

THE UNIQUENESS OF ENVIRONMENTAL POLICY IN THE EUROPEAN CONTEXT

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Abstract

Kenneth M. Bledsoe, The Uniqueness of Environmental Policy in the European Context

(Under the direction of Gary Marks)

The purpose of this thesis is to demonstrate the unique qualities of the environmental policy sector in the European context and what this means for European integration. This begins with a theoretical discussion of European integration, focused on differences between neofunctionalist and intergovernmental perspectives, also discussing how environmental policy fits into the dialogue. Following this is a brief discussion of the history and the guiding principles of the field that inform the institutionalization of environmental ideals in Europe. Next is a discussion of some important examples of policies, regulations and institutions involved in European environmental policy that demonstrate the institutionalization of environmental ideals. Finally, there is a comparison of the EU and the US from a federalist perspective to gauge the degree of environmental policy centralization in the EU. This demonstrates that the EU, not the US is the more centralized polity in terms of environmental policy.

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Introduction

Discourse centered on environmental policy in the European Union seems to have a different character than that surrounding other areas of EU competence. Environmental policy is an area in which the EU has a very high degree of competence, and it has achieved this with a relatively small degree of resistance from the member states. This makes environmental policy an interesting field of study in terms of European integration, as there seems to be a fundamental link between the two. It is no accident that environmental policy has become so important for the EU. Environmental problems do not stop at national borders, and thus policies to manage environmental concerns must be administered from a level allowing for cross-border application. In this way, it seems to make sense that environmental policy should move from the national to the European level, and indeed environmental policy-making is a field in which centralization has taken place. The results here are particularly interesting, given that the EU is typically considered a highly decentralized polity especially when compared to the United States, a nation that is generally considered to be much more centralized than Europe.

The field's history and its guiding principles provide interesting ideas about connections between environmental policy and European integration as well as the federalist centralization that results, while a closer look at policies, regulations, and institutions further these notions. Environmental policies are now firmly established in the foundations of EU law, and though they are far from perfect, they still provide an important example of political convergence stemming from the larger process of

Europeanization. The same cannot be said, however, for the United States, even though it enjoys a much higher degree of centralization of political power. For this reason, the integration of environmental policies in the European Union warrant careful study. A comparison with the United States will also demonstrate some of the unique aspects of the European situation. Here I will look briefly at the history of the policy field in Europe and consider some of the guiding ideas and principles that inform the institutionalization of environmental ideals. Following this, I will then move on to discuss some of the important policies and the institutions involved in European environmental policy, and provide ideas about the links between these principles and integration. I will also include some discussion about the manner in which environmental protection is institutionalized in European governance through important elements of treaties that have created the modern European Union. Finally, I will use the US as a comparison to gauge the degree of environmental centralization in the EU, which will show that though the US is generally considered to be the more centralized federalist polity, in fact the EU is the more centralized in terms of environmental policy.

Theoretical Framework

European integration is generally informed by one of several theoretical perspectives, and in order for this discussion of integration in terms of the environmental sector to take place in a well-defined framework, I will describe the theoretical context in which I argue that this integration is taking place. First I will look at some definitions of terms that will be used frequently to describe the integration process, and then I will proceed to a discussion on the integration theories that inform the arguments of this work.

Before approaching the more specific analysis, it is important first for me to define my interpretation of the term integration. The neofunctional definition of political integration, according to Haas, is “the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new center, whose institutions possess or demand jurisdiction over the pre-existing national states. The end result of a process of political integration is a new political community, superimposed over the pre-existing ones” (Haas, 16). This definition is the core of any understanding of political integration, but I would also add to this a definition put forth by Stone Sweet and Sandholtz that describes integration as “the *process* by which the horizontal and vertical linkages between social, economic, and political actors emerge and evolve” (p. 304).

