

***Ecological Modernization or Regulatory Convergence?
Recent Trends in the Environmental Policies of EU
Member States***

by

Kate O'Neill

Political Science Department
Columbia University
7th Floor,
420 West 118th Street
New York, NY 10027

E-Mail: nko1@columbia.edu

Paper prepared for presentation at the Annual Meeting of the European Community Studies
Association, Seattle May 28 - June 1, 1997

This is the **FIRST DRAFT** of this paper; comments etc. very welcome, but **PLEASE** do not cite
without permission.

Introduction

For some time now, the European Union has been expanding its agenda with respect to its member states' environmental policy. While in the early years of its existence, environmental degradation was low on most national and international political agendas, it exploded onto the international scene in the early 1970s. Environmental problems, especially those of a transboundary nature, had been apparent in Europe for decades previously; the need to address these beyond the nation state level made the EC/EU a natural candidate for developing expertise in this field. These days, the focal point for discussions of EU environmental policy is the question of regulatory harmonization: to what extent it is happening (and of course in which direction), its desirability, and the implications for the broader EU question of the position of state sovereignty within a united Europe.

This paper argues that the debate over regulatory harmonization, at least in the area of environmental policy is unproductive. Instead, it advocates that more attention be paid to what has been broadly described as "ecological modernization" (Weale, 1992). This is a term that has been applied to the processes of environmental policy change currently on-going in at least three member states - Britain, Germany and the Netherlands. Even though many have critiqued the term and its normative value and applicability to actual environmental policy processes, I try to show that on a practical level it has great utility not only for those who study European environmental integration, but also to those who practice it.

The contrast between these two processes, or models has been noted already as introducing a strongly normative element into the debate over regional environmental policy (Buller et al, 1993). While economic integration - the dominant agenda of the EC/EU - focuses on the "Europeanization of environmental policy and environmental management practices", through the standardization of rules, policies and measures, the ecological modernization model emphasizes instead the need to reform policy practice in line with new thinking about the relationship between economic growth and environmental protection (ibid.:187). Of these two, "only [the integration model] has a necessary relationship with EC processes [of fostering market integration]", although certain elements of the modernization thesis do exist in the way the EU frames its policies, as seen, for example, in its commitment to sustainability.

This piece picks up on these themes: aiming to show that in certain forms, ecological modernization is in fact not incompatible with overall EU goals of stability and cohesion, especially in that it commands a high degree of support from industrial interests. Furthermore, it provides a more powerful framework for understanding how regional integration impacts upon diverse and culturally embedded systems of environmental regulation.

The Development of EU Environmental Activism

During the phase of integration which culminated in the Single European Act of 1987 and the 1991 Maastricht Treaty, two dynamics were at work which had important implications for environmental politics. First, the lowering of barriers to the movement of goods, capital and labor also facilitated the movement of pollutants across national borders, via the twin effects of economic expansion, and the lowering of controls over pollutants transported via human agency - for example, hazardous chemicals and wastes (Laurence and Wynne, 1989). Second, and partly in response to this, the EC began to take seriously the need to foster cooperation among its member states in what might be the part of the world most vulnerable to transboundary environmental degradation.

The mechanics of EC/EU environmental policy are familiar.¹ Up until the 1990s, Community legislation was more concerned with the substantive, rather than procedural aspects of countries' policies: setting goals and standards, rather than attempting to change the ways in which countries went about protecting their environments. Implementation of DG XI directives, which began in the early 1970s, only became an issue in 1983, when the discovery of drums of hazardous waste oils missing since the 1976 Seveso Incident provoked an investigation into the implementation of the 1978 Waste Directive (Haigh and Lanigan, 1995:20). Efforts on the part of the directorate to ensure effective, and speedy implementation sparked more than a decade of conflict between it and the member states (for which Britain took the heat, but was by no means the only culprit).

By the mid 1990s, this situation had changed, and two factors are currently shaping actions taken at the European level. One is what might be termed a philosophical shift, whereby attempts are now being made to combine free trade policies with environmental protection, in recognition of the environmental interconnectedness of the European countries (Jupille, 1996). The other is the change in the scope of European directives, now moving away from their previous functions of coordination and monitoring, standard setting and capacity enhancement towards fostering national regulatory harmonization, in terms of a convergence in legal styles and policy instruments (see, for example, Haigh and Lanigan, 1995; Vogel, 1995). Buller et al (1993:191) - not uncritically - point to the increasing need for member states to adapt their policy styles both to incorporate the EU "notion" of the environment, and to better implement EU directives, which are continuing to expand in terms of scope and specifications.

Regulatory Harmonization Right or Wrong?

Debates over regulatory convergence - what it entails, the extent to which it is occurring, and the direction it is taking - have become particularly heated in the context of European integration. Whatever shape or form arguments take however, the concept has driven the discourse both of policies towards integration and of academic analyses of the "European project". This debate also has a strong normative element: camps are split not only according to whether or not they believe convergence is possible, but also whether it is desirable.

