to ensure France would be able to meet its reporting obligations. Without the EEA, environmental reporting is more likely to have been included eventually into the main statistical services or the Environment Ministry (as it currently is) rather than an independent agency. The creation of a separate body (i.e. the Ifen) appears to have been highly unlikely without the existence of the EEA. The political momentum in France which fostered the creation of the Ifen, only lasted a few years. An Ifen-type agency without the existence of the EEA would almost definitely not have been allocated the management board and scientific committee of the Ifen. As the ADEME's interaction with the EEA is limited, the non-existence of the EEA would be unlikely to affect this agency in any significant way.

The British case is probably the most straightforward as the perceived lack of impact of the EEA on Defra means that the outcome would have been the same or very similar without the EEA. It is true that there were some small procedural changes as a result of the NFP being placed in Defra. But they were minor and the lack of importance given to the EEA and its work within Defra makes it highly unlikely that the EEA's non-existence would have triggered significantly different outcomes.

Finally, what would have happened to environmental reporting in the EU had the EEA not been created? The EEA was created at a time when the reporting of environmental data became increasingly important at the EU-level. However, the reporting of environmental data within the EU initially lacked the features which

became some of the EEA's main tasks (including making available timely, relevant and comparable environmental data which requires some sort of harmonization of reporting formats). One interviewee pointed out that something similar to the EEA would have had to be created, otherwise the Commission's work would have suffered because of its growing need for better environmental data in order to make well informed decisions.¹⁶⁰⁵ Eventually, the Commission would have had to come to some sort of arrangement (with national environment agencies and/or ministries) to address the lack of comparable environmental data across the EU. Theoretically it could have led to an expansion of Eurostat to include more up-to-date environmental data.¹⁶⁰⁶ Since its beginning, the role of the EEA has expanded significantly. By 2010, it included activities such as interpretation of the data received by the EEA, the development of environmental indicators and the conceptualisation of different environmental scenarios. The EEA does not simply reproduce the data it receives from its member countries. It puts such data into context providing it with additional value which Eurostat (as it currently exists) would not be able to do. Although the creation of the EEA took place as part of a wave of European agency creation, there was a real need for the services of an independent European environment agency. The creation of the EEA should therefore not be seen merely as the result of an expanding list of European agencies, some of which might not be essential for the (functioning of the) EU.

With the help of the counterfactual it is possible to conclude that the EEA did indeed have an impact on two out of the three case countries assessed in this thesis (even if it was only small in one of them). In the German case it resulted in the speeding up of processes which may have been put in place at a later date, while in the French case, there would not have been an Ifen-style environment agency without the EEA.

¹⁶⁰⁵ Interview EEA official (2010c)

¹⁶⁰⁶ *Ibid.*

Chapter 8: Case Study: The EPA network

8.1 Introduction

The Network of Heads of European Environment Protection Agencies describes itself as

an informal grouping bringing together the heads of environment protection agencies and similar bodies across Europe to exchange views and experiences on issues of common interest to organizations involved in the practical day-to-day implementation of environmental policy.¹⁶⁰⁷

This chapter aims to analyse the creation of the network, its functions, organization and role before addressing the membership of the EEA, Germany, France and Britain. It provides an important insight into a network which exists alongside the EEA's Eionet, aiming to bring together national environment agencies. The chapter ends with an analysis of the (case study-specific) hypothesis III which stated that differences in national administrative traditions lead to different motivations for the participation of national environmental agencies in European networks (see Chapter Two).

Historical background

The idea for the creation of the EPA network came about following a similar (but unrelated) initiative in the early 2000s by Sir Ken Collins (then-chair of the SEPA and former leader of the EP's Environment Committee), Barbara Young and John Harman from the EA (chief executive and chairman at the time), the director of the EEA, Domingo Jiménez Beltrán, as well as the directors of the Danish and Italian environment protection agencies. They all agreed that in addition to regular meetings of environment ministers at the European level, it would be a good idea to arrange regular conferences for national parliamentary environment committees to discuss their

¹⁶⁰⁷ EPA Network (2006a)

different perspectives.¹⁶⁰⁸ Following this conference, which took place in the offices of the EEA, the same people thought of arranging something similar for the heads of environment agencies in Europe.¹⁶⁰⁹ Being aware of (some of) the national differences between environment agencies, it was thought that regular exchanges to discuss the different perspectives of the various national environmental agencies could be very beneficial.¹⁶¹⁰ Initially, the main driver for the creation of the EPA network was to get a better understanding of how and why things (such as the enforcement of environmental policy) are done differently in different countries.¹⁶¹¹

The EEA's director was entrusted with the task of setting up the network's first meeting.¹⁶¹² However, a change of director delayed the setting up of the network. Jiménez Beltrán was not immediately followed by Jacqueline McGlade, and in the meantime, the EEA's deputy director had been fulfilling the duties of director, although new activities (such as the creation of the EPA network) were put on hold while the search for the EEA's new permanent director continued.¹⁶¹³ Another motivation for setting up the EPA network through the EEA was the large number of potential network members.¹⁶¹⁴ At the time of setting up the EPA network (i.e. prior to 2004), the EU only had 15 member states, whereas the EEA had significantly more member countries, including all of the new Central and Eastern European countries which were about to join the EU in 2004 and 2007.¹⁶¹⁵ From its beginning, the EPA network was aiming to be as inclusive as possible. Just like the EEA, it restricts potential membership to geographical factors rather than EU membership. It has been suggested that there might

¹⁶⁰⁸ Interview British official (2010a)

¹⁶⁰⁹ *Ibid.*

¹⁶¹⁰ *Ibid.*

¹⁶¹¹ *Ibid.*

¹⁶¹² *Ibid.*

¹⁶¹³ Interview EEA official (2008b)

¹⁶¹⁴ *Ibid.*

¹⁶¹⁵ *Ibid.*

be a greater benefit for non-EU countries to be members of the EPA network than for EU countries.¹⁶¹⁶

Moreover, there was a general consensus that something like the EPA network was needed to create a forum in which environment agency directors would have a space to get together for informal discussions.¹⁶¹⁷ One EEA official pointed out the network's

added value to every director, but not only the directors but also hopefully to the whole organization [...] [in the sense] that you learn more in depth about another country and another country's way of dealing with environment protection and also what actually every environment protection agency is looking at because they are so diverse.¹⁶¹⁸

The first meeting of the EPA network, which took place in November 2003, was hosted and organized by the EEA. Although the member agencies had different expectations of the EPA network, overall it was perceived as a useful network from a very early stage onwards.¹⁶¹⁹

8.2 The EPA network

8.2.1 Aims and role of the EPA network

The main aim of the EPA network is to strengthen environmental protection in Europe through enhancing cooperation between its members.¹⁶²⁰ In order to achieve this aim, EPA network meetings provide a forum for the directors to be in contact with each other thus facilitating exchanges about common problems, possible solutions and national practice. In addition to the creation of 'interest groups' in the EPA network framework, the contacts also facilitated bilateral or multilateral cooperation on specific (environmental) issues. 'Interest groups' within the context of the EPA network refer to

¹⁶¹⁶ Interview EEA official (2008b)

¹⁶¹⁷ *Ibid.*

¹⁶¹⁸ *Ibid.*

¹⁶¹⁹ Interview British official (2010a)

¹⁶²⁰ EPA Network (2006a)

network internal groupings of environment agencies on specific issues of shared interest.¹⁶²¹ Moreover, the EPA network provided the opportunity of developing common positions, which can then be passed on to the Commission.¹⁶²² One EPA member described the network as an opportunity for the directors to see their agencies through other people's eyes.¹⁶²³ A special effort is made to keep meetings informal. In its internal guidelines, the EPA network is described as providing

a forum for exchange of information on policy and implementation developments and for identifying, managing and giving resources to possible areas of cooperation, ranging from policy to organizational issues.¹⁶²⁴

The network considers itself to be working in the interests of the European people by having efficient agencies active in the environmental field in European countries.¹⁶²⁵

Box 8.1: Aims of the EPA network

The Network of Heads of European Environment Protection Agencies aims to:

- provide a forum for leadership on critical issues of environmental policy and implementation across the policy cycle
- provide a forum for high level dialogue and exchange of information on matters of mutual concern
- promote and support bilateral/multilateral cooperation between its members through sharing experiences, approaches, problems and solutions
- provide support to the network's members through exchange of information, organization of mutual support and the organization of topical cooperation
- serve as a place for discussion with regard to policy implementation proposals and/or developments
- devise and deliver practical solutions to common problems
- provide a mechanism for communicating the views of environment protection and nature conservation agencies to third parties and the wider public

Source: EPA Network (2010)

¹⁶²¹ Interview EEA official (2008a)

¹⁶²² UBA (2008)

¹⁶²³ Interview British official (2010b)

¹⁶²⁴ EPA Network (2006a)

¹⁶²⁵ *Ibid.*

It is also important for the EPA network to ensure that it is not duplicating the activities of other networks, such as the Eionet, the IMPEL network or the European Network of Heads of Nature Conservation Agencies (ENCA).¹⁶²⁶ Although the IMPEL network was created already in the early 1990s, it has not been the main influence for the creation of the EPA network. Moreover, IMPEL members tend to be the ministries in many member countries although there are some exceptions (such as the UK where the EA participates in IMPEL). Moreover, due to the EEA's lack of involvement in the implementation process, the EEA is not a member of the IMPEL network. Another major difference between the networks is that IMPEL network membership requires a membership fee, whereas the costs for participating in the EPA network are met by each member agency (with some additional financial support from the EEA for the EPA network secretariat). The differences in their roles and membership mean that the two networks are not competing but complement each other, although there is an occasional overlap in topics of interest (such as better regulation). A significantly higher degree of overlap exists between the ENCA network and the EPA network, the latter of which includes nature protection agencies.¹⁶²⁷ This is not only because nature conservation is considered part of environmental protection, but also because a large number of environment agencies also cover nature conservation.¹⁶²⁸

8.2.2 Organization and functioning of the EPA network

For most EPA network decisions (such as publications or the creation of 'interest groups') reaching consensus is not necessary, as member agencies can decide whether

¹⁶²⁶ UBA (2008)

¹⁶²⁷ Interview EEA official (2010b)

¹⁶²⁸ *Ibid.*

or not they want to be involved. However, internal guidelines can be changed with unanimity voting only.¹⁶²⁹ Following the initial adaptation of the network's guidelines in 2006, a review was needed in order to establish whether any changes were required. Overall, there was a high level of satisfaction with the network's 2006 guidelines.¹⁶³⁰ The 2010 evaluation therefore resulted only in relatively minor changes of the guidelines, mostly to improve their clarity.¹⁶³¹ Changes to the guidelines include the option of ministry participation in countries where government structures would make the ministry the logical member of the network, cooperation with the recently established ENCA network, and the availability of network publications to the public.¹⁶³² Although it was already possible for ministries to attend the EPA network (in those countries where the governance structures made them the most appropriate member), it was decided to make this possibility more explicit by stating it in the guidelines.¹⁶³³ In the case of Germany and Britain (where prominent agencies such as the UBA and the EA exist) there was no question of the ministry taking part. No French institution (i.e. neither the ministry nor environment agency) is currently a member of the network (see also below).

Membership

In 2010 the network had more than 30 member agencies. Members of the EPA network are the heads of environment protection agencies (or similar bodies).¹⁶³⁴ Generally, the network should consist of one to two environment protection agencies from each

¹⁶²⁹ EPA Network (2006a)

¹⁶³⁰ Interview EEA official (2010b)

¹⁶³¹ *Ibid.*

¹⁶³² EPA Network (2010)

¹⁶³³ Interview EEA official (2010b)

¹⁶³⁴ EPA Network (2006a)

country across Europe, in addition to the EEA.¹⁶³⁵ One of the criteria for qualifying as an agency which can participate in the EPA network is that the core business of the agency needs to be environment protection and nature conservation (the latter also being currently addressed by the ENCA network).¹⁶³⁶ Another condition is that they should fulfil either major executive or advisory tasks for their governments within a European context.¹⁶³⁷ Member agencies are also expected to contribute to the promotion of the EPA network's aims and be capable and willing to play an active, long term role within the network.¹⁶³⁸ Most of the agencies involved in the EPA network gather and assess environmental information and advise the authorities and public.¹⁶³⁹ A smaller number of environment agencies also have regulatory functions and enforcement powers.¹⁶⁴⁰

The agencies which the EPA network is mainly aimed at are those which operate at the national level. Although the network aims to be inclusive, due to some practical restrictions (i.e. its size) it is unable to include regional agencies (which can play a very important role in supporting the national-level agencies in some member countries).¹⁶⁴¹ Ensuring the existence and upkeep of appropriate links with other agencies or institutions (including the regional level) in the respective countries is the responsibility of each member agency.¹⁶⁴²

Troika, chairperson and organizing committee

The troika refers to the system of agencies which make up the organizing committee for the plenary meetings.¹⁶⁴³ Similar to the troika system used for the rotating EU Council

¹⁶³⁵ EPA Network (2006a)

¹⁶³⁶ *Ibid.*, EPA Network (2010)

¹⁶³⁷ EPA Network (2006a)

¹⁶³⁸ *Ibid.*

¹⁶³⁹ Interview EEA official (2010b)

¹⁶⁴⁰ *Ibid.*

¹⁶⁴¹ Interview EEA official (2008a)

¹⁶⁴² EPA Network (2006a)

¹⁶⁴³ *Ibid.*

presidencies up until the Amsterdam Treaty, the troika for the EPA network is made up of the chairperson, the incoming and the outgoing chair.¹⁶⁴⁴ The member who has hosted the last meeting shares its experiences with the incumbent and the member who is due to host the next meeting. According to one EEA official, the members involved in the troika are usually very active and the rotation system works well.¹⁶⁴⁵ One of the troika members serves as the EPA network's chairperson for the period between plenary meetings.¹⁶⁴⁶ After the plenary meeting the chairperson's term ends.¹⁶⁴⁷ The chairperson is responsible for the coordination of activities between meetings and the agenda of the meeting s/he has to chair.¹⁶⁴⁸ The troika and EEA form the organizing committee, which plans the agenda for the upcoming plenary meeting and invites external participants.¹⁶⁴⁹ The organizing committee further recommends the national expert for the role of secretariat leader, who will then be appointed by the network.¹⁶⁵⁰

'Interest groups'

'Interest groups' within the EPA network can be set up with a minimum of two or more member agencies cooperating on issues of common interest (or on the monitoring of such issues) on a longer term basis.¹⁶⁵¹ The 'interest groups' are under the lead of one of its member agencies, which also provide secretarial support.¹⁶⁵² 'Interest groups' are set up by the plenary; they are required to regularly inform the plenary of their progress.¹⁶⁵³ The formation of 'interest groups' is usually the result of one or more members announcing an interest in a certain topic on which they give a presentation to see if other

¹⁶⁴⁴ EPA Network (2006a)

¹⁶⁴⁵ Interview EEA official (2008a)

¹⁶⁴⁶ EPA Network (2006a)

¹⁶⁴⁷ *Ibid.*

¹⁶⁴⁸ EPA Network (2010)

¹⁶⁴⁹ EPA Network (2006a)

¹⁶⁵⁰ Interview EEA official (2010b)

¹⁶⁵¹ EPA Network (2006a)

¹⁶⁵² *Ibid.*

¹⁶⁵³ *Ibid.*

members are also interested in taking part in the group.¹⁶⁵⁴ The work programme and time frame (as well as the appointment of group members at their respective agencies) is decided by the ‘interest groups’ themselves.¹⁶⁵⁵ There is no limit on the number of ‘interest groups’ that might be set up at any one time.¹⁶⁵⁶ Although ‘interest groups’ are generally concerned with environmental issues, they can also be set up to address internal network and/or organizational issues.¹⁶⁵⁷ In addition to ‘interest groups’, which tend to be active over a longer period of time, there is the possibility of creating task teams which work on common interest issues for a short term.¹⁶⁵⁸

8.2.3 The secretariat

Initially, EEA staff ran the EPA network without a formal secretariat.¹⁶⁵⁹ However, because it was just one of many tasks which they had to fulfil, it was impossible to do it justice.¹⁶⁶⁰ In order to be successful, the network has to be fostered and member agencies made to feel that they are getting something beneficial out of their participation.¹⁶⁶¹ At the sixth meeting of the network in 2006, a proposal was put forward by England/Wales, Italy and Austria to create staff support solely dedicated to the network.¹⁶⁶² The most workable suggestion was that the secretariat should be provided by a national expert at the EEA where the secretariat was also going to be hosted.¹⁶⁶³ At the eighth meeting in spring 2007 the former director of the Icelandic Environment

¹⁶⁵⁴ Interview EEA official (2008a)

¹⁶⁵⁵ EPA Network (2006a)

¹⁶⁵⁶ Interview EEA official (2010b)

¹⁶⁵⁷ EPA Network (2006a)

¹⁶⁵⁸ EPA Network (2010)

¹⁶⁵⁹ Interview EEA official (2008b)

¹⁶⁶⁰ *Ibid.*

¹⁶⁶¹ Interview EEA official (2008a)

¹⁶⁶² Interview EEA official (2010b)

¹⁶⁶³ *Ibid.*

Protection Agency was chosen to run the secretariat for the EPA network.¹⁶⁶⁴ The allocation of this national expert seconded to the EEA has allowed the secretariat to be more proactively involved in the running of the network.¹⁶⁶⁵

The main role of the secretariat is to support the network. This takes place through the support of non-‘interest group’ activities, the preparation of draft conclusions of the plenary meetings and the support of member agencies willing to join existing ‘interest groups’.¹⁶⁶⁶ The secretariat further supports the chairperson and the troika between the plenary meetings and acts as an information-broker and ‘issue-spotter’, helping the network to identify issues of common interest, strategic, scientific and/or technological nature.¹⁶⁶⁷ The secretariat leader further works on the development and coordination of the network’s work plan and the maintenance of web functions.¹⁶⁶⁸ Moreover, the secretariat leader is also responsible for liaising with the network-related EEA contact persons by providing content and process coordination as well as secretarial and webpage support.¹⁶⁶⁹

In 2009, the role of the secretariat was reviewed through the distribution of questionnaires. The overall result of the review was that all participants were either content or very content with the service it was providing.¹⁶⁷⁰ One criticism brought to light by the review was that the EEA occupies a more influential role than the other member agencies, a situation exacerbated by the fact that the secretariat is located in the EEA’s premises in Copenhagen.¹⁶⁷¹ One EEA official pointed out that the advantage of locating the EPA network’s secretariat in the EEA compared to one of the member

¹⁶⁶⁴ Interview EEA official (2010b)

¹⁶⁶⁵ Interview EEA official (2008b)

¹⁶⁶⁶ EPA Network (2006a)

¹⁶⁶⁷ *Ibid.*

¹⁶⁶⁸ Interview EEA official (2010b)

¹⁶⁶⁹ *Ibid.*

¹⁶⁷⁰ *Ibid.*

¹⁶⁷¹ *Ibid.*

agencies or even a secretarial office in Brussels, was that the network's activity began in and partly through the EEA, thus keeping in one place the history and memory of the network.¹⁶⁷²

Similar to points mentioned in the previous chapters with regard to key positions in the Eionet, work in the EPA network is also affected by the individuals who take on particular roles. Whether it be the directors of the agencies or the secretariat leader of the network, 'personalities matter'.¹⁶⁷³ In order to ensure regular change in personnel, the position of EPA network secretariat leader is restricted to four years, consisting of an initial two-year period which is renewable once.¹⁶⁷⁴ The review stated that until other arrangements are made, the EEA will continue to host the secretariat.¹⁶⁷⁵

8.2.4 Meetings, publications, financing and informality of the EPA network

Meetings

The EPA network meets twice a year with meetings hosted by member agencies on a voluntary, rotational basis.¹⁶⁷⁶ Meetings are used to set up the framework and allocate resources for achieving the network's aims, for example, through setting up 'interest groups', informing members of 'interest group' activities or delegating tasks to the network's secretariat, network members or groups of members.¹⁶⁷⁷ The plenary meetings of the heads of agencies act as the highest decision-making body of the network.¹⁶⁷⁸

¹⁶⁷² Interview EEA official (2008b)

¹⁶⁷³ Interview EEA official (2010b)

¹⁶⁷⁴ *Ibid.*

¹⁶⁷⁵ *Ibid.*

¹⁶⁷⁶ EPA Network (2006a)

¹⁶⁷⁷ *Ibid.*

¹⁶⁷⁸ *Ibid.*

Member agency representatives may be accompanied by national experts or coordinators.¹⁶⁷⁹

The network invites the European Commission as a permanent guest to attend its meetings.¹⁶⁸⁰ It is not only beneficial for heads of agencies to have the Commission there, but it can also be useful for the latter to be able to find out at an early stage about, for example, potential problems regarding the implementation of EU environmental policy in the member states.¹⁶⁸¹ Other networks (such as IMPEL and ENCA) can be invited to attend where useful or appropriate, depending on the issues under discussion.¹⁶⁸² On occasion, EP representatives have been invited to attend meetings.¹⁶⁸³ Plenary meetings are documented by short communications (including a summary record of the major outcomes or issues discussed) which can be used for the member agencies' communication activities in their respective countries.¹⁶⁸⁴ It is up to the agencies to agree with and/or sign up to agreements and decisions taken by other network members. This is done in order to avoid any agency being bound by a decision with which it does not agree.¹⁶⁸⁵

Publications

Publications of the EPA network and its 'interest groups' are published in the name of the network members who have given their agreement. At least two agencies have to support a position in order to be able to publish it in the name of the network. Network publications include a list of the supporters or members of a particular 'interest group'.

¹⁶⁷⁹ EPA Network (2006a)

¹⁶⁸⁰ *Ibid.*

¹⁶⁸¹ UBA (2008)

¹⁶⁸² EPA Network (2006a)

¹⁶⁸³ UBA (2008)

¹⁶⁸⁴ EPA Network (2006a)

¹⁶⁸⁵ *Ibid.*

Publications receiving unanimous endorsement are published in the name of the network.¹⁶⁸⁶

Publications range from general issues (such as ‘Barriers to Good Environmental Regulation’) to more specific ones (such as ‘Promoting eco-efficient innovation in the construction sector’).¹⁶⁸⁷ In its 2008 publication on ‘Improving the Effectiveness of EU Environmental Regulation – A Future Vision’, the network states that the paper is intended to help the Commission develop its strategy and vision for improving the effectiveness of EU environmental regulation.¹⁶⁸⁸ It recommends that the Commission should include the network and other interested parties in this development.¹⁶⁸⁹ Just as the EPA network’s importance is increasing, its reports have reached a point where they are described as very influential.¹⁶⁹⁰

Website

The purpose of the EPA network’s website is the facilitation of cooperation between network members, as well as the provision of information to the general public.¹⁶⁹¹ In addition, the website offers a range of forums for information exchange or topical discussions for its members (out of public view) in order to ensure informal communication on different issues.¹⁶⁹² One of the reasons for the popularity of the EPA network’s homepage is that it provides a single point of access to newsfeeds from all its member agencies.¹⁶⁹³ In order to increase the target audience, updates from the national

¹⁶⁸⁶ EPA Network (2006a)

¹⁶⁸⁷ EPA Network (2007a), EPA Network (2007b)

¹⁶⁸⁸ EPA Network (2008:2)

¹⁶⁸⁹ *Ibid.*:2

¹⁶⁹⁰ Interview EEA official (2010b)

¹⁶⁹¹ Interview German official (2008c)

¹⁶⁹² Interview EEA official (2008a)

¹⁶⁹³ *Ibid.*

agencies are linked to an automatic online translation service. The technical support required by the network is provided by the EEA.¹⁶⁹⁴

Financing

Although there is some EEA funding, each member agency pays its own expenses. The EPA network's secretariat is partly funded by the seconded national expert's government and the EEA. The current arrangement has been up for discussion due to fears that some agencies with smaller budgets might otherwise have problems participating.¹⁶⁹⁵ Alternatives (such as a membership fee) have been found to be impractical.¹⁶⁹⁶ In discussions on possible financing options for the network questions such as how much each country would contribute could not be resolved in a satisfactory manner.¹⁶⁹⁷ The majority of network members were in favour of the existing set-up entailing EEA involvement and a seconded national expert who fulfils the position of secretariat leader.¹⁶⁹⁸

The importance of informality

The EPA network works on an informal and voluntary basis, allowing its members to cooperate on whatever issue they like.¹⁶⁹⁹ It has been suggested that as the network becomes more established and increases its output, it is slowly becoming more formal.¹⁷⁰⁰ The trend towards formalisation is due to the need to ensure that the meetings run smoothly and are well prepared as well as the need to define (at least) the EEA's

¹⁶⁹⁴ EPA Network (2006a)

¹⁶⁹⁵ Interview EEA official (2008b)

¹⁶⁹⁶ *Ibid.*

¹⁶⁹⁷ *Ibid.*

¹⁶⁹⁸ *Ibid.*

¹⁶⁹⁹ EPA Network (2006a)

¹⁷⁰⁰ Interview German official (2008c)

involvement more precisely.¹⁷⁰¹ Nonetheless, a conscious effort is made to preserve at least a degree of informality of the EPA network, especially at meetings.¹⁷⁰² As one EEA official pointed out:

This is the network for the heads of the agencies; they decide. There are no unanimity requirements, no veto or anything. If you're on, you're on. If you cannot subscribe to something, you don't subscribe to it. And this balance of informality and then the formal preparations so people know what is going to happen. We have to keep this delicate balance and I think we have been very successful in kind of letting people know what is coming up or what will be discussed and what is likely to be addressed, so people can prepare. [...] The informal part is very essential for this work.¹⁷⁰³

The participating agencies benefit from the informality and lack of need to report back to their supervising ministries, which allows them to talk about issues more freely.¹⁷⁰⁴

8.2.5 The importance and influence of the EPA network

The network is increasingly gaining in importance in the policy loop by providing feedback for the Commission.¹⁷⁰⁵ The EPA network has been described as 'the key link that closes the circle'.¹⁷⁰⁶ The network provides an important link between policy-makers and those implementing them.¹⁷⁰⁷ This allows for more direct feedback about what is workable, what has been helpful and what needs to be done in order to operate more successfully.¹⁷⁰⁸ A large number of (or all) member environment agencies coming together and passing on their opinion to the Commission will strengthen their case. Thus their collective output is potentially more influential than agencies contacting the Commission individually.¹⁷⁰⁹ Moreover, early contact between the Commission and

¹⁷⁰¹ Interview EEA official (2008b)

¹⁷⁰² Interview EEA official (2008a)

¹⁷⁰³ *Ibid.*

¹⁷⁰⁴ Interview EEA official (2008b)

¹⁷⁰⁵ Interview EEA official (2010b)

¹⁷⁰⁶ Interview EEA official (2008a)

¹⁷⁰⁷ *Ibid.*

¹⁷⁰⁸ *Ibid.*

¹⁷⁰⁹ *Ibid.*, Interview British official (2010b)

network members allows the environment agencies to be informed of upcoming legislation at first hand.¹⁷¹⁰ In return, the Commission benefits from comments on its legislative proposals from agency officials who will be most affected by the implementation of these policy proposals.¹⁷¹¹ The exchange of views with environmental agencies therefore offers valuable insights to the Commission in addition to its good connections with national environment ministries.¹⁷¹² With EU legislation needing a good science and knowledge base, the EPA network's views can be considered an important contribution to improving legislation.¹⁷¹³ The EPA network feels that the Commission considers it to be an important source of information and takes its outputs seriously when trying to get feedback on its policies.¹⁷¹⁴ The cooperation benefits the network and the Commission which both highly value their contacts with each other.¹⁷¹⁵ For the member agencies, the network can be described as a means of speaking to the Commission with one (more influential) voice, which is frequently made use of.¹⁷¹⁶

According to one of the UBA's former presidents, the direct contact between the environment agencies and the Commission is viewed with concern by some national governments.¹⁷¹⁷ This is possibly the case because contact between the Commission and national environment agencies usually takes place through the ministries whereas the EPA network provides a forum for direct contact between the environment agencies and the Commission, resulting in some loss of awareness by the ministries of what is being discussed. Such concern could possibly be interpreted as an indication that the Commission takes the network seriously. The scepticism of national governments is,

¹⁷¹⁰ Interview EEA official (2008a)

¹⁷¹¹ *Ibid.*

¹⁷¹² *Ibid.*

¹⁷¹³ Interview EEA official (2010b)

¹⁷¹⁴ *Ibid.*

¹⁷¹⁵ *Ibid.*

¹⁷¹⁶ *Ibid.*

¹⁷¹⁷ Interview German official (2010)

however, not an ideal indicator of the network's success. It further highlights the need to maintain the informality of the network. Moreover, in the case of Germany and Britain, the national environment agencies' independence allows them to state their positions without requiring the approval of the supervising ministries anyway.

