

# **Putting nature on the EU political agenda**

## A review of four policy dossiers

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Nature and landscape goals are increasingly receiving a prominent place in the political debate within the EU. Governments all over the world are more and more aware that international agreements influence their national policy-making processes. The focus of this study was particularly on the manner that the Netherlands operates in the European arena. Four policy dossiers were selected, namely the Reform of the Common Agricultural Policy and the dairy sector, the Common Fishery Policy, Natura 2000 and the Water Framework Directive. An influence analysis was done with the aid of key informants in Great Britain, Denmark and Spain, as well as EU officials.

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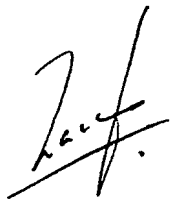
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## Preface

The study reveals that in many ways the Netherlands has been very effective in Europe; however, there are still numerous factors which, when taken into consideration, could improve our impact at the EU level. For example, our well-known Polder Model has a positive and negative side in the EU theatre. It is generally considered to be positive because once a decision has been reached, it will be a decision which can count on broad support as general consensus was reached. At the same time, however, we need to realise that the model weakens our ability to take initiatives in Europe, as we take too much time to reach agreement. It is the realisation of these aspects that will positively contribute to our efforts in Europe and this study will contribute to that understanding. This study was done for the Dutch Nature Planning Bureau. I would very much like to thank all who contributed towards this study, especially the advisory commission under chairmanship of Jan Willem Sneep as well as those who were interviewed.



Prof. Dr. L.C. Zachariasse  
Director General LEI B.V.





## Summary

Nature and landscape goals are increasingly receiving a prominent place in the political debate within the EU. While we are all very well aware that Nature and Landscape are scarce goods, more than ever before we are also knowledgeable that we have to cooperate with other nations to achieve Nature and Landscape goals. For example, more than 80% of the Dutch Environmental and Nature Policies are laid down in Brussels (RIVM, 2003). Governments all over the world are more and more aware that international agreements influence their national policy-making processes.

Operating in an international theatre will require very different skills and methods compared to a situation where the focus is only at the national level. When we understand the international setting properly we will be able to operate in an effective manner. This study makes an effort to reveal the manner in which Dutch policy makers operate in Brussels and we will particularly focus on Nature and Landscape goals. As far as we are aware, no other studies have been done that specifically focus on the way that Nature and Landscape goals are put on the political agenda in Brussels.

The focus of this study was primarily on the manner that the Netherlands operates in the European arena. Four policy dossiers were selected, namely the Reform of the Common Agricultural Policy and the dairy sector, the Common Fishery Policy, Natura 2000 and the Water Framework Directive. An influence analysis by the EAR method in an adapted version was done with the aid of key informants in Great Britain, Denmark and Spain, as well as EU officials.

In general, the Dutch influence on nature and landscape policies in the EU can be considered as moderate to good, particularly considering the size of the Netherlands. While the general opinion was positive there clearly is also room for improvement. The Dutch policy-making model - also known as the Polder Model - of extensive consultation can be seen as a strength and a weakness at the same time. Its strength - in general - lies in the support for the resulting propositions. The time that it takes to come to this consensus or compromise is the weakness of the Polder Model. In the EU policy arena it can be very important to come with an early point of view. Dutch policy is often developed in a procedure without checking the EU pre-conditions, which means that they have not done their homework well. Being consistent over long periods of time is important in EU negotiations. Even though it is important to be able to react to the situation of the moment, in EU policy development it is more effective to maintain the same stand for a longer period of time. Both the dairy policy in the CAP and the reform of the CFP are good examples of this, for which a good internal organisation is a pre-requisite. Scientific arguments have a lot of weight in the EU arena. The Dutch are considered strong in their scientific arguments and they are creative in finding solutions to complex problems. While this is of tremendous importance it also creates problems. Dutch civil servants are very technically oriented and lack political sensitivity in some cases. These civil servants and politicians often also lack the modesty needed to operate in the EU, especially considering

the fact that we are a small country. The European Commission prefers persuading nation states with arguments supported by other nation states instead of persuading nation states with their own arguments. This provides for an opening to gain influence in the EU as the Commission can be a powerful ally. However, the intervention has to be made during the initial stages of the EU policy development, which can be in conflict with internal consultation. The Dutch public culture is less based on 'wheeling and dealing' compared to many other EU countries. This makes it harder for Dutch officials to participate in the EU arena. The Dutch are also not that used to the informal side of the negotiating process. Still too often the European Commission is seen as an opponent instead of as a partner by the Netherlands. Other countries have a different attitude and use the commission to achieve its own goals. Particularly, the French have been able to do this. National cohesion is a very important element of the process of influencing the EU. A good national discussion results in a very strong stand at the EU level. In trying to achieve Dutch Nature and Landscape goals it is of no use to invest a lot of energy in policy dossiers where the Netherlands has little influence in general. The chances of success, if more powerful players are opposed to the Dutch position, are small.

# 1. Introduction

Nature and landscape goals are increasingly receiving a prominent place in the political debate within the EU. Particularly for a densely populated country such as the Netherlands nature and landscape are scarce goods. Many people in the Netherlands insufficiently realise that more than 80% of the Dutch environmental and nature policy is laid down in Brussels (RIVM, 2003). Decisions taken at the level of the EU have far reaching consequences at national and regional levels. More than ever before do decisions that have been taken in Brussels have an effect on national and regional policies.

There are numerous international commitments that have been made during the last few decades. Participants in this multifaceted playing field are confronted with a very complex set of rules and interests (see for example Box 1). This study will look at different aspects that have to be taken into consideration when nature and landscape goals are put on the political agenda in an international arena. We will try to assess the way that the Netherlands was able to influence decisions in Brussels.

To avoid portraying a one-sided picture we selected four different policy dossiers and three other countries. The selected policy dossiers are the reform of the Dairy Policies in wider context of the CAP, the Common Fisheries Policies, Natura 2000 and the Water Framework Directive. The countries that were included in this study are the Netherlands, Denmark, the United Kingdom and Spain. Natura 2000 is the only policy dossier with substantial direct objectives concerning nature and landscape. However, although nature and landscape is not the primary objective of the other three selected dossiers, the effects of these dossiers on nature and landscape are considerable. In this regard one may think of the effects of fishing on fish stocks of the effects of agriculture on biodiversity, water quantity and quality. It is for this reason that we also selected policy dossiers that do not have nature and landscape as their main concern.

The manner in which the Netherlands was able to actually place nature and landscape goals on the agenda in Brussels is the central theme of this study. An influence analysis such as this one is not based on hard quantitative data and we have heavily relied on interviews with key persons. These are people who are involved on a daily basis with nature and landscape issues in the national or international policy arena.

The organisation of this report is as follows. In chapter 2 we will describe the EU policy system. Chapter 3 will give details on the research methodology that was used to assess the influence of the Netherlands in the EU. The latter is done for four policy dossiers and this will be presented in chapter 4. Finally in chapter 5 we will convey our main conclusions.

## 2. The EU policy system

This chapter gives an overview of the EU political system including a description of European institutions and a characterisation of the various processes that are directly involved with decision-making. We will end the chapter by formulating some working hypotheses.

### 2.1 The EU institutions

The EU consists of a number of institutions and we will briefly discuss them to give some general insight in the way the EU formally operates. The Commission in the most limited sense consists of the Commissioners, who are the leaders of the civil service of the EU. Large member states have two commissioners, while small states have only one. There are approximately 14,000 civil servants who are supposed to operate independently from national interests. They serve in 23 separate Directorate-Generals. The Commission is known as a bureaucratic and sectoral institution and is supported by approximately a thousand committees, which consists of around 50,000 national representatives and representatives of the private sector. We will further discuss the committees below.

The European Parliament represents the main political parties of the EU. European citizens directly choose the representatives and they represent both party-political interest as well as national interest. The parliament on some topics will only have an advisory role while on other topics it has the right to amend proposals of the commission. Concerning the budget the parliament has a very strong juridical position.

At the Council of Ministers, national ministers of different policy dossiers meet to discuss EU legislation. On many topics - for example EU foreign policy - the council has a lot of power. Each member state has a Permanent Representation in Brussels that coordinates the input of national governments. These Permanent Representatives meet in a committee named Coreper to discuss proposals of the commission. If no agreement is reached, the discussion is taken to the appropriate Council of Ministers. If agreement is reached at Coreper level, the decision in the council is merely a formality. If no agreement is reached there, the discussion is taken to the General Council level, which consists of the ministers of foreign affairs, and if necessary to the European Council, which includes government leaders. In the event that still no agreement is reached, the proposal will have to be re-drafted by the commission.

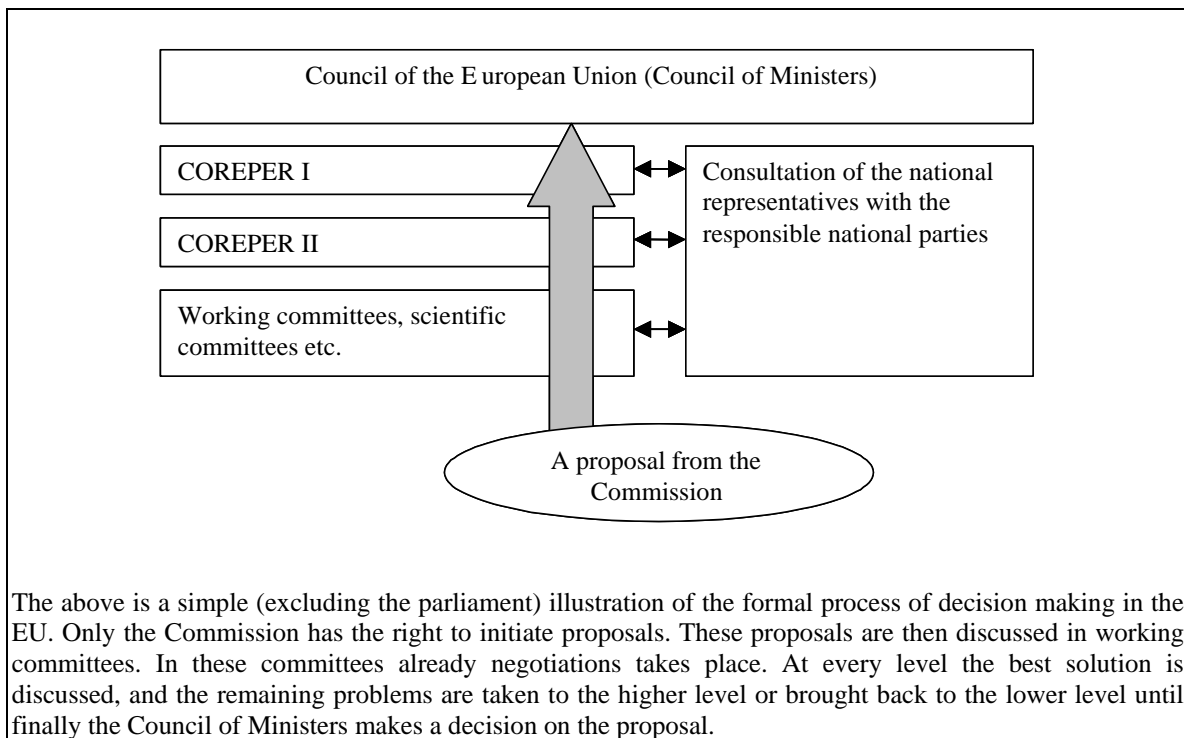
The European Court of Justice supervises the accurate implementation of the treaties and gives judgement in cases where there are differences of opinion. Because of its jurisprudence and the direct effects of it on nation states and citizens, the Court is seen as an important power in the EU.

The above-mentioned institutions are formal participants in the European policy arena. However, they are supported by a large number of committees that consist of

experts and national representatives. Before a proposed legislation is taken to the level of the Council, it passes will pass through many different committees. The EU has installed approximately a thousand committees. They differ in their judicial position, task, composition, life span and functioning. The differences might be large, however, the committees have in common that they give national representatives a formal position in the EU policy process.

Committees have a role in inspiring the European Commission when new policies are being developed. Members of these committees of then have expertise about a specific subject or knowledge of specific national situations. Committees can include independent experts and representatives of governmental institutions. Private organisations also often participate in committees. The council, a treaty or the Commission itself can initiate committees. To give an impression of the size of the committees, the thousand committees of 1990 consisted of as many as 50,000 persons, approximately equally distributed among the public and private sector. Together, they had five thousand meetings spending a total of 64,000 days. However, nobody has a complete overview of the current status all those committees (Buitendijk and Van Schendelen, 1994). These committees are considered a major source of influence in the EU (Buitendijk and Van Schendelen, 1994). Influence via the committees is seen as complementary to the more informal lobbying. Also for nature and landscape goals the committees are an important forum of influence. The actual decision-making is done by the Council of Ministers, but is prepared by the council working groups. These consist of civil servants representing national governments. These representatives have to support a united national stand.

The institutions of the EU don not operate separately from each other and there are many relations between the institutions. The most important relations are defined by the division of labour, the procedures, anticipation and informality. The division of labour is partly formalised. For instance, the Commission initiates proposals, representative platforms give binding or not-binding advice, the Council formalises the decision-making and the Court ensures that the right procedures are followed. The procedures also form relations between institutions, as they prescribe the rights, tasks and relative power of them. The methods of working are well known by EU officials, and they anticipate on them. This enhances their chances to be successful in the end. The last binding factor is the informality of the EU culture. There are many overlapping interests on a national, ideological, professional or personal level.



Box 1 The formal process in the European Union

## 2.2 A characterisation of the EU: a political market

This characterisation is based on Van Schendelen (1995). When considering the EU, a common question often was and is: what are the net benefits? The metaphor of the political market is appropriate and four types of products are offered:

- *Legislation*  
This is the most interesting product of the EU as EU legislation has primacy over national legislation. It therefore is a very strong instrument for EU policy making. The main form of legislation is that of the treaty. The treaties between the member states are for the EU what constitutions are for national governments. Treaties are the basis for any EU policy or legislation. The importance of EU legislation means that this also is the place where there is most to gain in terms of influence;
- *Levies and subsidies*  
Although large in absolute numbers, the EU budget is relatively small to that of the member states. In general there is more to gain in influencing legislation than there is in the financial products, but on specific subjects, the influence can be substantial;
- *Commissions*  
The EU is a growing commissioner of products and services, such as research. These are usually commissioned in a tender system. Influencing the tender system makes it therefore easier to get the commission;

- *Institutions*

Many formal and informal positions are to be gained by national actors, such as members of the Commission, influential positions among the civil servants etc. The EU can be characterised as a market, where even goods are available that are not yet offered. This is illustrated by the impressive expansion that the EU policy making has made during the years of its existence.

### **2.3 The EU policy-making process**

Policy making in the EU takes place in a multi-level and multi-actor setting and the number of participating actors is large. The policy-making processes usually take place over an extended period of time and negotiations are conducted both multi-laterally as well as bi-laterally. Two phases can be distinguished: the negotiating phase where actors try to influence each other's preferred outcomes, and the decision-making phase where the actual decision takes place (Stokman and Van den Bos, 1992). During the negotiating phase, the agent's active participation depends on the saliency of the issue at stake, the difference between the expected and preferred outcome, and the ability to influence the decision-making.