Political scientists who study European integration have spent massive amounts of time theorizing the logic of the process, and as a result, there is a rich framework of ideas surrounding the concept. Environmental policy is a highly centralized policy sector, as the political competence in this sector is held mainly by the European Union’s institutions rather than those of the member states. The important theoretical question then, is how exactly this centralization has taken place. To answer this question, I rely heavily on the neofunctionalist theory of Haas. According to the logic of neofunctionalism, the integration process is fueled by what is termed “spillover” coming from early steps of market integration, first from the European Coal and Steel Community, and later from other common market creating measures taken by European founding fathers like Monnet and Schuman. Indeed, Urwin notes that the original ECSC design was handicapped by its attempt to integrate, and in some respect in doing so,

isolated specific parts of a highly complex and integrated industrial economy (1995, p. 76). An integrated political sector will thus function better if other, related sectors are integrated, and power delegated to a supranational authority (Rosamond, 2000). Börzel states that

“In the 1950s, the overwhelming majority of competencies still resided at the national level, while the EU held some responsibilities for market making (old regulatory) policies in order to dismantle national barriers to the free movement of goods and services, including competition and industry. In the 1960s and 1970s, however, the EU increasingly employed its market making powers to extend its competencies into the realm of market correcting (new regulatory) policies. Since national standards on environment, consumer protection, industrial health and security, or labor markets often work as non-tariff barriers to trade, the need for harmonization at the EU level became increasingly evident.” (p. 220-221)

This leads to the process described by Eising (2004) whereby the “progress of European integration lets political activities and values drift toward a new center” (p. 213). This logic applies particularly well with respect to the environment, as the environment is a vast sector with spillover potential in nearly every other policy sector, a discussion to which I will later return.

The main theoretical camp that stands opposed to the integration logic proposed by neofunctionalism is the notion of intergovernmentalism, which explains the motor of integration as being “the bargaining power of the member states and interstate bargains” (Eising, p. 214). This essentially means that the member states decide when, where and what to integrate, as well as how deep and how wide to integrate it. The preferences of these states are formed through interaction with domestic actors and interests, as opposed to developments at the EU level (Moravcsik, p. 24). This theoretical approach would ascribe the centripetal tendencies of environmental policymaking to the desires of more powerful states. In this particular sector, it would have been Germany, who had higher

levels of environmental protection earlier than most other states and favored the same at the supranational level to avoid losing competitiveness to those states with lower environmental standards. This explanation is not necessarily wrong in its description of the early stages of environmental policy centralization, but the continued trend has seen more and more centralization of the policy field, much of which appears geared toward market-correcting and seems to be led more by European institutions than any particular state.

In order to demonstrate the degree of centralization in environmental policy in the European Union, it is essential to develop a measure of the phenomenon. To arrive at such a measure, we must first come to understand the European Union as a federalist entity. Soares states that “federally inspired systems are characterized by a central power endowed with autonomous lawmaking capacity that exists alongside the units comprising that same federal system, which maintain their legislative prerogatives” (p. 603). This is a definition that certainly describes the EU. Elazar (2001), however, gives a discussion of Europe as a confederal model of government, where the units comprising the larger polity retain most of the decision-making power, and to an extent this is true. I would qualify such an assertion though, and take a more nuanced view. Member states do not retain veto abilities in many policy areas, so the federalism in Europe differs according to sectors. Because of this situation, it becomes highly useful to understand political centralization in Europe on a sector by sector basis.

Börzel (2005) uses the tool of measuring “scope”, while drawing a distinction between this and the “level” of integration. Here, “level” is based on the number of issues that fall under EU versus national authority, while “scope is operationalized by the

procedures according to which policy decisions are taken focusing on the involvement of supranational bodies and Council voting rules,” an idea which is inspired by Fritz Scharpf and his work on EU governance and institutional decision rules (Börzel, p. 220) (Scharpf 2001, 2003). According to her measure, environment, paired with consumer protection, is among the highest scoring policy sectors, exceeded only by economic affairs, meaning that only economic affairs gives more authority to EU institutions (p. 222). In terms of scope, environment is at the highest level of centralization, meaning that decisions are taken either by joint decision of European institutions or unilaterally by the European Commission (Börzel, p. 221-223). In this work, I will look at some ways that this centralization is institutionalized in the EU, then look at some ways it is applied, and finally I will compare the EU and the US to show that even in the more centralized US, environmental policymaking is not so centralized.

Environmental Policy in the EU: History and Guiding Principles of the Field

The idea of environmental policy as a policy field on its own is a relatively new one. Indeed, since the beginning of civilization decisions made by governments have reaped positive and negative environmental consequences, but not until the second half of the 20th century was the political will created to make policies for this express purpose. Now it is arguably one of the most important policy fields for modern societies (Orhan, p. 35). Since the societies of Europe are some of the most contemporary in the world, it follows that environmental policy should be an important field in the European Union. It is also interesting to note that the time period of the rise of environmental policy as an important modern policy field roughly corresponds to the time period of the rise of the

European Union as an influential actor. These factors indicate a broad relationship between European integration and environmental policy, and here I will provide ideas about connections between the two phenomena through exploration of the field's development history in Europe and the principles that have guided and continue to influence the institutionalization of Europe's environmental endeavors.