In addition to the external dimension of the EPA network, there is also the internal one, allowing member agencies to learn from one another, such as understanding why certain policies are easily implemented in other countries or possibilities for improving their own procedures.¹⁷¹⁸ Finally, one EEA official pointed out that the EPA network is 'a truly unique thing [...] it did not exist before',¹⁷¹⁹ and with the network still going strong, the member agencies consider their participation worth the time and money. One of the success stories of the EPA network is the inspiration it offers to countries outside Europe, leading to interest in Africa which aims to establish a similar network (as initiated by Ghana's Environment Protection Agency).¹⁷²⁰ However, setting up a similar environment agency network outside Europe is challenging due to the financial constraints.¹⁷²¹ The EPA network includes many of the world's richest nations in which societal environmental concerns are high. Whilst in Africa the interest tends to be there, establishing such an environment agency network can be very costly.¹⁷²² Moreover, the existence of the EEA proved immensely helpful in setting up the EPA network in Europe.¹⁷²³

¹⁷¹⁸ Interview EEA official (2008a)

¹⁷¹⁹ Interview EEA official (2008b)

¹⁷²⁰ *Ibid.*

¹⁷²¹ Interview EEA official (2008a)

¹⁷²² *Ibid.*

¹⁷²³ *Ibid.*

8.2.6 Challenges

The biggest challenge faced by the EPA network was during its early days. Although there was an overall agreement that what the network was trying to achieve was needed, the means were unclear.¹⁷²⁴ Initially, the network did not have a secretariat, which could have taken on a guiding role. Due to the participating agencies' commitment, the EPA network managed to establish itself to the degree that its work (and worth) was recognized, by the Commission in particular but also by the member agencies themselves. Participation in the EPA network is not only beneficial for national agencies, it could potentially provide important links for regional agencies as well (if they were to become included in the network).¹⁷²⁵ In the light of the different national set-ups and the (very) different degrees of importance given to the local level/agencies, the issue of the role of regional agencies in the EPA network needs to be discussed. However, with the need for the meetings to remain manageable, regional agencies have so far not been included in the EPA network. For example, the inclusion of the German *Land* environment agencies would immediately add 16 new members to the EPA network. Although not all member countries have as many regional agencies as Germany, managing the network would become near impossible if a large number of regional agencies were to join. The possible inclusion (or ongoing exclusion) of regional environment agencies is therefore another challenge faced by the EPA network. Many of the regional environment agencies are interested in its work and would probably join the EPA network if they had the opportunity to do so.¹⁷²⁶ Regarding the inclusion of sub-national agencies, countries have the option to include representatives from sub-national level agencies as part of their national delegation. The number of

¹⁷²⁴ Interview EEA official (2010b)

¹⁷²⁵ Interview EEA official (2008a)

¹⁷²⁶ *Ibid.*

those representatives has to be limited to two per delegation to avoid EPA network meetings becoming unmanageable.¹⁷²⁷

Another issue faced by the EPA network is whether it should also include nature conservation agencies.¹⁷²⁸ In 2007 the ENCA network was created. It works closely with the EPA network on issues of common interest and the two networks might be combined at some point in the future. This is because nature conservation is often part of the work of environmental protection agencies, and, in addition to avoiding overlapping networks, the environment needs to be considered as a whole (i.e. including nature conservation).¹⁷²⁹

Language barriers can also pose a problem, depending on the abilities of the heads of the agencies (though obviously not in the British case) as there is no translation service at the meetings which are held in English.¹⁷³⁰ With the provision of a translation service being too costly, it is up to the EPA network members to make arrangements (such as English-speaking experts accompanying the director). On the EPA network's website, on the other hand, the published feeds from the different environment agencies are linked to an automatic online translation service, the introduction of which has led to an increase in traffic on the homepage.¹⁷³¹

Another issue pointed out by former members was that the EPA network lacks stability, because in some countries a change in government also results in a change in environment agency director(s), requiring the contacts to be constantly renewed and new relationships to be built.¹⁷³² In countries where the heads of the agencies change frequently, the introduction of a more permanent contact, who would attend the EPA

¹⁷²⁷ Interview EEA official (2010b)

¹⁷²⁸ *Ibid.*

¹⁷²⁹ *Ibid.*

¹⁷³⁰ Interview EEA official (2008b)

¹⁷³¹ Interview EEA official (2010b)

¹⁷³² Interview British official (2009c), Interview German official (2010)

network meetings together with the director, might be helpful. The informality of the EPA network means that such decisions would have to be made by the affected agency/agencies rather than formally set out in the network's guidelines.

Due to the different set-ups and responsibilities of national environment agencies, the EPA network had to define what kind of institutions it was trying to include. Due to the wide variety of bodies being referred to as environment agencies, the EPA network had to establish who would be invited and allowed to attend its meetings.¹⁷³³ The 2010 revision of the network's guidelines includes the statement that

[d]epending on the governance structures within the countries, environment ministries or organizations at a more local level can be regarded as member agencies.¹⁷³⁴

This inclusion allows countries to participate, which might not have an environment (protection) agency but where the tasks (normally delegated to an environment agency) are instead carried out by the ministry (or agencies which form part of the ministry). This is possibly the most significant change to the guidelines, as it allows the inclusion of institutions which are not typical environment agencies, although they can nonetheless provide useful contributions to the EPA network and feedback on policy. Moreover, the amendment might turn out to provide a solution to the ongoing challenge of France's membership in the network (which will be further discussed below).

8.3 EPA network and the EEA, Germany, France and the UK

Motivations leading to a country's participation in the EPA network differ. One EEA official pointed out that in some cases, EPA network membership is just down to whether the person in the right position considers participation important.¹⁷³⁵ The

¹⁷³³ Interview British official (2010b)

¹⁷³⁴ EPA network (2010)

¹⁷³⁵ Interview EEA official (2008b)

member agencies from larger countries tend to have bigger budgets, allowing them to assign coordinators (who are not necessarily the directors) and/or people who prepare and represent them in the meetings.¹⁷³⁶ The EPA network's (rotating) troika prevents the clear emergence of a limited number of leading national environment agencies.¹⁷³⁷ The EEA provides consistency to the troika set-up by being a permanent member of the organizing committee which consists of the troika and the EEA's executive director.

8.3.1 The EEA

The EEA itself considers the EPA network an additional forum for exchange and strongly supports its informality.¹⁷³⁸ The implementation of global and European agreements at the national (and local) level is of particular interest for the EEA which is also very interested in practical implementation and feedback on major concerns from the institutions involved in the EPA network.¹⁷³⁹

With regards to the EPA network, the EEA has a special role to play: on the one hand, the EEA is a member of the network, just like any national environment agency. On the other hand, the EEA played a crucial role in the creation of the EPA network, hosts and supports the network's secretariat and is a permanent standing member of the organizing committee. The EEA's work with the troika mainly takes place through the EEA's executive director, while the EPA network secretariat also receives additional support from EEA officials on content and progress coordination and the webpage. The EEA therefore has a dual role to play in the EPA network; it is not only a member agency but also a facilitator for the secretariat, which is required to be neutral. And although the actual involvement of the EEA with the EPA network varies, its advice and

¹⁷³⁶ Interview EEA official (2008a)

¹⁷³⁷ *Ibid.*

¹⁷³⁸ Interview EEA official (2010c)

¹⁷³⁹ *Ibid.*

support is regarded as incredibly valuable.¹⁷⁴⁰ Therefore the location of the network's secretariat at the EEA, despite having previously been contested, has been overall useful for the EPA network, as it is at the centre of discussions and developments.¹⁷⁴¹ There have been discussions about locating the secretariat outside the EEA as the EEA has been criticised for being too influential in the EPA network.¹⁷⁴² Because the organizing committee's role includes the planning of upcoming meetings and the invitation of external participants, the EEA plays a major role in the setting of the agenda for the EPA network.¹⁷⁴³ Moreover, as was mentioned above, the member agencies in the troika rotate constantly while the EEA is the only agency permanently involved through the organizing committee. The involvement of EEA officials in the EPA network's content and process coordination has been criticized for placing the EEA in a privileged position over other agencies. While it is true that there is a lot of engagement between the secretariat and the EEA, there is no risk of the EPA network becoming another network of the EEA.¹⁷⁴⁴ Despite the interaction, the secretariat is very distinct from the EEA and every effort is made to ensure that it remains that way. As one EEA official stated 'the secretariat is not a function of the EEA, it is servicing the network.'¹⁷⁴⁵

Moreover, while it is true that the EEA may find itself in a privileged position when compared to the national environment agencies, this result appears to have come about by default rather than design. The EEA can provide the technical support and help with content and process coordination of the network, which some smaller and/or poorer countries and/or agencies would not be able to do. If the EEA were no longer to host the secretariat, then it would probably be hosted by bigger and richer national agencies,

¹⁷⁴⁰ Interview EEA official (2008a)

¹⁷⁴¹ *Ibid.*

¹⁷⁴² Interview EEA official (2010b)

¹⁷⁴³ *Ibid.*

¹⁷⁴⁴ *Ibid.*

¹⁷⁴⁵ *Ibid.*

which could lead to the dominance of the EPA network by these agencies. This could possibly be avoided through the financing of the secretariat through the introduction of financial contributions. But as with membership fees, the issue of contributions to finance the secretariat is controversial and might put agencies off from participating in the EPA network.

Linking EPA network and EEA-relevant activities is considered important, especially when developing something like the SEIS, which strongly involves the national level. It therefore requires the additional link between the EEA and member agencies not involved in the Eionet (i.e. as NFPs) or with the EEA management board.¹⁷⁴⁶ This further highlights the importance of the EPA network in connecting the activities of national agencies and the EEA.

8.3.2 The UBA

Although the EEA (together with a number of national agencies) initiated the setting up of the EPA network, the idea for creating such a network had come up in the UBA as well. While the UBA's idea for such a network was generally considered as good, nothing much came from it.¹⁷⁴⁷ Thus, the UBA was clearly very much in favour of the creation of a heads of environment agencies network.¹⁷⁴⁸

Prior to the creation of the EPA network, the UBA participated in annual conferences with the directors of the environment agencies of the *Länder* (*Umweltämterkonferenz*).¹⁷⁴⁹ Thus once again the national set-up is similar to the eventually emerging EPA network at the European level, although the former takes place in form of a conference rather than a network. The EPA network is not a copy of

¹⁷⁴⁶ Interview EEA official (2010b)

¹⁷⁴⁷ Interview German official (2008b)

¹⁷⁴⁸ *Ibid.*

¹⁷⁴⁹ Interview German official (2010)

German arrangements. However, the UBA's support for the EPA network could also have been influenced by the existence of a comparable arrangement at the national level that had already proven to be successful.

The UBA has benefitted from regular contacts between agencies at the directorial level, the exchange of information between specialists and from making known to an international audience its own products, working results and positions.¹⁷⁵⁰ As a further advantage, an UBA document lists the possibility to 'influence European processes more strongly by providing scientific advice for policymakers jointly with other environment protection agencies'.¹⁷⁵¹ These benefits are likely to apply to most countries in the network, although in the cited document they have only been explicitly related to the UBA. The UBA is 'very much involved'¹⁷⁵² in the EPA network's activities, most notably in the 'interest groups' and their publications. Meetings are usually attended by the director of Division I (*Umweltplanung und Nachhaltigkeitsstrategien*) who is accompanied by the German NFP of the Eionet, who is also the German EPA network coordinator.¹⁷⁵³

For Germany, the attraction of the EPA network is not only the additional link to the Commission, but also the link between a wide range of participating agencies.¹⁷⁵⁴ The EPA network has been described as a valuable network for the participating organizations.¹⁷⁵⁵ Importantly, the close involvement of the UBA with the Eionet means that it has a particular interest in avoiding duplication of work.

¹⁷⁵⁰ UBA (2008)

¹⁷⁵¹ *Ibid.*

¹⁷⁵² Interview EEA official (2008b)

¹⁷⁵³ *Ibid.*

¹⁷⁵⁴ Interview German official (2010)

¹⁷⁵⁵ *Ibid.*

8.3.3 The French case

As was pointed out by one EEA official, ‘France is the last of the big countries not in the network’.¹⁷⁵⁶ This has been described as a regretful situation, not only due to the size of the country but also due to the perception within the network that participation would be beneficial for everyone, even countries who think they would not get anything out of it.¹⁷⁵⁷

With the EPA network being informal and, most importantly, voluntary, it is any country’s right to decide not to take part. However, in the case of France the absence from EPA network meetings occurred following the beginning of restructuring processes at the national level which ultimately abolished the institution that had acted as France’s EPA network member. Initially, the Ifen was representing France due to the lack of a French environment protection agency.¹⁷⁵⁸ At the time, the French NFP at Ifen was located at the directorial level, and it was the individual who fulfilled the NFP role, who also attended the EPA network meetings.¹⁷⁵⁹ With the restructuring of the Ifen in 2004, the position of NFP was relegated from the directorial level.¹⁷⁶⁰ The Ifen official who next became the NFP was thus no longer in the right position to attend EPA network meetings.¹⁷⁶¹ A change at the directorial level which took place during the same period (2004) led to the appointment of a director who had little interest in the international level, which ended the Ifen’s participation in the EPA network.¹⁷⁶²

Nonetheless, other French agencies in the environmental field do exist which could take up the place which Ifen vacated in the network. It has been pointed out that there is no agency in France purely concerned with environmental protection, which makes a

¹⁷⁵⁶ Interview EEA official (2010b)

¹⁷⁵⁷ Interview EEA official (2008b)

¹⁷⁵⁸ Interview French official (2010a)

¹⁷⁵⁹ *Ibid.*

¹⁷⁶⁰ *Ibid.*

¹⁷⁶¹ *Ibid.*

¹⁷⁶² *Ibid.*

potential French EPA network participant (in place of Ifen) harder to identify.¹⁷⁶³ However, the agencies in the EPA network are very diverse and there is the possibility for a (part of) the environment ministry to take part in the network if it feels better suited than the national agencies. Moreover, even the Ifen had experienced some difficulties fitting into the EPA network because it was not a scientific agency.¹⁷⁶⁴ There was no French participation between 2004-2008, although the Ifen still existed. The SOeS, which took on the Ifen in 2008, has not sent its director to participate in the EPA network and appears unlikely to do so in the near future.¹⁷⁶⁵ Some efforts have been made by the EPA network secretariat and French responses were received regarding potential participation. This was done in the hope that once another French institution has attended an EPA network meeting, interest would be generated and the benefits of participating would be recognized.¹⁷⁶⁶

The main problem in France appears to be the choice of most appropriate institution. Agencies such as the ADEME are considered as too different (compared to participating agencies) to benefit from EPA network membership. However, this is the case for a number of participating agencies, the majority of which nevertheless consider EPA network membership as worthwhile, not despite the differences but (at least in some cases) because of them. Moreover, contact with the Commission through the network is considered as valuable.

However, it would probably be an advantage for an institution which is not the SOeS (i.e. the ADEME) to participate as the SOeS already has the connection to the EEA and other agencies through participation in the Eionet. Agencies such as the ADEME, where such connections are less institutionalized, could possibly benefit more (see also EA and

¹⁷⁶³ Interview French official (2010b)

¹⁷⁶⁴ *Ibid.*

¹⁷⁶⁵ *Ibid.*

¹⁷⁶⁶ Interview EEA official (2008a)

EPA network participation below). Otherwise France might find itself in a similar situation as the UBA, where the NFP is also concerned with the EPA network's day-to-day dealings which has the risk that participation in the EPA network might be perceived as less beneficial than for non-Eionet member environment agencies. Although the ADEME is considered the most suitable French agency to take part in the EPA network, it is uncertain whether it will attend future network meetings.

Finally, it appears strange that an EU (founding) member state the size and importance of France neglects the opportunity to participate in a network that a large number of European countries/national agencies consider valuable. One French official acknowledges: 'It is a bit of a shame that we are not taking part in the EPA network.'¹⁷⁶⁷ It is even more regrettable because the network was considered a useful means for participation at the international level, while the Ifen was still a member.¹⁷⁶⁸ The option of regional/local organizations or the ministry taking part in the network was included in the revised EPA network guidelines. This might pave the way for eventual French participation in the EPA network. One possibility might be to leave it up to the French institutions themselves to find one which is interested in participating in the EPA network. Another possibility would be to try and find the French institution most congruent with other agencies that already participate in the EPA network with the aim of getting it included as a French member.

8.3.4 The EA

In the late 1990s there was a distinct lack of British involvement in European networks, as Lowe and Ward point out:

¹⁷⁶⁷ Interview French official (2010b)
¹⁷⁶⁸ Interview French official (2010a)

An aspiration of the European Commission is to deal with expert, representative European networks. Likewise, effective action at the European level depends on building transnational coalitions. However, the agencies have found networking difficult, partly because of the lack of analogues in other European countries, but also because they feel uncomfortable about forming alliances which may seek to lobby not only the Commission but also other member states' governments.[...] ¹⁷⁶⁹

Because the EA of England and Wales is not involved in the EEA's Eionet (where Defra represents the UK), contacts with (some of) its counterparts are not as easily established as is the case for environment agencies which are NFPs. The EA was keen to talk to other European agencies and supported establishing the EPA network. Zito has even described the EA as 'one of the network's primary leaders'. ¹⁷⁷⁰ One EA official further stated that it was the EPA network that 'allowed the EA to have contact with other agencies.' ¹⁷⁷¹

Overall, the EA's participation in the EPA network has been described as beneficial for the agency, even if the actual benefits are hard to measure. ¹⁷⁷² Participation in the network has been useful in terms of bringing new issues onto the agenda and screening for legislation. ¹⁷⁷³ In addition, the EPA network has been described as an opportunity to view the work of the EA through other people's eyes, thus gaining new perspectives on your own agency's work and establishing relationships with the heads of other agencies. ¹⁷⁷⁴ The EA further stressed the network's potential as a valuable means for influencing the Commission which is listening to the EPA network. ¹⁷⁷⁵ As for the reasons for UK participation in the network, one EEA official speculated that

they are curious to see what the others are doing. And the other reason of course is that the environment agency staff, people there, they don't have a dialogue with Brussels, with the EU Commission, with the EU institutions, a natural dialogue, and now they have, through the EPA network the directors of the England and Wales Environment Agency. They have been able to get appointments with the

¹⁷⁶⁹ Lowe and Ward (1998b:99)

¹⁷⁷⁰ Zito (2009b:1238), Interview British official (2009c)

¹⁷⁷¹ Interview British official (2010b)

¹⁷⁷² *Ibid.*

¹⁷⁷³ *Ibid.*

¹⁷⁷⁴ *Ibid.*

¹⁷⁷⁵ Interview British official (2009c)

Commissioners to speak about things, maybe they had that before, I don't know, but this is one of the drivers for them.¹⁷⁷⁶

A former EA official noted that participation in the network 'had an impact and is worthwhile'.¹⁷⁷⁷ Thus it does not come as a surprise that the director of the EA (and the director of the SEPA) were in favour of the creation of the EPA network which they helped to set up. Participation in the EPA and IMPEL networks is considered a useful EA activity.¹⁷⁷⁸ Senior EA officials deal with strategic thinking in the EPA network and EA officials, who deal more with practical issues, participate in IMPEL where they aim to contribute towards a level playing field regarding environmental policy implementation in.¹⁷⁷⁹ Although there is still an adjustment period due to personnel change, former EA attendants of the EPA network were quite satisfied with how it is running.¹⁷⁸⁰

8.4 Discussion of Hypothesis III

Hypothesis III stipulated that differences in national administrative traditions in environment agencies (e.g. the set-ups, roles and connections) lead to different motivations for participation in European networks (see also Chapter Two). The EPA network offers a variety of incentives for national agencies to participate in the network. The main idea behind its creation was to facilitate contact and exchanges about ways of working, problem perception and solutions between the different agency directors. The significant differences between some of the agencies were not considered a hindrance. Instead they provided a particular attraction for some EPA network members. Membership of the EPA network tends to be stable, although changes in top-level

¹⁷⁷⁶ Interview EEA official (2008b)

¹⁷⁷⁷ Interview British official (2010b)

¹⁷⁷⁸ Interview British official (2009c)

¹⁷⁷⁹ *Ibid.*

¹⁷⁸⁰ *Ibid.*

personnel within the national agencies (which can be quite frequent in some countries) require constant efforts to (re-) establish contacts.¹⁷⁸¹ The possible inclusion of ministries in the EPA network in countries where environment agencies do not exist and/or their role is being fulfilled by the ministries, allows for different national set-ups to be accommodated. Discussion about the inclusion of sub-national agencies (for now at least) appears to pose more of a logistical issue than a principal one. The EEA's membership not only provided significant support throughout the EPA network's existence, but also offered member agencies with no or little contact to the EEA to establish a relationship. The additional (and very valuable) contact to the Commission proved to be another important asset of the network.

With the different networks aiming to work closely together, an effort is made to avoid the duplication of work, although, for example, 'interest groups'/working groups in the different networks might come to different conclusions on some issues. Thus, while some degree of overlap is probably unavoidable, with roughly two thirds of EPA network members also hosting the Eionet's NFP for their country, it is nonetheless an important issue to be aware of. On the other hand, participation in 'interest groups' is voluntary. Agencies do not have to participate if they feel the issues are already being sufficiently addressed elsewhere. Although a large number of the NFPs are located in environment agencies and contacts to the EEA and other agencies often already exist, these connections tend to be concentrated on the operational/topical level, not usually involving the heads of the institutions.

The three main ways in which participation in the network can be useful for the directors of environment agencies are (1) contact with the directors of other agencies and the resulting opportunities for comparisons, understanding and cooperation; (2)

¹⁷⁸¹ Interview German official (2010)

contact of the agencies with the Commission, either at network meetings or via reports or letters which are published in the name of the network; and finally (3) contact of the directors of national agencies with the director of the EEA.