The participation of a great number of actors in a policy process does not mean that they all participate during the entire negotiation process. Some actors may participate throughout the process while others participate temporarily or intermittently. Different combinations of actors may also successively participate in the negotiating process. Therefore, the participation pattern may change over time. And, importantly, in the decision-making phase only the actors with voting power may participate.

When it comes to negotiating two main types can be distinguished. Bilateral negotiation is seen as an easier platform when it comes to convincing others. Multilateral negotiation is considered more difficult because of the larger possible number of conflicting interests. Coalition building does not solve this problem because collective decisions are often invisible making the exchange of sets of positions problematic. Actors with a single-issue agenda behave as competitors instead of partners forming coalitions.

In the negotiating phase actors will try to influence the policy position of other actors. The focus on influencing the other actor's policy positions however can drive other issues to the background. In the negotiation phase, actors strive to maximise personal profits; or strive to distribute profits according to the principle of equity. The way that actors act depends on the phase in the process. In the negotiation phase, actors usually strive to maximise their personal profits. In the decision making phase, the most important goal is to find a solution. In this phase the focus shifts to distribute profits according to the principle of equity as this makes a solution possible. Secondly, anticipated future interactions in other processes stress the continuity of good relationships with other actors as a goal in itself. This suggests that actors are more likely to engage in bilateral interactions in the negotiation phase, whereas in the decision-making phase they are more likely to act multilaterally so that an equitable solution can be found.

## 2.4 Lobbying and influence in the European Union

The EU policy process has been characterised as extremely pluralistic, dynamic, compromise-driven and complex. This is a situation which puts a lot of strain on those trying to gain influence the EU arena. Amateurs don't have the ability to find their way in the system and are often not able to time their efforts or to estimate their chances well. The professionals are happy with the situation. The dynamics of the processes increases the amount of chances for success, while the complexity makes their strategic choices more diverse.

Lobbying and influencing is usually based on influencing the agenda of policy makers. Van de Graaf and Hoppe (1989) distinguish three types of agenda. Firstly, the policy agenda consisting of the subjects for which policy makers are formulating policy proposals. The political agenda consisting of the subjects that have the attention of politicians. The public agenda consisting of the subjects that have the attention of (parts of) the society. These three agenda's overlap each other, both in the subjects they consist of as in the time. The way a specific subject becomes part of the policy agenda, which means that the work on solutions is started, is called the process of agenda setting. For the EU policy, the initiative can come from the political agenda, the public agenda and the policy agenda of member states. Later in this study we will focus more on the way that these agendas interact. Agenda management therefore is an important basis for influencing EU policy making. Agenda management focuses on the process of deciding whether specific subjects should be incorporated in governmental policy and how and where these subjects should be handled in the governmental organisation.

Agenda management gives opportunities to influence decision making at the EU. March and Olson (quoted from Noordegraaf, 2001) distinguished four streams in policy-making processes, namely problems, solutions, participants and choice arenas. This agenda management is firstly about trying to make sure the 'right' problems are on the policy agenda and preventing the 'wrong' problems getting there. Secondly the focus is that the 'right' problems are coupled to the 'right' solutions. Lastly, agenda management makes sure that problems are timely removed from the agenda, so that new problems can be addressed. It is clear that what is right and wrong will be determined by the national or organisational interest.

Van Schendelen (1995) distinguishes two basic principles that should underlie every attempt to influence the EU. The first is to find answers on some basic questions: who lobbies, why, what-for, with whom, where, what about, when, how and with which result? This gives insight in the playing field. The second principle is to have an understanding of the fact that homework is much more important than fieldwork. The enormous complexity of the EU constellation makes homework and analysis essential.

He mentions a number of success factors. One is the quality of the internal organisation. This depends on internal cohesion, knowledge of the field, attitude, means, skills and the ability to trade. It is impossible to have a well functioning internal organisation. Organisations that are divided or that do not have a lot to offer will not be taken seriously. The internal cohesion does not only go for the organisation itself, but also the organisations supporters and allies. The second is the ability to be selective. Influencing takes a lot of effort and does not always guarantee success. Policy dossiers that



are not relevant, could divide the organisation, exist next to good alternatives, have already been influenced in the right way by other organisations or are considered as unable to influence, are better be left aside. Furthermore, it is important to consider concrete goals, arenas, entrance, timing and methods.

## **2.5 A changing setting: the White Paper on Governance**

Above a description was given of a complex and dynamic political system. From many European citizens this system is very distant and lacks transparency. For this reason, more and more the legitimacy of the EU has been questioned. There is an increasingly high public expectation of society concerning the problem solving capacities of governments on the one hand, and the increasing distrust and disinterest of institutions and politics on the other hand. Political scientists argue that the focus on traditional government should be replaced by a focus on governance. In order to formulate a vision on changes the European Commission presented a White Paper on European Governance (Commission of the European Communities, 2001). The White Paper focuses on a way to open policy processes and to involve more people and organisations. It also promotes transparency. To achieve this, the commission focuses - amongst others - on a more systematic dialogue with regional and local governments and greater flexibility in the implementation of EU legislation. This increasing attention for input by member states, local governments and NGOs could potentially increase the possibilities to acquire influence in the EU.

### 3. Towards a research methodology

The insight in the EU political system, which was presented in the previous chapter, serves as input in this chapter. Here a research framework will be presented which will be used in this study. Firstly we will briefly discuss the various facets that are associated with influence and power. This will be followed with a deliberation of the policy cycle and the EU political system. This will lead to a closer look at policy development in the EU. In the final part of this chapter we will discuss the research methodology that we used in this study.

#### 3.1 Working hypotheses

As stated earlier, the EU policy-making arena is very complex and dynamic, and the number of strategic options are many. Policy-making processes are lengthy and also very multi-faceted. The negotiation phase and the decision making phase contain different opportunities for lobbying and influencing.

Van Schendelen (1995) studied a wide variety of Dutch attempts to influence the EU in the nineties. He focused on lobbying processes in the complex playing field and the results of his research will be described below and can be considered as working hypothesis for this study and will lead to the formulation of some working hypothesis.

A number of major factors that could determine the success of Dutch lobbying were identified. The first factor is internal division. It is the nature of political and policy networks that they are divided in their interests, goals and means (De Bruin and Ter Heuvelhof, 1999). Especially in a political arena these internal conflicts cannot be kept from coming out in the open. This lack of internal cohesion has three major consequences:

- It makes it difficult for the government to prioritise;
- If finally a national stand is reached it easily evolves in a matter national prestige making the process of wheeling and dealing in the Brussels arena complicated;
- The time and energy consuming discussions at the national level reduces the possibility to be quick and intensive in Brussels.

The second factor was described as megalomania. The Dutch have a tendency to be very convinced of being right and too little critical of their own proposals with the following consequences on lobbying:

- It makes the Dutch negotiators stubborn and inflexible;
- It leads to a lack of investment in preparation for negotiations;
- It leads to a situation where the Dutch are insufficiently focused on finding coalition partners and consequently become relatively isolated.

The third factor determined by Van Schendelen is the Dutch inability to negotiate arenas such as the European Council. In such arenas negotiating skills and preparation are essential and both are not the core competency of the Dutch government.

Van Schendelen ends his analysis with a number of factors, which can be seen as factors that - in general - determine the success of Dutch influence in Brussels. These factors are used as working hypotheses in this study and we will see to what extent they are also applicable when the focus is specifically on nature and landscape.

Factor	Explanation for the general situation
Less general government and more independent lobbying	National coordination has functioned badly; it is better to focus on lobbying from a lower governmental or non-governmental level.
Credo of supranationality	Intergovernmental wrestling is not our strong point, especially not in the European Commission. Keeping dossiers away from this arena could be beneficial.
A more critical approach	It will be beneficial to listen carefully to critical noises coming from the private sector, the media and abroad.
Euro Public Affairs	Develop an independent staff to concentrate on lobbying. This should be a small flexible group.
Dutch House	Concentration should be to make the permanent representation in Brussels much more a centre from where Dutch interests can be served.
Selectivity	It would serve the Netherlands well if they would decide to be more selective in the issues for which they really want to lobby.
Benelux and other alliances	In the past we have often been partners of the UK. In usefulness of this alliance can be questioned. It has increased our isolation and has only proved to be of use in dossiers that concerned liberalisation. In other words it would be good to seek alternative alliances.
Low profile	We are relatively a small player in Brussels and it would suit our purposes to operate in a quiet manner with a low profile.
Political planning	More attention on agenda anticipation.
Homework	Careful preparation of issues at stake will enhance the realisation of objectives

Figure 3.1 Factors that could enhance the influence of the Netherlands in general in the EU  
 Source: Constructed from the text of Van Schendelen (1995).

### 3.2 A general overview on influence and power

Two closely related terms that are crucial in this study are *power* and *influence*. Power is the ability to make another actor think or do things that it wouldn't have done otherwise; influence is the effect of using this ability (Peters, 1999).

The process of decision-making takes place within a policy network, which consists of a number of actors that have an interest in a certain policy field. Important characteristics of a policy network (see figure 3.2) are (De Bruin en Ter Heuvelhof, 1999) multiformity where every actor has it's own interest, goal and power source and interdependence where actors need each other to solve the problems. In this study several mutually interdependent policy networks can be observed, per case study both at the national and the EU level.

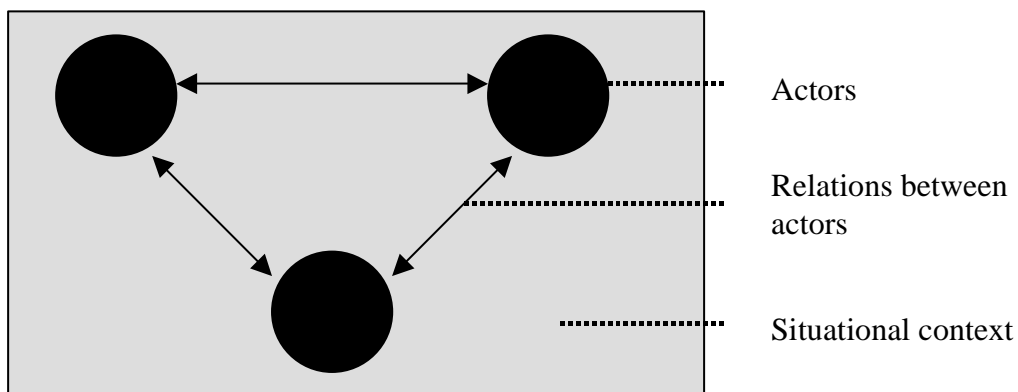


Figure 3.2 Schematic representation of a policy network

Within a policy network actors try to influence decision making in a way that benefits their interest. To do that, they try to change the balance of power within the network by bringing their power-sources into action. There are three types of power-sources that determine the position of the actor in the balance of power. These are: 'decision power', implying the weight of an actor in formal decision making procedures, 'access to centres of decision making' meaning the moment where there still is room for influencing and 'resources' that can be used to strengthen the position of the actor's stand, such as research and manpower.

To operate within a policy network, actors set goals in which a continuous consideration of the organisations relative position and interest are embedded. To achieve these goals, actors form strategies and play within the network. The network can be influenced at two levels, namely process management, which influences the relations between actors and network constituency, which influences the setting of the network itself.

### 3.3 The policy cycle and the EU political system

National governments still are central actors in EU politics. Firstly, governments are the sole, democratic representatives of a domestic constituency. Secondly, national governments are the most important actors in the EU policy arena. Although this may be the case, it can be argued that the European Commission does act as a supra-national government in certain policy fields, the strongest examples being agricultural policy and competition policy. This leads to a situation where EU decision-making represents a two-level system in which the national negotiation position serves as input for the position taken at the EU negotiations. Negotiators formally and informally link these processes.

Numerous NGOs and commercial companies also play an important role in the EU political arena. The EU can therefore be characterised as a highly pluralistic system (De Bruin and Ter Heuvelhof, 1999). National environmental NGOs are usually represented at the EU level by European umbrella organisations and even local and regional governments have representatives in Brussels.

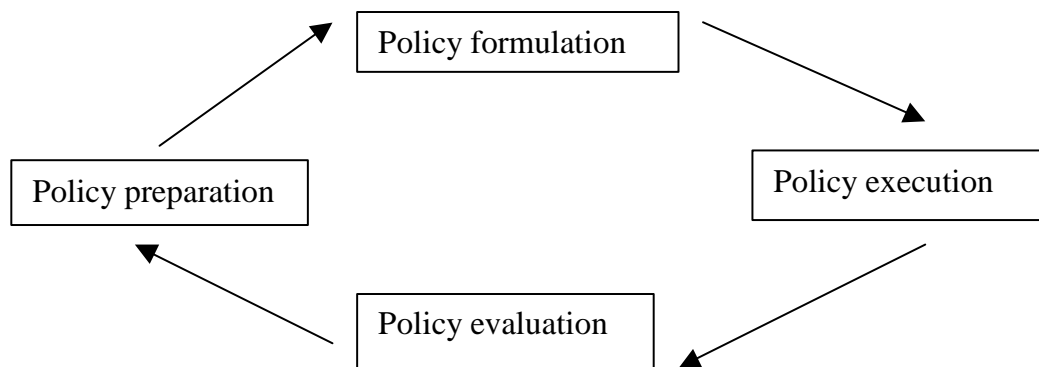


Figure 3.3 The policy cycle

At the same time the political constellation of the EU is dynamic. Not only has the number of member states quadrupled over the years, but also the width and depth of the policy fields of the EU have increased substantially. However, among all these dynamics some structure can be recognised, such as the policy formulation along the policy cycle. The formal procedure is very clear, but decision-making usually does not follow this procedure. Also, many institutions have in practice overlapping competences. This leads to a situation that institutions do not function in hierarchy, but in poly-archy, or a network setting. The political system of the EU is based on compromise. The fact that the complex political system eventually leads to actual decision-making can be explained by the practice of wheeling and dealing that is common in the EU institutions where actual voting is very rare.

We will analyse four policy dossiers, which are actually in different stages of the policy cycle (see figure 3.3). The policy cycle will at different times be at different levels of aggregation: (1) the national pre-EU level, (2) the international EU level, and (3) the national post-EU level. During the first phase, i.e. the national pre-EU phase, a decision

will be made concerning the importance and weight to be attached to placing certain nature and landscape goals on the agenda during negotiations in Brussels / Strasbourg. It is at this stage that - for example - inter-departmental communication will play an important role as well as the communication between the ministry and national NGOs (see Box 2). If - for example - already during this phase little or no attention is given to nature and landscape goals, then one need not be surprised when Dutch influence is limited. Once the pre-EU level has passed the process of developing policies will continue in Brussels. For the insiders, EU decision-making processes might be clear, however, for the purpose of this study, it will be useful to make this knowledge more explicit to a broader public. Finally, once policies have been formulated in Brussels, member countries are still often given a certain degree of freedom when implementing new policies. For the selected policy dossiers, there are overlaps between the stages of the international policy making and the levels of the policy cycle.