One of the guiding principles of modern international environmental policy has been the idea of sustainable development, an idea born from the World Commission on Environment and Development in a report titled *Our Common Future* published in 1987. The report is generally credited with putting environmental policy on the international agenda and establishing the need for an integrated approach to environmental problems. This approach has become a guiding principle for the European Union even despite the fact that it was not mentioned in the original Rome treaty, and as such provides an example of EU policy that has grown outside of the original supranational framework. The modern EU treaty now requires that the concept inform all EU policies. This notion, according to the European Portal on Sustainable Development, “contributes in an integrated way to meeting economic, environmental and social objectives”, and thus is a key concept in the process of integrating policies in Europe (ECEDG, 2006). In accordance with this commitment to sustainable development, the EU has created a Sustainable Development Strategy (SDS) which aims to set out a coherent course for continuous improvement in quality of life for current and future generations, and has been renewed as recently as 2006 (EC, 2007b).

Environmental Policy is now among the most important issues in Europe, stemming from a series of forces such as general degradation of the environment, highly

publicized environmental disasters, and the political forces of environmental movements in the 1970s and 80s (Dinan, p.465). It is interesting that though war was fresh on the minds of the European Union's founders, its defense capacity remains a relatively underdeveloped sector in terms of competence, and while environment was not an explicit concern at the dawn of what would eventually become the European Union, it now enjoys a level of supranational competence that is comparatively high. Yet the environment did not become an explicit concern for Europe until 1972, and an environmental action program was not put in place until November of 1973 (Romi, 2004, 17). In order to better understand how this came to be, it will prove useful to look at some of the important European treaties and what the consequences were in terms of capacity in the environmental sector.

Indeed, Article 2 of the principles in the Treaty Establishing the European Community, calls specifically for a "high level of protection and improvement of the quality of the environment". This sentiment is echoed in article 6 of the same document saying that "Environmental protection requirements must be integrated into the definition and implementation of the Community policies and activities... in particular with a view to promoting sustainable development," while the whole of title XIX lays out the framework for fulfilling these goals. Title XIX also mentions the precautionary principle, which supports regulation in the face of health or environmental risk when scientific data do not fully assess the risk (Europa, 2007c). This shows the extent to which environmental policy has become engrained in the very foundation of European governance. With this level of institutional commitment, environmental legislation at the EU level is now generally higher in quantity and quality than that made at the national

level (Dinan, 468). This is a strong indicator of the link between environmental policy and the process of integration, as it shows a degree of competence that is rarely seen in other policy sectors.

Some of the founding treaties of Europe contain important charges and competences that, though perhaps not part of the original intention, ultimately have environmental consequences. The preamble states that the member states are “RESOLVED to ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe,” and also that they were committed to “RECOGNISING that the removal of existing obstacles calls for concerted action in order to guarantee steady expansion, balanced trade and fair competition” (Europa, 2007d, caps in original). This principle in combination with article 100 of the Treaty of Rome, for example, charges the European institutions with creating a harmonization in national positions in order to avoid competitive distortions, while article 235 permits institutional intervention in situations where the treaty does not specifically address the realization of the objectives of articles 1 and 2 (Romi, 21, 2004). This, while not an explicitly environmental charge, holds particular consequences for environmental legislation in member states as non-tariff barriers to trade. It allows the EU to intervene in order to harmonize environmental legislation when it is relevant to trade situations.

Another important principle laid out in the foundations of the EU through the Treaty of Rome is that the member states pledged to “AFFIRMING as the essential objective of their efforts the constant improvements of the living and working conditions of their peoples” (Europa, 2007d, caps in original). This has particular environmental consequences in terms of public health policy and the series of environmental disasters

that took place in Europe and brought the environment into the public policy arena. This is also an important factor in preventing the harmonizing of environmental legislation for trade purposes from becoming a race to the bottom, as is often feared by many environmentalists. The issue of quality of life is directly related to the issue of public health, which naturally has environmental links, particularly as Europe is a highly urbanized community. The severity of pollution and its threats to the health of human populations are magnified in urban settings, while high levels of transport and economic exchange provide opportunities for humans, animals and diseases to be exposed to new environments and by extension new risks (Andrews, 2006, p. 110). Even as far back as 1958, Rosen wrote,

“The problem of public health was inherent in the new industrial civilization. The same process that created the market economy, the factory, and the modern urban environment also brought into being the health problems that made necessary new means of disease prevention and health protection” (p. 201).