Hypothesis III focuses in particular on point (3) which it expects to be of higher importance for agencies which do not host the NFP and/or do not provide the management board member. Although the EEA has a special position in the network (due to its permanent position in the organizing committee and the additional support it provides to the secretariat), the focus on the contact to the EEA neglects the other benefits offered by network membership. In the early days of the EPA network, contact to the EEA could have been the main attraction for network participation, especially for an agency (such as the EA) which is quite different to many other member environment agencies and also does not participate in the Eionet. Exchange with environment agencies from other countries was also an obvious perk of EPA membership. The interest of the Commission in the EPA network and its work developed over time as the network became more established. While contact with the EEA is still an important aspect of the EPA network, overall it is more a combination of different aspects which member agencies consider beneficial for their participation. For individual agencies these aspects will be different in their relative importance, depending on their existing relationship with the EEA (e.g. through Eionet), Commission and national environment agencies. The benefactors of the EPA network are its members, the EEA and the national environment agencies (even if the importance attributed varies between different national agencies) as well as the Commission.

The fact that Germany was not one of the main proponents when the EPA network was first created, does not mean that it was against its creation, only that it did not give it as much priority as, for example, England/Wales and Scotland did. Because the UBA

was already linked to the EEA and its work through the Eionet, the aspect of the EPA network creating an additional link to the EEA is likely to have been of much less importance for German support of the network. The exchange with other agencies and the possibility to address the Commission as part of a bigger group of agencies is obviously an important aspect for the UBA which is unaffected by its Eionet participation.

In the French case, participation in the network ceased in 2004 while the Ifen was still operational. By early 2011 there was still no French representation in the EPA network. The reasons for the lack of French participation are complex and not simply due to France not considering EPA network participation to be worthwhile (see above). The SOeS, where the NFP is located has so far not participated in the network and is unlikely to do so in future. At the moment the ADEME considers itself as too different from other national environment agencies (despite agencies such as the EA still considering EPA network participation as beneficial). Moreover, due to its closeness to EU institutions (ensured by its Brussels office) and extensive bilateral projects with environment agencies in other countries, the ADEME does not appear to consider the EPA network as something it needs to get involved in.

The benefits for the British set-up of environment agencies are obvious. Not only does the EPA network accommodate the separate environment agencies for Scotland as well as England and Wales easily, it also provides a more direct (and regular) contact to the EEA. This is supported by the role played by agencies (such as the EA and SEPA) whose directors were driving forces for setting up the EPA network. Contact with the other national environment agencies, the EEA and eventually also the Commission, is considered as very beneficial by and for the EA.

Despite (or because of) the differences of the national environment agencies, both the UBA and the EA consider meeting the heads of other European environment agencies as worthwhile. This is not because they are looking for ways in which the national set-up of their own agencies could be improved, it is more a general interest in the way in which the other agencies work and an openness to the possibility of “better ways of doing things”. Similar to the creation of an EAS, there is no single best way for national environment agencies to operate. But because the exchanges are not motivated or followed by a harmonization drive, they take place more freely. Similarly, the direct contact of the EPA network with the Commission is of major benefit for both the UBA and EA. Despite the Commission’s involvement only having emerged alongside the EPA network establishing itself, it is now an important recipient of EPA network publications and appears to appreciate the member agencies’ feedback and position on EU legislation and a wide range of other issues.¹⁷⁸² The close involvement of the UBA in the Eionet means that it already has important links with the EEA. It is therefore possible to say that contact with the EEA is of higher importance for the EA than the UBA.

The case of French initial participation and later lack of attendance, highlights the possibility that membership in the EPA network might not offer enough incentives for a country to ensure participation through the appropriate institution (usually the environment agency but possibly also the environment ministry). Generally, the lack of interdependences in the network makes it relatively easy for a member agency to leave. The French case is further complicated by the fact that the Ifen initially took part in the EPA network. French officials appeared to regret that France does not take part in a European network out of principle, rather than missing out on being an EPA network

¹⁷⁸² Interview EEA official (2010b)

member in particular.¹⁷⁸³ Thus, just like the motivation for participation in the networks varies, there are also different reasons for non-participation, which include bad institutional fit.

8.5 Conclusions

The EPA network provides an important platform for exchange and debate for European environment protection agencies. Despite its relative youth – it only came into being in 2003 – it has established itself and offers enough to keep environment agencies engaged and interested in membership. Interest from environment agencies in other parts of the world which are hoping to establish networks in their regions similar to the EPA network set-up can be considered as one of the network's achievements.

The EPA network offers contacts and exchanges for directors from a wide range of environment agencies, including the EEA. Moreover, the creation of close links with the Commission (with the option to deliver feedback on environmental policy) adds another advantage for participants in the network, going beyond a pure exchange of information on national practice. The EPA network has been described as an important part of the policy-loop because it provides feedback to the Commission, even if it does not take part in the policy-making process.

In addition to the organizational aspects of running the network, the secretariat also tries to ensure that the participating agencies are getting something out of the meetings and are part of the network. Overall, this seems to be the case in two of three case countries considered in this thesis. While participation in a network of heads of environment protection agencies can generally be considered as valuable for all environment agencies, in some cases, additional benefits come into play, as is the case

¹⁷⁸³ Interview French official (2010b)

for agencies such as the EA. With the EA not forming part of the EEA's main network (i.e. the Eionet) the EPA network offers a direct link to the supranational EEA and the Commission via the network's publications (often by its 'interest groups') in policy areas in which its contribution might not have been requested or indeed welcomed by Defra.

The French case is more complicated. Initially Ifen representatives attended the EPA network plenary meetings. On the surface the non-participation of France appears due to the perceived lack of a national institution which is comparable to other national environment agencies in Europe. However, on closer inspection this argument is not convincing. The majority of national environment agencies throughout Europe differ significantly from each other and consider the variety of agencies in the network as enriching, rather than as a reason to refrain from participation.

One EEA official suggested that the bigger countries might not feel like they need the EPA network or consider participation as beneficial.¹⁷⁸⁴ Even though this could easily be assumed, size does not appear to be the deciding factor for whether a country participates in the EPA network and/or whether it considers participation in it as beneficial. In the three countries considered, the institutional arrangements of the national agencies appear to be much more important for the benefits from participation. Thus, despite Germany and the UK being big European countries, the environment agency set-up in Britain in particular makes taking part in the EPA network very valuable for the EA (and SEPA). The UBA also considers EPA network participation as worthwhile, although the benefits are slightly less valuable due to a certain degree of duplication between its EPA network and Eionet work. Equally in the French case, the size of the country does not matter. The initial participation in the EPA network ended

¹⁷⁸⁴ Interview EEA official (2008b)

due to institutional restructuring of Ifen and the ongoing lack of involvement is due to uncertainty about which French institution would be most suitable to participate in the network. The suggestion that participation in the EPA network is more important and more beneficial for smaller and/or recently created agencies might well be true. However, the focus on Germany, France and Britain in this dissertation does not allow for a closer analysis of some of the smaller and/or more recently created national environment agencies.

Contact with the Commission and the exchange of information with their counterparts throughout Europe are important reasons for environment agency participation in the EPA network. However, the aspect of national environment agencies benefitting from contact with the EEA through the EPA network, is of more interest to members which do not already have direct links to the EEA.

In categorizing the EPA network with the help of Rhodes' network model, it fits best into the category of intergovernmental networks.¹⁷⁸⁵ Member agencies are equal (despite the EEA enjoying certain privileges), participation is voluntary and the issues addressed by the network are self-determined (with the guidance of the troika).¹⁷⁸⁶ Moreover, the EPA network has no service delivery obligations and the interdependence of network members is low.¹⁷⁸⁷ The Rhodes model assessment of the EPA network will be put in the context of the historical institutionalist framework used in this thesis in the concluding chapter (Chapter Nine).

The most likely Europeanizing impact of the participation in the EPA network on the member countries is of a horizontal nature. However, the impact is different on individual member countries. The EPA network affects individual member agencies differently through, for example, the sharing of good practice. Participation in the EPA

¹⁷⁸⁵ Rhodes (1997:9)

¹⁷⁸⁶ *Ibid.*:38

¹⁷⁸⁷ *Ibid.*:38

network is unlikely to increase administrative integration, as the contact is largely limited to the heads of the national environment agencies (and their delegations). The introduction of the secretariat as the coordinating structure of the EPA network (similarly to the EEA being the coordinating structure of the Eionet) has allowed the network to be more proactive.

Hypotheses I, which propagated the limited impact of the EEA on its member countries, also holds true in the case of the EPA network. For those agencies (such as the EA) that do not host NFPs, the EPA network provides the contact to the EEA but little other means of having an impact on national environment agencies. The impact of EPA network membership on increasing the convergence between national environment agencies through Europeanization is practically non-existent. These empirical findings seem to confirm hypothesis II (see Chapter Two). The working together of national environment agencies within the EPA network has not resulted in them becoming more similar (see also Chapters Four to Seven). As will be explained in more detail in the concluding chapter of this thesis, the national contexts and administrative traditions from which national environment agencies emerged and within which they operate remain the most influential factors which are likely to lead to continued divergence rather than (full scale) convergence.

Chapter 9: Concluding Chapter

9.1 The creation of the EEA and national institutional change

The creation of the EEA was a response to address the increasing demands of EU environmental policy.¹⁷⁸⁸ The need for reliable comparable environmental information only became apparent over time, leading first to information programmes (such as CORINE) and eventually to the late creation of an environment agency at the European level. These developments took place because administrative innovations were required to address policy needs without further expanding the staff resources and competences of the Commission (which member states opposed), leading to the creation of an agency heading an environmental information network.¹⁷⁸⁹ Schout pointed out that the resulting EEA set up ‘embodies a mixture of Community and intergovernmental elements’¹⁷⁹⁰ which relies on member countries’ cooperation in the provision of environmental data to the Eionet that is coordinated by the EEA. The distribution of the seats of the new European agencies across different member states has contributed to the geographic decentralization of EU institutions. However, this decentralization appears to be restricted to newly created EU bodies such as agencies. Due to the Eionet being a decentralized network, the EEA’s creation has not had a centralizing effect on its member countries. Over time, the EEA has successfully expanded its remit from an institution purely concerned with the provision of environmental information to one which also provides, for example, environmental indicator assessments and policy effectiveness evaluation.

¹⁷⁸⁸ Schout (1999:83-84)

¹⁷⁸⁹ *Ibid.*:86

¹⁷⁹⁰ *Ibid.*:84

The Europeanization of national environment agencies and ministries is a development that started long before the creation of the EEA. Olsen's definition of Europeanization as 'the penetration of European-level institutions into national and subnational systems of governance'¹⁷⁹¹ describes well the EEA's arrangement with its member countries, as the Eionet involves a large number of actors in national institutions (most of them acting as NRCs coordinated by each country's NFP).

However, the creation of the EEA has undoubtedly had an impact on the EU's institutional landscape, although the exact impact in terms of vertical, top-down, Europeanization is less obvious (see also part 7.4 of Chapter Seven). A simplification of Radaelli's definition of Europeanization,¹⁷⁹² which was introduced in Chapter Two, can be used to make it more relevant for the empirical research put forward in this thesis. It has therefore been amended in order to best analyse the Europeanization of national environmental administrations as a consequence of the creation of the EEA. According to Radaelli, the impact of Europeanization on different national environment agencies can be conceptualized as the process of the construction and institutionalization of formal and informal European-level procedures which are subsequently incorporated into domestic political structures.¹⁷⁹³

This dissertation has tried to explain how the creation of one particular European agency – the EEA – has affected the national environment agencies (and environment ministries) in Germany, France and Britain. Much of the existing research and literature on European agencies focuses primarily on the EU level (i.e. the role which these agencies play within the EU decision-making system). Groenleer's¹⁷⁹⁴ and Martens'¹⁷⁹⁵

¹⁷⁹¹ Olsen (2003:334)

¹⁷⁹² Radaelli (2003:30)

¹⁷⁹³ *Ibid.*:30

¹⁷⁹⁴ Groenleer (2009)

¹⁷⁹⁵ Martens (2010)

research on the relationship between the EEA (and other agencies) and the Commission constitute examples of EU-level focused agency research.

The empirical evidence put forward and assessed in Chapters Three to Eight of this thesis shows that the creation of the EEA did not constitute a critical juncture or ‘seismic event’ in any of the three member countries considered in this thesis. Instead, the EEA had a more moderate impact which varied considerably between the three different case countries. There was hardly any impact in the British case, some domestic regulatory changes in the German case and a significant impact in the French case where a new domestic environment agency was set up as a consequence of the creation of the EEA. While the creation of a new agency was undoubtedly an important event in the French environmental institutional landscape, Ifen was not the result of a critical juncture in French politics. The institutional change that took place in France was not exclusively the result of the EEA’s creation but also triggered by French domestic political factors which were salient at the time. This finding is not surprising because the creation of the EEA was not supposed to have the effect of a ‘seismic event’ in its member countries. Assessing whether the setting up of the Ifen as a consequence of the creation of the EEA constituted a critical juncture in France was nonetheless a useful analytical exercise in order to establish that despite changes to the institutional landscape, it has not had an effect on the political system in France. Historical institutionalist theories argue that institutional change normally takes place incrementally although revolutionary changes can be triggered by ‘seismic events’. However, as was already explained in Chapter Seven and will be explained in more detail below, the frequent changes encountered in the landscape of French environmental institutions do not seem to fit easily with historical institutionalist explanations.

Table 9.1 applies Bulmer and Burch's dimensions of establishing institutional change to the three case countries and the EU.¹⁷⁹⁶ It summarizes the way in which the countries' systems, organizations, processes and regulations have been affected by the creation of the EEA. The system dimension looks at the way in which the framework of state and government have been affected, while organizational change includes the distribution of authority and the structure of offices and positions.¹⁷⁹⁷ The processes dimension focuses on the way organizations function and fulfil their tasks and the regulatory dimension is concerned with changes to rules or guidelines.¹⁷⁹⁸ These dimensions provide a useful classification for assessing the impact of the EEA's creation on the three case countries.

Table 9.1: Institutional change

	Germany	France	Britain	EU
System	absorption	absorption	Absorption	absorption
Organizations	accommodation	partial transformation	Absorption	partial transformation
Processes	accommodation	accommodation	accommodation	accommodation
Regulation	accommodation	accommodation	Absorption	accommodation

Source: Adapted from Bulmer and Burch (2009:29-30) and Börzel and Risse (2003:69-70)

Table 9.1 also explains the degree to which the four dimensions have been affected. As was pointed out already in Chapter Two, Bulmer and Burch use Börzel and Risse's classification showing the degree to which the countries' systems, organizations,

¹⁷⁹⁶ Bulmer and Burch (2009:29-30)

¹⁷⁹⁷ *Ibid.*:30

¹⁷⁹⁸ *Ibid.*:30

processes and regulations have been affected by Europeanization.¹⁷⁹⁹ According to Börzel and Risse, *absorption* describes the incorporation of European developments into domestic structures without significant changes to processes, policies and institutions (low domestic change).¹⁸⁰⁰ *Accommodation* is used to describe the adaptation of processes, policies and institutions as a result of Europeanization pressures (modest domestic change) whereas *transformation* refers to fundamental changes replacing existing policies, processes and institutions (high domestic change).¹⁸⁰¹

The Börzel and Risse classification is useful when trying to establish the dimensions of institutional change. However, I found it necessary to introduce the option of *partial transformation* (i.e. some degree of significant domestic change). The creation of the EEA and the Ifen have constituted a more significant process than accommodation, because the setting up of these two agencies goes beyond the adaptation of existing organizations. Transformation (in contrast to partial transformation) has been used in my thesis to describe developments involving a very high degree of significant domestic change, which neither the creation of the EEA (for the EU) nor the Ifen (for France) constituted. Thus, the addition of these two new institutions to the existing institutional landscapes in both the EU and French political systems is best described as ‘partial transformation’ (as the description of accommodation does not do justice to the creation of a new institution). The creation of the Ifen did not lead to high domestic change. Similarly, the setting up of the EEA did not trigger big changes at the EU level. Transformation would therefore be too strong a term to describe actual institutional developments.

Table 9.1 shows that the creation of the EEA had relatively little impact on the member countries which is in line with the historical institutionalism approach. It was

¹⁷⁹⁹ Bulmer and Burch (2009:29-30)

¹⁸⁰⁰ Börzel and Risse (2003:69-70)

¹⁸⁰¹ *Ibid.*:70

largely dealt with through accommodation and absorption. Table 9.1 also illustrates that the setting up of the EEA has not constituted a critical juncture for any of the three member countries. The creation of the EEA was absorbed in all three countries (and the EU's political system) through processes which accommodated participation in the EEA's Eionet. At the organizational level, partial transformation took place with regard to the creation of a new organization, namely the French Ifen. The EU's institutional landscape was also partially transformed when the EEA was set up. In Germany, the UBA accommodated the setting up of the EEA by creating the post of NFP. In the UK, Defra underwent little change because the NFP role was allocated to one of its statisticians, while Eionet participation had no discernable impact on the department (for a more detailed assessment on the choice of NFP locations see section 7.5 of Chapter Seven). The creation of the EEA has led to changes in regulations in France and Germany, but not in the UK. Thus Goetz's assessment of European integration resulting in modification rather than transformation of national executive arrangements also applies to the impact which the EEA has had in the three member countries considered in this thesis.¹⁸⁰² However, the EEA's impact on the UK has to be described as absorption (with a small degree of accommodation) and its impact on France as a large, but only temporary (i.e. partial) transformation.

As was already pointed out, particularly in Chapter Seven, the limited impact of the EEA was not only due to the strength of national institutions and their 'stickiness'. Instead, the following factors also played an important role: (1) the comparatively late creation of the EEA; (2) the EEA's lack of powers; (3) the freedom given to the member countries regarding the organization of their network participation; and (4) the different degrees of involvement of agencies at the national level.

¹⁸⁰² Goetz (2000:217)

Varying combinations of these four explanatory factors for the EEA's limited impact on national environment agencies/institutions are also likely to play a role in the networking set-ups of other EU agencies (with similar powers and tasks as the EEA). That the creation of European agencies appears to affect individuals involved in their networks rather than whole institutions (with the exception of the Ifen) is likely to be the case also in other policy areas, although further research would be needed. Chapter Two put forward three hypotheses which will now be reassessed.

9.2 Limited impact of the EEA on national environment agencies

Hypothesis I stated that the creation of the EEA has only had a limited impact on national environment agencies and other national institutions directly involved with it. As was explained in Chapter Three, the EEA was given only a relatively narrow mandate and very limited competences. It is therefore not surprising that it mainly affected the procedures regarding the reporting of data and information as well as the time frames within which the data sets had to be delivered by the members of the Eionet. While this potentially has an effect on all divisions and departments of the national environment agencies involved, it tends not to require significant institutional reforms or restructuring.

Two out of the three case countries in this thesis confirm hypothesis I. In Germany and the UK, the EEA's influence on national institutional structures showed no significant impact on the systems or organizations. There were some minor procedural changes. In the German case there was also the introduction of reporting-related regulation which was triggered by the national UBA's participation in the EEA's Eionet. The introduction of new regulation in Germany was necessary due to the high institutional stability (and lack of flexibility) of the domestic political system, which

would almost definitely have rendered ineffective the introduction of merely procedural changes. British institutional arrangements required little change and were flexible enough to absorb the new EEA-induced procedures, whereas French flexibility coupled with less stable environmental institutions led to more elaborate changes. In France, the creation of the EEA had only a limited effect on the ADEME which, however, was not the main institution involved in the Eionet. Instead, it was the Ifen which was set up as a direct consequence of the creation of the EEA. At first sight, the creation of the Ifen arguably appears to indicate the EEA had a much bigger impact than one would have expected from a historical institutionalist perspective. The political circumstances in France at the time play an important role in explaining the extent of the EEA's impact on France. However, on their own, the domestic French context variables are unlikely to have been sufficient to lead to the creation of a new environmental institution. Without the EEA, some institution similar to the Ifen might have been created but it is highly unlikely that it would have featured the same governance structures and set-up as the Ifen which mirrored those of the EEA. In addition, the Ifen's creation needs to be assessed in the context of the more flexible French environmental policy system, where changes take place frequently. The Ifen's dissolution in 2008 further highlights the fluidity of the French system.

In the German and even more so in the British case, the impact of the EEA's creation was, as expected, very limited. The most likely reason being that environmental reporting was (and still is) a lot more centralized in Britain compared to Germany. According to British officials, the setting up of the EEA had no impact whatsoever on Defra and/or the EA and their predecessors.¹⁸⁰³ Moreover, the creation of the EA was not due to EEA (or even EU) influences but was nationally motivated. The main reason

¹⁸⁰³ Interview British official (2008), Interview British official (2009d)

for the lack of impact was the fact that in Britain there was already a well-established environmental data collection and distribution apparatus in place prior to the setting up of the EEA. It had nothing to do with the existing scepticism by British governments (and the British public) towards the EU. In Germany, some procedural changes had to take place to ensure the reporting of the required data took place from the *Länder* level to the national level so that the UBA could fulfil its reporting obligations in the Eionet. This was done by introducing new legislation in the form of an agreement regulating the exchange of data between the two levels. The biggest impact on changes to the UBA took place as a result of German unification which was entirely unrelated to Europeanization. It led to a significant increase in the UBA's staff whose work now covered a much larger territory.

The French case is a lot more complicated. In France, the impact of the creation of the EEA has been significantly bigger than one would expect from a historical institutionalist perspective. The impact was certainly significantly bigger than in the other two case countries assessed in this thesis. Regulation 1210/90 allowed the EEA member countries to decide for themselves on the best location for the NFPs and NRCs. Two (out of the three) case countries did what would be expected from a historical institutionalist perspective (and from the EEA's founding regulation) which is to find the most suitable position for the NFPs and NRCs within their existing national institutional arrangements. The only exception was France. The creation of a separate counterpart institution at the national level, although not unwelcomed, was not required by (or expected from) the EEA. Historical institutionalism normally expects exceptional circumstances as a pre-condition for drastic institutional change (such as the creation of a new national environmental body). One example would be the creation of the German BMU following the Chernobyl nuclear power station disaster in 1986 (see Chapter

Four). While the impact of the EEA's creation on France is bigger than on the other two case countries, the importance of the factors at the national level surrounding the Ifen's creation must not be neglected. One could argue that had the EEA been created five years later, the creation of the Ifen is unlikely to have taken place, whereas the impact on Germany and Britain could be expected to have been very similar (or indeed the same).

Another reason for the limited impact of the EEA's creation on the national administrations in the member countries is due to the fact that the Eionet reporting obligations are not the main focus of the institutions involved. For the EEA to fulfil its role effectively the cooperation of the member countries is crucial. But for the affected institutions in the member countries, the fulfilment of their reporting role within the Eionet is just one of many tasks. Assessing any impact required the detailed focus on the differing NFP set-ups, as took place in Chapters Four, Five and Six.

Although their respective national set-ups differ, all three countries are satisfied with their NFPs location and how they function.¹⁸⁰⁴ Their NFPs' performances tend to occupy high positions in the priority data flow performance table (comparing the fulfilment of the reporting obligations of all EEA member countries). Germany managed to achieve 100 per cent of its reporting requirement for the first time for the 2009/2010 period (over the last decade, Germany's performance has ranged from 64 to 92 per cent).¹⁸⁰⁵

¹⁸⁰⁴ Interview German official (2008c), Interview British official (2009d), Interview French official (2010b), among others.

¹⁸⁰⁵ EEA (2010b:5). For the same period France fulfilled 96 per cent of its reporting obligations and the UK fulfilled 81 per cent.

The impact of the EEA's creation on the member countries

Changes in German political institutions and administrations tend to be procedural rather than systemic; they largely leave intact existing structures.¹⁸⁰⁶ The UBA is overall functioning well despite the fact that it has to share responsibilities with the *Länder* environment agencies. However, shared competences between the UBA and *Länder* complicated the setting up of the information gathering process for the EEA at least initially. The setting up of the Eionet cannot be classified as a critical juncture for the UBA. The EEA was never intended to have such an impact on the national level. In fact the EEA's *intended* lack of impact on member countries' core environmental administrations was the main reason why the UBA has not been affected on a large scale by the creation of an environment agency at the EU level. The 'stickiness' of institutions hypothesis (which expected the UBA to be reluctant to change because it is a well-established institution) therefore appears to be less significant in explaining the lack of the EEA's impact on Germany.

The situation was similar in the UK where reporting obligations to the EEA were easily fulfilled without significant domestic institutional changes. Eionet roles were also easily allocated (albeit sometimes too loosely). The EEA therefore had no significant impact on British institutions because the reporting obligations were comparatively easily fulfilled without requiring much procedural change. There was however an increased workload for key staff acting as the NFP and NRCs. The issue of opposing another EU-level development never arose because the effect of the EEA's creation and Defra's participation in the Eionet were not considered significant enough.

The potential of EU-level developments (such as the creation of the EEA) to affect national institutional and administrative developments is related to the countries' overall

¹⁸⁰⁶ Wurzel (2004), Anderson (2005)

institutional flexibility and openness for institutional change. Ultimately, this flexibility was not only the main reason for the creation of the Ifen in France, but also its abolition. Despite being well-established and respected in the relevant national and international political and scientific circles, the Ifen was not ‘locked in’ sufficiently to avoid relegation, loss of independence and ultimately its demise with a re-allocation of its roles to a new statistical service which formed part of the Environment Ministry. Thus the French national political system easily allowed for the Ifen’s creation, change in status, reduced independence and eventual demise. Although the creation of the Ifen was a sudden change to the environmental institutional landscape, the move towards its dissolution was more gradual, therefore providing a better fit to the historical institutionalist approach. According to one French official ‘it was already apparent that the Ifen was going to be dissolved eventually’¹⁸⁰⁷ following the change in the Ifen’s statute in 2004. Thus France’s exceptionalism did not last for long. The reasons for the Ifen’s dissolution appear to be purely political, highlighting that the EEA’s continuing existence alone was not sufficient to ensure the continuation of the Ifen.