Nature and landscape policy in the Netherlands is being formulated in an extensive policy network. It is the primary responsibility of the ministry of Agriculture, Nature and Food Quality. This ministry is responsible for nature management and is coordinating the Dutch rural policy. The ministries of Housing, Spatial Planning and the Environment and the ministry of Traffic and Water are also involved. The first is responsible for the spatial embedding of policies and for environmental policy supporting the conservation of nature and landscapes. The second ministry is responsible for water policies, and therefore the primary ministry responsible for the Water Framework Directive.

Although the national ministries are responsible for the policies, the regional and local governments also have a lot of influence on nature and landscape. They are responsible for translating the national guidelines, who are sometimes very strict, but sometimes also very open, to their level. Also, they are to some extent responsible for the realisation of the nature and landscape policy. Their experiences give them an advisory role to the national governments.

Nature policy in the Netherlands is usually carried out by semi government agencies. The first, Staatsbosbeheer, is the nature conservation agency of the ministry of LNV. Further more there are privately and publicly funded organisations such as Natuurmonumenten and the provincial Landschappen, who can be considered NGOs.

The last category of actors involved in Nature and Landscape Policy are the NGOs. The Netherlands has a lot of interest groups and other NGOs concerning nature and landscape policies. Organisations like Greenpeace and the WWF can count on a lot of support from the Dutch society. They have a major role in putting items on the agenda and in mobilizing support or opposition for Dutch policy.

*Box 2 The actors in Nature and Landscape Policy in the Netherlands*

### **3.4 Policy development in the European Union**

Decision making according to March and Olson is based on four independent 'streams' that co-exist and sometimes touch on each other. Firstly there are problems, which can be any problem, even personal problems of persons who are involved in the process. The second stream is that of solutions. A solution usually is a product developed by someone as an answer looking for a fitting question. Participants come and go in different arenas of decision-making. Relations exist in the setting of policy networks, that form around policy areas and that are strongly interrelated. The pressure laid on a person in one arena, influences his or her preferences in the other arena. Choice arenas are the places where

deciding behaviour is displayed, thus is the part of the process in the policy network where the actual decision making takes place. If at a certain moment a problem meets a fitting solution in a choice arena with the right participants, decision making can take place. Timing is thus a crucial factor. If these four streams would function independently, decision-making and policy development would take place in complete chaos. However, March and Olson also recognise structuring factors, which are related to the rights to participate. In an undivided structure every decision maker has the right to participate in every choice arena. This makes decision making very dependent on temporal factors. In a hierarchical structure decision makers and choice arenas are arranged in a hierarchical order. Decision makers that are low in the hierarchy don't have access to all arenas. In a specialised structure decisions are related to specialised decision makers on that specific subject. Being part of a policy network does not automatically give access to all areas, as the structure is also a determinant.

In the EU decision making setting the number of participants is huge, and this also goes for the number of choice arenas. However, at the EU, there are also structuring factors. The EU is hierarchical as there is a clear hierarchical structure from committee level to the Council of Ministers. The structure is very specialised, as the committees and the commission are very specialised and knowledge based.

### **3.5 The research methodology**

The aim in this study is to gain insight on the nature of the interactions between Dutch and EU policy processes concerning nature and landscape goals. The main focus is the influence of the Netherlands on EU policy and vice versa. There are three classical approaches to the assessment of influence: the position, reputation, and decision-making methods (Arts and Verschuren, 1999). These methods differ as far as the following criteria are concerned:

- The qualitative or quantitative nature of their designs;
- The nature of their objectives and research questions;
- The data and techniques, which they require.

The EAR method of Arts (1998) forms the basis of the research methodology used in this research and builds on the reputation and decision-making methods. It is qualitative and gives an opportunity to assess the influence of actors in complex political decision-making setting. Starting point for this method is the proposition that the researcher can't directly measure influence, but members of the policy network can recognise and judge the influence of participating actors. Perceptions need not necessarily say much on the subject of the actual influence (Arts and Verschuren, 1999). The argument - however - that this method was chosen anyway is the additional information that it may yield. The EAR method improves the validity of the study through triangulation (Verschuren and Doorewaard, 1995). The EAR instrument focuses on gaining information on two perceptions of the interviewed persons, the ego-perception and the alter perception (Arts, 1998). The first collects the views of organisation representatives with regard to their own influence (claims). The second collects the views on each other organisation (check). Both

perceptions can be confronted with each other and with the results of researchers analysis of documents. The resulting research triangulation (see figure 3.4) will give a balanced idea of the influence of an organisation or country.

Ego-perception (E)	Views of key-players with regard to their own (lack of) influence on key-topics in complex decision making
Alter-Perception (A)	Views of the other key players with regard 'ego' (lack of) influence on key-topics in complex decision making
Researcher's analysis (R)	Validity check of ego- and alter- perceptions by the researcher on the basis of the indicators 'goal-achievement' and 'own intervention'

Figure 3.4 The EAR-method  
Source: Arts and Verschuren (1999).

Arts used the EAR instrument in a study on the political influence of global environmental NGOs on the Framework Convention on Climate Change. Such a framework contains some 8,500 words and the adoption leads to thousands of sub-decisions. The number of players involved was immense, more than 150 countries, hundreds of NGOs and at least ten intergovernmental bodies.

To make the research manageable, Arts had to make a selection of key-topics, key-actors and key-level decision makers. The researcher identified the relevant period, as well as the relevant level of decision-making. Secondly, the key players from the NGOs as well as other relevant players such as country representatives were selected. NGO representatives were asked to focus on their own (lack of) influence and other representatives were asked to focus on the NGOs influence from their perspective. The key-topics that resulted from this analysis were subjected to analysis, by consulting policy documents as well as additional respondents.

For the study described in this report, we focus on the perceptions of key-persons of the policy-process concerning nature and landscape goals. The selection of the members of the policy network is done by the panel-of-experts method. National and international key-persons were approached for an interview. The principle of research triangulation via two different kinds of perceptions and a researcher analysis was maintained. However, we chose to ask our interviewees to both judge their own (lack of) influence and that of the other actors that were included in the study. In that way, we were able to gain more information concerning the different practices in EU member states.

The study of Arts focussed on the measurement of influence, while our study focuses more on the practices of gaining influence. The assessment of influence was a starting point for this. Therefore, during the interviews the focus was not only on the measurement of influence as such, but perhaps more importantly, on the success and failure factors that explain influence. This knowledge often cannot be found in documents, but has to be derived from the experiences of the interviewees. The explicit goal of this part of the study is to learn from the past. The focus was placed on the ego and alter-perception (figure 3.4), and not on the researchers analysis.



Pros of the research method are the plausibility achieved by confronting the perceptions of experts with each other while at the same time utilizing information from documents and additional interviews. The resulting methodology is also called triangulation. The EAR method offers the opportunity to assess anticipation, influence and power in a complex setting. Cons of the method are the possible biases in ego- and alter-perceptions. Secondly, the study builds on a selection of key respondents and key topics. Finally, the EAR method sticks to the level of an 'informed guess' and may remain more of a guess than an informed conclusion. There are no exact criteria to draw conclusions on a player's impacts.

To guide the interview we developed a discussion-guiding questionnaire (see Appendix 1), which was screened by a panel of experts. The interviews did not as such focus on the direct answers to the questions, but also on the explanation of the answers. For 'dossier-specific' interviews a timeline of important events and decisions was used. Based on a literature study, we developed timelines to identify key moments in the researched policy dossiers and to place them in a historical context. These timelines also helped to guide the interviews as well as place the interview in a historical context.

## 4. The policy dossiers

In this chapter we will use the research methodology discussed in chapter 3 to assess. The four policy documents that were selected are:

- The reform of the dairy policies in the Common Agricultural Policies (CAP);
- The Common Fisheries Policies (CFP);
- Natura 2000;
- And the Water Framework Directive (WFD).

If one wants to sustain or enhance nature and landscape qualities then the selected dossiers cannot be ignored. For each of the dossiers we will give a general introduction, looking at the evolution of the dossier. This will be followed by placing the dossier in the context of the Dutch situation. Then we will place the analysis in a broader international context. It is here that we will try to assess with the help of key-persons outside the Netherlands, how they consider the functioning of the Netherlands in Brussels. In the final section of each policy dossier analysis conclusions will be formulated.

### 4.1 Introduction to the selected policy dossiers

The agricultural sector has a lot of influence on nature and landscape. The threat coming from the agricultural sector has even been compared to global climate change in its ability to affect large areas (Donald et al., 2002). The last quarter of the twentieth century shows that severe damage was done to the continent's biodiversity. This is shown - for example - by Donald et al. (2002) who studied trends in the number of farmland birds. The main cause for this is the intensification trend of agricultural production processes. The CAP can be identified as the main driving force behind this intensification. This policy rewarded increasing productivity, thus discouraging extensive production. The far less sharp decline of the number of farm birds in Eastern Europe was caused, according to Donald et al. (2001), by the reduction of state aid of agriculture after the fall of communism in the early nineties. Nilsson (2004) identified some possible influences on the environmentalisation of the CAP. The first is the WTO and the on-going negotiations concerning the Agreement on Agriculture. The international community including the EU has made a major strategic commitments on the subject of trade liberalisation. This is under the WTO agreement and in particular the Agreement on Agriculture. These world trade negotiations do not set policy in the EU but often bind the EU to be in agreement with the international trade agreements. The WTO will continue to have a great deal of influence on the CAP in the future (Nilsson, 2004). The enlargement of the EU is the second major influence on the development of the CAP. The third major influence is the greening of the agricultural agenda. From 1992 onwards a slow process of greening of the CAP can be seen. This is almost a backlash against the production focus of the earlier CAP. A main goal of the EU

is that production should be sustainable. The combination of sustainable production and services such as maintaining the countryside is accompanied with higher production costs. Short-term market dynamics are a threat to the sustainable, and more expensive, production methods that serve environmental goals. Nilsson (2004) argues that although the major instruments are still in place, significant developments have taken place and will continue to do so in the future.

The management regime for fisheries in the EU is the CFP. Since 1976 the European Community has assumed responsibility for the fisheries policy and the CFP was established in 1983. The greatest challenge for the European fisheries is the threat of overexploitation and hence depletion of the resource base. Symes (1997) argues that the CFP has failed over the years to achieve its goals as far as that challenge is concerned. There was little political will to address the issues of conservation and overcapacity in the fisheries sector. Symes (1997) argues that it was the CFP itself, which was formed in such a way that the status quo was to be preserved. The 1992 interim review anticipated no fundamental change, although ecological goals were more strongly incorporated. The CFP is mainly a science-based policy, although the political process has a strong final say, which usually overrides science. Total Allowable Catches (TACs) is the most important, but often discredited, instrument for conservation (Symes 1997). Scientists and fishermen consider technical measures (e.g. adjustments to fishing gear) and the closure of fishing grounds a more acceptable way of marine conservation.

In 2002, a new regime for the CFP was needed. Bridging the gap between fleet capacity and the real fishing possibilities is one of the bases of the Green Paper, which was published by the EU on this subject (Suris-Rugueiro et al., 2003). The Green Paper also addressed the need to share with the fishing community the development of the fisheries policy (Iglesias-Moluida, 2002). The aim of this governance approach is to achieve greater effectiveness of the CFP by directly addressing the fishermen instead of only going through nation states. However, Gray and Hatchard (2003) are of the opinion that this effort will be more rhetoric than reality.

The Community Nature Protection Policy is intended to safeguard the natural heritage and to support EU forests and their owners. Forestry has a large impact on the environmental quality. The impact of forestry practise on biodiversity has always been much lower than that of agricultural practise. The largest part of the European forests can be qualified as semi-natural. The principal EU legislation for the conservation of forests are the Birds and the Habitats Directives, adopted in 1979 and 1992. One of the key objectives of these directives is the establishment of the Natura 2000 ecological network of protecting areas. These areas were designated by member states, but most lists were unsatisfactory by the Commission after comparison with scientific inventories of birds and habitats. Court procedures were started against the member states that continually failed to implement the directives (Krott et al., 2000).

The program is considered to be crucial for the protection of Europe's national heritage, however, a number of problems within Natura 2000 are foreseen. Firstly, the means required to meet the ambitious goals are insufficient, which negatively influences support for the implementation. A second problem is the fact that landowners and land users were ignored for too long. These stakeholders were not involved in the policy process. At the same time, however, opinion on this is not always unanimous.

Christophersen and Weber (2000) state that NGOs have been successful in influencing the Natura 2000 process.

The WFD tries to replace most of the earlier European Water legislation, which had a very sectoral character. The WFD crept in quietly, but it will have a large influence on the member states. The implications of the WFD are not commonly realised among the member states (Holland, 2002). The Directive has an impact on surface water, groundwater and coastal waters and the goal is to protect these waters from environmental problems with the River Basin Management Plans. These are integrative plans that seek to overcome the common problems of spatial fit and institutional interplay that used to be common in water policy. The directive is set up as a framework; therefore it is not a blueprint for the organisation of river basin management plans. The WFD can be characterised as a hybrid directive. It embodies some attributes of command-and-control policies, but also lays emphasis on cost-efficiency, processes of inter-agency negotiation and public participation and regional diversity. Consequently, the directive implies a more integrated and interactive approach, which is new to most water authorities in Europe (Moss, 2004). The WFD is still young and in the initial phases of the policy cycle.

## **4.2 CAP reform and the Dairy sector**

### 4.2.1 Introduction

The objectives of the CAP, according to Article 39 of the Treaty of Rome (1957), were meant to increase agricultural productivity, secure EU food supplies, stabilise prices and ensure a 'fair standard of living' for European farmers. The EU intended to achieve these objectives by supporting agriculture in two ways under the CAP: namely through commodity support measures and measures to improve agricultural structures, including improvements in efficiency and environmental management.

To achieve goals of the CAP a number of instruments were used. When the prices of the main commodities, principally skimmed milk powder, butter, cereals, and beef, fell below levels pre-determined by the EU, the intervention authorities ('Intervention Boards' in the member states) bought these products and stored them to be sold at a later date. Intervention stocks were exported or disposed of within the EU, if this could be done without disrupting internal markets. Exports to non-EU countries, from the market or from the intervention stocks, required export refunds to bridge the gap between the EU and world prices. Imports from outside the EU were subject to import levies to ensure that they didn't undermine the EU's support price. These policies led to overproduction, excessive stocks and colossal budget requirements. In order to curb the imbalance, a series of initiatives were taken by the EU and by national governments to adjust a situation that led to market imperfections and over-production.

In 1989 and again in 1992 the CAP was reformed in an effort to control the excessive agricultural surpluses and thereby reduce the cost of support to the taxpayers. The strategy behind these reforms was to shift from prices support to direct farmer income support. The McSherry reforms of 1992 did not change the Treaty of Rome objectives. The link between production and farm income, however, were weakened by introducing a system of

direct payments to farmers and a development away from market support. In particular, the CAP reforms of 1992 tried to achieve a reduction in overproduction of the main agricultural commodities, such as cereals, oil seeds, and beef, by cutting support prices and reducing the access to intervention.