Naturally, an increase in mobility of these actors, as was the intent and the result of the European community, brings political management of the new environmental risks to an important level in political decision-making, and this newfound importance of environmental management has not gone unnoticed at the European level.

These kinds of commitments demonstrate the importance of environmental policy at the European level. They draw decisions out of national competencies and place them firmly into the community context, and raise what Börzel would refer to as the level of EU competence in the environmental arena. It is easy to see from these examples how environmental policymaking ranks so high in her measurement of centralization level. As a result, Europe is now a world leader in the realm of environmental policy, usurping a position formerly held by the United States. This has happened as a result of these

commitments and guiding principles and their consequences for the integration process, but more specifically through Europe's commitment to the reduction of emissions that are causing global climate change in the face of US hesitance to do the same, a point to which I will return later. Europe has in many ways become a model for progress in environmental policy, and in order to better understand how this has been achieved, we will look at some specific policies, regulations, and institutions that have made such progress possible in the context of European integration.

Environmental Policy in the EU: Policies and Regulations

Environmental consideration informs nearly all areas of policymaking in the European Union, not only those to which the link is obvious such as agriculture, wildlife, and fisheries. Policies like this are particularly important in the integration process because they link environmental policy with all other policy fields, and create a functional need to centralize the policymaking process. In this section I will look at some of the important examples of how this process takes place.

One example of a particular directive that has had an overarching impact on all European policy is the requirement of environmental impact assessments (EIAs) for major projects of any kind, particularly industrial and infrastructural. This directive was adopted by the European Council in 1985, and the modern iteration serves not only to carry out more in-depth analysis of the potential impacts a proposal might have on the economy, society or environment, but also to draw input from stakeholders and relevant experts (Lee and Kirkpatrick, p. 25). The process has recently been streamlined and now provides for multidimensional analysis without the redundancies and inefficiencies of a

more partially based system, while integrating economic, environmental, and social impacts into project assessments (Lee and Kirkpatrick). Directives like this also provide support for evidence-based policymaking in the EU, helping to assure that environmental regulation is not subject to ideological preferences of particular regimes (Lee and Kirkpatrick). This kind of policy gives a degree of control to the supranational institutions and is an example of a centripetal tendency in the EU's federalist balance.

Informed by such general, overarching policies, other sectors of EU policy have been "greened", which is to say there has been a degree of integration among environmental and other policy sectors. Energy policy, for example, has undergone a green makeover in Europe. This is a particularly interesting policy area because energy policy has not historically been an area of high EU competence, as it is a sensitive economic concern for member state governments (Collier, p. 177). In general, many of the directives, regulations and decisions made at the supranational level had been relatively inconsequential until increased concern over global climate change prompted more EU level action (Collier, p. 177). As a result, environmental goals are now among the top priorities in EU energy policy proposals, as exemplified in a March 2006 Commission Green Paper that lists the three goals of a European energy policy as sustainability, competitiveness, and supply security (Europa, 2007a). This Green Paper represents a manifestation of political will to create such a policy with environmental objectives as key elements of the framework. Indeed, the Spring 2006 European Council used the recommendations of the Green Paper as a basis for a new European energy policy (Europa, 2007a). This policy is aimed at such environmental goals as increasing energy efficiency and technological advancement in biofuels, and in order to achieve

these goals, calls for such measures of integration as creation of a European power grid and completing an internal energy market (Europa, 2007a). Again, here we can see that environmental policies tend to lead toward centralization, moving power to the central part of the federalized polity, and generally shifting the balance of competence from the states to the supranational arena.