The French case study does not confirm hypothesis I which, however, holds true for two out of three case countries. In Germany and Britain, the creation of the EEA has had only a limited impact on national environment agencies and other national institutions directly involved with it. The validity of hypothesis I for the French case will be discussed in more detail below (in section 9.5).

Importantly, the empirical findings would probably have been different if the Central and Eastern European member countries had been included as case countries in this thesis because the EEA was very influential in these countries prior to them joining the

¹⁸⁰⁷ Interview French official (2010a)

EU.¹⁸⁰⁸ The counterfactual (i.e. the non-existence of the EEA) was assessed in more detail in Chapter Seven where I concluded that it strengthens the validity of hypothesis I (in the case of Germany and Britain).

Bulmer and Burch's fifth dimension of establishing institutional change related to cultural aspects of an institution.¹⁸⁰⁹ Despite a detailed assessment going beyond the scope of this thesis, it is analytically useful to briefly point out the importance of individual actors and the impact of the EEA's creation on the people directly involved in the Eionet (particularly NFPs and NRCs). Being able to benefit from the increased interconnectedness in subject areas between experts in different countries, is likely to have had an effect on cultural aspects of these experts' work (due to their increased interconnectedness in Europe). It is, however, unlikely that this involvement would have a wider impact going beyond the individuals directly involved. As with the impact of the EEA's creation on cultural aspects of institutions, assessing the importance of individual actors in the Eionet goes beyond the scope of this thesis.

9.3 National differences in environment agencies have prevailed

Hypothesis II stated that differences in national environment agencies have prevailed despite (a certain degree of) Europeanization. The country chapters (Chapters Four to Six) focused on the roles and responsibilities of national environment agencies in the respective countries. In addition, their roles in EU-level activities and developments were considered with a particular focus on their involvement with the EEA while Chapter Seven provided a comparative assessment of their different roles. This is an

¹⁸⁰⁸ IEEP/EIPA (2003b:25-30), Interview EEA official (2009)

¹⁸⁰⁹ Bulmer and Burch (2009:30)

important aspect when aiming to assess whether and, if so, to what extent, the EEA has had a Europeanizing impact on national environment agencies.

The creation of the EEA has not had an impact on reducing differences in national administrations. This was never an intention behind the creation of the EEA but could nonetheless have been an unintended side-effect. National environment agencies are subject to the Europeanization process regardless of whether they work closely with the EEA and/or form part of the Eionet. The EEA is not the main Europeanizing force in the agencies or ministries involved; it simply adds another layer of European activity to the work of national environment agencies. In addition to taking part in EU committees, national institutions are also affected by EU environmental legislation. The EEA's main impact was the creation of additional links and institutionalized connections through its network (for example, between NFPs or NRCs from different countries). The Eionet links national and European experts in specific areas of environmental policy. Depending on whether the NFP and/or the EEA management board members are located in the same institution, they can also create additional links between a national agency and its corresponding ministry. This was, for example, the case for the UBA's NFP and the German MB member in the BMU. However, such connections rarely have an influence beyond the officials immediately involved; usually they do not have a larger impact in the institution as a whole. An evaluation of the EEA in 2003 pointed out, however, that the Eionet played an important role in the Europeanization of national data systems.¹⁸¹⁰

Although there are few areas of environmental policy that have not been affected by the EU and little work at national environment agencies (and ministries) which excludes European aspects, little administrative convergence has taken place. The result of

¹⁸¹⁰ IEEP/EIPA (2003a:83), Groenleer (2009:225)

Europeanization is Europeanized institutions; it does not (usually) lead to administrative convergence.¹⁸¹¹ Administrative convergence is not required because EU institutions and measures accommodate national differences. This is an important factor explaining the limited Europeanization effect of the EEA on national environmental administrations. Although procedures need to be put in place in order to ensure that the national institutions are able to meet EU requirements (including the provision of information and the implementation of legislation), these new procedures hardly ever impact on institutional structures. For an assessment of the drivers for and barriers to change see section 7.4.3 of Chapter Seven. Regarding the convergence-divergence debate, historical institutionalism also expects national differences to prevail as change usually takes place only incrementally. National institutional arrangements were compatible with Eionet reporting obligation requirements, which was facilitated by the degree of freedom granted to the member countries for choosing their NFPs and NRCs.

When considering the high level of disagreement which often occurs between EU member states in the environmental policy-making process, it is highly likely that attempts to bring about the convergence of national (environmental) administrative systems would lead to even greater opposition due to concerns about the infringement of national sovereignty. Moreover, most countries consider their national administrative system as the most efficient for their particular polity. It would be hard to argue that there is one single best way to organize national administrative institutions in different EU member states. Because administrative convergence is not an EU membership requirement, national differences can be expected to remain. It is also unsurprising that the EEA's creation has not contributed to the emergence of increasing administrative convergence as there is no evidence of the emergence of a European administrative

¹⁸¹¹ Kassim (2005:310), Featherstone and Radaelli (2003b:336), Börzel and Risse (2003:72), Héritier and Knill (2001:286)

model (or even an EAS).¹⁸¹² Wessel's fusion theory (and to a lesser extent neofunctionalism) would nonetheless have expected national environment agencies to become merged with supranational institutions, in this case the EEA.¹⁸¹³ Based on the empirical findings of my research it is possible to identify the following four main reasons why this has not happened: (1) the EEA and its national counterparts fulfil very different roles at their level of activity; (2) the EEA's Eionet has had only a very selective impact on the participating institutions as a whole; (3) Eionet participation requirements for the member countries were flexible enough to accommodate existing national differences; and (4) in cases where adjustments were necessary in order to fulfil Eionet reporting obligations, the introduced changes differed from country to country. This makes very unlikely the fusion of institutional arrangements as a consequence of the EEA's creation. The historical institutionalist approach is a more appropriate theoretical framework for two out of the three case countries, as it considers as unlikely the convergence of national administrative systems and their institutions (due to the 'stickiness' of institutions and national path dependencies).

It is the Eionet's structure in particular which significantly facilitates countries working together more closely while connecting subject areas across countries through NRC meetings. Such closeness can be a significant advantage for officials who want to be able to quickly identify contact persons in other countries. However, their cooperation is again unlikely to lead to more convergence among different national environmental administrations.

As Jordan and Liefferink pointed out, procedures tend to be more strongly affected (and also more easily changed) by Europeanization than structures.¹⁸¹⁴ While participation in the Eionet is an important factor in the harmonization of environmental

¹⁸¹² Olsen (2007:252)

¹⁸¹³ Wessels (1997:287)

¹⁸¹⁴ Jordan and Liefferink (2004c:230-231)

information (including the reporting formats) it is unlikely that harmonization (or convergence) effects will be felt beyond procedural changes.

Environment agencies which are not part of the Eionet because they do not host an NFP tend to have little involvement with the EEA. The EEA's creation has therefore had even less of an impact on these agencies, although some of them are involved with the EEA through other channels of contact. Participation can still take place through NRC locations in environment agencies, although their impact on the host institutions is even more limited than that of the NFPs. For example, the EA has little direct involvement with the EEA outside the EPA network.

Similarly, due to their focus on research and technical innovation as well as on providing advice and expertise nationally, the ADEME is not closely linked to the EEA although it is very active at the international level. However, the EEA and the ADEME fulfil quite different roles. The EEA is therefore not a priority for the ADEME. Of the national environment agencies considered in this thesis, the ADEME is the only agency with an office in Brussels. A national environment agency having an office in Brussels clearly indicates its commitment to and interest in EU level developments. However, both the UBA and the EA also have a strong European outlook due to the nature of the work.

The option of participating in the EPA network creates another level of contact with the EEA. However, it is less likely to have an impact on member agencies, because the EPA network is not hierarchically structured. Relationships between the national environment agencies and the EEA in the EPA network are more like those of equal partners. In the Eionet, the roles of the different agencies are more distinctive and there appears to be a clearer separation in the way in which the work is done with a clear distinction between the different components of the network (i.e. data reporters and data

recipients). Moreover, although member countries have to participate in certain EEA networks, being able to choose where they would like to allocate the NFP within their national environmental administrations allowed for flexible arrangements. Participation in the Eionet is compulsory although there are no immediate consequences for poor data reporting other than being placed at the bottom of the list of the priority data flow which measures all the member countries' data reporting performances. The EEA can do little more than use moral suasion and/or rely on naming and shaming to improve the data flow from member countries. Participation in the EPA network, on the other hand, is voluntary. No French institution is represented in the EPA network (see Chapter Eight and below).

The environment agencies (and ministries) in the three case countries remain first and foremost national institutions which form part of the wider national administrations. Even if the national environment agencies' outlook includes the EU (and international) level, the main point of reference remains the national level (including the national administration). Differences in the national political systems matter for the role which national environment agencies fulfil. The participation in the Eionet required changes in regulation in Germany (affecting procedures) and led to the Ifen's creation in France. Fulfilling the reporting obligations of the Eionet has been handled differently in different member countries, although some harmonization was required regarding the reporting formats.

While significant changes to the UBA have taken place over time, they were largely the result of internal and/or national factors and not mainly due to Europeanization pressures and/or the creation of the EEA (see Chapter Four for more details). Although the roles of the EA in England and Wales and the Ifen and the ADEME in France are very different from the role of the UBA in Germany they were also mainly derived

within the national environment administrations. The creation of the EEA has not had a lasting effect on domestic environmental institutions in Britain and France. Similar to the UK, the French NFP is now located in the environmental statistics service of the environment ministry and is still able to fulfil its reporting obligations as when it was located in the Ifen.

The creation of the EEA has not led to administrative convergence in the three case countries assessed in this thesis, but neither have existing differences between environment agencies and/or ministries in the member countries become more pronounced. Because the EEA does not aim to harmonize administrative structures in its member countries, its impact on the harmonization of environmental data reporting is already a significant achievement.

9.4 Different national environment agency motivations for participating in European networks

Hypothesis III suggested that differences in national administrative traditions lead to different motivations for the participation of national environmental agencies in European networks. The Eionet required a hierarchical set-up with the EEA at the top whereas the EPA network is not a network of the EEA. In theory, the EEA is a network member like the other national environment agencies, although in practice it has been criticised for having the position of a *primus inter pares*.

The EPA network contributes to the Europeanization of its member agencies by facilitating contact between the heads of different environment agencies in Europe. The EPA network was created following an initiative of the member countries (with the support of the EEA). It is not an EU initiative. However, because a large number of

EPA network members are also EU member states (which use the network as a link to the Commission), its work is largely related to EU environmental policy.

Chapter Eight identified the following three main reasons why EPA network participation is considered beneficial for national environment agencies. First, it creates (additional) contacts with the heads of other European environment agencies; second, it increases contact with the Commission; and, finally, it established (additional) direct contact to the director of the EEA. Over time, the EPA network has therefore evolved into more than simply an arena which provides a link to the EEA. The provision of a forum for the heads of environment agencies to meet and exchange experiences and ideas as well as the ability to come to a common position on certain issues, which are then forwarded to the Commission, are also valuable assets of the EPA network.

While the contact to the EEA might be a motivating factor for a national environment agency to join, it is by no means the only benefit these agencies can draw from their participation in the EPA network. The importance attributed to access to the EEA varies considerably among the three case countries. This is not surprising as the network was created as a platform for national environment agencies to meet and exchange views and experiences. Its main aim was not the provision of a direct link to the EEA (which is more of a welcome side-effect). For agencies such as the UBA which are already connected to the EEA through the Eionet, this additional contact is not perceived as superfluous because of the already existing connection. But the UBA attributes fewer benefits to this additional connection compared to the EA and SEPA. The EPA network accommodates the UK's environment agency set up well by allowing more than one agency per member country to participate.

Out of the three case countries studied in this thesis the French case is a peculiar one. The Ifen could be considered the most Europeanized environment agency because its

existence and institutional set up was the direct French response to the creation of the EEA. In the early years of the EPA network, the Ifen was a member of the EPA network. Its eventual lack of participation is therefore arguably more of an exceptional case than if the Ifen had never been a member of the network in the first place. The case of the Ifen is a good example for highlighting that institutions do matter. While the dissolution of the Ifen (and the resulting move of NFP to the SOeS) has not affected the French performance in the priority data flow, changes to the institutional status led to a lack of representation in the EPA network.

This lack of French representation in the EPA network is also surprising as the British and German agencies (similar to most other European agencies) find participation beneficial.¹⁸¹⁵ Whether it is the perceived or real lack of benefits for French institutions or general lack of interest in participating in the EPA network is impossible to establish. There appears to be a lack of agreement in France about which national institution(s) would be the most appropriate to attend EPA network meetings.¹⁸¹⁶ The two most obvious candidates would be the ADEME and the Environment Ministry (i.e. possibly the SOeS service of the ministry which took over the Ifen) although neither of them has so far shown any particular interest in taking part in the EPA network. As pointed out in Chapter Eight, French regrets about a lack of national participation in the EPA network appear to have little to do with the fear of missing out on EPA network activities. Instead they appear to be mainly due to the view that a large member state like France should be represented in such a large European network.

Over time, the EPA network has evolved into a network from which both member environment agencies and the Commission have benefited although this was not

¹⁸¹⁵ Interview EEA official (2010b), Interview German official (2010), Interview British official (2010b)

¹⁸¹⁶ Interview EEA official (2010b), Interview French official (2010b)

immediately apparent when the network was set up. Receiving feedback from national environment agencies has become an important part in the policy loop.¹⁸¹⁷ The recognition of the EPA network's activities by the Commission has become one of the main benefits for member agencies. The Commission's involvement in the EPA network shows that its work is considered as valuable not only by the network members themselves but also by an important EU policy actor (i.e. the Commission). The network has now matured, although is still open for a review of its procedures. It is also open to considering the inclusion of regional agencies and nature conservation agencies amongst others.

Applying Rhodes' network model, the EPA network can best be classified as an intergovernmental network.¹⁸¹⁸ It is voluntary, shows limited interdependence and extensive horizontal articulation (see Chapter Eight). The Eionet, on the other hand, resembles more closely a policy community (see Chapter Three). Although Rhodes' model can also be used to assess the distribution of powers within and between networks, the latter is arguably less relevant for the EPA network because it does not explicitly aim to exert power over other agencies/institutions. Instead, it aims to cooperate with other networks in its field (such as the ENCA and IMPEL networks). The establishment of the rotating troika (see Chapter Eight) prevents any one member agency becoming too dominant within the EPA network. However, the EEA has nevertheless gained a privileged position as a standing member of the organizing committee (which consists of the EEA and the troika) although this position has been questioned by some member agencies (see Chapter Eight).

¹⁸¹⁷ Interview EEA official (2010b)

¹⁸¹⁸ Rhodes (1997:38)

Kassim has argued that the network approach is not well suited for application at the EU level.¹⁸¹⁹ The combined Europeanization and historical institutionalist approach, which was put forward in Chapter Two and applied throughout this thesis, provides more useful analytical insights than Rhodes' network approach. Participation in the EPA network did not have a significant impact on its members, although this might change over time. After all, the network was only created in 2003. Although network theory can provide a useful analytical framework, it was not chosen for the assessment of the EPA network and the Eionet, because it neglects the impact of network participation on (the institutions of) the member countries which was the main research focus of this thesis. Therefore historical institutionalism was the more useful analytical approach for an analysis of the new empirical data about the Europeanization of national environment agencies gathered for this thesis.

The national environment agencies' contributions to the network (including its projects and publications) appear to be greater than the influence which network participation has on member agencies. This is not surprising, because even the (more or less) compulsory participation in the Eionet has not resulted in major changes at the national level. The only exception constitutes the French Ifen. The EPA network, which was created ten years later than the Eionet, operates more loosely. It is therefore unlikely to have had a strong direct effect on its member agencies. The EPA network is more likely to contribute to horizontal Europeanization than the Eionet through the sharing of experiences and good practice between the heads of environment agencies.

While the Europeanization effect of the EPA network on participating national environment agencies is very difficult to measure, it is nonetheless safe to conclude that the network is likely to have contributed towards the Europeanization of national

¹⁸¹⁹ Kassim (1994:25)

environment agencies if only by establishing closer links between national environment agencies and providing an additional channel of communication with the Commission. Moreover, some member agencies may emulate approaches successfully used in other member agencies about which they have been informed through the EPA network. Policy learning may therefore be facilitated through horizontal Europeanization. However, so far this did not appear to be the case for the UBA and the EA, arguably because of the large size of these two agencies and how well they are established within their national political systems. It could be different for smaller countries/agencies which, however, did not form part of the case studies assessed in this thesis.

Differences in national administrative traditions in environment agencies do indeed lead to different motivations for the participation in European networks. It is therefore not surprising that national environment agencies' motivations differ for participation in the EPA network. In the case of the EPA network, the exchange with other national environment agencies and the Commission appears to be rated as important and valuable by all network members. The fact that the EPA network also provided a contact point for national environment agencies and the EEA was considered more significant for the EA than the UBA which has already had a close connection to the EEA through the Eionet. Moreover, participation in the Eionet also establishes additional links between national agencies (in member countries where environment agencies act as NFPs and to a lesser degree NRCs), even if it is not at the directorial level. Such connections are also missed out on by non-Eionet environment agencies (such as the EA).

The inclusion of the EPA network as a case study in this thesis allowed for the assessment of the way in which one of the national environment agencies (i.e. the EA of England and Wales) assessed in this thesis has been able to establish regular contact

with the EEA without being a member of the Eionet. Even though such contact has not had a significant impact on the EA and its work, it nonetheless highlighted how regular contact to the EEA could be established. Unfortunately, the lack of French participation in the EPA network made impossible a comparative assessment of the impact which EPA network participation has had on all the three case countries.

9.5 Appropriateness of the theoretical framework

Using historical institutionalism in combination with Europeanization theories has allowed for a theoretical framework which has generated very useful analytical insights for all three countries considered. This is even true for the French case study. Without the special attention which historical institutionalism gives to developments over a longer period of time, the creation of the Ifen would have appeared more important than it actually was. Only by adopting a long term perspective was it possible to show that Ifen was abolished twenty years after its creation. This empirical finding confirms the importance of the longitudinal perspective which is central to a historical institutionalist analysis. The fact that the Ifen was abolished does not negate the impact which the creation of the EEA has had on the French environmental institutional landscape, even if it is no longer visible. A shorter timeframe might not have been able to pick up the major changes which occurred to the Ifen (including changes to its statute, its attachment to the Environment Ministry and its eventual dissolution). Taking only a snapshot assessment of the French case study would have led either to the detection of a dramatic impact (i.e. the creation of the Ifen) or, following the abolition of the Ifen, none whatsoever. The flexibility of the French system and the high frequency of institutional change at all levels (including the ministries) needs to be taken into account. The flexible French political system and the right timing regarding the political

mood were important factors which allowed for the creation of the Ifen as a direct response to the setting up of the EEA. The fact that the set-up of the Ifen's governance structure mirrored that of the EEA provides evidence for the impact by the latter institution on the French national environmental administrative system. After all, the Ifen was supposed to be the French national equivalent to the EEA. Although significant changes did take place in France, they did not result in a critical juncture at the national level. The French reaction to the setting up of the EEA was by no means required for French Eionet participation. This means that the expectation that a country will introduce as few changes as possible when responding to EU level developments and requirements (such as the creation of a supranational agency) requires revision.

The overall bad fit of the French case study with the historical institutionalist framework suggests that it would be necessary to modify the overall theoretical framework applied in this thesis. In order for it to become applicable for all three case countries it would arguably be necessary to combine historical institutionalism with another theoretical approach which is more sensitive to frequent institutional changes (such as those which took place in the French political system). Alternatively, the impact of the EEA's creation on its member countries could be assessed in a different theoretical framework altogether. However, despite this weakness the overall theoretical framework applied has allowed for a useful analysis of the empirical data gathered for this thesis.

It would be impossible for an environmental institution in any EU member state not to have been affected by Europeanization. Europeanization does not necessarily lead to convergence between national administrative systems. Even the establishment of increased links between experts in different institutions and different countries can be considered a dimension of Europeanization. The Europeanization approach was useful

for assessing the impact of the EEA's creation on its member countries. But it was less useful for an assessment of hypothesis III and the analysis of the benefits for national environment agencies of participating in the EPA network. While the EPA network structure easily accommodates the British environment agency set-up, the projected benefits of the creation of such a network goes beyond the particular needs of any one member country and its environment agencies.¹⁸²⁰ Although Britain was an important driver behind the creation of the EPA network, it was not the only country supporting the creation of the network.

Europeanization has taken place but the EEA had only a relatively small impact on national environmental administrations which reacted differently to the setting up of a new supranational environment agency. The three different national set-ups have furthered Europeanization without having triggered administrative convergence (see hypothesis II). The flexibility of the Eionet easily accommodates continued divergence in its member countries.

The EEA is not as well-known as it could be (and probably should be) and the Europeanization of national environment agencies stems to a much larger degree from the effects of EU environmental policy than the setting up of the Eionet. It is plausible to argue that had the EEA been created around the time when environmental policy emerged as a new common policy field in the early 1970s, its influence might have been greater, at least in those countries that did not yet have distinctive environmental policy structures in place.

¹⁸²⁰ Interview British official (2010a)

Case Countries

The rationale behind choosing the three case countries assessed in this thesis stemmed from the need to compare countries of similar size which have been long-term EU members. In other words, the case country selection was driven by the desire to undertake a most similar case study (see also Chapter One). Although the UK was not a founding EU member state, it joined in 1973, at a time when the environment emerged as a distinct EU policy area.

France turned out to be the most complicated case out of the three countries assessed. It constituted an exceptional case which makes it harder to generalise about the impact of the EEA on member countries. France serves as a good example of the significant (if temporary) impact which the creation of an EU agency can have on the national level. It is no coincidence that the creation of the EEA had the biggest impact on France out of the three case countries considered. The flexibility of institutions in the French political system (and particularly in the environmental field), fits badly with the historical institutionalist framework. Observing French environmental institutions over time only highlights their instability. Frequent changes (and the reversal of these changes) in the French political system do not appear to have required critical junctures.

The creation of the EEA cannot be considered as having had the effect of creating a critical juncture for any of its member countries. The EEA was not the reason for the creation of the Ifen, it was merely the trigger for changes at the national level. Historical institutionalism can be considered a very useful analytical framework for the assessment of the impact of the EEA's creation on its member countries, although it was not able to explain all of the particularities which I uncovered in the French case study.

9.6 The EEA's (near) future and future research on the EEA

Shared Environmental Information System

The biggest project which the EEA and its member countries are currently tackling is the creation of the SEIS.¹⁸²¹ The SEIS aims to combine existing data gathering and information systems related to environmental policies and legislation. It is a joint initiative by the Commission and the EEA, which work closely together with the member countries for the creation of an EU-wide environmental information system. Key elements of SEIS are the management of environmental information and data as closely as possible to its source, the provision of more readily available environmental information and the creation of a decentralised, compatible and interconnected information system.¹⁸²²

For member countries, the creation of SEIS and its main goal of making environmental information accessible as close to the source as possible is a double-edged sword. On the one hand, the more direct information delivery systems are able to cut out middle men, (potentially) the faster and less costly they can become. On the other hand, member countries will lose a considerable degree of control over their national environmental information. This is because information would no longer need to be requested (by the EEA, the Commission, etc.) but could be directly accessed in member countries once it has been made available through SEIS. The need to provide the data in a comparable way is likely to increase further the convergence of reporting formats and procedures. However, it is unlikely to have a significant Europeanizing impact on the institutions (such as national environment agencies) which collect and/or provide the information. The member countries generally support the creation of SEIS as it will allow them to focus on the provision of information (which only needs to be

¹⁸²¹ Interview EEA official (2010c)

¹⁸²² European Commission (2009)

done once) and removes the reporting obligations to a large number of institutions which need to be supplied with the environmental data (e.g. the Commission, the EEA, Eurostat and the JRC).

How will the move towards a shared environmental information system affect the Eionet? The likelihood of the completion of SEIS leads to the question of whether the Eionet will become obsolete. Predicting the possible impact of SEIS on the Eionet is further complicated by the fact that the Eionet will become the core of SEIS which makes these networks inseparable.¹⁸²³ SEIS merely adds new dimensions to the existing Eionet network. It is also very difficult to predict whether the move towards accessing information closer to the source will make (at least in some cases) the roles of NFPs and NRCs redundant. It has been suggested that it would be desirable for the Eionet to continue to exist as a network with a special focus on what has been called the ‘people network’,¹⁸²⁴ connecting national experts across all topic areas. However, others have predicted the eventual demise of the Eionet as a direct consequence of the creation of SEIS.¹⁸²⁵ The direction which the Eionet and the EEA are likely to take will only begin to become clearer once SEIS has been set up.

Future research

This thesis has focused primarily on three large EEA member countries. It has not analysed the impact which the creation of the EEA has had on small and/or medium-sized EU members. Nor has it assessed the EEA’s newer member countries in Central and Eastern Europe or non-EU members (such as Iceland, Liechtenstein, Norway, Switzerland and Turkey) which are EEA member countries.

¹⁸²³ Interview EEA official (2008d)

¹⁸²⁴ Interview EEA official (2010c)

¹⁸²⁵ Interview EEA official (2008c)

The hypothesis which stipulated only a limited impact of the EEA on its member countries would probably need to be amended for the Central and Eastern European member states and the non-EU member states which are EEA member countries. The EEA has had a significant impact on the national environmental data reporting arrangements in some of the new member countries.¹⁸²⁶ However, this is almost exclusively due to the circumstances encountered in most Central and Eastern European member countries. So in order for it to hold true for all member countries, the hypothesis would have to accommodate the extraordinary conditions allowing for the EEA and the participation in the Eionet to be influential in those countries.