Parallel to this, milk quota was introduced to halt the overproduction of milk. The milk quotas were initially scheduled to run for five years to redress the imbalance between output and consumption. In 1988 they were extended for a further three years, and in 1992 for another year. From April 1993 the quota system was extended for a further seven years. The introduction of this system of quota reduced the EU share in dairy exports from 60% in the eighties to 35% at the moment.

The CAP reforms in 1992 introduced changes to the beef regime, a cut in support prices by 15 % over three years, new restrictions were put on the access to intervention and further increases were made to the Suckler Cow Premium and the Beef premium. These premiums increased gradually up until 1996, to compensate producers for reductions in intervention support. However, eligibility specifications and controls, in the form of quotas at producer level or obligations to 'set-aside' land, were placed on producers receiving payments under these various arable and livestock schemes, so as to limit overall government expenditure on them.

The 1992 reforms also included measures that were designed to fulfil environmental objectives. For example Regulation 2078/92 requires each member state to implement an 'agri-environmental' programme. The designations itself, however, do not guarantee that all farmers have adopted conservation friendly farming. For example, only a part of the designated Environmentally-Sensitive Areas (ESAs) was voluntarily entered into the scheme. In 1997, Commission President Jacques Santer published proposals for the next round of CAP reform in Agenda 2000.

The various subsidies that are given under the CAP affect the environment in different ways (see figure 4.1). The CAP reform identified environmental protection as a major objective aiming to achieve both economic viability and care for nature. Agri-environmental measures were designed to offer financial incentives to farmers who provide environmental services or to adopt more nature friendly farming practices [European Commission, 2002 #144]. Dairy production is a major agricultural activity in the EU, accounting for around 18% of the total value of the agricultural output. Despite a decline in its market share, the EU still is the world's main exporter of dairy products.

#### 4.2.2 The evolution of the dairy sector in the CAP

Since the seventies, a number of developments took place in the common market for dairy products. Figure 4.2 mentions key moments in the CAP reform. We will here focus more specifically on a number of recent reforms. On 26 June 2003, EU farm ministers agreed on a fundamental reform of the CAP. The reform would completely change the way that the EU supports its agricultural sector. In future, the vast majority of subsidies would be paid independently from the volume of production. To avoid abandonment of production, Member States may choose to maintain a limited link between subsidy and production under well-defined conditions and within clear limits. These new single farm payments are to be linked to compliance with environmental, food safety and animal welfare standards.

More money will be available to farmers for environmental programmes by reducing direct payments for bigger farms, known as modulation. The Council further decided to revise policies for the milk, rice, cereals, durum wheat, dried fodder and nut sectors. In order to respect the tight budgetary ceiling for the EU-25 until 2013, ministers agreed to introduce a financial discipline mechanism. This reform also strengthened the EU's negotiating hand at the ongoing WTO negotiations. Different elements of the reform will become effective in 2004 and 2005. The single farm payment will start in 2006. If a Member State needs a transitional period due to specific agricultural conditions, it may apply the single farm payment from 2007 at the latest.

Type of subsidy	Explanation	Role under CAP	Effects on the environment
Price support	Prices of main farm commodities are supported above world market prices. Export subsidies, intervention buying, import tariffs, supply controls have been used to maintain high EU prices and dispose of subsidies	Main form of agricultural support under the CAP. Price support was cut by the 1992 and 1999 CAP reform, with farmers compensated by direct payments	Main stimulus for agricultural intensification under CAP - has encouraged growth in yield, higher use of inputs, use of marginal lands, destruction of unfarmed habitats and loss of unfarmed features and land use changes (mainly grassland converted to arable)
Direct area payments	Introduced in 1992 for arable crops, to compensate farmers for price cuts. Paid on area basis, linked to previous regional yields, subject to set aside.	Introduced in 1992 for cereals, oil seeds and proteins. Now a major part of the CAP budget, and of incomes for arable farmers.	Unclear. Linked to land previously in arable production, so discourage diversion to other habitats. Large subsidy cheques could be used to fund damaging capital projects, or environmentally beneficial activities.
Headage livestock payments	Paid per ewe or eligible beef animal. Subject to quota. Ewe premium linked to lamb prices	Main form of subsidy in sheep meat regime. Increasingly important in beef regime, as compensation for price cuts in 1992 and 1999	Have encouraged large increase in stocking rates, especially of sheep, causing environmental damage (soil erosion by overgrazing and degradation of grassland). Quota have limited growth in livestock since 1992.
Less Favoured area payments	Before agenda 2000, paid per unit of livestock, or area of arable crops, in less favoured areas. Now paid on area basis, with environmental criteria attached.	Used to support farming in the marginal areas. Reforms now recognise environmental benefits of extensive farming systems.	Headage payments – in conjunction with sheep and beef regimes, have encouraged over-grazing. May have helped to prevent abandonment in marginal areas. Re-seeding of pastures with loss of flower rich meadows and soil erosion due to ploughing on steep rocky soils in the Mediterranean area. Switch to area payments should reduce impacts, but headage payments remain.
Capital grants	Wide range of grants has been unavailable in the past to encourage agricultural development and growth in production.	Introduced under Structures Regulations 1972. Agricultural development is still grant-aided under structural funds in some parts of Europe	Have caused direct environmental damage, e.g. removal of hedgerows, loss of wetlands by drainage, irrigation of dry habitats.
Afforestation payments	Payments to transfer agricultural land to forestry and enhance and protect existing woodland.	Introduced in 1992 as an accompanying measure, this measure is now included in the rural development regulation	Direct environmental damage: afforestation of peat bogs and heather moorland, afforestation on rocky soils, planting of alien species.
Agri-environmental schemes	Pay farmers to implement environmentally beneficial management regimes, e.g. organic farming, habitat restoration and management of boundary features, maintaining extensive systems. Co-funded by members states and the EU.	Introduced in 1992 under Agri-Environment Regulation 2078. Now part of Rural Development Regulation. Growing in significance, but still less than 5 % of the CAP budget.	Beneficial, but benefits have been poorly monitored over much of Europe. Some schemes have been shown to benefit biodiversity. Uptake poor in intensive regions with uncompetitive rates of payments.

Figure 4.1 Summary of main agricultural subsidies in the EU and their potential impact on the environment

Source: Donald et al. (2002).

The key elements of the new, reformed CAP in a nutshell:

- A single farm payment for EU farmers, independent from production; limited coupled elements may be maintained to avoid abandonment of production;
- Payment will be linked to compliance with environmental, food safety, animal and plant health and animal welfare standards as well as the requirement to keep all farmland in good agricultural and environmental condition. This is also known as cross-compliance;
- A strengthened rural development policy with more EU money, new measures to promote the environment, quality and animal welfare and to help farmers to meet EU production standards starting in 2005;
- A reduction in direct payments, i.e. modulation, for bigger farms to finance the new rural development policy;
- A mechanism for financial discipline to ensure that the farm budget fixed until 2013 is not exceeded.

Time	Main events
2005	CAP reform with numerous new elements into force (such as modulation and cross compliance)
2003	Price cuts in the milk sector, the intervention price for butter and skimmed milk will be reduced by 15 - 25 % over 4 years
2000	Agenda 2000, CAP reforms were initiated
1999	Outline to the common organisation of the market in milk and dairy products within the EU (Council Regulation (EC) No 1255/1999)
1993	Proposed adjustment to existing organisation of the common market for dairy products within the EU (Directive No. 2491/93).
1992	Council regulation establishing an additional levy in the milk and milk products sector (EEC) No. 3950/92
1987	Council regulation that was introduced to scale down buying in the EC
1984	Starting year for a quota system for milk production throughout the EU
1983	Reference year to identify the level of Milk quota's in some EU-countries
1968	Common Organisation of the Market (COM) in milk and milk products established

Figure 4.2 Key moments for the CAP dairy reform

The common organisation of the market in milk and dairy products covers a wide range of dairy products. As part of the new reform a modulation of payments is suggested.



The direct payments to producers are governed by common rules for direct support schemes under the CAP, and those are laid down in the new 'horizontal' Regulation (EC) No 1259/1999. The reform also provides additional opportunities to put forward cross-compliance within the dairy sector. The rules provide for an obligation for the Member States to lay down suitable environmental measures to be implemented by farmers and allow payments to be made subject to compliance with general or specific environmental requirements or agri-environmental commitments entered into by farmers. Also they provide that such payments may vary by holding, depending on the labour employed or the overall earnings. Funds not spent through a failure to comply with the environmental conditions or as a result of the modulation of payments will remain available to the Member States as additional Community support to finance agri-environmental measures, forestation of farmland, compensatory allowances in less-favoured areas and areas with environmental restrictions as well as early retirement schemes.

With regard to nature and landscape the main potential influence in the dairy sector is to be expected from the 'direct payments' to farmers. In conjunction with decreasing intervention prices, the direct payments to producers are to be increased in four stages, starting from 2005.

In addition to those payments, Member States will make payments to their producers on a yearly basis. Additional payments may be made in the form of supplements to the dairy cow premium and/or area payments. In principal these additional payments by the member states could potentially be put forward, under certain conditions, namely of meeting some additional requirements related to nature or landscape. At present, however, this is not explicitly considered in the current EU legislation. Therefore, it cannot be seen as certain instrument for nature and landscape conservation.

Although the organisation of so-called quality marks are a bit outside the dairy chapter of the reform, it is still relevant for the dairy sector and could be relevant for the achievement of nature and landscape goals. Dairy products and in particular cheeses are prominent among the hundreds of products that have been registered under the system of community quality marks introduced in 1992. Such products are made using recognised know-how and can be linked with a particular geographical area for the production, processing and preparation stages or at least one of those stages. Or alternatively their features are due to a production method or traditional composition without any link with a particular area. The consideration of nature and landscape objectives hasn't been made very explicit. Therefore effects for nature and landscape from this regulation will require further analysis.

The reform of the CAP, specifically that of the dairy sector, partly originates from the necessity to comply with WTO agreements. Lowering export support, increasing the accessibility of the EU market and decreasing the internal support are the main issues for the WTO. The decoupling that was proposed in the CAP reform is important for the last issue. In order to achieve solutions for these issues the gap between the prices in the EU and the rest of the world needs to be decreased. However, non-trade concerns, which are a foundation under the reformed CAP, are also taken into account. In order to comply with forthcoming WTO agreements the market policy for the dairy sector was reformed in 2003. This was achieved by lowering the intervention prices of dairy products and lowering the export support.

The EU market policy is important for the income segment of dairy farmers, which comes from the sales of milk. Another important part of the income of farmers is the direct support that is introduced in the reform of the CAP. De Bont et al. (2003) conclude that the dairy reform will lead to an increase in scale of the dairy farmers, for the reduction of production costs is an increasing necessity to still be able to produce. This trend could oppose to the goal of the CAP reform to introduce nature and landscape goals into the EU agricultural policy.

#### 4.2.3 The CAP reform and the Netherlands

Recently there have been no major changes in the organisation of the international trade in dairy products. Due to strong conflicting interests, the process of organizing an agreement is rather complex, as could be observed at the WTO meetings in Cancun. It is still rather unclear what will happen to the specific agreements with regard to the dairy sector. Having said that, there is little doubt that the development within the WTO will continue to have a strong influence on the international markets for dairy products.

Looking at the dairy policies in the Netherlands, a few key points can be distinguished. Following EU regulations a milk quota system - super levy - was initiated. This was put forward in 1984, via the 'Regeling superheffing' (1993, Staatcourant 1993, 60). The quota system implied limits to the amount of milk allowed to be delivered by individual farmers annually, based on their production of 1983. This regulation reduced the use of inputs such as fertilizer, concentrates and pesticides. As a result, the environmental pressure was reduced and in an indirect way enhanced nature and landscape qualities. More recently, Council Regulation (EEC) No 3950/92, from 1992 resulted in an additional levy for the dairy sector, which led to a reduced intensity and level of production as well. Due to exceeding the part of the quota that was delivered directly to consumers (consumer quota), an additional levy had to be paid.

When the European Commission initiated the reforms, in the Netherlands a LNV position was formulated (see box 3) involving the policy directorates as well as the implementation services. It was an explicit goal of the Ministry to reduce implementation costs. At the same time NGOs were also involved which resulted in a strong internal organisation and the ability to be consistent and well prepared.

The Dutch influence on the evolution of the CAP reforms was high. The Dutch consistently maintained the same position in favour of reforms of the CAP and had done so for over a decade. The consistent stand also gave opportunities for political planning. One of the major changes in the CAP, the income support instead of price support, was already opted for by the Netherlands during the Mac Sharry Reforms in 1992.

Participating in the EU process of the reform of the CAP was primarily a responsibility for the international directorate (IZ) while the implementation was primarily the responsibility of agricultural directorate (DL). The nature directorate (DN) only became involved when cross compliance was introduced in the negotiations by the commission. This was seen as an expertise of DN, and therefore they were asked by DL and IZ to give their view on the way the instrument of cross compliance could best be formed. This indicates that DN, and the interest of nature and landscape it represents, was initially not a natural partner for the other two directorates when it came to these negotiations. It can also be concluded that DN had not yet formed its own pro-active view on how the reforms should take place. When DN was included in the process a committee was formed to come to a supported organisational view on the subject. However, there already was a proposal from the commission. The room to influence this proposal was fairly small. Looking back, it had been possible to be more influential with an earlier view-development process in the ministry.

*Box 3 Internal consultation in the ministry of LNV*

The European Commission and the attitude of the WTO were partners of the Dutch position while the larger member stated at the time opposed to the reforms and managed to limit the change. The negotiations had a strong supra-national focus, which made the WTO and the commission powerful allies.

But the start of the reforms was made during this period. During the Agenda 2000 negotiations another step was taken and again the Dutch consistently maintained the same position. At the same time with the EU enlargement there was more support. The Dutch were also major supporters for the instruments of cross-compliance and modulation. The Dutch were influential in these reforms but traded success on the stand of the income support for success in another policy dossier, the net-payment to the EU. The national prioritisation therefore resulted in less influence on the CAP reform. Obviously, priorities were chosen, but not given to the CAP reform. The latter was considered more important at that time. During the mid-term review the consistent attitude of the Dutch paid off, and the reforms were very much in line with Dutch objectives. However, De Bont et al. argue that the Dutch are among the member states that will suffer the most from the reform of the market policy for the dairy sector. In the broader context of the reform of the CAP, this was seen as something the Netherlands was willing to sacrifice.

As the Dutch have been long-time protagonists of this reform they have been able to make their ideas 'land' in the minds of the EU partners. Main coalition partners were the European Commission and the WTO. These are strong coalition partners, allying with them contributed to the Dutch successes. Factors explaining the success were the consistent stand, the reputation of being professional and of being a defender of the common stand and being one of the major milk producers in the EU.

#### 4.2.4 The CAP reform in an international perspective

In Denmark responsibility for nature and landscape comes under the Ministry of Nature and Environment, while the Ministry of Agriculture is responsible for agriculture. The integration of nature and landscape goals in agricultural policy much less obvious in Denmark than in the Netherlands. Goals and objectives of the two Danish ministries have not always been similar. The dairy policy is seen as a specific agricultural policy, with very limited impact on nature and landscape. As far as the reform of the CAP is concerned, the

Danes view their influence as moderate. Although they are a major producer of milk their political influence was little.