Energy policy is strongly linked with climate change policy, and the problem of climate change has been a key component of Europe's environmental strategy. This set of policies also demonstrates how much linkage there can be between environment and other policy sectors. The 15 percent emissions reduction negotiating target that the EU took at the December 1997 Kyoto climate summit was evidence of the impact of the climate change issue on EU policy, as this was the most ambitious at the summit (Collier, p.180). Though this was later deemed unachievable by other actors and the final protocol called for an 8 percent reduction of greenhouse gas emissions for the period 2008-2012, Europe's ambition was evident nevertheless. In fact, Europe has recently agreed to go beyond the levels of reduction put forth in the original Kyoto agreement, agreeing to cut greenhouse gas emissions by at least 20 percent from 1990 levels by the year 2020 (Anderson, 2007). The plan for achieving this goal is highly energy policy-centric, creating legally binding targets for renewable energy sources like wind, hydroelectric, and solar power while increasing the use of biofuels in road vehicles (Anderson 2007).

It is notable that the EU signed onto the Kyoto Protocol as a single block, and as such, responsibilities for meeting targets are shared between member state governments and the supranational level while compromises have been made for newer member states in "burden sharing" agreements (Collier, p. 183) (Anderson, 2007). For the newer

member states who are starting from different points in terms of climate change policy, the latest agreement was made "with due regard to a fair and adequate allocation taking account of different starting points" (Anderson, 2007). With respect to this integrated model, the EU has designed a community strategy in order to “complement and support Member States' actions and ensure that they are consistent with the Treaty” (Europa, 2007b). Some of these measures include previously mentioned initiatives in cleaner, more efficient energy as well as completion of the internal rail market to reduce auto emissions, improving livestock feeding regimes to reduce methane emissions from stocks, and promotion of clean industrial technology (Europa, 2007b). These climate change-oriented policies to which the EU has committed itself so fully affect multiple dimensions of policy in the EU and the individual member states as the member states are given the flexibility to implement their own measures to achieve the goals of Kyoto. This translates to a reciprocal mode of interaction between the national and supranational levels of governance where each level has an opportunity to affect policy at the other. Main policy goals, however, are firmly in the center, as the states are required to stay within the bounds set out by the treaty, and the EU continues to handle global climate change initiatives as a single entity rather than 27 separate ones.

Financial policies are another key part of the environmental policy of the European Union. The European Investment Bank (EIB) has, since 1980, financed advanced technologies for the promotion of environmental betterment (Romi, p. 42). Since then, the previously mentioned requirement for environmental impact assessments has informed all investments, and in particular the EIB has made a rule allowing the financing of more than 50 percent of the costs for projects providing more environmental

protection than the amount required by current laws (Romi, 42). Also, the council of governors formally accepted a principle in June of 1984 that favors the financing of more environmentally friendly projects over less environmentally friendly ones in situations where no rules were yet in place (Romi, 42). All in all, projects with the goal of environmental improvement in the European Union comprised around a third of the EIB's activity between 1997 and 2002 (Romi, 43). The EIB shows a strong commitment to the environment, and in particular to the environmental commitment of the European Union, aiding with the finance of projects in key policy sectors such as energy, biodiversity, water management, waste management, urban renewal, transport, and health (EIB, 2007). The will to commit capital to environmental projects is a key factor in moving Europe's environmental commitment from a symbolic appreciation to actual progress and improvement, and the fact that so much investment is coming from a European level rather than the national level demonstrates the degree of centralization that has resulted from this commitment.

Environmental Policy in the EU: Institutions

The institutional element to these policies and regulations is important to note, as the institutions that create and enforce them are among the most obvious examples of environmental policy integration, and perhaps some of the best indicators of federalist centralization. Since policymaking takes place both within an institutional framework and in the context of a dominant set of political ideas, it is important to look at the ideas that inform the institutions (Orhan, p. 45).

In Europe, these shared political ideas in terms of the environment are highly developed. The notion of sustainable development as promoted by the WCED calls for institutional change based on the integrated nature of environmental problems and all other policy sectors (Orhan, 39). This change is intended to remove from institutions modes of constricted and compartmentalized concerns at all levels and reduce institutional separation between those working on environmental issues and those working in other areas (WCED, 9, 310). The call of the WCED was to incorporate environmental concerns into the mandates of all actors, national, international, public, or private (Orhan, 39). The EU has accepted this idea and now places overarching institutional importance on environment along with only three other policy areas: consumer protection, culture, and human health (McCormick, 203). With this in mind, it is beyond the scope of this writing to analyze all EU institutions employing environmental mandates, as theoretically that would not exclude any EU institutions at all. The goal here is to look at some of the main institutional actors in EU environmental policy and understand their roles in the integrated context.