The longevity of the existence of particular institutional set-ups was an important explanatory factor for the three case countries which were assessed in this thesis. The large-scale restructuring of political systems and institutions in Central and Eastern Europe following the collapse of the Soviet Union allowed those countries to create new institutions which were required in order to be able to become EU member states.

The differentiation of national NFP locations might also be beneficial for researching the impact of the EEA on its member countries in future research. It might also produce analytical advantages to research EEA member countries according to whether their NFP is located in the national environment agency, the environment ministry or in another institution. This might increase the comparability of the assessed impact by the EEA on its member countries.

This thesis has shown how the creation of the EEA has impacted on national administrations in three case countries. It has revealed that once the EEA had begun its work, its main network, the Eionet, quickly became institutionalized. This is likely to have been similar for other EU agencies that needed to set up networks. It is also

¹⁸²⁶ IEEP/EIPA (2003b:25-30)

reasonable to expect that the creation of other EU agencies has had a similar degree of impact on the administrations they are involved with on the national level. The degree of impact can range from no noticeable effect to major changes such as the creation of a new institution in a member country. Moreover, this thesis has shown that countries will sometimes go beyond what is required from them in order to optimise their participation in EU networks and/or their cooperation with EU agencies. However, the degree of impact of EU agencies on national administrations is likely to vary from country to country and may even differ between different policy areas. More research on a wider range of EU agencies and national agencies and ministries would be necessary in order to be able to arrive at more unequivocal generalizations.

Network governance has been an efficient way for the EU to expand its work without increasing the size and/or powers of the Commission. The inclusion of a large number of national experts in EU level work can only be considered as beneficial as they have the experience of conditions and what can be achieved at the national level. Whether the EEA and the Eionet could become a model for the rest of the world will depend on the areas in which (environment???) agencies are being established elsewhere in the world. However, it is likely that such network governance – even if it is largely concerned only with the provision of information within certain policy areas – will require some sort of regulation and coordinating entity, able to ensure that commitments are being met.

9.7 Concluding remarks

In their study on the Europeanization of national environmental policy, Jordan and Liefferink pointed out that

[i]t is probably impossible to determine precisely whether weak convergent pressure from the EU or the resilience of national institutional forms is the dominant causal factor.¹⁸²⁷

A similar conclusion can be drawn from the assessment in my thesis which focuses on the impact which the creation of the EEA has had on national environment administrations. The possible exception is the French case, where national institutional forms in the environmental field cannot be described as particularly resilient. The lack of pressure on the member countries and its institutions from participation in the Eionet coupled with the deeply ingrained existing national institutional and administrative set-ups leaves little room for the EEA to have a significant impact (in terms of institutional changes) on its member countries. The French case study does show, however, that some member countries do more than simply meet the reporting obligations without being required to do so.

The EEA's biggest achievements were the speed with which it has managed to establish itself (once the decision to locate it in Copenhagen had been taken), the creation and maintenance of a well functioning Eionet and the improvement of its relationship with the Commission. Out of those three major achievements it is only the Eionet-related issues which directly affected the member countries. Wynne and Waterton suggested a move of regulatory cultures to more information-dependent styles, increasing the importance of agencies providing relevant information.¹⁸²⁸ However, even traditional regulation benefits from the improved provision of environmental information, both in the policy-making process and in the assessment of its effectiveness. The EEA has managed to move beyond the provision of environmental information by being able to exploit the vague wording of its founding regulation. It has thus been able to become more than merely an "information agency".

¹⁸²⁷ Jordan and Liefferink (2004c:242)

¹⁸²⁸ Wynne and Waterton (1998:124)

The creation of the EEA did not constitute a critical juncture in its member countries. Instead it led to the addition of another layer to the already existing national and EU institutions and networks, which makes the focus on developments over a longer period of time even more important. In the French case, the impact of the EEA was significantly larger than what could have been expected from the way in which the legislation establishing the creation of the EEA was intended and what could be expected from a historical institutionalist perspective.

The EEA's role with regard to the Eionet has been remarkably stable when considering that it had to go through the process of establishing itself vis-à-vis the Commission, EP, Eurostat, the JRC and its member countries. Over time, the relationship of the EEA with the Commission has changed significantly while moving from a considerable degree of suspicion towards more cooperation. But since the Eionet has been up and running, the role of the EEA has remained the same. The Eionet has changed mainly as regards the role of the NFPs (task expansion), the number and areas covered by NRCs and by ETCs.

The impact of the creation of European agencies needs to be considered at all levels affected (i.e. not just the supranational), not least because member countries remain the essential component of its networks without which the EEA would be unable to function. As one interviewee pointed out: 'The EEA is only as strong as its member countries: the EEA can only have the ideas and the member countries have to make it happen'.¹⁸²⁹ The way in which this cooperation is organized in the different member states and how the participating institutions have been affected by the Europeanization of national (environment) agencies deserves close analysis. Moreover, the EEA/Eionet set-up is generally perceived as successful. It has even been advocated as a model for

¹⁸²⁹ Interview British official (2010c)

other regions in the world (for example, in Southeast Asia and the Arctic).¹⁸³⁰ Thus even though the impact in member countries might be limited, its influence is not restricted to the EU or Europe alone.

The lack of impact by the EEA regarding administrative convergence in member countries was predicted by the historical institutionalist perspective. The creation of the EEA did not contribute to the convergence of national institutional arrangements involved in its networks or the emergence of an EAS (resulting in identical administrative organizations). Successful Eionet participation does not tend to require institutional change at the domestic level. While it is in the (European) agencies' interests to foster good cooperative relationships with their main contact points in the member countries, they are more concerned about, for example, the harmonization of environmental data reporting formats than a push towards administrative convergence. Moreover, while convergence is a possible consequence of Europeanization, the process of Europeanization can take place without resulting in harmonization or convergence, it may even lead to divergence.¹⁸³¹

There are now a large number of European agencies, many of which lack regulatory powers. They often rely on the establishment of (information) networks in their member countries. The contribution of EU agencies to the Europeanization of national institutions is not limited to the EEA but potentially involves all European agencies. It deserves further investigation. The environment is a policy area where the activities of the EU have a significant impact on its member states. The importance of the particular policy field in which an EU agency is active is not the only variable which explains an agency's impact on member countries, although agencies in less established EU policy

¹⁸³⁰ Interview EEA official (2008)

¹⁸³¹ For example, Radaelli (2003:33), Page (2003), Wright (1994)

areas are likely to have even less of an impact on institutions in their member countries than was the case for the EEA.

The different impact which the EEA has had on the three member countries assessed in this thesis does not affect the broad consensus which exists about the need for and usefulness of the EEA. Its roles might change in future but the EEA can be considered an important addition to the European institutional landscape. The future of the Eionet partly depends on the success of SEIS and the extent to which its continuation will be supported. Without the Eionet the EEA would have been unable to fulfil its reporting obligations and it remains to be seen whether the Eionet will become obsolete with a fully functional SEIS. Currently it is intended to continue with the Eionet as the national officials involved in its running consider it as providing invaluable contacts and opportunities for cooperation in all areas of environmental policy. The setting up and maintenance of the Eionet therefore constitutes one of the EEA's biggest achievements up to now.

It could be argued that if the long exposure of national administrations to EU environmental legislation, institutions and influences has not resulted in significant convergence at the national levels,¹⁸³² the creation of the EEA was also unlikely to bring about such convergence. As Olsen states

European level developments do not dictate specific forms of institutional adaptation but leave considerable discretion to domestic actors and institutions. There are significant impacts, yet the actual ability of the European level to penetrate domestic institutions is not perfect, universal or constant. Adaptations reflect variations in European pressure as well as domestic motivations and abilities to adapt. European signals are interpreted and modified through domestic traditions, institutions, identities and resources in ways that limit the degree of convergence and homogenization.¹⁸³³

¹⁸³² See Jordan and Liefferink (2004c)

¹⁸³³ Olsen (2002b:936)

This observation also applies to the EEA and the Eionet's impact on its member countries. Differences among national environment agencies are likely to prevail in future.

Bibliography

- Action Nature (2004), 'L'IFEN serait-il devenu gênant pour la politique environnementale du gouvernement Raffarin?', Action Nature: La lettre d'action pour la nature no 9 février 2004, <http://www.protection-nature.org/Action%20Nature%209%20.pdf> (accessed 15/07/2009)
- Actualité-news-environnement (2008), 'Environnement, l'évaluation disparaît avec l'Ifen', <http://www.actualites-news-environnement.com/19077-environnement-evaluation-disparait-ifen.html> (accessed 02/04/2009)
- ADEME (2006a), *ADEME International Activities Report 2006*, <http://www2.ademe.fr/servlet/KBaseShow?sort=-1&cid=96&m=3&catid=17618&p1=00&p2=00> (accessed 04/06/2009)
- ADEME (2007a), *Strategic Orientation for Research and Development*, <http://www2.ademe.fr/servlet/getDoc?sort=-1&cid=96&m=3&id=61268&ref=14229&nocache=yes&p1=111> (accessed 04/06/2009)
- ADEME (2007b), *ADEME International Activities Report 2007*, <http://www2.ademe.fr/servlet/KBaseShow?sort=-1&cid=96&m=3&catid=17618&p1=00&p2=00> (accessed 04/06/2009)
- ADEME (2007c), 'Charter Agreement on Objectives between ADEME and the State 2007-2010. Summary version', <http://www2.ademe.fr/servlet/doc?id=42236> (accessed 29/05/2009)
- ADEME (2007d), 'Contrat d'objectifs 2007-2010 entre l'État et l'ADEME', <http://www2.ademe.fr/servlet/getDoc?sort=-1&cid=96&m=3&id=41042&ref=14149&nocache=yes&p1=111> (accessed 04/08/2009)
- ADEME (2009a), 'ADEME homepage', <http://www2.ademe.fr/servlet/getDoc?id=11433&m=3&cid=96> (accessed 29/05/2009)
- ADEME (2009b), 'Contrat d'objectifs 2009-2012 entre l'État et l'ADEME', <http://www2.ademe.fr/servlet/getDoc?cid=96&m=3&id=67607&p1=00&p2=13&ref=17597> (accessed 04/06/2010)
- ADEME (2010a), 'ADEME homepage', <http://www2.ademe.fr/servlet/getDoc?id=11433&m=3&cid=96> (accessed 14/12/2010)
- ADEME (2010b), 'Orientations stratégiques de l'ADEME et nouvelle organisation', <http://www2.ademe.fr/servlet/KBaseShow?sort=-1&cid=96&m=3&catid=12377> (accessed 04/05/2010)
- Allen, D. (2005), 'The United Kingdom: A Europeanized Government in a non-Europeanized Polity', in: Bulmer, S. and Lequesne, C. (eds.), *The Member States of the European Union*, Oxford: Oxford University Press, pp.119-141
- Andersen, M. S. and Liefferink, D. (eds.) (1997), *European Environmental Policy: The Pioneers*, Manchester: Manchester University Press
- Andersen, U. and Woyke, W. (eds.) (2003), *Handwörterbuch des politischen Systems der Bundesrepublik Deutschland* (5th edition), Opladen: Leske+Budrich,
- Anderson, J. J. (2005), 'Germany and Europe: Centrality in the EU', in: Bulmer, S. and Lequesne, C. (eds.), *The Member States of the European Union*, Oxford: Oxford University Press, pp.77-96

- Andeweg, R. B. (2003), 'On Studying Governments', in: Hayward, J. and Menon, A. (eds.), *Governing Europe*, Oxford: Oxford University Press, pp.39-60
- Arthur Andersen Consultants (2000), *Evaluation of the EEA and the EIONET 1994-2000*, Copenhagen
- Aspinwall, M. D. and Schneider, G. (2000), 'Same menu, separate tables. The institutionalist turn in political science and the study of European integration', *European Journal of Political Research*, Vol.38, No.1, pp.1-36
- Aspinwall, M. and Schneider, G. (2001), 'Institutional research on the European Union: mapping the field', in: Schneider, G. and Aspinwall, M. (ed.), *The rules of integration. Institutional approaches to the study of Europe*, Manchester: Manchester University Press, pp.1-18
- Avignon, C. (2007), 'Les Echos dévoile le projet de réorganisation du Medad', *Journal de l'environnement*,
<http://www.journaldelenvironnement.net/fr/document/detail.asp?id=11474&idThema=7&idSousThema=43&type=JDE&ctx=9> (accessed 03/06/2009)
- Avignon, C. (2008), 'Une proche de Nicholas Sarkozy à la tête de l'Ademe', *Journal de l'environnement*,
<http://www.journaldelenvironnement.net/fr/document/detail.asp?id=14312&idThema=6&idSousThema=33&type=JDE&ctx=9> (accessed 03/06/2009)
- Avignon, C. and Ginestet, A. (2008), 'Réorganisation des services de l'État et du Meeddat', *Journal de l'environnement*,
<http://www.journaldelenvironnement.net/fr/document/detail.asp?id=20677&idThema=7&idSousThema=43&type=JDE&ctx=9> (accessed 03/06/2009)
- Bailey, P. M. (1997), 'The Changing Role of Environmental Agencies', *European Environmental Law Review*, Vol.6, No.5, pp.148-155
- Balme, R. and Woll, C. (2005), 'France: Between Integration and National Sovereignty', in: Bulmer, S. and Lequesne, C. (eds.), *The Member States of the European Union*, Oxford: Oxford University Press, pp.97-118
- Bell, D. and Gray, T. (2002), 'The Ambiguous Role of the Environment Agency in England and Wales', *Environmental Politics*, Vol.11, No.3, pp.76-98
- Bendix, J. (2007), 'Germany', in: Hay, C. and Menon, A. (eds.), *European Politics*, Oxford: Oxford University Press, pp.3-16
- Bevir, M., Rhodes, R. A. W., and Weller, P. (2003), 'Traditions of Governance: Interpreting the Changing Role of the Public Sector', *Public Administration*, Vol.81, No.1, pp.1-17
- Börzel, T. A. (2002), 'Pace-Setting, Foot-Dragging and Fence-Sitting: Member State Responses to Europeanization', *Journal of Common Market Studies*, Vol.40, No.2, pp.193-214
- Börzel, T. A. (2005), 'Pace-Setting, Foot-dragging and Fence-sitting: Member State Responses to Europeanization', in: Jordan, A. (ed.), *Environmental Policy in the European Union. Actors, Institutions and Processes* (2nd edition), London: Earthscan, pp.162-180
- Börzel, T. A. (2007), 'Environmental Policy', in: Graziano, P. and Vink, M. P. (eds.), *Europeanization. New Research Agendas*, Basingstoke: Palgrave Macmillan, pp.226-238
- Börzel, T. A. and Risse T. (2000), 'When Europe Hits Home: Europeanization and Domestic Change', *European Integration online Papers*, Vol.4, No.15,
<http://eiop.or.at/eiop/texte/2000-015a.htm> (accessed 13/09/2008)

- Börzel, T. A. and Risse, T. (2003), 'Conceptualizing the Domestic Impact of Europe', in: Featherstone, K. and Radaelli, C. M. (eds.), *The Politics of Europeanization*, Oxford: Oxford University Press, pp.57-80
- Bretherton, C. and Vogler, J. (2006), *The European Union as a Global Actor*, London: Routledge
- Bruns, H. (1998), 'Das Umweltbundesamt (UBA) im Spannungsfeld zwischen Wissenschaft und Politik', in: Kotulla, M., Ristau, H. and Smeddinck, U. (eds.), *Umweltrecht und Umweltpolitik*, Heidelberg: Physica-Verlag, pp.151-169
- Budge, I., Crewe, I., McKay, D. and Newton, K. (2001), *The New British Politics* (2nd edition), Harlow: Pearson Education Ltd.
- Bugdahn, S. (2005), 'Of Europeanization and domestication: the implementation of the environmental information directive in Ireland, Great Britain and Germany', *Journal of European Public Policy*, Vol.12, No.1, pp.177-199
- Buller, H. (1998), 'Reflections across the Channel. Britain, France and the Europeanisation of national environmental policy', in: Lowe, P. and Ward, S. (eds.), *British Environmental Policy and Europe. Politics and Policy in Transition*, London: Routledge, pp.67-83
- Buller, H. (2004), 'France: Getting between the vertical', in: Jordan, A. and Liefferink, D. (eds.), *Environmental Policy in Europe. The Europeanization of national environmental policy*, London: Routledge, pp.81-98
- Bulmer, S. (1994), 'The Governance of the European Union: An Institutional Approach', *Journal of Public Policy*, Vol.13, No.4, pp.351-380
- Bulmer, S. (1997), 'Shaping the Rules? The Constitutive Politics of the European Union and German Power', in: Katzenstein, P. J. (ed.), *Tamed Power. Germany in Europe*, London: Cornell University Press, pp.49-79
- Bulmer, S. (2007), 'Theorizing Europeanization', in: Graziano, P. and Vink, M. P. (eds.), *Europeanization. New Research Agendas*, Basingstoke: Palgrave Macmillan, pp.46-58
- Bulmer, S. and Burch, M. (2005), 'The Europeanization of UK government: From quiet revolution to explicit step-change?', *Public Administration*, Vol.83, No.4, pp.861-890
- Bulmer, S. and Burch M. (2009), *The Europeanisation of Whitehall. UK central government and the European Union*, Manchester: Manchester University Press
- Bulmer, S. and Lequesne, C. (eds.) (2005), *The Member States of the European Union*, Oxford: Oxford University Press
- Bundesregierung (1973), *Umweltschutz. Das Umweltbundesprogramm der Bundesregierung* (3rd edition), Stuttgart: Kohlhammer
- Bundesregierung (1996a), 'Verwaltungsvereinbarung zwischen Bund und Ländern über den Datenaustausch im Umweltbereich', http://www.la-na.de/servlet/is/1311/VV_Datenaustausch.pdf?command=downloadContent&filename=VV_Datenaustausch.pdf (accessed 30/01/2009)
- Bundesregierung (1996b), 'Anhang II.3 zur Verwaltungsvereinbarung zwischen Bund und Ländern über den Datenaustausch im Umweltbereich. Austausch von Daten zu polyhalogenierten Dibenzodioxinen und Dibenzofuranen sowie weiterer chlororganischer Stoffe', <http://www.la-na.de/servlet/is/145/?command=downloadContent&filename=Anhang-II-03-Dioxine.pdf> (accessed 03/04/2009)
- Bundesregierung (1999), 'Moderner Staat – Moderne Verwaltung. Das Programm der Bundesregierung', www.epractice.eu/resource/418 (accessed 22/01/2009)

- Bundestag (1994), 'Gesetz über die Errichtung eines Umweltbundesamtes vom 22. Juli 1974', in: Umweltbundesamt (ed.), *Wissenschaften im ökologischen Wandel*, Berlin: UBA, pp.89-90
- Bundestag Homepage (2009), 'Committee on the Environment, Nature Conservation and Nuclear Safety', http://www.bundestag.de/htdocs_e/committees/a16/index.html (accessed 06/04/2009)
- Burchell, J. and Lightfoot, S. (2001), *The Greening of the European Union? Examining the EU's Environmental Credentials*, Sheffield: Sheffield Academic Press
- Bürgerliches Gesetzbuch (1996), 'Gesetz über die Errichtung eines Umweltbundesamtes', Bundesministerium der Justiz online, <http://www.gesetze-im-internet.de/ubag/index.html> (accessed 03/11/2007)
- Burns, C. (2005), 'The European Parliament: The European Union's Environmental Champion?' in: Jordan, A. (ed.), *Environmental Policy in the European Union. Actors, Institutions & Processes* (2nd edition), London: Earthscan, pp.87-105
- Bursens, P. (2007), 'State Structures', in: Graziano, P. and Vink, M. P. (eds.), *Europeanization. New Research Agendas*, Basingstoke: Palgrave Macmillan, pp.115-127
- Butt Philip, A. (1998), 'The European Union: Environmental policy and the prospects for sustainable development', in: Hanf, K. and Jansen, A.-I. (eds.), *Governance and Environment in Western Europe*, Harlow: Longman, pp.253-276
- Carter, N. and Lowe, P. (1995), 'The Establishment of a Cross-Sector Environment Agency', in: Gray, T. S. (ed.), *UK Environmental Policy in the 1990s*, Basingstoke: Macmillan Press Ltd., pp.38-56
- Carter, N. (2001), *The Politics of the Environment. Ideas, Activism, Policy*, Cambridge: Cambridge University Press
- Cassese, S. (2003), 'The Age of Administrative Reforms', in: Hayward, J. and Menon, A. (eds.), *Governing Europe*, Oxford: Oxford University Press, pp.128-138
- Chiti, E. (2000), 'The Emergence of a Community Administration: The Case of European Agencies', *Common Market Law Review*, Vol.37, pp.309-343
- Cini, M. (ed.) (2003a), *European Union Politics*, Oxford: Oxford University Press
- Cini, M. (2003b), 'Intergovernmentalism', in: Cini, M. (ed.), *European Union Politics*, Oxford: Oxford University Press, pp.93-108
- Clark, B. (2001), 'Evaluierung der Europäischen Umweltagentur (European Environment Agency/EEA)', responding paper (internal)
- Collier, U. (ed.) (1998a), *Deregulation in the European Union. Environmental Perspectives*, London: Routledge
- Collier, U. (1998b), 'The Environmental Dimensions of Deregulation', in: Collier, U. (ed.), *Deregulation in the European Union. Environmental Perspectives*, London: Routledge, pp.3-22
- Collier, U. (1998c), 'Epilogue', in: Collier, U. (ed.), *Deregulation in the European Union. Environmental Perspectives*, London: Routledge, pp.212-215
- Connelly, J. and Smith, G. (2003), *Politics and the Environment* (2nd edition), London: Routledge
- Curtin, D. (2005), 'Delegation to Non-majoritarian Agencies and Emerging Practices of Public Accountability', in: Geradin, D., et al. (eds.), *Regulation through Agencies in the EU. A New Paradigm of European Governance*, Cheltenham: Edward Elgar Publishing, pp.88-119
- Defra (2002), *The Environment Agency's Objectives and Contributions to Sustainable Development: Statutory Guidance*, London: Defra

- Defra (2009), 'Departmental Report 2009', London: TSO,
<http://www.defra.gov.uk/corporate/about/reports/documents/2009-deptreport.pdf>
 (accessed 10/09/2010)
- Defra (2008a), 'UK – Environmental Observation Framework',
<http://www.defra.gov.uk/news/2008/080717a.htm> (accessed 21/04/2009)
- Defra website (2010), <http://www.defra.gov.uk/corporate/index.htm> (accessed 01/02/2010)
- Defra and Welsh Assembly (2002), *Management Statement issued to the Environment Agency*, London and Cardiff: Defra and Welsh Assembly
- Dehousse, R. (1997), 'Regulation by networks in the European Community: the role of European agencies', *Journal of European Public Policy*, Vol.4, No.2, pp.246-261
- Dehousse, R. (2002), 'Misfits: EU Law and the Transformation of European Governance', New York: New York University School of Law (Jean Monnet Working Paper 2/02), <http://www.jeanmonnetprogram.org/papers/02/020201.rtf>
 (accessed 14/10/2007)
- Department of the Environment (1992), *The UK Environment*, London: HMSO
- Desai, U. (ed.) (2002), *Environmental Politics and Policy in Industrialized Countries*, London: MIT Press
- Deutscher Bundestag (2000), 'Basic Law for the Federal Republic of Germany', Berlin: Ebner Ulm,
http://www.bundestag.de/htdocs_e/parliament/function/legal/germanbasiclaw.pdf
 (accessed 02/05/2008)
- Eberlein, B. and Grande, E. (2005), 'Beyond delegation: transnational regulatory regimes and the EU regulatory state', *Journal of European Public Policy*, Vol.12, No.1, pp.89-112
- Egeberg, M. (2006a) 'Conclusion', in: Egeberg, M. (ed.), *Multilevel Union Administration. The Transformation of Executive Politics in Europe*, Basingstoke: Palgrave Macmillan, pp.194-200
- Egeberg, M. (2006b), 'Europe's Executive Branch of Government in the Melting Pot: an Overview', in: Egeberg, M. (ed.), *Multilevel Union Administration. The Transformation of Executive Politics in Europe*, Basingstoke: Palgrave Macmillan, pp.1-16
- Egeberg, M. (2006c), 'The Institutional Architecture of the EU and the Transformation of European Politics', in: Egeberg, M. (ed.), *Multilevel Union Administration. The Transformation of Executive Politics in Europe*, Basingstoke: Palgrave Macmillan, pp.17-30
- Egeberg, M. (ed.) (2006d), *Multilevel Union Administration. The Transformation of Executive Politics in Europe*, Basingstoke: Palgrave Macmillan
- Egeberg, M. and Trondal, J. (2007), 'National Agencies in the European Administrative Space: Government driven, Commission driven or networked?', Arena working paper 17/2007, Centre for European Studies, University of Oslo,
http://www.arena.uio.no/publications/working-papers2007/papers/wp07_17.pdf
 (accessed 06/02/2008)
- Egeberg, M. and Trondal, J. (2009), 'National Agencies in the European Administrative Space: Government Driven, Commission Driven or Networked?', *Public Administration*, Vol.87, No.4, pp.779-790
- Eilstrup-Sangiovanni, M. (ed.) (2006a), *Debates on European Integration. A Reader*, Basingstoke: Palgrave Macmillan
- Eilstrup-Sangiovanni, M. (2006b), 'Introduction: The 1992-Project, the Revival of Neofunctionalism and the Liberal Intergovernmentalist Challenge', in: Eilstrup-