The Danes regard the Dutch influence in the EU dairy debate as substantial, especially caused by the relatively large Dutch milk sector. Their interest is therefore perceived as being large making it necessary to take the Dutch position into consideration. The Danish were not able to achieve many goals. The main reason for this was the lack of prioritisation of the Danish goals at the national level, which is not uncommon for the way that they operate in the EU negotiation process. The Dutch are considered as professionals and defenders of a common stand. However, the Danes did not recognise the Dutch progressiveness and claim to be instrumental in the development of cross compliance and they judge that the Dutch overestimate their own influence.

In the UK two influential drivers for the reform of the CAP were identified: (1) the shift towards more liberal markets as promoted by the WTO, and (2) the shift towards more sustainable agricultural practices, especially demanded by the English society. Considering these two drivers, the current CAP reform does not go far enough from the British perspective. When negotiating the CAP reform, the UK made a clear prioritisation of its goals and decoupling was its primary objective. The UK was also very much in favour of the instruments such as cross compliance and modulation. The agenda for EU negotiations in the UK is determined by both governmental and non-governmental organisations. Senior civil servants and politicians however, do the final prioritisation.

Contrary to Denmark, in the UK the Dutch influence on the reform of the CAP, was not regarded as large. As far as this policy dossier is concerned, the Netherlands is seen as a moderate player in the EU policy arena. The milk sector indeed is large, but the overall political weight of the Netherlands is not considered large. The UK attaches lot of weight to the formal decision making procedures. Dutch representatives however are very well informed, which gives them an advantage in Brussels. Occasionally, Dutch negotiators took different positions at different negotiation levels, which was not looked upon in a favourable way by the UK.

In Spain the CAP reform had an impact that was different from those in north-western European member states. Those countries have a relatively strong agricultural sector that produce in a very intensive manner. Societies in north western Europe often no longer support these intensive production methods. The strength of the Spanish agricultural sector cannot be compared to that of the Netherlands, Denmark and the UK and the environmental consciousness in the Spanish society is much lower. This reflects in the national prioritisation and leads to differences of opinion with other countries. The enlargement therefore is foreseen to have a much larger impact on Spain than it will have on countries like the UK, Denmark and the Netherlands, partly explained by the decreasing support from EU structural funds expected to go to Spain.

During our discussions cultural differences were also mentioned as being an important influencing factor in the EU arena (see box 4). The agricultural policy in Spain is partly devolutionised meaning that the autonomous regions in Spain have the competency to make regulations and determine the manner of implementation (see box 5) and the implementing of EU regulations at the regional level need to take this into consideration.

The interviewees all agreed on the importance of culture during EU policy processes. This works in two ways, a societal level and a personal level. The first is the way a country's culture influences the national agenda. This is seen as a cause for the existence of a North Western European coalition and a Mediterranean coalition in EU negotiations. Culture at the personal level influences the informal process that takes place alongside the formal negotiations. The Dutch are considered to have a culture which does not comply with this system, because informal contacts are much less part of this culture, as it is in for instance in the Spanish culture. All interviewees consider the informal contacts as important, but the Spanish give more attention to this than the Dutch do. Cultural differences between the different member states make this more difficult to reach a common understanding during negotiations. However, the Dutch do have the advantage of being able to speak foreign languages.

*Box 4 The influence of culture on negotiations*

The Spanish do not regard the Dutch participation in the EU arena as particularly high profile. In their opinion, the Netherlands has a number of advantages. For example, the fact that The Hague is close to Brussels and the fact that almost all Dutch people are multi-lingual. The Netherlands tends to take its position near that of the Commission, and is therefore regarded as a low profile participant. However, this does indicate that the Dutch do not focus on supranational arenas. While the Spanish see that this is strategically useful for the Netherlands, they also acknowledge that as a result of this, the Dutch have often had different points of view compared to the Spanish. In the more recent times, the Spanish feel that their cooperation with the Netherlands have actually improved.

Spain and the UK both have strongly decentralised systems of government. This means that important legislative power is attributed to the regional level instead of the national level. In the UK the regions Wales, Scotland and Northern Ireland are themselves responsible for the policy dossiers studied in this research. The English government is as the '*primus inter pares*' responsible for national coordination and EU negotiations. In Spain the so-called autonomous regions, such as Catalonia. In Spain the national government is responsible for national coordination and EU negotiations. The devolutionised state system has several influences on the policy processes. First of all, it makes national consultation even more important, since regional governments are necessary to make policy implementation possible when there is no direct implementation. This has a negative impact on the decisiveness of the national government. A second influence is a weaker position of the negotiating government in the EU policy process, since it cannot completely guarantee implementation of negotiation results since it is not the implementing actor. The third influence is the focus on direct implementation of EU legislation instead via the regional governments, for trying to avoid difficult national negotiations concerning the implementation of EU policy.

*Box 5 Negotiation in a devolutionised system*

The strategy of Spain to negotiate in the EU arena used to be based on political pressure and economic arguments. Their strategy to proposals of the Commission that they didn't approve of was to slow them down, since it is complicated to stop a proposal once it has been put forward. The Spanish more and more start to realise that this is not the best way to influence the EU. Scientific arguments and early participation in informal meetings with the Commission are considered as important ingredients to be effective in the EU. In

the opinion of the Spanish, the Dutch are usually very well able to support their arguments with scientific research.

#### 4.2.5 Conclusions

The CAP has an impact on nature and landscape goals in the EU, although one could argue about the extent that this will be the case. The main adjustments are decreased prices, direct payments decoupled from production and linking of payments to standards such as animal health and the environmental. The production incentive structure for farmers will definitely change and consequently also the way that land is used will change.

The Dutch consider their influence as substantial. Instrumental in gaining success was - according to their opinion - the efficient national consultation and having a consistent point of view. However, opinions differ concerning the extent that the Dutch actually were influential. The low overall political weight of the Netherlands was given as a reason for little political influence, despite the substantial dairy sector of the Netherlands. An explanation for this could be the relatively small number of interviewees and the biased perception.

However, they do agree that the Dutch are well informed and have the advantage of speaking foreign languages. Denmark and Spain had a low perception of their own influence, but the 'alter perception' was more positive. Instrumental factors in this were the lack of and good prioritisation of goals. The lack of scientific foundation was also named as an important factor.

### 4.3 The Common Fishery Policy (CFP)

#### 4.3.1 Introduction

Fisheries and aquaculture are important economic activities in the EU generating approximately 1% of the GNP of the Member States. Also, they are an important source of jobs in areas where there are few alternatives. The EU is the world's third largest fishing power after China and Peru. The Community fleet is substantial, with a variety of vessels summing up to around 100,000 in total. In recent years, the overall capacity of the fleet has been reduced to improve the balance between vessels and fish. The CFP includes a set of rules and mechanisms that cover the exploitation, processing and marketing of living aquatic resources such as fish, shellfish and molluscs. These activities are undertaken in territories of the Member States, in the Community fishing zone, or by fishing vessels under the flags of Member States in other waters. Joint actions include conservation and management of fishery resources, organisation of the markets and the structural policy.

#### 4.3.2 The evolution of the CFP

The first common regulation in the fisheries sector dates back to 1970 (see figure 4.3). These regulations dealt with rules on access to fishing zones, establishment of a common organisation of the market and a framework initiation for structural policy. In the 90s an in-depth review of the CFP started and was based on assessment reports presented by the

Commission. In 1992 a new regulation was adopted that established a Community system for fisheries and aquaculture. This formed the basis for modernising policy on the conservation and management of fishery resources. In addition, with the creation of the Financial Instrument for Fisheries Guidance (FIFG), a real structural policy instrument was introduced for the fisheries sector.

Other EU policies contribute to attainment of the objectives of the CFP. For example the Fifth Framework Programme for Research and Development supports projects in the fisheries sector aiming to improve knowledge on marine ecosystems. Increasingly, attention has been given to sustainability issues. Sustainability issues do not only play a role within the territories of the EU, but also outside, for example in agreements that were made with developing countries.

The EU's Common Fisheries Policy (CFP) has put in place a series of measures designed to reduce and eliminate over-fishing. The ultimate goal is to reach a sustainable balance between the needs of the fishing sector and the available fish stocks. A first step towards the adoption of an integrated strategy was initiated in March 2001 with the publication of a European Commission Communiqué setting out key integration objectives and a number of actions. This Communiqué was developed by the EU's DG for Fisheries and Environment, also links the integration strategy to the revision of the CFP. The Fisheries Council adopted the conclusions on the integration of environmental considerations and sustainable development into the CFP in April 2001. The fisheries ministers expressed their intention that they would take further steps towards a more comprehensive integration strategy. The Commission presented its ambitious CFP reform proposals in May 2002. Emphasis was put on improving the protection of fish stocks, the marine environment and on securing the resource base. The Commission also published a communication and an action plan to integrate environmental protection requirements into the CFP. This outlines the main objectives, principles, means, targets and timetables to enable the CFP to address environmental challenges efficiently. The Commission is developing a set of indicators to measure the implementation of the strategy and will report to the Council on the environmental performance of CFP by 2005.

The main consideration of environmental issues of the CFP include: (1) integration of environmental requirements into the CFP; (2) strategy for integrating environmental considerations into the CFP; (3) the Biodiversity Action Plan for Fisheries; (4) the International Dolphin Conservation Programme; (5) the Shellfish waters; and (6) and water suitable for fish breeding.

#### 4.3.3 The CFP and the Netherlands.

A distinction is made between offshore fishing, coastal fishing and inland fishing. These three forms of fishing apply different fishing methods, use different equipment and have different impacts on nature. Hence they also require different nuances in the legislation.

After a long meeting of the Council of Ministers responsible for fisheries, in December 2002, an agreement was reached on a compromise package. This package includes the reform of the CFP, the reform of the TACs / Quota, and on measures to restore stocks of codfish. For the decision on the TACs / Quotas, the Dutch demands were to a large extent included. For restoring Codfish stocks the Netherlands argued for

stringent and proportional measures. The consideration of this issue was not exactly what they wanted, but it was acceptable due to significant reduction in the opportunities for catching fish.

A major inspiration for incorporating nature considerations in the CFP were the North-Sea Ministers Conferences of 1994 and 1997. Unlike the European Commission, which is bound to many interests, during this conference the participants were able to form a freer stand on nature goals in the CFP.

The Dutch participant in this conference was the Ministry of Traffic and Water, which also represents a less sectoral interest. The CFP had to be formally revised in 2002 for which the Dutch ministry of Agriculture formed an early common position for the revision.

Time	Main policy events
EC15 2002	Existing provisions of CFP lapses
1996	Full accession of Spain and Portugal Accession of Sweden, Finland and Austria
EC12 1992	Interim review of CFP Consolidated regulation of framework of CFP (Reg. no. 3760/92)
1986	Accession of Spain, Portugal and Greece
EC9 1983	Reg. establishing the a Community system for the conservation and management of fishery resources (Reg.no. 170/83)
1986-1983	Renegotiation of the CFP
1976	Consolidation of earlier regulations on structures and markets Declaration of EEZs by members states (Reg. no. 101/76; 100/76)
1973	Accession of Denmark, Ireland and UK
EC6 1972	Act of Accession
1970	Regulation on common structural policy and common organisation of markets (Reg. no. 2141/70; 2142/70)

Figure 4.3 A timeline with a selection of important events concerning the Common Fishery Policies  
Source: Symes (1997).

Previously, in different phases there have been consultations with numerous stakeholder organisations including consultations in the parliament. The Dutch invested in the internal organisation of the influencing process. Their analysis of the CFP and interpretation of prospects for the future were documented in a memorandum (CFP after 2002, in Dutch) which served as a guidebook for the negotiators. After publication of the European Green Paper on the future of fisheries, a response to the Green Paper was formulated. Moreover, the European Commission and other member states have been informed by the Dutch on their vision and on their interpretation regarding the reform of the CFP. The European Commission was very open to input from nation states and the



Dutch successfully anticipated on this. Concerning the Dutch position there was a high level of agreement within the Netherlands.

With the introduction of long-term fish stock management instead of doing it on an annual basis, emphasis was given to strategic planning instead of the more ad hoc planning. The Netherlands argued for higher levels of coordination of the fleet as well as a reduction of financial support. Improved control, inspection and enforcement of regulations were requested as well as more consistent enforcement of regulations between states. Finally, the involvement of all fisheries stakeholder parties in Regional Advisory Councils was encouraged.

Even though - compared to the other EU members - the Netherlands is not a major fishing nation (see table 4.1), in the reform of the CFP, serious consideration was given to the Dutch position. The Dutch government showed a pro-active attitude during the review of the CFP (see box 6). A number of priorities that were expressed by the government were also put on the agenda at the EU level. The sector is given the opportunity to govern itself concerning the optimal use of the Total Allowable Catches (TACs) that have been obtained in the EU context. TACs were set with appropriate consideration for the sustainable use of fishing stocks. Other member states have objections against the Dutch way of implementation via the individual transferable quota. The latter was used by the Netherlands to enable the sector to be economically sound. The principal concept that underlies this objection is that natural resource with a public character, cannot sufficiently be managed by property rights obtained from private law arrangements. Also the potential concentration of economic interest is believed to be disadvantageous.

#### 4.3.4 The CFP in an international perspective

In Denmark nature goals are hardly considered in the policies of the Ministry of Fisheries. They see this as the specific competency of the Ministry of the Environment, local and regional governments. The latter have the responsibility to protect specific areas. Policies regarding the fisheries are developed in cooperation between the Ministries of Fisheries and of Environment.

Denmark has a large and diverse fisheries fleet with great economic importance. The fish processing industry is very large, in fact it is one of the largest in the world. This makes the Danish position in the EU as far as fisheries are concerned relatively strong. The Dutch fleet is considerably smaller, and mainly focuses on some specific types of fish. The smaller fisheries sector in the Netherlands has made it easier for the Netherlands to determine priorities and to acquire a national stand. Still the Dutch influence is considered moderate.

A major problem with incorporating nature goals into policies in Denmark has been the lack of scientific research to support certain points of view. The Danish fishing community is sensitive to scientific arguments and has therefore challenged the legitimacy of fishery policies. This has greatly hampered the acceptance of new measures aiming to achieve a more sustainable fishing sector.

In the UK, nature goals incorporated in the fisheries policies mostly are related to stock recovery, but also include those relating to habitat protection. The former also serves a long-term economic goal. The fisheries sector in England is not very big, but is very diverse and in some areas it is an important part of the local economy. The fisheries sector

in Scotland is larger, and although management of fisheries is devolved to the national administrations of Scotland, Northern Ireland, England and Wales, the English ministry is responsible for the EU negotiations for the entire UK. The UK has a strong environmental lobby, and socio-economic considerations are also important.