The European Commission (EC) serves as a good example of the institutionalization of environmental protection in Europe. The EC's Environment Directorate General is charged with the role of initiating and defining new environmental legislation and ensuring compliance by member states (EC, 2007a). This fact demonstrates why environment scored so high in Börzel's measurement of centralization. The European Court of Justice (ECJ) provides the venue for the EC's regulation, and so this institution has been among the most influential in the institutionalization of environmental ideals and in defining the centripetal force, particularly through the

employment of case law as a means of enforcing them. The ECJ creates a system of accountability for all actors in European environmental matters, including member state governments and firms as well as those of outside nations. This puts the EC in multiple roles, both in policy creation and in policy regulation. In order to do this, they work closely as one of the most important interlocutors of the European Parliament's Committee for Environment, Public Health, and Food Safety. This 63 member committee has competencies in the three areas listed in its name, and with respect to the environment in particular is involved in such issues as sustainable development, international and regional measures and agreements aimed at protecting the environment, and restoration of environmental damage (EP, 2007a). It largely achieves these goals through oversight of other European institutions, including the European Medicines Agency (EMA), the European Environment Agency (EEA), the European Food Safety Authority (EFSA), the Food and Veterinary Office (FVO) and the European Centre for Disease Prevention and Control (ECDC) (EP, 2007b). Of particular interest here is the second of these specialized agencies, the EEA.

The EEA is an institution charged with providing “timely, targeted, relevant, and reliable” information to European policymakers (EEA 2004, p. 2). The function of an agency whose goal is to provide information places them in what has traditionally been a “neutral and value-free process”, and given the high degree to which environmental policy is linked to the information by which it is informed, the role of its expertise is indispensable (Orhan, 47). As a result, challenges to the objectivity of such an organization are important, and the EEA is relatively well-designed to take this into account. This information, drawn and coordinated from multiple sources such as

European institutions, member state agencies, and international conventions, is used in an advisory function to help policymakers' decisions (EEA 2004, p.2). The view taken by the agency with respect to fulfilling its function is an integrated one, working in the four major thematic areas of climate change, loss of biodiversity, protection of human health and quality of life, and sustainable natural resource management and use (EEA 2004, p. 11). These broad areas are each considered in terms of their connections with several sectoral themes such as agriculture, chemicals, energy, transport, land-use and international policies (EEA 2004, p. 11). This represents a highly integrated model for provision of information on the environment, which fits in well with Europe's highly integrated model in environmental policy as a whole. Also, the creation of a *European Environment Agency* demonstrates a high level of centralization, especially as it is a semi-independent body, and thus largely free of management from member state governments.

Environment and Federalist Centralization: Europe and the United States

In comparative discussions on federalism in the United States and Europe, the general understanding is that the United States is the more centralized of the two political entities. In terms of the environment however, this does not seem to be the case. Europe has become a major world player in environmental policy and has taken a position of leadership on the world stage with respect to global warming, even though the US has a longer history of environmental policy at the highest levels of government. My aim here will be to look analytically at this situation and determine if Europe is indeed more

centralized than the United States in the environmental policy sector. To begin with I will briefly discuss the historical contexts of the respective polities, and then I will move on to compare policy regimes in the two governments and attempt to extract a general understanding of which is indeed a more centralized environmental state. I will do this first through examining institutional structures in the two polities, in particular through the examination of the necessary actors for formulating the policy. Then I will look at styles of governance in the two polities which, though they maintain some similarities, are fundamentally different and produce nearly opposite results.

To begin the comparison of the two different policy regimes, I will look at the institutional setups of the two polities. First of all, the United States does not have a department of the environment in the executive branch of government. It has been proposed, but never created. Various environmental and natural resource related responsibilities lie instead in twelve different cabinet departments and in the EPA, the Nuclear Regulatory Commission, and other agencies (Kraft and Vig, 2006). In the legislative branch, environmental responsibilities are split into dozens of committees and subcommittees in the House of Representatives and the Senate (Kraft and Vig, 2006). The judicial branch too is divided into over a hundred federal trial and appellate courts with various responsibilities in interpreting environmental law and resolving disputes over regulations (Kraft and Vig, 2006). In Europe, on the other hand, there is an environmental group in each of the government branches. The Directorate General of Environment manages environmental policy within the Commission, while the Environmental Council of the Council of Ministers brings in ministers of the environment from each member state, and the Environment and Consumer Protection Committee of

the Parliament handles the sector within the only supranationally elected institution. Not to mention that court proceedings are also less subsidiarized.