- Sangiovanni, M. (ed.), *Debates on European Integration. A Reader*, Basingstoke: Palgrave Macmillan, pp.181-203
- Eilstrup-Sangiovanni, M. (2006c), 'Introduction: Neofunctionalism and its Critics', in: Eilstrup-Sangiovanni, M. (ed.), *Debates on European Integration. A Reader*, Basingstoke: Palgrave Macmillan, pp.89-104
- Eionet homepage, 'About Eionet', <http://www.eionet.europa.eu/about> (accessed 15/05/2007)
- Eionet homepage, 'Eionet Partners', <http://www.eionet.europa.eu/partners#nfps> (accessed 15/05/2007)
- Eisner, M. A. (1993), *Regulatory Politics in Transition*, London: The John Hopkins University Press
- Ekelund, H. (2007), 'Agencification and the EU as a Regulatory State: a Framework for the Study of European Community Agencies', <http://www.uacesstudentforum.org/nucleus/media/8/20070607-H%20Ekelund%20Agencification%20and%20the%20EU%20as%20a%20Regulatory%20State.doc> (accessed in 25/11/2007)
- Elgie, R. (2003), 'Governance Traditions and Narratives of Public Sector Reform in Contemporary France', *Public Administration*, Vol.81, No.1, pp.141-162
- Elgie, R. (2006), 'Why Do Governments Delegate Authority to Quasi-Autonomous Agencies? The Case of Independent Administrative Authorities in France', *Governance*, Vol.19, No.2, pp.207-227
- Elgie, R. (2007), 'France', in: Hay, C. and Menon, A. (eds.), *European Politics*, Oxford: Oxford University Press, pp.17-30
- ENDS Report (various years), monthly edition, London: Environment Data Services
- Environment Agency (2000), 'An Environmental Vision', <http://www.environment-agency.gov.uk/static/documents/Utility/vision.pdf> (accessed 20/04/2009)
- Environment Agency (2009a), 'Environment Agency Corporate Strategy: 2010-2015. Draft for Consultation', <http://publications.environment-agency.gov.uk/pdf/GEHO0409BPWE-e-e.pdf> (accessed 06/05/2009)
- Environment Agency (2009b), 'Environment Agency homepage', <http://www.environment-agency.gov.uk> (accessed in April 2009)
- Environment for Europeans (2004), 'European Environment Agency: Ten years of reporting on Europe's environment', *Environment for Europeans*, Issue 18, December 2004, http://ec.europa.eu/environment/news/efe/18/print_article_1918_en.htm (accessed 17/03/2009)
- Environment Research Funders' Forum (2008), 'Leaflet: A UK Environmental Observation Framework – where we want to be', <http://www.erff.org.uk/documents/20080700-leaflet-ukeof2.pdf> (accessed 20/04/2009)
- Environment Watch Europe (2003), 'Report highlights conflicts between EEA and Commission', 13 October 2003, accessed via agra-net.com
- Europa website, 'Agencies of the EU', http://europa.eu/agencies/index_en.htm (accessed 21/01/2008)
- Europa website, 'Agencies of the European Union: History', http://europa.eu/agencies/community_agencies/history/index_en.htm (accessed 21/01/2008)
- Europa website, 'Agencies of the European Union: How do they function?', http://europa.eu/agencies/community_agencies/function/index_en.htm (accessed 21/01/2008)

- Europa website, ‘Glossary: Subsidiarity’,
http://europa.eu/scadplus/glossary/subsidiarity_en.htm (accessed 24/02/2008)
- Europa website, ‘Lisbon Strategy’,
http://europa.eu/scadplus/glossary/lisbon_strategy_en.htm (accessed 18/01/2011)
- Europe Energy (1994), ‘A Spaniard to head up the European Environment Agency’,
Europe Energy, <http://www.highbeam.com/doc/1G1-44659226.html> (17/03/2009)
- Europe Environment (1992), ‘European Environment Agency: Impasse continues over headquarters’, *Europe Environment*, <http://www.highbeam.com/doc/1G1-42870096.html> (accessed 17/03/2009)
- Europe Environment (1993), ‘European Environment Agency: European Council awards agency to Copenhagen’, *Europe Environment*,
<http://www.highbeam.com/doc/1G1-44261983.html> (accessed (17/03/2009)
- Europe Environment (1994a), ‘European Environment Agency: The “infant” agency celebrates one year of life at Copenhagen’, *Europe Environment*,
<http://www.highbeam.com/doc/1G1-45155829.html> (accessed 17/03/2009)
- Europe Environment (1994b), ‘European Environment Agency: Work to begin at last in Copenhagen’, *Europe Environment*, <http://www.highbeam.com/doc/1G1-44366532.html> (accessed 17/03/2009)
- Europe Environment (1995), ‘EEA: European Environment Agency crawls into action’,
Europe Environment, <http://www.highbeam.com/doc/1G1-45938078.html> (accessed 17/03/2009)
- European Commission (1989a), ‘Statement on the broad lines of Commission policy. Presented by Jacques Delors, President of the Commission, to the European Parliament and reply to the ensuing Parliamentary debate. Strasbourg, 17 and 18 January 1989’, *Bulletin of the European Communities*, Luxembourg: Office for Official Publications of the European Communities
- European Commission (1989b), ‘Programme of the Commission for 1989. Address by Jacques Delors, President of the Commission, to the European Parliament and his reply to the debate. Strasbourg, 16 February and 15 March 1989’, *Bulletin of the European Communities*, Luxembourg: Office for Official Publications of the European Communities
- European Commission (1992), *Towards Sustainability: A European Community Programme of Policy and Action in Relation to the Environment and Sustainable Development. Volume II*, COM (92) 23 final,
http://aei.pitt.edu/5910/01/003814_1.pdf (accessed 10/02/2009)
- European Commission (2001), *European Governance. A White Paper*, Brussels,
http://ec.europa.eu/governance/white_paper/index_en.htm (accessed 01/08/2007)
- European Commission (2002), ‘Communication from the Commission: The operating framework for the European Regulatory Agencies’, COM (2002) 718 final,
http://ec.europa.eu/governance/docs/comm_agence_en.pdf (accessed 25/02/2008)
- European Commission (2003), ‘Report from the Commission to the Council: Review of the European Environment Agency (EEA)’, COM (2003) 800 final, Brussels
- European Commission (2005), ‘Draft Interinstitutional Agreement on the operating framework for the European regulatory agencies’, COM (2005) 59 final, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0059:FIN:EN:PDF> (accessed 13/04/2010)
- European Commission (2006a), *Better Regulation - simply explained*, Luxembourg: Office for Official Publications of the European Communities
- European Commission (2006b), ‘INSPIRE Directive – Infrastructure for Spatial Information in Europe – Status and Outlook’, Powerpoint presentation,

- http://www.ecmwf.int/research/EU_projects/HALO/pdf/Workshop_2006/HALO_IN_SPIRE_deGroof_Dec06.pdf (accessed 17/11/2008)
- European Commission (2008a), 'Towards a Shared Environmental Information System (SEIS)', Brussels, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0046:FIN:EN:PDF> (accessed 03/10/2008)
- European Commission (2008b), 'Eurobarometer: Attitudes of European citizens towards the environment', http://ec.europa.eu/public_opinion/archives/ebs/ebs_295_en.pdf (accessed 30/11/2008)
- European Commission (2008c), 'Communication from the Commission to the European Parliament and the Council. European agencies – The way forward', COM (2008) 135 final, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0135:FIN:EN:PDF> (accessed 13/04/2010)
- European Commission (2009), 'SEIS homepage, 'What is the Shared Environmental Information System?''', <http://ec.europa.eu/environment/seis/what.htm> (accessed 07/12/2009)
- European Council (1988), 'Rhodes Declaration', *Bulletin of the European Communities*, Vol.21, No.12, pp.8-13
- EEA (1994), *European Environment Agency: Putting Information to work*, Copenhagen: EEA Publications Office
- EEA (1995a), *EEA Annual Report 1995*, http://www.eea.europa.eu/publications/corporate_document_1995_1/at_download/file (accessed 18/03/2009)
- EEA (1995b), *European Environment Agency. Europe's Environment. The Dobříš Assessment*, Luxembourg: Office for Official Publications of the European Communities
- EEA (1996), 'EEA Newsletter', Issue 9, August 1996, Copenhagen: EEA Publications Office
- EEA (1997a), 'Public Access to Environmental Information', Luxembourg: Office for Official Publications of the European Communities, <http://reports.eea.europa.eu/92-9167-020-0/en/freexs.pdf> (accessed 21/11/2007)
- EEA (1997b), *EEA Annual Report 1996*, Luxembourg: Office for Official Publications of the European Communities
- EEA (1998a), *EEA Annual Report 1997*, Luxembourg: Office for Official Publications of the European Communities
- EEA (1998b), *Europe's Environment: The Second Assessment*, Luxembourg: Office for Official Publications of the European Communities
- EEA (1999a), *EEA Multi-annual Work Programme 1999-2003*, Copenhagen: EEA Publications Office
- EEA (1999b), *Prospects and Scenarios No 1. Environment and European enlargement: Air emissions*, Luxembourg: Office for Official Publications of the European Communities, http://reports.eea.europa.eu/environmental_issue_report_2003_8/en (accessed 26/05/2007)
- EEA (1999c), *Annual Report 1998*, Luxembourg: Office for Official Publications of the European Communities
- EEA (1999d), *Information for improving Europe's environment*, Luxembourg: Office for Official Publications of the European Communities

- EEA (2000), *Annual Report 1999*, Luxembourg: Office for Official Publications of the European Communities
- EEA (2001a), *Reporting on environmental measures: Are we being effective?*, Copenhagen: EEA Publications Office, <http://reports.eea.europa.eu/rem/en/page001.html> (accessed 19/05/2007)
- EEA (2001b), *Annual Report 2000*, Luxembourg: Office for Official Publications of the European Communities
- EEA (2002a), *Annual Report 2001*, Luxembourg: Office for Official Publications of the European Communities
- EEA (2003a), *Eionet priority data flows 2002*, Copenhagen: EEA Publications Office, http://eea.eionet.europa.eu/Public/irc/eionet-circle/nfp-eionet/library?l=/eionet_priority/eionet_progress/2002/data_flows_prog06/ EN 1.0 &a=d (accessed 02/03/2009)
- EEA (2003b), *Annual Report 2002*, Luxembourg: Office for Official Publications of the European Communities
- EEA (2003c), *Europe's environment: the third assessment*, Luxembourg: Office for Official Publications of the European Communities
- EEA (2004a), *EEA strategy 2004-2008*, Copenhagen: EEA Publications Office, http://reports.eea.europa.eu/corporate_document_2003_1/en (accessed 18/06/2007)
- EEA (2004b), *EEA Annual Report 2004*, Luxembourg: Office for Official Publications of the European Communities
- EEA (2004c), *The European Environment Agency. Who we are. What We do. How we do it*, Copenhagen: EEA Publications Office, http://reports.eea.europa.eu/brochure_2006_0306_112210/en (accessed 26/05/2007)
- EEA (2004d), *10th Anniversary of the European Environment Agency*, Copenhagen: EEA Publications Office
- EEA (2004e), *Eionet priority data flows 2003*, Copenhagen: EEA Publications Office, http://eea.eionet.europa.eu/Public/irc/eionet-circle/nfp-eionet/library?l=/eionet_priority/eionet_progress/2003/data-flows-prog07pdf/ EN 1.0 &a=d (accessed 02/03/2009)
- EEA (2004f), *EEA Annual Report 2003*, Luxembourg: Office for Official Publications of the European Communities
- EEA (2005a), *Market-based instruments for environmental policy in Europe*, Luxembourg: Office for Official Publications of the European Communities, http://reports.eea.europa.eu/technical_report_2005_8/en (accessed 03/08/2007)
- EEA (2005b), *The European Environment. State and Outlook 2005*, Luxembourg: Office for Official Publications of the European Communities, <http://www.eea.europa.eu/highlights/20051122115248> (accessed 26/05/2007)
- EEA (2005c), *Eionet connects*, Copenhagen: EEA Publications Office, http://reports.eea.europa.eu/brochure_2004_3/en (accessed 20/07/2007)
- EEA (2006), *Policy effectiveness evaluation*, Copenhagen: EEA Publications Office, http://reports.eea.europa.eu/brochure_2006_0305_111039/en (accessed 04/06/2007)
- EEA (2007a), *European Environment Agency. 2007 Annual Management Plan*, Copenhagen: EEA Publications Office, <http://www.eea.europa.eu/documents> (accessed 23/05/2007)
- EEA (2007b), *EEA environmental statement 2007*, Copenhagen: EEA Publications Office, <http://www.eea.europa.eu/documents/> (accessed 13/06/2007)
- EEA (2007c), *Eionet priority data flows June 2006-April 2007*, Luxembourg: Office for Official Publications of the European Communities,

- http://www.eea.europa.eu/publications/corporate_document_2007_3/at_download/file (accessed 18/06/2007)
- EEA (2007d), *Europe's environment. The fourth assessment*, Luxembourg: Office for Official Publications of the European Communities
- EEA (2008a), *Annual report 2007 and Environmental statement 2008*, Luxembourg: Office for Official Publications of the European Communities
- EEA (2008b), 'EEA homepage: Governance', <http://www.eea.europa.eu/about-us/governance> (accessed 09/02/2009)
- EEA (2009a), *EEA Strategy 2009-2013. Multi-annual Work Programme*, Luxembourg: Office for Official Publications of the European Communities
- EEA (2009b), 'Eionet Priority Data Flows. May 2008-April 2009', Luxembourg: Office for Official Publications of the European Communities
- EEA (2009c), 'National Focal Points of the European Environment Agency. Role Description' (EEA internal)
- EEA (2009d), 'The European Environment Agency. Who we are. What we do. How we do it', Copenhagen: EEA Publications Office, <http://www.eea.europa.eu/publications/general-brochure-2009> (accessed 14/12/2009)
- EEA (2010a), 'Budget of the European Environment Agency for the financial year 2010', Administrative Document No 1/2010, <http://www.eea.europa.eu/about-us/documents/administrativedocuments/budget-of-the-european-environment-agency-for-the-financial-year-2010> (accessed 13/04/2010)
- EEA (2010b), 'Eionet Priority Data Flows, May 2009- April 2010', Luxembourg: Office for Official Publications of the European Communities
- EEA online glossary, 'Corine', http://glossary.eea.europa.eu/terminology/concept_html?term=corine (accessed 16/02/2009)
- EPA network (2003), 'Environmental Protection Agencies in Europe. Brief Profiles', EPA Conference, 6-7 November 2003, Copenhagen
- EPA network (2005), 'The Contribution of Good Environmental Regulation to Competitiveness', Copenhagen: EEA Publications Office
- EPA network (2006a), 'Internal Guidelines: Guidelines of the EPA-network' (EPA network internal)
- EPA network (2006b), 'Delivering the sustainable use of natural resources', <http://epanet.ew.eea.europa.eu/fo1249409/fo1249409/fo1249409/our-publications/dessau-statement-folder> (accessed 03/05/2009)
- EPA network (2007a), 'Barriers to Good Environmental Regulation', <http://epanet.ew.eea.europa.eu/fo1249409/fo1249409/fo1249409/helsinki-statement> (accessed 03/05/2009)
- EPA network (2007b), 'Promoting eco-efficient innovation in the construction sector', http://epanet.ew.eea.europa.eu/fo1249409/fo1249409/our-publications/zagreb-statement/epa_2007_17122007.pdf (accessed 03/05/2009)
- EPA network (2008), 'Improving the Effectiveness of EU Environmental Regulation – A Future Vision', <http://epanet.ew.eea.europa.eu/fo1249409/fo1249409/oslo-statement-vision-paper> (accessed 03/05/2009)
- EPA network (2010), 'Internal Guidelines: Guidelines of the EPA-Network (reviewed)' (EPA network internal)
- European Environment & Packaging Law (2007), 'MEP calls on EEA to up profile', 19 January 2007, accessed via agra-net.com
- European Packaging & Waste Law (2003), 'European Environment Agency adopts new strategy and work programme', December 2003, accessed via agra-net.com

- European Report (2001), 'EU candidates all set for European Environment Agency', *European Report*, <http://www.highbeam.com/doc/1G1-76133030.html> (accessed 17/03/2009)
- Everson, M. (2005), 'Good Governance and European Agencies: The Balance', in: Geradin, D. *et al.* (eds.), *Regulation through Agencies in the EU. A New Paradigm of European Governance*, Cheltenham: Edward Elgar Publishing, pp.141-163
- Everson, M., Majone, G., Metcalfe, L. and Schout, A. (1999), *The Role of Specialised Agencies in Decentralising EU Governance. Report Presented to the Commission*, Florence and Maastricht, http://ec.europa.eu/governance/areas/group6/contribution_en.pdf (accessed 24/05/2007)
- Everson, M. and Majone, G. (1999a), 'Part Three: European Agencies Within the Treaties of the European Union', in: Everson, M. *et al.*, *The Role of Specialised Agencies in Decentralising EU Governance. Report Presented to the Commission*, Florence and Maastricht, pp.52-79 http://ec.europa.eu/governance/areas/group6/contribution_en.pdf (accessed 24/05/2007)
- Everson, M. and Majone, G. (1999b), 'Part Two: Institutional Problems', in: Everson, M. *et al.*, *The Role of Specialised Agencies in Decentralising EU Governance. Report Presented to the Commission*, Florence and Maastricht, pp.29-51, http://ec.europa.eu/governance/areas/group6/contribution_en.pdf (accessed 24/05/2007)
- Falkner, G. (2000), 'Policy networks in a multi-level system: Convergence towards moderate diversity?', *West European Politics*, Vol.23, No.4, pp.94-120
- Featherstone, K. (2003), 'Introduction: In the Name of 'Europe'', in: Featherstone, K. and Radaelli, C. M. (eds.), *The Politics of Europeanization*, Oxford: Oxford University Press, pp.3-26
- Featherstone, K. and Radaelli, C. M. (eds.) (2003a), *The Politics of Europeanization*, Oxford: Oxford University Press
- Featherstone, K. and Radaelli, C. M. (2003b), 'A Conversant Research Agenda', in: Featherstone, K. and Radaelli, C. M. (eds.), *The Politics of Europeanization*, Oxford: Oxford University Press, pp.331-341
- Federal Environmental Agency (ed.) (1997), *Federal Environmental Agency. Federal Republic of Germany. A Selection of Recent Publications (Vol.5)*, Berlin: UBA
- Flynn, A. (2004), 'Environmental policy', in: Jones, B. *et al.* (eds.), *Politics UK* (5th edition), Harlow: Pearson Longman, pp.693-718
- Flynn, A. (2007), 'Environmental Policy', in: Jones, B. *et al.* (eds.), *Politics UK* (6th edition), Harlow: Pearson Education Ltd., pp.735-765
- Francis, J. G. (1993), *The Politics of Regulation. A Comparative Perspective*, Oxford: Blackwell Publishers
- Fry, M. (ed.) (1997), *A Manual of Environmental Protection Law. The Pollution Control Functions of the Environment Agency and SEPA*, Oxford: Oxford University Press
- Fülgraff, G. (1994), 'Perspektiven für die Arbeit einer wissenschaftlichen Umweltbehörde', in: Umweltbundesamt (ed.), *Wissenschaften im ökologischen Wandel*, Berlin: UBA, pp.69-79
- Gabriel, S. (2009), 'Grußwort des Bundesumweltministers Sigmar Gabriel zur Verabschiedung des UBA-Präsidenten Prof. Dr. Andreas Troge am Dienstsitz in Dessau-Roßlau', http://www.umweltbundesamt.de/uba-info-presse/reden/rede_bm_abschiedtroge_280709.pdf (accessed 02/09/2009)

- Genscher, H.-D. (1995), *Erinnerungen*, Berlin: Siedler Verlag
- George, S. and Bache, I. (2001), *Politics in the European Union*, Oxford: Oxford University Press
- Geradin, D. and Petit, N. (2004), 'The Development of Agencies at EU and National Levels: Conceptual Analysis and Proposals for Reform', Jean Monnet Working Paper 01/04, New York: NYU School of Law, <http://www.jeanmonnetprogram.org/papers/04/040101.pdf> (accessed 18/02/2008)
- Geradin, D. (2005), 'The Development of European Regulatory Agencies: Lessons from the American Experience', in: Geradin, D. *et al.* (eds.), *Regulation through Agencies in the EU. A New Paradigm of European Governance*, Cheltenham: Edward Elgar Publishing, pp.215-245
- Geradin, D., Muñoz, R. and Petit, N. (eds.) (2005), *Regulation through Agencies in the EU. A New Paradigm of European Governance*, Cheltenham: Edward Elgar Publishing
- Gilardi, F. (2002), 'Policy credibility and delegation to independent regulatory agencies: a comparative empirical analysis', *Journal of European Public Policy*, Vol.9, No.6, pp.873-893
- Gilardi, F. (2004), 'Institutional change in regulatory policies: regulation through independent agencies and the three new institutionalisms', in: Jordana, J. and Levi-Faur, D. (eds.), *The Politics of Regulation. Institutions and Regulatory Reforms for the Age of Governance*, Cheltenham: Edward Elgar, pp.67-89
- Goetz, K. H. (2000), 'European integration and national executives: A cause in search of an effect?', *West European Politics*, Vol.23, No.4, pp.211-231
- Goetz, K. H. (2003), 'Executives in Comparative Context', in: Hayward, J. and Menon, A. (eds.), *Governing Europe*, Oxford: Oxford University Press, pp.74-91
- Gornitzka, Å. and Sverdrup, U. (2008), 'Who are the Experts? The Informational Basis of EU Decision-Making', ARENA Working Paper, No. 14/08, http://www.arena.uio.no/publications/working-papers2008/papers/wp08_14.pdf (accessed 15/09/2010)
- Grant, W. and Feehan, J. (2007), 'Environmental Policy', in: Hay, C. and Menon, A. (eds.), *European Politics*, Oxford: Oxford University Press, pp.310-328
- Gray, A. and Flynn, A. (1994), 'Environmental Policy', in: Jones, B. *et al.* (eds.), *Politics UK* (2nd edition), Hemel Hempstead: Harvester Wheatsheaf, pp.581-600
- Gray, A. and Flynn, A. (1998), 'Environmental Policy', in: Jones, B. *et al.* (eds.), *Politics UK* (3rd edition), Hemel Hempstead: Prentice Hall, pp.500-519
- Graziano, P. and Vink, M. P. (eds.) (2007), *Europeanization. New Research Agendas*, Basingstoke: Palgrave Macmillan
- Groenleer, M. (2006), 'The European Commission and Agencies', in: Spence, D. and Edwards, G. (eds.), *The European Commission* (3rd edition), London: John Harper Publishing, pp.156-172
- Groenleer, M. (2009), *The Autonomy of European Union Agencies. A Comparative Study of Institutional Development*, Delft: Eburon
- Giuliani, M. (2003), 'Europeanization in Comparative Perspective: Institutional Fit and National Adaptation', in: Featherstone, K. and Radaelli, C. M. (eds.), *The Politics of Europeanization*, Oxford: Oxford University Press, pp.134-155
- Hall, P. A. (1986), *Governing the Economy. The Politics of State Intervention in Britain and France*, Cambridge: Polity Press
- Hall, P. A. and Taylor, R. C. R. (1996), 'Political Science and the Three New Institutionalisms', *Political Studies*, Vol.44, No.5, pp.936-957

- Hanf, K. and Jansen, A.-I. (1998a), 'Environmental policy - the outcome of strategic action and institutional characteristics', in: Hanf, K. and Jansen, A.-I. (eds.), *Governance and Environment in Western Europe*, Harlow: Longman, pp.1-16
- Hanf, K. and Jansen, A.-I. (eds.) (1998b), *Governance and Environment in Western Europe*, Harlow: Longman
- Harmsen, R. (1999), 'The Europeanization of National Administrations: A Comparative Study of France and the Netherlands', *Governance*, Vol.12, No.1, pp.81-113
- Haverland, M. (2003), 'The Impact of the European Union on Environmental Policies', in: Featherstone, K. and Radaelli, C. M. (eds.), *The Politics of Europeanization*, Oxford: Oxford University Press, pp.203-221
- Haverland, M. (2005), 'Does the EU cause domestic developments? The problem of case selection in Europeanization research', *European Integration online Papers*, Vol.9, No.2, <http://eiop.or.at/eiop/texte/2005-002a.htm> (accessed 13/09/2008)
- Haverland, M. (2007), 'Methodology', in: Graziano, P. and Vink, M. P. (eds.), *Europeanization. New Research Agendas*, Basingstoke: Palgrave Macmillan, pp.59-70
- Hay, C. and Menon, A. (eds.) (2007), *European Politics*, Oxford: Oxford University Press
- Hayward, J. and Menon, A. (eds.) (2003), *Governing Europe*, Oxford: Oxford University Press
- Hayward, J. (1982), 'Mobilising Private Interests in the Service of Public Ambitions: The Salient Element in the Dual French Policy Style', in: Richardson, J. (ed.), *Policy Styles in Western Europe*, London: George Allen & Unwin, pp.111-140
- Hayward, J. (ed.) (2008), *Leaderless Europe*, Oxford: Oxford University Press
- Helm, D. (1992), 'Environmental Regulation: The Environment Agency Proposal', *Fiscal Studies*, Vol.13, No.2, pp.6-83
- Héritier, A., Knill, C. and Mingers, S. (1996), *Ringing the Changes in Europe*, Berlin: Walter de Gruyter
- Héritier, A., Kerwer, D., Knill, C., Lehmkuhl, D., Teutsch, M. and Douillet, A.-C. (eds.) (2001), *Differential Europe. The European Union Impact on National Policymaking*, Oxford: Rowman & Littlefield Publishers
- Héritier, A. and Knill, C. (2001), 'Differential Responses to European Policies: A Comparison', in: Héritier, A. *et al.* (eds.), *Differential Europe. The European Union Impact on National Policymaking*, Oxford: Rowman & Littlefield Publishers, pp.257-294
- Hix, S. and Goetz, K. H. (2000), 'Introduction: European integration and national political systems', *West European Politics*, Vol.23, No.4, pp.1-26
- Hofmann, H. (2009), 'Legislation, Delegation and Implementation under the Treaty of Lisbon: Typology Meets Reality', *European Law Journal*, Vol.15, No.4, pp.482-505
- Holzinger, K. and Knill, C. (2005), 'Causes and conditions of cross-national policy convergence', *Journal of European Public Policy*, Vol.12, No.5, pp.775-796
- Hooghe, L. and Marks, G. (2001a), *Multi-Level Governance and European Integration*, Oxford: Rowman & Littlefield Publishers, Inc
- Hooghe, L. and Marks, G. (2001b), 'Types of Multi-Level Governance', *European Integration online Papers*, Vol.5, No.11, <http://eiop.or.at/eiop/texte/2001-011a.htm> (accessed 16/08/2008)
- Hoornbeek, J. (2000), 'Information and Environmental Policy: A Tale of Two Agencies', *Journal of Comparative Policy Analysis: Research and Practice*, Vol.2, No.2, pp.145-187