The UK considers the Dutch and the Danes mostly as allies in the EU policy processes as they have similar interests. When it came to the reform of the CFP, the southern member states formed an alliance called 'Friends of Fisheries' based on their interest to minimise negative impacts on their fishermen. As a result, the northern European member states also formed a common position. This happened however on an ad-hoc basis. In EU negotiations, the priorities of other Member States clearly reflect the nature and economic importance of their fishing industry

The Spanish Ministry of Fisheries clearly gave priority to the economic interest of their fishery sector. Nature is an issue that they regard as less important when it comes to the reform of the CFP, because they feel other negotiation arenas are more concerned with those issues.

The Spanish negotiation strategy is supported by science, which was considered very important in the development of the CFP. The possibilities to influence negotiations by choosing a distinct participation-strategy during the formal negotiations are considered to be low by the Spanish. The reasons for this are the formal procedures that are followed during these processes. The Dutch are not considered as First League players in the CFP development process. They are present and have knowledge, but certainly not considered the most active.

The enlargement of the EU was not considered to be very influential on the CFP. The fisheries sectors of the accession countries are very small in relation to those of the member states.

The obligation to revise the CFP in 2003 was part of the regulation on which the CFP was based. The need to give national input could therefore be seen from far. The Dutch fisheries bureau anticipated on this by starting very early with the forming of its own view on the revision. This was already formed in 1997 after a motion of the Dutch Lower Chamber. At the same time, in 1994 and 1997 the North Sea Ministers Conference took place. In this conference fisheries was one of the subjects of discussion, being put on the agenda by environmental NGOs. However, the minister of Traffic and Water was the Dutch representative on the conference. This ministry is not responsible for the sectoral interests of the fisheries, which is one of the reasons for the critical stand of the conference towards them. The Commission then had a green oriented commissioner for fisheries, so the commission adopted the course of the North Sea Ministers Conference. However, together with the motion of the Lower Chamber the Dutch formed a view on the reform. This view was already in this 'vague' phase of the policy process consulted with the most important other parties within the government. Thus, when the commission published its green book on the future of the fisheries, the Dutch were able to quickly send a memorandum to the commission and thus influence the commission with a well-funded and broadly supported view. The Commission was very interested in the Dutch view on the reform. In the following proposals therefore, the Dutch ideas were incorporated. The pro-active attitude also proved to be a solid base for intensive internal consultation during the further negotiations. The Dutch were able to prioritise well and act quickly in the negotiations. Concluding, the pro-active attitude of the Dutch was instrumental in increasing the influence.

*Box 6 Pro-active consultation during CFP reform*

Table 4.1 Evolution of the community fleet: 1993 -2000

Country	Fleet in 1993			Fleet in 2000			Evolution 2000-1993		
	Vessles (No.)	Capacity (1,000 t)	Power (1,000 KW)	Vessles (No.)	Capacity (1,000 t)	Power (1,000 KW)	Vessles (No.)	Capacity (1,000 t)	Power (1,000 KW)
Belgium	127	23	63	185	25	72	58	2	9
Denmark	4,160	162	373	3,303	96	410	-857	-66	37
Germany	2,314	71	167	2,478	84	176	164	13	9
the Netherlands	1,075	208	504	1,610	173	538	535	-35	34
Spain	16,676	526	1,333	20,190	586	1837	3,514	60	504
Portugal	10,811	117	398	13,131	147	450	2,320	30	52
France	8,173	222	1,107	7,021	188	1,034	-1,152	-34	-73
Ireland	1,193	60	194	1,435	55	191	242	-5	-3
United Kingdom	8,517	268	1,050	11,055	250	1,202	2,538	-18	152
Finland	3,689	21	199	4,106	25	224	417	4	25
Sweden	1,838	46	223	2,513	51	266	675	5	43
Total 11	58,573	1,721	5,611	67,027	1680	6,400	8,454	-44	789

Source: Suris-Reguiro et al. (2003).

#### 4.3.5 Conclusions

In 1992 Council Regulation 3760/92 came into force that started to include conservation and management of ecosystems next to good management of the resource. That was a major step forward. In the years that followed several adjustments were made to better accommodate the conservation and sustainable management of marine ecosystems.

A major reform was made with the revision of the CFP in 2002. In this reform nature goals got a stronger position (for example, the new powers under the CFP to take emergency conservation measures). The Commission can protect areas from over-fishing. Giving more thought to nature, is a consequence of numerous non-EU conferences and the contribution of progressive member states like Denmark and the Netherlands. Their early intervention in the process, consistent stands and the use of the chairmanship of Denmark made incorporation of nature goals in the CFP possible.

The Dutch participated well prepared in this policy process and this enhanced their negotiating position in Brussels. They invested a lot in early participation in the EU arena which resulted in the achievement of many of their goals. The Dutch have also been very consistent over time making them a respected negotiating partner in Brussels.

However, the relative small size of the fisheries industry in the Netherlands reduces the amount of interest and the amount of influence they have on the CFP.

### **4.4 Natura 2000**

#### 4.4.1 Introduction

Natura 2000 is a community-wide network of nature protection areas mainly based on the Habitats Directive of 1992 and areas designated under the Birds Directive of 1979. The aim of the network is to assure the long-term survival of Europe's most valuable and threatened species and habitats. Its priorities are to create the European ecological network with special areas of conservation, called Natura 2000, and to integrate nature protection requirements into other EU policies such as agriculture, regional development and transport.

The Natura network includes Special Areas of Conservation (SAC) designated by Member States under the Habitats Directive, and also incorporates Special Protection Areas (SPAs) which they designate under the 1979 Birds Directive.

The establishment of this network of protected areas also fulfils a Community obligation under the UN Convention on Biological Diversity. Natura 2000 aims to play the key role in protecting the EU's bio-diversity in line with the decision taken at the meeting of the European Council in Göteborg in June 2001 to halt the bio-diversity decline within the Union by 2010. The 'Habitats Directive' of 1992 identified 'at-risk' species and habitats needing protection in Member State.

#### 4.4.2 The evolution of the Natura 2000 dossier

The Emerald network forms the wider context for the Natura 2000 network. This network of Areas of Special Conservation Interest (ASCIs), which is to be established in the territory of the Contracting parties and Observer States to the Bern Convention, including, among others, Central and Eastern European countries and the EU member States.

The Bern Convention on the Conservation of European Wildlife and Natural Habitats was adopted in 1979 at the 3<sup>rd</sup> European Ministerial Conference on the Environment. It came into force on June 1982. A long list of countries signed the convention documents. The Emerald Network is the common operative tool for the protection of habitats under the Bern Convention, reaching from Turkey to Iceland and from Ukraine to Morocco. In June 1989, in response to an increasing demand for habitat protection, the Standing Committee of the Bern Convention launched the idea of establishing a pan-European network of protected habitats leading to the Emerald network. In practice, however, development of the Emerald Network now involves the designation at the national level of ASCIs. The Emerald Network finds its legal basis in the Bern Convention.

Work on the pan-European ecological network has been a gradual process conducted within the framework of several international initiatives and has resulted in actions from the global to the regional level. The process was initiated by international conventions, such as the Convention on Wetlands of International Importance, the Ramsar Convention, the Convention on the Conservation of Migratory Species of Wild Animals, the Bonn Convention, and finally set up within the Pan-European Biological and Landscape Diversity Strategy (PEBLDS) in 1995. One of the objectives of the PEBLES is to develop the Pan-European Ecological Network (PEEN). The Ministers of the Environment suggested developing it on the basis of on-going initiatives. The effects of all these initiatives: (i) the CORINE sites, (ii) the biogenetic reserves, (iii) the Areas of Special Conservation Interests (ASCIs) under EMERALD and, (iv) the Special Areas of Conservation under Natura 2000, should be incorporated into one continuous structure.

In several countries projects were initiated to develop ecological networks, with the objective of contributing to the establishment of the Pan-European Ecological Network (PEEN) and, at the same time, to facilitate the process of EU enlargement and establishment of the Natura 2000 network. Figure 4.4 presents some of the key moments leading to Natura 2000.

Year	Main event
2000	NATURA 2000: Community wide network of nature protected areas
1995	Pan - European Biological and landscape Diversity Strategy (PEBLDS)
1992	Habitats directive on conservation of natural habitats and of wild flora and fauna. Directive 92/43/EEC
1989	Bern Convention launched idea of pan European network of protected habitats. The so-called Emeralds Network
1979	Signing of Bern Convention on the Conservation of European Wildlife and natural habitats Birds directive, including nature conservation in coastal and marine environments, Directive 79/409/EEC

Figure 4.4 Key moments leading to Natura 2000

Natura 2000 benefits from a specific financial instrument - the LIFE-Nature Fund - introduced in 1992 and has been described as one of the spearheads of the European Union's environmental policy. It co-finances projects in three LIFE areas: nature, environment, and third countries. LIFE Nature actions aim at the conservation of natural habitats and the wild fauna and flora of European Union interest, according to the Birds and Habitats directives. They support the implementation of the nature conservation policy and the Natura 2000 Network of the EU.

Member States should ensure full compliance with the legal requirements of Natura 2000. But, it is particularly important to ensure compliance in situations which involve Community funded programs. In light of this concern the Commission previously indicated to Member States that a failure to present lists of Natura 2000 sites could result in the suspension of payments under certain structural fund programs. The threat of suspension of payments from such programs was a precautionary measure to ensure that Community funded programs would not contribute to irreparable damage to sites before they have been proposed officially for the protection under the Nature 2000 regime.

#### 4.4.3 Natura 2000 and the Netherlands

Natura 2000 is considered a Dutch initiative and aims to stop the strong decline in nature (see box 7). Where necessary certain characteristics are reconstructed if necessary. In the Netherlands it has been acknowledged that nature is under pressure and biological diversity has continually been declining the last few decades. This situation has given an extra impulse to the importance of the Natura 2000 network. The Dutch contribution to Natura 2000 via the Birds directive (1979) is almost completed while The Dutch contribution to Natura 2000, via the Habitat directive (1992) was in 2003 still in process.

The concept of the Ecological Network is a concept that is said to have been developed in the Netherlands. The 'main ecological structure' is a concept that was introduced in the Netherlands in the early nineties. The concept was developed by scientists and embraced by policy-makers to be embedded in the spatial legislation. The concept has major similarities with the idea of the Natura 2000 network. This is a reason why the Danes consider the Dutch to be very influential. Another factor for this is the fact that the Habitat's directive was agreed on under Dutch presidency. The dossier was one of the top priorities of the Dutch government during that presidency. However, when asked, the English and Spanish interviewees did not recognise the Dutch as being that influential. The English even contribute this influence to the Danes instead of the Dutch. The situation obviously is not very clear. This illustrates that it sometimes is not very easy to identify the most influential member state.

#### *Box 7 Natura 2000, a Dutch invention?*

Within the EU, after long negotiation every country committed itself to a country-specific detailed contribution to the Natura 2000 network. The agreements come directly from the Birds and Habitat directive. For all EU member states special protection zones have to be selected and designated to the Natura 2000 network. These are the areas where the habitats and species designated by the Habitat and Bird directive were observed. For

some of the animal and plant species no special protection zones are needed, their protection has been included in regulation / legislation.

The Dutch influence on the evolution of Natura 2000 was very large. Members of the Nature Directorate of the ministry started an internal lobby to put the Habitats Directive on the agenda. They succeeded and the Dutch cabinet made the Habitats Directive the primary objective of their chairmanship. This was very successful and gave the Dutch a powerful position in nature policy. However, their influence on the implementation of the policy dossier has, so far, been minimal.

The European Commission formed a proposal for the Habitats Directive, and the Dutch government wanted to reach a decision with the member states on this proposal. One of the instruments in the negotiations was the LIFE program. This is a funding program from the EU with the objective to support the infrastructure to maintaining certain habitats. This funding program was an important argument to persuade those countries that were less in favour of nature conservation. The Habitat directive had a restricting impact on the member states. The people involved, both at the national and the EU level, realised too late that it would not be accepted if they only came with a restrictive policy. Participation of NGOs, local and regional governments has been a problem. They did not see an urgent interest and participated on a very low level. Internal cohesion lacked and only when the decision was already made, the NGOs and governmental actors realised how far reaching the implications would be. When trying to influence the result of the process they were too late leading to problems with the implementation of the directive. The culture in Dutch policy making and implementation involves reaching a consensus, also known as the Polder Model (see box 8). This can be seen as a form of governance. When - on occasion - this consensus approach is not followed the result will often slow down the implementation of policies that are developed at national or EU level. Dutch regional governments have an important role in the implementation but have not always supported the Habitats Directive. The consensus approach was only followed during the implementation of the directive, not during the run up to the EU negotiations. Support for the directive was therefore limited and as a result of these problematic procedures, policy making in the implementation phase has been difficult. Clearly, more communication would have enhanced the achievement of the objectives of the habitat directive. The lengthy consensus process for which the Dutch have become so famous, will slow down the Netherlands in taking initiatives in the EU, however, will hasten the implementation of policies.

The basis of the Dutch polder model lies in the continuous struggle against water that dominates the history of the Netherlands. In the extended Dutch areas that lie below the sea level, the polders, cooperation is a way of life. To take on a project as ambitious as the making of a polder two attributes are needed. One is a strong governing authority; the other is an ingrained habit of cooperation and consultation. These two habits are the heart of the polder model. This created a culture that is based on cooperation and consultation, for that was the only way to survive on the long term, even if it meant short-term disadvantages. It is this culture that made way for the polder model. The term polder model was firstly applied on the socio-economic method of decision making in the eighties and the nineties. The eighties comprehended a period of economic backdrop, which was further enhanced by strong conflicting stands from both employee and employer organisations. In 1982 these organisations understood that their struggling did not serve the people they represented on the long term, and they reached an agreement which comprehended short-term losses for everyone, but gave an outlook on long-term benefits. This agreement proved to work, for the Dutch economy was booming throughout the nineties. The ability of organisations to give up short term and short sited profits to reach goals that have benefits for everyone is called the polder model, and is now applied to other fields of policy making, including that of nature and landscape goals. In fact, the model has more or less become a goal in itself, for the support of all kinds of stakeholders is considered to be very important in Dutch policy making. In many policy processes in all the Dutch government levels very much time and effort is put into working via the polder model.

*Box 8 The Polder Model*

#### 4.4.4 Natura 2000 in an international perspective

Considering the Natura 2000 policy dossier, the Danish policy process was somewhat similar to the Dutch, although the national consultation process was much more intensive. The process of appointing areas was very successful in Denmark where no judicial procedures were started against the selection of habitat areas. One of the reasons for this is the emphasis on extensive research before deciding which areas would be considered for Natura 2000.

Because of this, owners usually could be convinced that it was important to protect their areas. Another factor of success is the specific funding of regional governments for their task in researching, nominating and maintaining areas. Clearly, the so-called 'bottom-up' approach proved to be success formula for the Danes. The funding secured the cooperation of the regional governments. This same formula was not followed in the case of the Netherlands and consequently implementation was more problematic.

The Danes regard the Dutch influence on the development of Natura 2000 as large, which is also the case concerning Dutch influence on Danish nature policy. Concepts for nature protection like corridors and networks - developed in the Netherlands - really opened eyes in the rest of Europe. Being ahead of the game is an important way of gaining influence in the EU. In addition to that, the Dutch also spent time and money on international public relations concerning this policy dossier. The Danish and the Dutch clearly share common objectives as far as nature protection is concerned.