The EU, even despite the often complex decisional processes that take place in Brussels, is thus much more institutionally streamlined in environmental matters. To demonstrate this concept, Hoornbeek (2004) gives a list of the major institutions involved in water policy formulation in the EU and the US respectively. In the formulation of drinking water policy, the EU would have input from the Directorate General of Environment in the Commission, the Environmental Council of the Council of Ministers, the Environment and Consumer Protection Committee of the Parliament, and the Economic and Social Committee (Hoornbeek, 2004, 471). In the US, this would require the Senate Appropriations and Environment and Public Works Committees, the House Appropriations and Energy and Commerce Committees, the US EPA Office of Water, and the Drinking Water Office (Hoornbeek, 2004, 471). This is not particularly striking until one looks at the formulation for other sectors of water policy, where the EU institutional configuration remains the same, while the American configuration is different for surface water, ground water, and water quantity policies (Hoornbeek, 2004, 471-2). This shows a high degree of horizontal centralization in the European case, while in the American case institutional actors are numerous and less generally coordinated across specific policy areas. This makes it significantly more difficult in the US system to develop a cohesive environmental policy regime, even for one particular aspect of the environment, such as water policy.

The same, however, has not been true of individual states within the United States, which have shown a different institutional trend in recent years. Improvements in

state institutions have changed the dynamics of environmental policy-making at the state level in the US. While states were formerly considered bastions of corruption and preservation of the status quo, much has changed since the arrival of the first Earth Day in 1970 in terms of the redrafting of some state constitutions and access to much greater revenues for state governments (Rabe, 2006). This has had the effect of professionalizing state bureaucracies and generally improving the quality of governance produced by states (Rabe, 2006, p. 35). In terms of the environment, this has had enormous implications. Today, states issue over ninety percent of environmental permits, execute over seventy-five percent of enforcement actions on the environment, and rely on federal resources for less than 25 percent of their total environmental and natural resource funding (Rabe, 2006, pp. 35-6). All across the board, states have improved their environmental institutional regimes, even in areas that have historically been geared toward the federal level, such as pesticide management or air pollution, where states now administer eighty-two percent of federal Clean Air Act programs (Rabe, p. 36). This will lead us into the next section, where I will consider the styles of governance prevalent in the two federalized polities.

Europe uses a similar style of governance in nearly all policy domains under its competency to that of the United States environmental governance. Since Europe has relatively few resources for the execution of policy, most policy outputs come from the center in Brussels, but must be administrated by the individual member states. This is certainly the case in the environmental policy sector. Thus on the surface the European and American environmental policy models may seem to be very similar, but the models seems to operate quite differently in the two polities. Europe has overarching

environmental mandates meant to guide policy decisions in all areas, such as that in support of the concept of “sustainable development”, among others.

In the US, without such a fundamental conceptual foundation, a similar style of governance to that of the EU has led to different, nearly opposite results. There have been more examples of state innovation and state leadership on the issues affecting environmental quality and protection. States taking policy innovation initiatives to lead other states to higher levels of environmental protection is often referred to as the “California effect”, as California is the state most well-known for doing so, but many other states have shown examples of innovative environmental policy strategies. Minnesota, for example, has lead policy initiatives in the realm of toxic pollution prevention by allowing firms considerable leeway in reaching preset goals rather than imposing technology forcing statutes that are common in the field (Rabe, p.39). Iowa and Maryland each have tax incentives to promote less pollution through economic means instead of the standard “command and control” methods for achieving such goals, and ten states representing 30 percent of the US population provide refundable taxes on beverage containers (Rabe, p. 40). In general, policy made in state governments has proven to be of higher quality and quantity than that made at the federal level. This shows how disparate the policy outputs of the different American states have proven to be without any particularly strong federal framework to guide them.

However, for many environmental problems in the US there do exist federal frameworks to guide the states, though they are not often particularly strong or binding conceptually or legally. But even in the face of complete federal disengagement from a perceived environmental problem, many states have proven that they are willing to take

initiative. Global climate change, for example, has not as yet yielded any federal policies for management or prevention, yet nineteen states containing forty-five percent of the US population have created what are called “renewable portfolio standards”, mandating that a certain portion of the state’s electricity be produced from renewable energy sources (Rabe, 41). Fifteen states have created regimes for taxing energy consumption and turned the funds produced by this to renewable energy projects, and seven states regulate power plant carbon emissions (Rabe, 41). This shows that there is a relatively strong consensus among some states that a problem exists that needs to be managed, yet policies have not been unified through the employment of a centralized policy.