- House of Commons: Environment, Transport and Regional Affairs Committee (2000), *The Environment Agency. Sixth Report of Session 1999-2000*, London: The Stationary Office Limited,
<http://www.publications.parliament.uk/pa/cm199900/cmselect/cmenvtra/cmenvtra.htm> (accessed 09/04/2009)
- House of Commons: Environment, Food and Rural Affairs Committee (2006a), *The Environment Agency. Seventh Report of Session 2005-06*, Volume I, London: The Stationary Office Limited,
<http://www.publications.parliament.uk/pa/cm200506/cmselect/cmenvfru/780/780i.pdf> (accessed 14/04/2009)
- House of Commons: Environment, Food and Rural Affairs Committee (2006b), *The Environment Agency. Seventh Report of Session 2005-06*, Volume II, London: The Stationary Office Limited,
<http://www.publications.parliament.uk/pa/cm200506/cmselect/cmenvfru/780/780ii.pdf> (accessed 14/04/2009)
- House of Commons: Environment, Food and Rural Affairs Committee (2006c), *The Environment Agency: Government and Environment Agency Responses to the Committee's Seventh Report. Sixth Special Report of Session 2005-06*, London: The Stationary Office Limited,
<http://www.publications.parliament.uk/pa/cm200506/cmselect/cmenvfru/1519/1519.pdf> (accessed 14/04/2009)
- House of Lords: Select Committee on the European Communities (1995a), *European Environment Agency. With evidence*, London: HMSO
- House of Lords: Select Committee on the European Communities (1995b), 'Oral evidence: Sr Beltran, Executive Director, European Environment Agency, 1994', *European Environment Agency. With evidence*, London: HMSO, pp.4-8
- House of Lords: Select Committee on the European Communities (1995c), 'Evidence: Department of the Environment', *European Environment Agency. With evidence*, London: HMSO, pp.9-25
- House of Lords: Select Committee on the European Communities (1995d), 'Oral evidence: Sr Beltran, Executive Director, European Environment Agency, 1995', *European Environment Agency. With evidence*, London: HMSO, pp.26-35
- House of Lords: Select Committee on the European Communities (1995e), 'Oral evidence: European Commission', *European Environment Agency. With evidence*, London: HMSO, pp.36-41
- IMPEL website (2009), 'About IMPEL: History, Mission, Achievements',
<http://impel.eu/about/history> (accessed 20/07/2009)
- Institute for European Environmental Policy (IEEP) and European Institute for Public Administration (EIPA) (2000), 'Annex 4 Summary of Arthur Andersen Evaluation of the EEA and Eionet 1994-2000', in: IEEP and EIPA (2003), *Evaluation of the European Environment Agency. Part C: Annexes*, London, Brussels, Maastricht: IEEP/EIPA, pp.31-33, <http://ec.europa.eu/environment/pubs/eea.htm> (accessed 24/05/2007)
- IEEP/EIPA (2003a), *Evaluation of the European Environment Agency. Part A: Main Report*, London, Brussels, Maastricht: IEEP/EIPA,
<http://ec.europa.eu/environment/pubs/eea.htm> (accessed 24/05/2007)
- IEEP/EIPA (2003b), *Evaluation of the European Environment Agency. Part B: Case Studies*, London, Brussels, Maastricht: IEEP/EIPA,
<http://ec.europa.eu/environment/pubs/eea.htm> (accessed 24/05/2007)

- IEEP/EIPA (2003c), *Evaluation of the European Environment Agency. Part C: Annexes*, London, Brussels, Maastricht: IEEP/EIPA, <http://ec.europa.eu/environment/pubs/eea.htm> (accessed 24/05/2007)
- Ifen (2000), *L'Ifen en 2000*, <http://www.ifen.fr/missions/missions.html> (accessed 03/06/2009)
- Ifen (2001), *Rapport d'activité 2001*, <http://www.ifen.fr/missions/missions.html> (accessed 03/06/2009)
- Ifen (2002), *Rapport d'activité 2002*, <http://www.ifen.fr/missions/missions.html> (accessed 03/06/2009)
- Ifen (2004), *Rapport d'activité 2003*, <http://www.ifen.fr/missions/missions.html> (accessed 03/06/2009)
- Ifen (2006), *Rapport d'activité 2005*, <http://www.ifen.fr/missions/missions.html> (accessed 03/06/2009)
- Ifen (2007), *Rapport d'activité 2006*, <http://www.ifen.fr/missions/missions.html> (accessed 03/06/2009)
- Ifen (2008), 'Institute français de l'environnement', <http://www.ifen.fr> (accessed 21/05/2008)
- Jänicke, M. (2003), 'Umweltpolitik', in: Andersen, U. and Woyke, W. (eds.), *Handwörterbuch des politischen Systems der Bundesrepublik Deutschland* (5th edition), Opladen: Leske+Budrich, <http://www.bpb.de/wissen/07812802649396549661223750596746,0,0,Umweltpolitik.html#art0> (accessed 14/10/2008)
- Jänicke, M. and Weidner, H. (eds.) (1997a), *National Environmental Policies. A Comparative Study of Capacity-Building*, Berlin: Springer
- Jänicke, M. and Weidner, H. (1997b), 'Germany', in: Jänicke, M. and Weidner, H. (eds.), *National Environmental Policies. A Comparative Study of Capacity-Building*, Berlin: Springer, pp.133-155
- Jann, W. (2003), 'State, Administration and Governance in Germany: Competing Traditions and Dominant Narratives', *Public Administration*, Vol.81, No.1, pp.95-118
- Jansen, A.-I., Osland, O. and Hanf, K. (1998), 'Environmental challenges and institutional challenges. An interpretation of the development of environmental policy in Western Europe', in: Hanf, K. and Jansen, A.-I. (eds.), *Governance and Environment in Western Europe*, Harlow: Longman, pp.277-325
- Jensen, C. S. (2003), 'Neo-functionalism', in: Cini, M. (ed.), *European Union Politics*, Oxford: Oxford University Press, pp.80-92
- Jiménez-Beltrán, D. (1994), 'Foreword', in: EEA, *European Environment Agency: Putting Information to work*, Copenhagen: EEA Publications Office, pp.0-1
- Jiménez-Beltrán, D. and Pesachowitz, A. M. (1998), 'Environmental Information Strategies at Work: A Joint and Shared View of the U.S. EPA and the EU's EEA', EEA press release, <http://www.eea.europa.eu/pressroom/newsreleases/eeaeapdc.html> (accessed 24/03/2009)
- Jones, B., Gray, A., Kavanagh, D., Moan, M., Norton, P., and Seldon, A. (eds.) (1994), *Politics UK* (2nd edition), Hemel Hempstead: Harvester Wheatsheaf
- Jones, B., Gray, A., Kavanagh, D., Moan, M., Norton, P., and Seldon, A. (eds.) (1998), *Politics UK* (3rd edition), Hemel Hempstead: Prentice Hall
- Jones, B., Kavanagh, D., Moran, M. and Norton, P. (eds.) (2004), *Politics UK* (5th edition), Harlow: Pearson Longman
- Jones, B., Kavanagh, D., Moran, M. and Norton, P. (eds.) (2007), *Politics UK* (6th edition), Harlow: Pearson Education Ltd

- Jordan, A. (1998), 'The Impact on UK Environmental Administration', in: Lowe, P. and Ward, S. (eds.), *British Environmental Policy and Europe. Politics and Policy in Transition*, London: Routledge, pp.173-194
- Jordan, A. (2002), *The Europeanization of British Environmental Policy. A Departmental Perspective*, Basingstoke: Palgrave Macmillan
- Jordan, A. (2004), 'The United Kingdom: From policy 'taking' to policy 'shaping'', in: Jordan, A. and Liefferink, D. (eds.), *Environmental policy in Europe. The Europeanization of national environmental policy*, London: Routledge, pp.205-223
- Jordan, A. (ed.) (2005a), *Environmental Policy in the European Union. Actors, Institutions & Processes* (2nd edition), London: Earthscan
- Jordan, A. (2005b), 'Introduction: European Union Environmental Policy – Actors, Institutions and Policy Processes', in: Jordan, A. (ed.), *Environmental policy in the European Union. Actors, Institutions & Processes* (2nd edition), London: Earthscan, pp.1-15
- Jordan, A. J. and Lenschow, A. (eds.) (2008), *Innovation in Environmental Policy? Integrating the Environment for Sustainability*, Cheltenham: Edward Elgar
- Jordan, A. and Liefferink, D. (eds.) (2004a), *Environmental Policy in Europe. The Europeanization of national environmental policy*, London: Routledge
- Jordan, A. and Liefferink, D. (2004b), 'The Europeanization of national environmental policy', in: Jordan, A. and Liefferink, D. (eds.), *Environmental Policy in Europe. The Europeanization of national environmental policy*, London: Routledge, pp.1-14
- Jordan, A. and Liefferink, D. (2004c), 'Europeanization and convergence: comparative conclusions', in: Jordan, A. and Liefferink, D. (eds.), *Environmental Policy in Europe. The Europeanization of national environmental policy*, London: Routledge, pp.224-245
- Jordana, J. and Levi-Faur, D. (eds.) (2004), *The Politics of Regulation. Institutions and Regulatory Reforms for the Age of Governance*, Cheltenham: Edward Elgar
- Jordana, J. and Sancho, D. (2004), 'Regulatory designs, institutional constellations and the study of the regulatory state', in: Jordana, J. and Levi-Faur, D. (eds.), *The Politics of Regulation. Institutions and Regulatory Reforms for the Age of Governance*, Cheltenham: Edward Elgar, pp.296-319
- Kassim, H. (1994), 'Policy Networks, Networks and European Union Policy Making: A Sceptical View', *West European Politics*, Vol.17, No.4, pp.15-27
- Kassim, H. (2000), 'Conclusion. The National Co-ordination of EU Policy: Confronting the Challenge', in: Kassim, H., Peters, B. G. and Wright, V. (eds.), *The National Co-ordination of EU Policy. The Domestic Level*, Oxford: Oxford University Press, pp.235-264
- Kassim, H. (2003a), 'Meeting the Demands of EU Membership: The Europeanization of National Administrative Systems', in: Featherstone, K. and Radaelli, C. M. (eds.), *The Politics of Europeanization*, Oxford: Oxford University Press, pp.83-111
- Kassim, H. (2003b), 'The European Administration: Between Europeanization and Domestication', in: Hayward, J. and Menon, A. (eds.), *Governing Europe*, Oxford: Oxford University Press, pp.139-161
- Kassim, H. (2005), 'The Europeanization of Member State Institutions', in: Bulmer, S. and Lequesne, C. (eds.), *The Member States of the European Union*, Oxford: Oxford University Press, pp.285-316
- Kassim, H., Peters, B. G. and Wright, V. (eds.) (2000), *The National Co-ordination of EU Policy. The Domestic Level*, Oxford: Oxford University Press
- Katzenstein, P. J. (ed.) (1997), *Tamed Power. Germany in Europe*, London: Cornell University Press

- Kelemen, R. D. (2002), 'The Politics of 'Eurocratic' Structure and the New European Agencies', *West European Politics*, Vol.25, No.4, pp.93-118
- Knill, C. (1998), 'European Policies: The Impact of National Administrative Traditions', *Journal of Public Policy*, No.18, Vol.1, pp.1-28
- Knill, C. (2001), *The Europeanisation of National Administrations. Patterns of Institutional Change and Persistence*, Cambridge: Cambridge University Press
- Knill, C. (2005), 'Introduction: Cross-national policy convergence: concepts, approaches and explanatory factors', *Journal of European Public Policy*, Vol.12, No.5, pp.764 — 774
- Knill, C. and Lenschow, A. (1998), 'Coping with Europe: the impact of British and German administrations on the implementation of EU environmental policy', *Journal of European Public Policy*, Vol.5, No.4, pp.595-614
- Knill, C. and Lenschow, A. (2004), 'Modes of regulation in the governance of the European Union: towards a comprehensive evaluation', in: Jordana, J. and Levi-Faur, D. (eds.), *The Politics of Regulation. Institutions and Regulatory Reforms for the Age of Governance*, Cheltenham: Edward Elgar, pp.218-244
- Kohler-Koch, B. (ed.) (2003), *Linking EU and National Governance*, Oxford: Oxford University Press
- Kotulla, M., Ristau, H. and Smeddinck, U. (eds.) (1998), *Umweltrecht und Umweltpolitik*, Heidelberg: Physica-Verlag
- Kreher, A. (1997), 'Agencies in the European Community - a step towards administrative integration in Europe', *Journal of European Public Policy*, Vol.4, No.2, pp.225-245
- Larrue, C. and Chabason, L. (1998), 'France: Fragmented policy and consensual implementation', in: Hanf, K. and Jansen, A.-I. (eds.), *Governance and Environment in Western Europe*, Harlow: Longman, pp.60-82
- Lehmkuhl, D. (2007), 'Some Promises and Pitfalls of Europeanization Research', in: Graziano, P. and Vink, M. P. (eds.), *Europeanization. New Research Agendas*, Basingstoke: Palgrave Macmillan, pp.337-353
- Lenaerts, K. (1993), 'Regulating the regulatory process: "delegation of powers" in the European Community', *European Law Review*, Vol.18, pp.23-49
- Lenschow, A. (2005), 'Environmental Policy. Contending Dynamics of Policy Change', in: Wallace, H., Wallace, W. and Pollack, M. A. (eds.), *Policy-Making in the European Union* (5th edition), Oxford: Oxford University Press, pp.305-327
- Lequesne, C. (1996), 'French central government and the European political system. Change and adaptation since the Single Act', in: Mény, Y., Muller, P. and Quermonne, J.-L. (eds.), *Adjusting to Europe. The impact of the European Union on national institutions and policies*, London: Routledge, pp.110-120
- von Lersner, H. (1991), *Die ökologische Wende*, Berlin: Corso bei Siedler
- von Lersner, H. (1994a), 'Grüßwort', in: Umweltbundesamt (ed.), *Wissenschaften im ökologischen Wandel*, Berlin: UBA, pp.7-11
- von Lersner, H. (1994b), '20 Jahre Umweltbundesamt in Berlin', *Umwelt*, Bonn: BMU, pp.217-218
- Levi-Faur, D. (2007), 'Regulatory Governance', in: Graziano, P. and Vink, M. P. (eds.), *Europeanization. New Research Agendas*, Basingstoke: Palgrave Macmillan, pp.102-114
- Liefferink, D. and Andersen, M. S. (2005), 'Strategies of the 'Green' Member States in EU Environmental Policy-making', in: Jordan, A. (ed.) (2005), *Environmental Policy in the European Union. Actors, Institutions & Processes* (2nd edition), London: Earthscan, pp.49-66

- Liefferink, D. and Jordan, A. (2004a), 'Europeanization and policy convergence: a basis for comparative analysis', in: Jordan, A. and Liefferink, D. (eds.), *Environmental Policy in Europe. The Europeanization of national environmental policy*, London: Routledge, pp.15-31
- Liefferink, D. and Jordan, A. (2004b), 'Measuring Europeanization and policy convergence: a basis for comparative analysis', in: Jordan, A. and Liefferink, D. (eds.), *Environmental Policy in Europe. The Europeanization of national environmental policy*, London: Routledge, pp.32-46
- Lowe, P. and Flynn, A. (1989), 'Environmental Politics and Policy in the 1980s', in: Mohan, J. (ed.), *The political geography of contemporary Britain*, Basingstoke: Macmillan, pp.255-279
- Lowe, P. and Ward, S. (1998a) (eds.), *British Environmental Policy and Europe. Politics and Policy in Transition*, London: Routledge
- Lowe, P. and Ward, S. (1998b), 'Domestic Winners and Losers', in: Lowe, P. and Ward, S. (eds.), *British Environmental Policy and Europe. Politics and Policy in Transition*, London: Routledge, pp.87-104
- Mackenthun, G. (1994), 'Behörde ohne Zähne aber mit Erfolgen', in: Hamburger Abendblatt, Nr. 127 (03.06.1994), http://www.abendblatt.de/extra/service/944949.html?url=/ha/1994/xml/19940603xml/habxml940406_9890.xml (accessed 19/01/2009)
- Magnette, P. (2005) 'The Politics of Regulation in the European Union', in: Geradin, D., et al. (eds.), *Regulation through Agencies in the EU. A New Paradigm of European Governance*, Cheltenham: Edward Elgar Publishing, pp.3-22
- Mahoney, J. and Rueschemeyer, D. (eds.) (2003a), *Comparative Historical Analysis in the Social Sciences*, Cambridge: Cambridge University Press
- Mahoney, J. and Rueschemeyer, D. (2003b), 'Comparative Historical Analysis. Achievements and Agendas', in: Mahoney, J. and Rueschemeyer, D. (eds.), *Comparative Historical Analysis in the Social Sciences*, Cambridge: Cambridge University Press, pp.3-38
- Majone, G. (1996a), 'Introduction', in: Majone, G. (ed.), *Regulating Europe*, London: Routledge, pp.1-5
- Majone G. (ed.) (1996b), *Regulating Europe*, London: Routledge
- Majone, G. (1996c), 'Regulation and its modes', in: Majone, G. (ed.), *Regulating Europe*, London: Routledge, pp.9-27
- Majone, G. (1996d), 'Regulatory legitimacy', in: Majone, G. (ed.), *Regulating Europe*, London: Routledge, pp.284-301
- Majone, G. (1996e), 'The European Commission as regulator', in: Majone, G. (ed.), *Regulating Europe*, London: Routledge, pp.61-79
- Majone, G. (1996f), 'The future of regulation in Europe', in: Majone, G. (ed.), *Regulating Europe*, London: Routledge, pp.265-283
- Majone, G. (1996g), 'The rise of statutory regulation in Europe', in: Majone, G. (ed.), *Regulating Europe*, London: Routledge, pp.47-60
- Majone, G. (1996h), 'Theories of regulation', in: Majone, G. (ed.), *Regulating Europe*, London: Routledge, pp.28-46
- Majone, G. (1996i), 'Temporal Consistency and Policy Credibility: Why Democracies Need Non-Majoritarian Institutions', EUI Working Paper RSC No 96/57, Florence, European University Institute, http://www.eui.eu/RSCAS/WP-Texts/96_57.html (accessed 14/02/2008)
- Majone, G. (1997), 'The new European agencies: regulation by information', *Journal of European Public Policy*, Vol.4, No.2, pp.262-275

- Majone, G. (2002), 'Functional Interests: European Agencies', in: Peterson, J. and Shackleton, M. (eds.), *The Institutions of the European Union*, Oxford: Oxford University Press, pp.299-325
- Majone, G. (2003), 'The Politics of Regulation and European Regulatory Institutions', in: Hayward, J. and Menon, A. (eds.), *Governing Europe*, Oxford: Oxford University Press, pp.297-312
- Majone, G. (2005), *Dilemmas of European integration. The ambiguities and pitfalls of integration by stealth*, Oxford: Oxford University Press
- March, J. G. and Olsen, J. P. (1998), 'The Institutional Dynamics of International Political Orders', *International Organization*, Vol.52, No.4, pp.943-969
- Marks, G., Scharpf, F. W., Schmitter, P. C. and Streeck, W. (eds.) (1996), *Governance in the European Union*, London: Sage Publications
- Marsh, D. and Rhodes, R. A. W. (eds.) (1992), *Policy Networks in British Government*, Oxford, Clarendon Press
- Martens, M. (2005a), 'Double-hatted agencies on the European scene? A case study of the IMPEL network', Arena Working Paper 12/2005, Centre for European Studies, University of Oslo, http://www.arena.uio.no/publications/working-papers2005/papers/wp05_12.pdf (accessed 06/02/2008)
- Martens, M. (2005b), 'Run-away bureaucracy? Exploring the role of National Regulatory Agencies in the EU', Arena Working Paper 30/2005, Centre for European Studies, University of Oslo, http://www.arena.uio.no/publications/working-papers2005/papers/wp05_30.pdf (accessed 06/02/2008)
- Martens, M. (2006), 'National Regulators between Union and Governments: a Study of the EU's Environmental Policy Network IMPEL', in: Egeberg, M. (ed.), *Multilevel Union Administration. The Transformation of Executive Politics in Europe*, Basingstoke: Palgrave Macmillan, pp.124-142
- Martens, M. (2008), 'Runaway Bureaucracy? Exploring the Role of Nordic Regulatory Agencies in the European Union', *Scandinavian Political Studies*, Vol.31, No.1, pp.27-43, <http://www3.interscience.wiley.com/cgi-bin/fulltext/119397765/PDFSTART> (accessed 20/01/2009)
- Martens, M. (2010), 'Voice or Loyalty? The Evolution of the European Environment Agency (EEA)', *Journal of Common Market Studies*, Vol.48, No.4, pp.881-901
- Mathieu, J.-L. (1994), *La défense de l'environnement en France*, Vendôme: Presses Universitaires de France
- Mayntz, R. and Scharpf, F. W. (eds.) (1995a), *Gesellschaftliche Selbstregelung und politische Steuerung*, Frankfurt: Campus Verlag
- Mayntz, R. and Scharpf, F. W. (eds.) (1995b), 'Der Ansatz des akteurzentrierten Institutionalismus', in: Mayntz, R. and Scharpf, F. W. (eds.), *Gesellschaftliche Selbstregelung und politische Steuerung*, Frankfurt: Campus Verlag, pp.39-72
- McCormick, J. (2001), *Environmental Policy in the European Union*, Basingstoke: Palgrave
- McGlade, J. (2006), 'The Mid-term Review of the 6th Environment Action Programme', Speech by Professor Jacqueline McGlade at EEB Annual Conference, 22 September 2006, Brussels, <http://www.eea.europa.eu/pressroom/speeches/22-09-2006> (accessed 17/03/2009)
- McMahon, R. (2006), *The Environmental Protection Agency. Structuring Motivation in a Green Bureaucracy. The Conflict between Style and Cultural Identity*, Brighton: Sussex Academic Press

- MEEDDAT (Ministère de l'Écologie, de l'Énergie, du Développement durable et de l'Aménagement du territoire) (2008a), 'Décret no 2008-680 du 9 juillet 2008 portant organisation de l'administration centrale du ministère de l'écologie, de l'énergie, du développement durable et de l'aménagement du territoire', *Journal Officiel de la République Française*, http://www.ifen.fr/uploads/media/decret_Meeddat_20080709.pdf (accessed 03/06/2009)
- MEEDDAT (2008b), 'Décret no 2008-1232 du 27 novembre 2008 abrogeant le décret no 2004-936 du 30 août 2004 créant un service à compétence nationale au ministère de l'écologie et du développement durable et portant dissolution de l'établissement public national dénommé « Institut français de l'environnement »', *Journal Officiel de la République Française*, http://www.ifen.fr/uploads/media/decret_abrogation_ifen_20081127.pdf (accessed 03/06/2009)
- MEDDM (Ministère de l'Ecologie, de l'Energie, du Developpement durable et de la Mer) (2009a), 'Le Grenelle Environnement', <http://www.legrenelle-environnement.fr/> (accessed 10/07/2009)
- Menon, A. (2003), 'Conclusion. Governing Europe', in: Hayward, J. and Menon, A. (eds.), *Governing Europe*, Oxford: Oxford University Press, pp.413-432
- Mény, Y., Muller, P. and Quermonne, J.-L. (eds.) (1996), *Adjusting to Europe. The impact of the European Union on national institutions and policies*, London: Routledge
- Mény, Y., Muller, P. and Quermonne, J.-L. (1996a), 'Introduction', in: Mény, Y., Muller, P. and Quermonne, J.-L. (eds.), *Adjusting to Europe. The impact of the European Union on national institutions and policies*, London: Routledge, pp.1-22
- Ministère de l'Écologie et du Développement Durable (2004a), 'Décret no 2004-936 du 30 août créant un service à compétence nationale au ministère de l'écologie et du développement durable et portant dissolution de l'établissement public national dénommé «Institut français de l'environnement»', *Journal Officiel de la République Française*, <http://www.ifen.fr/fileadmin/Ifen/decret30aout2004.pdf> (accessed 09/09/2009)
- Ministère de l'Écologie et du Développement Durable (2004b), 'Arrêté du 16 décembre 2004 relatif à l'organisation et au fonctionnement de l'Institut français de l'environnement', *Journal Officiel de la République Française*, <http://www.ifen.fr/fileadmin/Ifen/arrete16dec2004.pdf> (accessed 09/09/2009)
- Ministère de l'Écologie et du Développement Durable (2005), 'Arrêté du 29 décembre 2004 fixant les modalités des consultations du personnel organisées afin de déterminer les organisations syndicales appelées à être représentées dans certains comités techniques paritaires du ministère de l'écologie et du développement durable', *Journal Officiel de la République Française*, <http://www.ifen.fr/fileadmin/Ifen/arrete29dec2004.pdf> (accessed 09/09/2009)
- Mohan, J. (ed.) (1989), *The political geography of contemporary Britain*, Basingstoke: Macmillan
- Müller, E. (1995), *Innenwelt der Umweltpolitik. Sozial-liberale Umweltpolitik - (Ohn)macht durch Organisation?* (2nd edition), Opladen: Westdeutscher Verlag
- Müller-Brandeck-Bocquet, G. (1996), *Die institutionelle Dimension der Umweltpolitik. Eine vergleichende Untersuchung zu Frankreich, Deutschland und der Europäischen Union*, Baden-Baden: Nomos Verlagsgesellschaft