The English also are allies of the Dutch in the realisation and implementation of Natura 2000. They have a shared interest in the implementation of the Habitats directive, also when it comes to the clarification of the directive. The English are at the moment mostly interested in marine nature conservation and see themselves as the leading country for this at the EU level. The English regard the Danes, and not the Dutch, as being ahead in



vision development and the identification of upcoming problems. They have good resources and a good integration between politics and practice. Therefore, they have been able to introduce several new initiatives in the EU. The Dutch - on the other hand - are considered to be rather moderate players in this field. An exceptional accomplishment by the Dutch was the swift designation of protected areas for the Habitats Directive. This UK stand is interesting because the Danes give a lot of credit to the Dutch nature and landscape policy.

The UK regard informal contacts important in negotiations. The UK has a single person who is mainly responsible for negotiations for Natura 2000. This person has the specific personal skills that are necessary to manage informal contacts. However, even then the UK negotiation strategy mainly has a reactive character, because it needs a lot of effort to really use informal networks pro-actively.

Policy making in the United Kingdom is done in dialogue with NGOs and the other devolved governments that are responsible for nature. The Statutory Nature Conservation Agencies, (such as English Nature) take a special position. This is a governmental organisation with the characteristics of an NGO. They are funded by the government, but are able to take a very critical and independent position.

In Spain policy makers concerned with nature policy are very much confronted by a devolved governmental system. Nature policy is a regional competency while at the same time EU negotiations are done by the national government. This is especially important, because the maintenance of the protected areas that come forth out of Natura 2000 strongly depend on EU funding.

The protected areas in Spain are very extensive. The regional governments are afraid that they will not be able to sustain these areas when the EU funding through the LIFE program becomes smaller. This is considered a serious threat with the enlargement of the EU in mind and although the financial contribution was estimated to be small its significance for nature protection is well recognised. The selection of protected areas has not been done in full consultation with all stakeholders often leading to lack of support for Natura 2000.

#### 4.4.5 Conclusions

The Dutch have had considerable influence on the fundamental concepts that underlie the Natura 2000 policy dossier. This is because they showed initiative with scientific sound knowledge and were consistent. The concept of ecological networks was developed in the Netherlands. The Dutch also were the first to come with a list of areas to protect, which was important for the European Commission as they can use this to convince other nation states to do the same. The Dutch also had a decisive role on this policy dossier when they were chairman of the EU.

However, despite the consensus culture in the Netherlands, the Natura 2000 dossier was not always widely supported in the Netherlands and consequently the implementation has not been smooth. The appointment of habitats however was a major success.

Funding has been an important element of the negotiation process concerning Natura 2000. The Danish funding of regional governments for their tasks is considered an

important factor in the success of its implementation of Natura 2000. Also the LIFE funds were important in reaching an agreement with the South European member states.

## **4.5 Water Framework Directive (WFD)**

### 4.5.1 Introduction

The 'Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy' or in short the EU Water Framework Directive (WFD) was adopted<sup>1</sup> in October 2000. This new European Water Policy aims to improve the situation of polluted waters and to ensure the sustainable use of water resources. In achieving these objectives, the role of citizens and citizen-groups is understood to be crucial. The WFD will be the operational tool setting the objectives for water protection well into the future.

### 4.5.2 The evolution of the Water Framework Directive

Early European water legislation began with standards for rivers and lakes used for drinking water abstraction in 1975, and culminated in 1980 in setting binding quality targets for drinking water. It also included quality objective legislation for fish, shellfish, bathing water as well as groundwater. The main emission control element was the Dangerous Substances Directive and most of the attention went to chemical content. A next step in European legislation addressed the pollution from urban wastewater and agriculture. This step, in a second phase of water legislation, was taken by the European Ministers and resulted in 1991 in the adoption of the Urban Waste Water Treatment Directive, and the Nitrates Directive.<sup>2</sup> Other legislative results of these developments were Commission proposals for action on a new Drinking Water Directive and a Directive for Integrated Pollution and Prevention Control (IPPC).<sup>3</sup>

In 1995 a more fundamental approach was proposed. The Commission, which had already been considering the need for a more global approach to water policy, accepted requests from the environment committee of the European Parliament and from the Council of environment ministers. It was believed that European Water Policy had to address the increasing awareness of its citizens. Problems required a more coherent and holistic approach, which is why the new European Water Policy was developed in an open consultation process involving all interested parties.

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<sup>1</sup> The text of the Directive was published in the *Official Journal (OJ L 327)* on 22 December 2000 and entered into force the same day.

<sup>2</sup> The Urban Waste Water Treatment Directive, dealing with provisions of secondary (biological) waste water treatment, and more stringent treatment where necessary. The Nitrates Directive, addressing water pollution by nitrates from agriculture.

<sup>3</sup> The Drinking Water Directive, reviews the quality standards and, where necessary, tighten them (adopted November 1998). The Directive for Integrated Pollution and Prevention Control (IPPC), adopted in 1996, addressing pollution from large industrial installations.

Next to the regulation for the area of the Union, the European Union and Member States are signatories to various international agreements containing important obligations on the protection of marine waters from pollution. One example is the Convention on the Protection of the Marine Environment of the Baltic Sea Area, (Council Decision 94/157/EC(11)). There is also the Convention for the Protection of the Marine Environment of the North-East Atlantic (Council Decision 98/249/EC(12)). Moreover there is the Convention for the Protection of the Mediterranean Sea Against Pollution, (Council Decision 77/585/EEC(13)), and its Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources (Council Decision 83/101/EEC(14)). Figure 4.5 presents some of the key moments of the WFD.

Year	Main event
2027	Implementation of several aspects of the Water Framework Directive
2003	Implementation of the Water Framework Directive in the national legislation
2000	The Water Framework Directive (Directive 2000/60/EC, December 22, 2000)
1998	The drinking water directive
1996	The Directive for Integrated Pollution and Prevention Control (IPPC)
1991	- Urban waste water treatment - The nitrates directive
1980	Binding quality targets for water
1979	Standards for rivers and lakes used for drinking water, Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain substances

Figure 4.5 Key-moments for the Water Framework Directive

The Commission presented a Proposal for a Water Framework Directive with a number of key aims, including:

- Achieving 'good status' for all waters by setting a deadline;
- 'Combined approach' of emission limit values and quality standards;
- Water management based on river basins; and
- Expanding the scope of water protection to all waters, surface waters and groundwater.

For surface waters a general requirement for ecological protection, and a general minimum chemical standard was introduced to cover all surface waters in the EU. Two elements, namely 'good ecological status' and 'good chemical status', are distinguished within surface water context. For groundwater the quantitative status needs to be mentioned. Groundwater needs to be re-supplied on a frequent basis and part of this water is needed to support connected ecosystems. These ecosystems can be either surface water systems or terrestrial systems like wetlands. Hence, only a part of the water - namely the excess - can be withdrawn. The new WFD is innovative as it provides a framework for integrated management of both ground- and surface water.

Another focus of the WFD has been on the river basin management plan. In that plan a detailed account of how the objectives, either minimum or more stringent, is set for the

particular river basin. The objectives concern ecological, quantitative, chemical, and protected area status and objectives are supposed to be reached within the required timescale.

In terms of streamlining the legislation in different, but related areas, the WFD plays an important role. As this framework directive replaces and incorporates a number of old directives, its orientation is a much more integrated one. Illustrating that water management and its relation to other policy areas such as those concerning nature and biodiversity conservation are better embedded in the newly established legislation. The new framework is open to a more balanced support of various interests from different policy areas.

#### 4.5.3 The Water Framework Directive and the Netherlands

When considering the whole WFD there are several areas where the Netherlands was not an outstanding participant as far as initiatives are concerned. The Ministry of Water and Traffic coordinates the negotiations and has to take into consideration two important user-interests, namely nature and agriculture. At the same time the Ministry of Agriculture and Environment played an important role in the national arena. There are two reasons for this. One is the position of the ministry between strong NGOs. Conflicts are often large and therefore the Ministry of Agriculture and Environment had strong arguments that already are the result of a debate. The Ministry of Water, which coordinated the Dutch participation, does not operate in such a conflicting environment. A second reason is the importance given to nature. This gives the Ministry of Agriculture and Environment a strong position in the national debate. A problem for the Netherlands in the EU negotiations is the very specific water situation. It is very different from situations in the rest of the EU, which makes it difficult to form coalitions.

#### 4.5.4 The WFD in an international perspective

Water-related environmental policy started in Denmark in the seventies. There were increasing levels of phosphorus and nitrogen in the water. A water action plan was put up, but the agricultural sector was not able to fulfil the goals that were set. Now a third action plan has been written focussing on the implementation of the WFD. In this plan the Ministry of the Environment determines the objectives and regional governments are responsible for the realisation of those objectives. NGOs are involved in developing the policies, but in the end it is the government that is responsible for the policy. In Denmark the WFD and Nature 2000 are implemented together in legislation.

The Dutch government was very active in the development of the WFD. The reasons for this are the problems in meeting the targets due to the specific hydrological situation in the Netherlands. The Dutch were successful in developing alternatives to the WFD and raised important questions during the negotiations. This pro-active attitude clearly enhanced their influence in Brussels.

The WFD is seen as an important policy in the UK. The parliament considers environmental goals to be very important, and they want to be among the leading member-states when it comes to environmental policies in the EU. The UK sees itself as a country

that generally does well at the EU level. the Netherlands is seen as an ally of the British. They share the same ideas toward nature and landscape goals. Also, the Dutch are seen by the UK as a country that punches above its weight. By this they mean that the influence of the Dutch on the WFD is larger than the influence that can be attributed to the relative size of the country. The Dutch usually negotiate well prepared and have carefully done their homework

However, both in the UK as in the Netherlands the implementation of the WFD is confronted by severe problems. This is partly due to the lack of recognition of the relation between the WFD and the CAP. There is also a lack of money for the implementation of the directive. In the UK so far there is no major involvement of NGOs, but recently they have become more involved.

Spain is not an active player on the field of the Water Framework Directive. The country is more concerned by water as a resource for agriculture. Environmental problems are therefore not an integral part of the countries' water policy, and nature and landscape goals are only incorporated when they are a condition for EU funding. Irrigation is a topic that has been given a great deal of attention in Spain. Pressure from society for more attention on the WFD has been growing. The loss of water that occurs in irrigation works is the main argument for this.

#### 4.5.5 Conclusions

The WFD is a clear example of how objectives in policy areas that interact with water in one way or another, have been included in one framework legislation. Nature and biodiversity interest have also been given due attention so as to enable long-term sustainable use. The Directive, which has only just recently been introduced, will still have to prove to what extent its effects on nature and landscape are positive. Until 2027 several aspects of the WFD will need to be implemented.

The adoption or incorporation of specific elements within the WFD and its detailed objectives that relate to nature or landscape, however, looks promising. In this regard, we mention the objectives that were determined for the ecological, quantitative, protected areas, as well as the chemical status at the river basin level. For surface waters a general requirement for ecological protection will be set. The setting of strict chemical standards for surface waters will promote the ecological quality.

The definition of 'good ecological status' and 'good chemical status' for surface waters is another promising attempt to incorporate nature and landscape objectives. Combining considerations for both surface and groundwater is presumably the best way to proceed and the only way to guarantee the achievement of ecological objectives.

The Dutch were not very influential in the negotiations, although they did achieve certain goals. Their persistent stand was the main fundament of achieving these goals. In general, the Dutch had some very specific problems on which they successfully focussed. the Netherlands perceives its own influence as relatively high, although the ministry of Agriculture, Nature and Food Quality (LNV) was not the leading ministry in this case. In the EU arena the very specific Dutch hydrological situation made it difficult to find alliance partners. To cope with this the Dutch worked actively on the development of the WFD. This active participation is recognised by the other member states. Because of this

active attitude the Netherlands was able to develop deviations in the WFD. Again, also here, being pro-active and well prepared is therefore recognised as a strong foundation for influence.

## 5. General concluding comments

Here the conclusions of the analysis of four policy dossiers will be discussed. This will lead to a number of conclusions and recommendations for the manner in which the Dutch could enhance their influence in the EU with reference to nature and landscape goals.

### 5.1 Conclusions

#### 5.1.1 Concluding comments on the factors explaining Dutch influence

The Dutch influence on nature and landscape policies in the EU can be considered as moderate to good, especially considering the size of the Netherlands. As there are large differences between cases and between specific interventions it is not possible to say that the performance of the Netherlands has been strong in all aspects. During the EU chairmanship of the Netherlands it will be interesting to evaluate to what extent they were able to address a number of issues that were considered relevant to be placed on the agenda (box 9).

The Dutch policy-making model - also known as the Polder Model - of extensive consultation can be seen as a strength and a weakness. Its strength - in general - lies in the support for decisions once they have been made. Internal cohesion is a very important factor for success. The time that it takes to come to a compromise is the weakness of the Polder Model. In the EU policy arena it is very important to formulate an opinion in an early stage of the policy-making process. For example, during the evolution of the CFP reform, the European Commission used Dutch proposals already in the first proposal. A lengthy national debate limits the possibility to come with initiatives. The opportunities to influence EU policy process differ over time, and over the phases of the policy process. While the Polder Model limits the number of opportunities, but enhances the opportunities for implementation.

Dutch policy is often developed in a procedure without checking the EU preconditions, which means that they have not done their homework well. This sometimes leads to a situation where a national agreement is reached which is not possible from a EU judicial point of view.

Being consistent over long periods of time is important in EU negotiations. For both the dairy policy in the CAP and the reform of the CFP having a consistent point of view and agenda proved to enhance influence. A good internal organisation is of assistance to this.

Scientific arguments have a lot of weight in the EU arena with reference to nature and landscape goals. Countries who have invested in research and development have an advantage as this part of the EU political arena can be described as an expert-driven political system. Sound scientific basis underlying proposals make them easier to accept by

governmental and non-governmental organisations. The Dutch are considered strong in their scientific arguments. They are creative in finding solutions to complex problems. This is of tremendous importance for the Dutch influence.

During our interviews with key-persons, the following topics were indicated as relevant to be addressed during the Dutch presidency:

*- Marine issues in Natura 2000*

Habitat protection in marine areas has in the past been an underestimated element of the Habitats directive. Specifically for the English however, the directive has large consequences for coastal areas. The protection of marine areas has not yet been crystallized out in the Habitats directive. The English would see it as a major accomplishment for the implementation of the directive if the Dutch could make a step in this.

*- The funding of the Natura 2000 network with the accession of CEECs*

Nature protection in Spain is largely financed by EU funds (LIFE program). With the accession of the CEECs they feel that this funding will come under pressure, since the money is more needed there. This will create major problems for the implementation in the Mediterranean countries.

*- Less environmental issues in the CAP*

The Spanish have noticed a shift in policy-priorities during the Dutch government changes in 2001 and 2002. They hope that this will make it possible to keep CAP focused on the agricultural sector, instead of bringing in environmental issues into the CAP.