The EU on the other hand does have a centralized policy on climate change, and treats the member states in the same way Minnesota treats polluting firms: through setting outcome goals and demanding plans from the member states. This has, to some extent, a harmonizing effect on the member states’ policies through the employment of a coercive penalty-based setup (Bennett, 1991, Liefferink and Jordan, 2002). Because of the centralization of the policymaking process, all states are obliged to comply with directives handed down from the supranational level, even though the basic principles that inform the EU policy approach have taken over to differing degrees in member states, creating a somewhat disparate policy climate among the various nations (Liefferink and Jordan, 2002). A study done by Albrecht and Arts shows that despite these differences in paradigmatic structures among states, analyses of communications to the UNFCCC demonstrate that there has been some convergence in climate policy outputs, but little convergence on outcomes of policies (2005). This is certainly an area

for improvement that might be effected through further centralization of the policymaking process.

So we have seen the differences in the US and the EU in terms of environmental policy-making, we have considered the differing institutional setups in the differing branches of government, and we have looked at the differing modes of governance in the two policies, and though the differences are not necessarily excessive, there are certainly enough differences to draw a distinct comparison. The institutional structure of the EU with respect to environmental policies is highly streamlined in comparison to that of the United States. Governance styles in the two polities are similar, but in the US many environmental policies lack any federal structure at all while the EU has created a mandate that sustainability become a key factor in all political decisions made. Policies among states in the US are highly disparate and constantly becoming more so, whereas in the EU, while member states are still highly disparate in outcomes, outputs show some general signs of convergence, suggesting that the EU and US are heading in opposite directions in this area. This supports my conclusion that the EU is more centralized than the US in environmental policy. In the tradition of Bennett (1991) it would be possible to exact political change in the United States as a function of learning from the success of European environmental policy. Given the nature of environmental problems, it often makes more sense to manage the problems at a central level of government as borders are most often manmade political institutions rather than natural barriers or dividers, and environmental degradation rarely stops at them.

Conclusions on Integration

The conclusions I have drawn based on the information discussed in this work provide good examples of the multidimensional trend of integration and federalist centralization that has taken place in Europe. The integration process is leading not only to an overall integration of previously separate policy sectors of institutional competence, but also to centralization where more decisions are taken by EU institutions rather than by member states. Through exploration of guiding principles in European environmental policy, we have discovered some of the broad ideas that have informed the creation of institutions and now inform the policies and actions carried out by these institutions. After this, looking at some of the policies in some specific and sectoral terms has shown the extent to which these institutionalized ideas have been employed in political practice across otherwise compartmentalized policies and policy areas. The consideration of institutions that followed discussed the mandates of these institutions in terms of their roles and interactions with other actors in relation to the ideas by which they are informed.

The final section looked at a comparison between the European Union and the United States in terms of centralization in the realm of environmental policymaking. This comparison may help to redefine perceptions of exactly what centralization means for the European Union, and how the federalist picture must be painted in a more nuanced way bringing in sectoral considerations. Indeed, I have found the EU is actually more centralized than the US with regard to environmental policy—a notion that seems to go against conventional understanding of the two polities. This brings forward ideas on future research, which could take a broader comparative view, comparing the EU to

other federalized nation-states, such as Germany, Switzerland, or Canada in the environmental sector. These studies might prove fruitful in giving more definition to the picture of European federalism, and could also provide new theoretical insights in the perpetual debates over neofunctionalism versus intergovernmentalism.

European politics is certainly not a field which lends itself to generalized analysis, and sectoral analysis could prove an excellent alternative to more general discussions. Environmental policy in particular is becoming more and more important, and as Europe takes the lead not only on its own stage, but also in the global forum, it may prove extremely valuable to gain a better understanding of how this often seemingly amorphous polity manages its environmental policy matters. European environmental policy stands poised to have major influences on future global regimes. To this end, it may prove useful to study the linkage between centralization of environmental policymaking and policy outcomes, and in this way we may come to establish better practices in non-EU member states, especially developing and emerging economies that will play enormous roles in the future of our planet. This work can serve to contribute to the literature on the subject, and I hope that it will inspire further study and foster a better understanding of environmental policy and how it functions within the context of the European Union.

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