- Nugent, N. and Paterson, W. (2003), 'The Political System of the European Union', in: Hayward, J. and Menon, A. (eds.), *Governing Europe*, Oxford: Oxford University Press, pp.92-109
- Nugent, N. (2003), *The Government and Politics of the European Union* (5th edition), Basingstoke: Palgrave Macmillan
- OECD (2001), 'Environmental Performance Review of Germany. Executive Summary', <http://www.oecd.org/dataoecd/0/46/2378661.pdf> (accessed 30/01/2009)
- Office for Official Publications of the European Communities (2003), *Consolidated text of the EEA Regulation. CONSLEG: 1990R1210 – 01/10/2003*, http://europa.eu.int/eur-lex/en/consleg/pdf/1990/en_1990R1210_do_001.pdf (accessed 19/05/2007)
- Official Journal of the European Communities (1983), 'Resolution of the Council of the European Communities and of the representatives of the governments of the member states, meeting within the Council, of February 1983 on the continuation and implementation of a European Community policy and action programme on the environment (1982 to 1986)', OJ No C46
- Official Journal of the European Communities (1985), 'Council decision of 27 June 1985 on the adoption of the Commission work programme concerning an experimental project for gathering, coordinating and ensuring the consistency of information on the state of the environment and natural resources in the Community', (85/338/EEC)
- Official Journal of the European Communities (1987a), 'Single European Act', <http://eur-lex.europa.eu/en/treaties/index.htm> (accessed 13/02/2009)
- Official Journal of the European Communities (1987b), 'Resolution of the Council of the European Communities and of the representatives of the governments of the member states, meeting within the Council, of 19 October 1987 on the continuation and implementation of a European Community policy and action programme on the environment (1987-1992)', OJ 328
- Official Journal of the European Communities (1990), 'Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European Environment Information and Observation Network'
- Official Journal of the European Union (2003), 'Regulation (EC) No.1641/2003 of the European Parliament and of the Council of 22 July 2003) amending Council regulation (EEC) No 1210/90 on the establishment of the European Environment Agency and the European Environment Information and Observation Network', http://eur-lex.europa.eu/pri/en/oj/dat/2003/l_245/l_24520030929en00010003.pdf (accessed 04/06/2007)
- Official Journal of the European Union (2007), 'Treaty of Lisbon. Amending the Treaty on European Union and the Treaty Establishing the European Community (2007/C 306/01)', http://bookshop.europa.eu/eubookshop/FileCache/PUBPDF/FXAC07306ENC/FXA C07306ENC_002.pdf (accessed 30/01/2008)
- Official Journal of the European Union (2008), 'Institutional aspects of Regulatory Agencies. European Parliament resolution of 21 October 2008 on a strategy for the future settlement of the institutional aspects of Regulatory Agencies (2008/2103(INI)), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0495+0+DOC+XML+V0//EN> (accessed 04/02/2010)
- Official Journal of the European Union (2009), 'Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation

- network (codified version)', <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:126:0013:0022:EN:PDF> (accessed 04/06/2010)
- Olsen, J. P. (2002a), 'Towards a European Administrative Space?', Arena Working Paper 26/2002, Centre for European Studies, University of Oslo, http://www.arena.uio.no/publications/working-papers2002/papers/wp02_26.htm (accessed 06/02/2008)
- Olsen, J.P. (2002b), 'The Many Faces of Europeanization', *Journal of Common Market Studies*, Vol.40, No.5, pp.921-952
- Olsen, J. P. (2003), 'Europeanization', in: Cini, M. (ed.), *European Union Politics*, Oxford: Oxford University Press, pp.333-348
- Olsen, J. P. (2007), *Europe in search of Political Order. An institutional perspective on unity/diversity, citizens/their helpers, democratic design/historical drift and the co-existence of orders*, Oxford: Oxford University Press
- Padgett, S., Paterson, W. E. and Smith, G. (eds.) (2003), *Developments in German Politics 3*, Durham: Duke University Press
- Page, E. C. (2003), 'Europeanization and the Persistence of Administrative Systems', in: Hayward, J. and Menon, A. (eds.), *Governing Europe*, Oxford: Oxford University Press, pp.162-176
- Pappalardo, M. (2004), 'Rencontre-débat du Comité 21: Michèle Pappalardo, présidente de l'ADEME, 15 Janvier 2004', http://www.comite21.org/docs/rencontres_debats/rd2004/pappalardo.pdf (accessed 24/08/2009)
- Paterson, W. E. (2008), 'Did France and Germany lead Europe? A Retrospect', in: Hayward, J. (ed.), *Leaderless Europe*, Oxford: Oxford University Press, pp.89-110
- Pehle, H. and Jansen, A.-I. (1998), 'Germany: The engine in European environmental policy', in: Hanf, K. and Jansen, A.-I. (eds.), *Governance and Environment in Western Europe*, Harlow: Longman, pp.82-109
- Peterson, J. (2004), 'Policy Networks', in: Wiener, A. and Diez, T. (eds.), *European Integration Theory*, Oxford: Oxford University Press, pp.117-135
- Peterson, J. and Shackleton, M. (eds.) (2002), *The Institutions of the European Union*, Oxford: Oxford University Press
- Pierson, P. (1996), 'The Path to European Integration: A Historical Institutional Analysis', *Comparative Political Studies*, Vol.29, No.2, pp.123-163
- Pierson, P. (2000), 'Increasing Returns, Path Dependence and the Study of Politics', *The American Political Science Review*, Vol.94, No.2, pp.251-267
- Pierson, P. (2003), 'Big, Slow-Moving and... Invisible. Macrosocial Processes in the Study of Comparative Politics', in: Mahoney, J. and Rueschemeyer, D. (eds.), *Comparative Historical Analysis in the Social Sciences*, Cambridge: Cambridge University Press, pp.177-207
- Pierson, P. (2006), 'The Path to European Integration: A Historical Institutional Analysis', in: Eilstrup-Sangiovanni, M. (ed.), *Debates on European Integration. A Reader*, Basingstoke: Palgrave Macmillan, pp.304-324
- Planete Energies (2008), 'ADEME, an organization devoted to the environment and energy control', http://www.planete-energies.com/content/6_37_the_ademe.html (accessed 04/08/2009)
- Poujade, R. (1975), *Le Ministère de l'impossible*, Paris: Calman-Lévy
- Powell, W. W. and DiMaggio, P. J. (eds.) (1991), *The New Institutionalism in Organizational Analysis*, Chicago: The University of Chicago Press
- Prendiville, B. (1994), *Environmental Politics in France*, Oxford: Westview Press

- Radaelli, C. M. (2003), 'The Europeanization of Public Policy', in: Featherstone, K. and Radaelli, C. M. (eds.), *The Politics of Europeanization*, Oxford: Oxford University Press, pp.27-56
- Radaelli, C. M. and Pasquier, R. (2007), 'Conceptual Issues', in: Graziano, P. and Vink, M. P. (eds.), *Europeanization. New Research Agendas*, Basingstoke: Palgrave Macmillan, pp.35-45
- Radanne, P. (2002), 'Rencontre-débat du Comité 21: Pierre Radanne, président de l'ADEME, 12 Novembre 2002', http://www.comite21.org/docs/rencontres_debats/rd2002/radanne.pdf (accessed 24/08/2009)
- Rhodes, R. A. W. (1997), *Understanding Governance. Policy Networks, Governance, Reflexivity and Accountability*, Buckingham: Open University Press
- Rhodes, R. A. W. (2003), 'What is New about Governance and Why does it Matter?', in: Hayward, J. and Menon, A. (eds.), *Governing Europe*, Oxford: Oxford University Press, pp.61-73
- Rhodes, R. A. W. and Marsh, D. (1992), 'Policy Networks in British Politics', in: Marsh, D. and Rhodes, R. A. W. (eds.), *Policy Networks in British Government*, Oxford: Clarendon Press, pp.1-26
- Richardson, J. (ed.) (1982), *Policy Styles in Western Europe*, London: George Allen & Unwin
- Rosamond, B. (2000), *Theories of European Integration*, Basingstoke: Palgrave Macmillan
- Rosamond, B. (2003), 'New theories of European integration', in: Cini, M. (ed.), *European Union Politics*, Oxford: Oxford University Press, pp.109-127
- Rose-Ackerman, S. (1995), *Umweltrecht und -politik in den Vereinigten Staaten und der Bundesrepublik Deutschland*, Baden-Baden: Nomos Verlagsgesellschaft
- Roux-Goeken, V. (2008a), 'L'Ifen disparaît, et avec lui sa mission d'évaluation', *Journal de l'environnement*, <http://www.journaldelenvironnement.net/fr/document/detail.asp?id=27008&idThema=7&idSousThema=42&type=JDE&ctx=9> (accessed 03/06/2009)
- Roux-Goeken, V. (2008b), '«Disparition» de l'Ifen: réaction du Commissariat général au développement durable', *Journal de l'environnement*, <http://www.journaldelenvironnement.net/fr/document/detail.asp?id=27110&idThema=7&idSousThema=43&type=JDE&ctx=9> (accessed 03/06/2009)
- Rüdiger, W. (2003), 'The Environment and Nuclear Power', in: Padgett, S., Paterson, W. E. and Smith, G. (eds.), *Developments in German Politics 3*, Durham: Duke University Press, pp.248-268
- Sandholtz, W. and Stone Sweet, A. (eds.) (1998), *European Integration and Supranational Governance*, Oxford: Oxford University Press
- Sbragia, A. M. (2005), 'Institution-building from Below and Above: The European Community in Global Environmental Politics', in: Jordan, A. (ed.), *Environmental Policy in the European Union. Actors, Institutions and Processes* (2nd edition), London: Earthscan, pp.201-224
- Scharpf, F. (2005), 'No Exit from the Joint Decision Trap? Can German Federalism Reform Itself?', EUI Working Paper RSCAS No.2005/24, Florence: European University Institute, http://www.eui.eu/RSCAS/WP-Text-s/05_24.pdf (accessed 21/11/2008)
- Schneider, G. and Aspinwall, M. (ed.) (2001), *The rules of integration. Institutional approaches to the study of Europe*, Manchester: Manchester University Press

- Schout, A. (1999), 'The European Environment Agency (EEA): Heading Towards Maturity?', in: Everson, M. *et al.*, *The Role of Specialised Agencies in Decentralising EU Governance. Report Presented to the Commission*, Florence and Maastricht, pp.81-174, http://ec.europa.eu/governance/areas/group6/contribution_en.pdf (accessed 19/05/2007)
- Schreurs, M. A. (2002), *Environmental Politics in Japan, Germany, and the United States*, Cambridge: Cambridge University Press
- Scott, C. (2004), 'Regulation in the age of governance: the rise of the post-regulatory state', in: Jordana, J. and Levi-Faur, D. (eds.), *The Politics of Regulation. Institutions and Regulatory Reforms for the Age of Governance*, Cheltenham: Edward Elgar, pp.145-174
- Scott, C. (2005), 'Agencies for European Regulatory Governance: A Regimes Approach', in: Geradin, D., *et al.* (eds.), *Regulation through Agencies in the EU. A New Paradigm of European Governance*, Cheltenham: Edward Elgar Publishing, pp.67-87
- Seawright, J. and Gerring, J. (2008), 'Case Selection Techniques in Case Study Research', *Political Research Quarterly*, Vol.61, No.2, pp.294-308
- Sénat (2001a), 'Audition de M. Vincent Jacques Le Seigneur, directeur de l'Institut français de l'environnement, 6 juin 2001', <http://www.senat.fr/rap/r01-034-2/r01-034-211.html> (accessed 10/09/2009)
- Sénat (2001b), 'Rapport d'information fait au nom de la commission des finances, du contrôle budgétaire et des comptes économiques de la Nation sur la mission de contrôle effectuée à l'Agence de l'environnement et de la maîtrise de l'énergie (ADEME), 28 mars 2001', <http://www.senat.fr/rap/r00-236/r00-2361.pdf> (accessed 04/12/2010)
- Sénat (2010), 'Comptes rendus de la Commission des finances: Audition pour suite à donner à l'enquête de la Cour des comptes sur l'Agence de l'environnement et de la maîtrise de l'énergie (ADEME), 12 octobre 2010', <http://www.senat.fr/compte-rendu-commissions/20101011/fin.html#toc2> (accessed 04/02/2011)
- SOeS (2010), 'SOeS homepage: Qui sommes nous?', http://www.statistiques.developpement-durable.gouv.fr/rubrique.php3?id_rubrique=2 (accessed 03/12/2010)
- Shapiro, M. (1997), 'The problems of independent agencies in the United States and the European Union', *Journal of European Public Policy*, Vol.4, No.2, pp.276-91
- Stacey, J. and Rittberger, B. (2003), 'Dynamics of formal and informal institutional change in the EU', *Journal of European Public Policy*, Vol.10, No.6, pp.858-883
- Stone Sweet, A. and Sandholtz, W. (1998), 'Integration, Supranational Governance, and the Institutionalization of the European Polity', in: Sandholtz, W. and Stone Sweet, A. (eds.), *European Integration and Supranational Governance*, Oxford: Oxford University Press, pp.1-26
- Streek, W. and Thelen, K. (eds.) (2005a), *Beyond Continuity. Institutional Change in Advanced Political Economies*, Oxford: Oxford University Press
- Szarka, J. (2002), *The Shaping of Environmental Policy in France*, Oxford: Berghahn Books
- Technopolis (2008a), *Technopolis Effectiveness Evaluation of the European Environment Agency*, <http://www.eea.europa.eu/about-us/documents/effectiveness-evaluations/2008> (accessed 13/02/2009)
- Technopolis (2008b), *Evaluation of the European Environment Agency. Final Appendices*, <http://www.eea.europa.eu/about-us/documents/effectiveness-evaluations/2008> (accessed 13/02/2009)

- Thatcher, M. (2002a), 'Analysing regulatory reform in Europe', *Journal of European Public Policy*, Vol.9, No.6, pp.859-872
- Thatcher, M. (2002b), 'Regulation after delegation: independent regulatory agencies in Europe', *Journal of European Public Policy*, Vol.9, No.6, pp.954-972
- Thatcher, M. (2003), 'Delegation to Independent Regulatory Agencies: Pressures, Functions and Contextual Mediation', in: Thatcher, M. and Stone Sweet, A. (eds.), *The Politics of Delegation*, London: Frank Cass, pp.125-147
- Thatcher, M. (2005a), 'Independent Regulatory Agencies and Elected Politicians in Europe', in: Geradin, D., et al. (eds.), *Regulation through Agencies in the EU. A New Paradigm of European Governance*, Cheltenham: Edward Elgar Publishing, pp.47-66
- Thatcher, M. (2005b), 'The Third Force? Independent Regulatory Agencies and Elected Politicians in Europe', *Governance*, Vol.18, No.3, pp.347-373
- Thatcher, M. and Stone Sweet, A. (eds.) (2003a), *The Politics of Delegation*, London: Frank Cass
- Töpfer, K. (1994), '20 Jahre Umweltbundesamt – Wissenschaftliche Behörde im Wandel der Zeit', in: Umweltbundesamt (ed.), *Wissenschaften im ökologischen Wandel*, Berlin: UBA, pp.13-23
- Troge, A. (1999), '25 Jahre Umweltbundesamt', *Umwelt*, Bonn: BMU, pp.97-98
- Trondal, J. (2001), *Administrative Integration Across Levels of Governance. Integration through Participation in EU Committees*, Oslo: ARENA Report No. 7/2001
- Trondal, J. (2005), 'Two Worlds of Europeanisation – Unpacking Models of Government Innovation and Transgovernmental Imitation', *European Integration online Papers*, Vol.9, No.1, <http://eiop.or.at/eiop/texte/2005-001a.htm> (accessed 13/09/2008)
- UBA (1986), *Damit Umweltschutz Wirklichkeit wird. Umweltbundesamt*, Berlin: UBA
- UBA (1990), *Jahresbericht 1990*, Berlin: UBA
- UBA (2003a), *A Short Guide to Environmental Institutions in Germany*, Berlin: UBA
- UBA (2003b), *A Guide to Environmental Institutions in Germany*, <http://www.umweltdaten.de/publikationen/fpdf-l/2520.pdf> (accessed 08/05/2008)
- UBA (2004), *Jahresbericht 2004*, Dessau: UBA
- UBA (2006a), *Das Umweltbundesamt. Who we are – what we do*, Dessau: UBA
- UBA (2006b), *Das Umweltbundesamt. Ein Amt für Mensch und Umwelt*, Dessau: UBA
- UBA (2006c), *Umweltbundesamt. Federal Environment Agency. For People and the Environment*, Dessau: UBA
- UBA (2006d), *Annual Report 2006*, Dessau: UBA
- UBA (2006e), *Jahresbericht 2006*, Dessau: UBA
- UBA (2008), 'EPA network', <http://www.umweltbundesamt.de/ius-e/epa.htm> (accessed on 19/03/2009)
- United Kingdom (1995), *Environment Act 1995*, http://www.opsi.gov.uk/acts/acts1995/ukpga_19950025_en_1 (accessed 20/04/2009)
- UNEP (2005), 'Towards a UNEP Environment Watch System', http://www.unep.org/scienceinitiative/Environment_Watch_Documents/UNEP_Environment_watch%20System.pdf (accessed 06/02/2009)
- Varet, J. (2004a), 'L'observation de l'environnement. Ifen: un signal faible inquiétant', *Revue Futuribles*, No. 297, pp.49-58
- Varet, J. (2004b), 'Changement de statut de l'Ifen: un gage de meilleure gouvernance environnementale?', *Natures Sciences Sociétés*, No. 12, pp.210-212

- Vink, M. P. and Graziano, P. (2007), 'Challenges of a New Research Agenda', in: Graziano, P. and Vink, M. P. (eds.), *Europeanization. New Research Agendas*, Basingstoke: Palgrave Macmillan, pp.3-20
- Vos, E. (2005), 'Independence, Accountability and Transparency of European Regulatory Agencies', in: Geradin, D., et al. (eds.), *Regulation through Agencies in the EU. A New Paradigm of European Governance*, Cheltenham: Edward Elgar Publishing, pp.120-137
- Wallace, H. (2003), 'Contrasting Images of European Governance', in: Kohler-Koch, B. (ed.), *Linking EU and National Governance*, Oxford: Oxford University Press, pp.1-9
- Wallace, H., Wallace, W. and Pollack, M. A. (eds.) (2005), *Policy-Making in the European Union* (5th edition), Oxford: Oxford University Press
- Ward, N. (1998), 'Water Quality', in: Lowe, P. and Ward, S. (eds.), *British Environmental Policy and Europe. Politics and Policy in Transition*, London: Routledge, pp.244-264
- Weale, A. (1992), *The new politics of pollution*, Manchester: Manchester University Press
- Weale, A. (1996a), 'Environmental regulation and administrative reform in Britain', in: Majone, G. (ed.), *Regulating Europe*, London: Routledge, pp.106-130
- Weale, A. (1996b), 'Environmental rules and rule-making in the European Union', *Journal of European Public Policy*, Vol.3, No.4, pp.594-611
- Weale, A. (1997), 'Great Britain', in: Jänicke, M. and Weidner, H. (eds.), *National Environmental Policies. A Comparative Study of Capacity-Building*, Berlin: Springer-Verlag, pp.89-108
- Weale, A. (2005), 'European Environmental Policy by Stealth: The Dysfunctionality of Functionalism?', in: Jordan, A. (ed.), *Environmental Policy in the European Union. Actors, Institutions & Processes* (2nd edition), London: Earthscan, pp.336-354
- Weale, A., Pridham, G., Cini, M., Konstadakopoulos, D., Porter, M. and Flynn, B. (2000), *Environmental Governance in Europe. An Ever Closer Ecological Union?*, Oxford: Oxford University Press
- Webber, D. (ed.) (1999a), *The Franco-German Relationship in the European Union*, London: Routledge
- Webber, D. (1999b), 'Introduction', in: Webber, D. (ed.), *The Franco-German Relationship in the European Union*, London: Routledge, pp.1-19
- Weidner, H. (1995), '25 Years of Modern Environmental Policy in Germany. Treading a Well-Worn Path to the Top of the International Field', Discussion Paper, Berlin: WZB, <http://bibliothek.wz-berlin.de/pdf/1995/ii95-301.pdf> (accessed 20/07/2008)
- Weidner, H. (2002), 'Environmental Policy and Politics in Germany', in: Desai, U. (ed.), *Environmental Politics and Policy in Industrialized Countries*, London: MIT Press, pp.149-201
- Wessels, W. (1997), 'Ever closer fusion? A Dynamic Macropolitical View on Integration Processes', *Journal of Common Market Studies*, Vol.35, No.2, pp.267-299
- Wessels, W. and Rometsch, D. (1996), 'German administrative interaction and European union. The fusion of public policies', in: Mény, Y., Muller, P. and Quermonne, J.-L. (eds.), *Adjusting to Europe. The impact of the European Union on national institutions and policies*, London: Routledge, pp.73-109
- Wiener, A. and Diez, T. (eds.) (2004), *European Integration Theory*, Oxford: Oxford University Press

- Winterstein, R., 'Die Europäische Umweltagentur (EUA)', <http://www.europa-digital.de/dschungelbuch/nochorg/agenturen/eua.shtml> (accessed 15/05/2007)
- Wissenschaftsrat (2007), 'Wissenschaftspolitische Stellungnahme zum Umweltbundesamt (UBA), Dessau', <http://www.wissenschaftsrat.de/texte/7700-07.pdf> (accessed in 27/10/2007)
- Wright, V. (1994), 'Reshaping the State: The Implications for Public Administration', *West European Politics*, Vol.17, No.3, pp.102-137
- Wurzel, R. K. W. (2002), *Environmental policy-making in Britain, Germany and the European Union. The Europeanization of air and water pollution control*, Manchester: Manchester University Press
- Wurzel, R. K. W. (2004), 'Germany: from environmental leadership to partial mismatch', in: Jordan, A. and Liefferink, D. (eds.), *Environmental Policy in Europe. The Europeanization of national environmental policy*, London: Routledge, pp.99-117
- Wurzel, R. K. W. (2008a), 'Environmental Policy: EU Actors, Leader and Laggard States', in: Hayward, J. (ed.), *Leaderless Europe*, Oxford: Oxford University Press, pp.66-88
- Wurzel, R. K. W. (2008b), 'Germany', in Jordan, A. J. and Lenschow, A. (eds.), *Innovation in Environmental Policy? Integrating the Environment for Sustainability*, Cheltenham: Edward Elgar
- Wurzel, R. K. W. (2010), 'Environmental, Climate and Energy Policies: Path Dependent Incrementalism or Quantum Leap?', *German Politics*, Vol.19, No.3-4, pp.460-478
- Wynne, B. and Waterton, C. (1998), 'Public Information on the Environment. The Role of the European Environment Agency', in: Lowe, P. and Ward, S. (eds.), *British Environmental Policy and Europe. Politics and Policy in Transition*, London: Routledge, pp.119-137
- Yataganas, X. A. (2001), 'Delegation of Regulatory Authority in the European Union. The Relevance of the American Model of Independent Agencies', New York: New York University School of Law (Jean Monnet Working Paper 3/01), <http://www.jeanmonnetprogram.org/papers/01/010301.rtf> (accessed 14/10/2007)
- Die Zeit (1994), 'Umweltbundesamt. Abgekanzelt', *DIE ZEIT*, Nr.16, (15/04/1994), <http://images.zeit.de/text/1994/16/Abgekanzelt> (accessed 19/01/2009)
- Zito, A. R. (2005), 'Task Expansion: A Theoretical Overview', in: Jordan, A. (ed.), *Environmental Policy in the European Union. Actors, Institutions & Processes* (2nd edition), London: Earthscan, pp.141-161
- Zito, A. R. (2009a), 'European Agencies and Global Governance', <http://www.law.ed.ac.uk/europa/files/scotlandzitoagencies.pdf> (accessed 09/04/2009)
- Zito, A. R. (2009b), 'European agencies as agents of governance and EU learning', *Journal of European Public Policy*, Vol.16, No.8, pp.1224-1243