*- Increasing attention towards the importance of agriculture in the WFD dossier*

The English are becoming more and more aware that agricultural production is one of the major elements in the pollution of water. This in their view an underestimated problem in the Water Framework Directive is it is discussed now. They would see it as a major success if the Dutch could place this subject on the agenda.

*- Reducing amount of community rules concerning fisheries*

From English point of view the reduction of community rulings for fisherman is a top priority for the next presidency. The system of steering in the sector needs to be reformed.

*- Enforcement of CAP rules*

The Spanish are worried about the enforcement of regulations in the reformed CAP, such as cross compliance. They see this as a major problem for the future, and would see it as a major success if the Dutch placed it on the agenda.

*Box 9 Current issues that are considered relevant to be put on the agenda*

While sound scientific knowledge is of great relevance there are other factors that are equally important and require attention. Dutch public servants are often technically oriented and lack political sensitivity. A higher degree of modesty could enhance our position in the EU.

The European Commission prefers persuading nation states with arguments supported by other nation states rather than only using their own arguments. This provides for an opening to gain influence in the EU arena, as the Commission can be a powerful ally. However, anticipating on this way of influence requires having initiative and this can be in conflict with internal consultation.



The Dutch public culture is less based on 'wheeling and dealing' compared to many other EU countries. This makes it harder for Dutch officials to participate in the EU arena. Giving serious consideration to the informal side of the negotiating process has also not really been part of the Dutch culture and way of doing politics in Brussels.

Too often the European Commission is still seen as an opponent rather than a partner. Other countries have a different attitude and use the commission to achieve its own goals. The French in particular have been able to do this.

In trying to influence nature and landscape goals it is of little use to invest a lot of energy in policy dossiers for which the Netherlands has little influence in general. The chances of success, if more powerful players are opposed to the Dutch position, are small. If those powerful players are in line with the Dutch position, then it is better to become allies with them. In policy dossiers for which the Netherlands has a lot of influence it might be possible to make a difference by taking the lead.

### 5.1.2 A focus on future development

The enlargement is seen as a development that will severely influence the EU policy process (see box 10). It will be more difficult to discuss policies in plenary sessions, because of the high number of people involved. The role of bilateral contacts and coalition building will warrant extra attention in the future. The general attitude to nature and landscape goals will likely change. However, in many aspects, the policy field is already mature. Nobody who was interviewed expressed a great deal of reservations when the expansion of the EU was discussed. On the contrary, new opportunities were emphasised. However, it will raise new issues, for there is insufficient knowledge of the existing systems in the new member-states. One of the positive effects of the enlargement is the possibility to protect more or less complete systems, such as the Baltic.

## 5.2 Recommendations

There are several developments in which the Dutch government could invest to enhance their influence in the EU. We will elaborate on the working hypotheses based on Van Schendelen (1995), which concerned the Dutch position in general. To conclude this study we will screen the points mentioned by him and see to what extent they have been or are still applicable when as far as nature and landscape (see figure 5.1) are concerned. Additional points from that became evident from this study will also be added.

In May 2004 the EU has enlarged with twelve new member countries. These are former members of the communist block and some small Mediterranean states. The enlargement came on the agenda after the fall of the Soviet Union in the late eighties and early nineties. This fall created a power vacuum at the eastern border of the Union. For the EU it was strategically important for both political and economic reasons to bring this part of Europe under its umbrella. A long process of accession has been started, which culminates in the enlargement of May the first 2004. From a nature and landscape perspective, the enlargement can be influential. The accessing countries are relatively 'unspoiled' by agricultural, industrial and urban land-use. This makes that there simply is more nature and landscape to protect. On the other hand, it can be expected that economic development is the main reason for these countries to join the EU. Nature and landscape goals can thus hardly be expected to be on the top of their agenda. However, at least the status quo will be maintained because all new member states had to adopt all existing EU legislation. And because many environmental problems are not that large, they will also be not so difficult to tackle. But there will be a large change in the power positions in the European Union. In the system of Qualified Majority Voting the relative strength of each individual member state will weaken because of the increased number of voters. Also, in addition to a Northern European alliance and a Mediterranean alliance, similar interests make way for an Eastern European alliance. Concluding, there will be more participants in negotiation processes, which will make negotiation more complicated. Bilateral contacts are named as important new strategies to cope with this new situation.

*Box 10 EU Enlargement*

Factor	Focus on Nature
<i>Van Schendelen:</i>	
Less general government	National coordination in nature goals is considered important to gain support, but also slows down the process. The role of NGOs, for example, should be given more consideration.
Credo of supranationality	It will be relevant to focus on agenda setting and an anticipative attitude will be relevant here.
A more critical approach	Gaining information is crucial in EU negotiations. For nature and landscape goals in particular, where efforts of the Netherlands have been knowledge driven, more attention to the broader political setting could be beneficial.
Euro Public Affairs	This at the moment is lacking in Brussels. A much more pro-active attitude should be followed when considering agenda management.
Dutch House	A focus point for coordination, gathering of information and coalition forming between public, semi-public and private organisations can be very useful. Especially this is the case in combination with the point of Euro Public Affairs
Selectivity	Prioritisation is important, even within a specific dossier and should be related to the national situation. The Dutch have been able to do so dossiers that concern nature and landscape goals.
Benelux and other alliances	The research shows that different coalitions are formed, depending on the policy dossier. It is important to be both flexible and trustworthy in this. The impression is that we tend to have the same alliances in Europe. Perhaps, to be more influential, it would do good to also seek alliances with other less traditional partners. Alliance development should be seen as a separate subject and deserves more attention than has been the case in the past.
Low profile	Concerning knowledge-driven issues, we see no reason for the Netherlands to operate in a low profile way. In the open political playing field, taking on a high profile is not something to be encouraged.
Political planning	Early anticipation in the policy cycle is considered to be very important. The enlargement of the EU might prove to be a good moment to place the European Ecological Network higher on the political agenda.
Homework	This is certainly also the case for nature and landscape goals. It is particularly in this area that the Netherlands has achieved a positive reputation. Arguments are supported by sound scientific research. At the same time, we stress that careful preparation is needed to take account of different networks of stakeholders. This is often underestimated. Future policies might become more an issue of social than technical learning. When considering implementation, a carefully orchestrated approach will be necessary. In combination to more attention to the relationship between policy formation and policy implementation, governance should be leading and not government.

Figure 5.1 *Influence enhancing factors placed in a policy perspective, with a particular focus on nature and landscape*

Factor	Focus on Nature
<i>From this study:</i>	
Attitude towards Europe	Considering the EU as a partner rather than an adversary will enhance our influence in the EU.
Communication	A clear understanding of each other's objectives is a pre-requisite for an effective operation at the international level. Often many departments are involved and we have received signals that still too often there are instances of miscommunication between different ministries or even within the same ministry.
New policy	Where there are already many new policies, it is better to consolidate these policies rather than initiate new policies. Particularly in the case of nature and landscape, there are many new policies. It would be contra-productive to start any new policy initiatives as long as the older ones have not yet been properly implemented.
Understanding the processes	Policy making in a multi-level, multi-actor playing field is very complex indeed. More effort should be put in understanding these processes. For nature and landscape goals this is no different. We would suggest developing a EU Nature Policy Think Tank. This will be a group of people whose main job it will be to analyse international developments and anticipate future options.
Analyse existing instruments	Increase the use of existing instruments to enhance nature and landscape Many EU instruments still offer the freedom to implement them according to national wishes and we have the impression that not always full use has been made of this possibility. For example, the instrument of modulation offers the possibility to acquire more funds for nature and landscape goals. Member States may make additional payments up to maximum 10% of the sum of the single farm payments for their farmers to encourage specific types of farming which are important for the environment, quality production and marketing ( <a href="http://www.europa.int">www.europa.int</a> ).

Figure 5.1 *Influence enhancing factors placed in a policy perspective, with a particular focus on nature and landscape (continuation)*

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# Appendix 1 Framework for a Discussion Guiding Questionnaire

This questionnaire aims to gain insight in the perceptions of 'key-persons' of the policy-process concerning nature- and landscape goals. To do so it focuses on the way that 'key-persons' see their organisation (the ego-perception) and the way that others look at their organisation (the alter perception). Expectations and reality are analysed as well as the anticipation concerning future developments. The questionnaire serves as a general guideline for the research. The framework used to develop this questionnaire heavily relies on Arts (1998).<sup>1</sup> In his work he describes a number of explanatory factors for an organisations' influence. These explanatory factors are used to guide the researcher to reach an explanation. Arts mentions the following explanatory factors:

1. Arena level
  - Actor involvement
  - Actor interventions
  - Nature of the policy issue
  - Nature of the negotiations
2. Level of the outcome
  - Nature of the policy outcome
  - Likely policy effects
3. Context
  - Nature of relevant regimes
  - Distribution of resources
  - Nature of the rules of the game
  - Relevant trends and events

The questionnaire is used to guide the interview and discussion, and so other issues can be raised that are not in the questionnaire. Research will be done for both the national and EU arena. Three parts are included:

- *General questions on the policy process and its actors*  
Here emphasis is put on general information concerning the way the person sees her/his own organisation as well as other organisations;
- *Explaining general statements with case studies and interventions*  
For each policy dossier a timeline reflecting key decision moments in the policy process will be developed and shown to the person being interviewed. This timeline serves as a steppingstone for the interview. The interviewer will be asked to go through it for each key intervention. The questionnaire will be used as a guideline for the discussion with the interviewee. The questions are mainly open;

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<sup>1</sup> Arts, B., *The political influence on global NGOs*. Case studies on the climate and biodiversity convention, Nijmegen. 1998.

- *Past expectations and future anticipation of major developments*

Here we will try to see to what extent changes are expected to influence the policy process. For example, how will the expansion of the EU effect the decision making process nationally as well as internationally.

*PART 1:*

1. If you would rate the influence of your organisation on the policy dossier, what would your rating be? (small, medium or great)<sup>1</sup>
2. According to you which other organisations were also involved in this policy dossier and can you also rate their influence?

*PART 2:*

(Here the person being interviewed will be shown a timeline for the policy dossier and can adjust this timeline if this would be considered necessary)

3. Which are the key interventions that were made and by who?
4. Could you describe the intentions of the initiator?
5. In which ways does the initiator have influence?
6. How did other dominant actors react to the initiator?
7. How did the key intervention affect the forming of coalitions?
8. What according to you were the main consequences of the key interventions, both at the national as well as the EU level?

*PART 3:*

9. For the policy dossier that we are discussion with you, were nature and landscape goals considered at all? And if so, how?
10. For the policy dossier that we are discussing with you, which nature and landscape goals did you expect to see in the policy dossier and in which ways were your expectations different from reality?
11. Can you explain the difference between your expectations and reality?
12. Is there in your opinion sufficient communication and co-operation between the relevant actors in your country?
13. In which ways - according to you - has the Dutch government succeeded in actually influencing the policy process at the EU level?
14. In which ways did the EU change the nature and landscape goals in your country?
15. Which external factors do you consider relevant for the inclusion of nature and landscape goals in the policy dossier that we are discussing with you?
16. Soon the EU 15 will become the EU 25. In which ways do you expect that this will affect your country?

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<sup>1</sup> Policy dossier to be specified during the interview.

## Appendix 2 Ego-alter perception analysis with a focus on the Netherlands and four selected policy dossiers: a global indication

Member state	Ego-perception	Alter-perception
CAP		
The Netherlands	+	+/-
United Kingdom	+	+
Denmark	-	+/-
Spain	-	+/-
CFP		
The Netherlands	+/-	+/-
United Kingdom	+	+
Denmark	+	+/-
Spain	+/-	+
NATURA 2000		
The Netherlands	+	+/-
United Kingdom	+	+
Denmark	+/-	+
Spain	-	+
WFD		
The Netherlands	+/-	+/-
United Kingdom	+/-	+/-
Denmark	+	+/-
Spain	+/-	-

## Appendix 3 People have participated in the research

<i>Name</i>	<i>Function / Department</i>
<i>The Netherlands</i>	
Marcel Vernooy	Hoofd Afd. Multilaterale Samenwerking, Min. LNV
Albert Vermuë	Adj. Directeur Internationale Zaken, Min. LNV
Leo Lomans	Beleidsmedewerker, Afdeling Visserij, Min. LNV
Jaap Verhulst	Afdelingshoofd, Milieu en Water, Min. LNV
Henk Massink	Internationale Zaken, Min. LNV
Rob Dirkzwager	Internationale Zaken, Min. LNV
Mrs. Marianne Vaes	Agricultural Councillor, Permanent Representation to the European Union
Frans Vroegop	Agricultural and Fisheries Attaché, Permanent Representation to the European Union
Jhr. Klaus von Chrismar	Agricultural Councillor, Embassy of the Netherlands to Belgium
Martin van Driel	LTO Nederland
<i>The European Union</i>	
Nicholas Hanley	DG Environment, The European Commission
<i>European Environmental Agency</i>	
Jan Erik Peterson	Project Manager Agriculture and Environment
Jos Noteboom	Project Manager Biodiversity Policy Indicators
<i>Denmark</i>	
Jørn Jensen	Forest and Nature Agency, Ministry of Environment
Søren Kjærgaard Christensen	The Directorate for Food, Fisheries and Agribusiness, Ministry of food, agriculture and fisheries
Knud Aavang Jensen	The Directorate for Food, Fisheries and Agribusiness, Ministry of agriculture food, agriculture and fisheries
Mrs. Ditte Bang	The Directorate for Food, Fisheries and Agribusiness, Ministry of agriculture food, agriculture and fisheries
Peder Agger	Danish Nature Council
Erik Buchwald	Danish Forest and Nature Agency, Ministry of environment
Ivan Karotki	Danish Forest and Nature Agency, Ministry of environment
Boie Skov Frederiksen	Directorate for food, fisheries and agrobusiness, food, agriculture and fisheries
Mogens Schou	Ministry of Food, Agriculture and Fisheries
<i>The United Kingdom</i>	
Martin Capstik	Department for Environment Food and Rural Affairs. Head of European Wildlife Division
Daniel Instone	Department for Environment Food and Rural Affairs. Head, Water Quality Division
Mrs. Sally Comber	Department for Environment Food and Rural Affairs. Head, Water Quality Division
Ed Dyson	Department for Environment Food and Rural Affairs. Policy Adviser, Sea Fisheries Conservation Division

Andy Dart	Department for Environment Food and Rural Affairs, Directorate-General Food, farming and fisheries.
Frits Thissen	Ambassade van het Koninkrijk der Nederlanden. Landbou wattaché
<i>Spain</i>	
José Eugenio Naranjo Chicharro	Ministerio de agricultura, pesca y alimentacion. Subdirector general de regadios
Concepcion Sanchez Trujillano	Ministerio de agricultura, pesca y alimentacion. Subdirectora general de caladero nacional y aguas comunitarias.
Valentin Almansa de Lara	Ministerio de agricultura, pesca y alimentacion. Subdirector general de vacuno y ovino
Emilio Serra Paya	Comunidad de Madrid Jefe de servicio de desarrollo del plan forestal

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