Harmonization, or convergence theory has its roots in international economic theory, where it has been argued that an increasingly open global economy - one which allows the free movement of factors of production and of goods will lead to convergence of national differences in prices, in rates of inflation, in interest rates and other key economic variables. In these models, while political or institutional differences among countries are not entirely ignored, they are definitely secondary (the political cart following the neo-classical horse).

Convergence theory as it has developed in the field of political science and comparative policy instead looks primarily at convergence in governance systems: "the tendency of societies to grow more alike, to develop similarities in structures, processes and performances" (Kerr, 1983:3, cited in Unger and van Waarden, 1995:3). In its strongest form, it implies the convergence of countries' policies and policy practices towards identity (Jacobs, 1994:32; Hollingsworth et al, 1994). In other words, it implies more than the adoption of similar goals and standards, but also the adoption of similar policy structures, styles and modes of implementation: the procedural as well as the substantive elements of government intervention in economic practice. This is

¹Indeed, European environmental policy has triggered much research. For a sample of good overviews, see Liefferink et al, 1993; L  veque, 1996; Haigh and Baldock, 1989, and Judge, 1993.

important: my own work to date has shown that these aspects are crucial in determining national behavior in any given issue area.²

Elements of both can be discerned in studies of European integration (Unger and van Waarden, 1995). The debate over European monetary union, and the plight of the European Monetary System is more concerned with convergence in lead economic indicators. Yet there is also a strong procedural element; viz. the pressures on Britain to move control of monetary policy to the Bank of England, a move much resisted by the Conservative government, but which was one of the Labour Government's first declared acts once in office.

For students of environmental policy, the question of harmonization/convergence moved into the institutional/structural realm a long time ago, as many studies of comparative environmental policy have shown that very different systems of environmental regulation in industrialized countries have produced similar outcomes in terms of overall effects on environmental quality.³ The key issues now for scholars of European environmental integration are:

- Is European integration leading to convergence of national policies, processes and structures, either towards one national model or towards a "European" regulatory style?
- Is this a necessary process for EU policies, particularly in their current extended form, to be effectively implemented? And hence, is this a desirable goal for policy makers at the supranational level?

Here, the concern is first, that differences between the environmental policies of the member states is a contributing factor to environmental degradation within the continent, in part because countries with weaker regulatory systems will contribute disproportionately to continent-wide problems, and in part because they make monitoring and assessing progress from the supranational level extremely difficult, as the recent work of the European Environment Agency attests. Second, differences among states can adversely affect the broader project of economic integration - i.e. they are part of the set of non-tariff barriers to trade.⁴

The corresponding concern is that if harmonization does occur, it will be to the lowest common denominator. This concern has been expressed by many, including governments of the leading states in the environmental arena - e.g. Germany, as well as by scholars. A recent book by David Vogel puts forward the argument that this is unlikely to happen (Vogel, 1995). His argument in brief is that whether we see the "California Effect" (convergence towards the highest standards) or the "Delaware Effect" (a "race to the bottom") depends on the "critical role of powerful and wealthy 'green' political jurisdictions in promoting a regulatory 'race to the top'

²See Kate O'Neill, "Domestic and International Environmental Regulation: The Trade in Hazardous Wastes among OECD Countries", Ph.D. Dissertation, Columbia University

³See Vogel, 1986 and Moe and Caldwell, 1994.

⁴See Vogel, 1995: 13-18 for a discussion of non-tariff barriers to trade. The most important case in the EC/EU context is the Cassis de Dijon case (1979), whereby the European Court of Justice ruled that the German minimum alcohol content ruling constituted an unfair barrier to trade. This ruling "made explicit the concept of 'mutual recognition' of domestic differences (Vogel, 1995:31). However, while this seemed to allow for a less complex solution than harmonizing domestic health and safety standards, Vogel argues that in fact this judgment opened up the doors for such processes, on the grounds that both consumers and many producers would find themselves unwillingly exposed to "products produced according to the standards of the least stringent national authority" (ibid.:33) - hence leading to strong support for harmonization from many sides of the EU debate.

among their trading partners" - California in the US context; Germany in the EU (Vogel, 1995:6). Also important is the degree of economic integration that exists within the trade area. Hence, "trade liberalization is most likely to *strengthen* consumer and environmental protection when a group of nations has agreed to reduce the role of regulations as trade barriers and the most powerful among them has influential domestic constituencies that support stronger regulation" (ibid.:8).

One of the main problems with his argument, and one that is key to the argument being made here, is that his dependent variable - regulatory convergence - is unclear: while at some points, he is referring to the harmonization of standards, at others, he refers to "positive harmonization", "whose objective is to make the *legal systems* of the member states consistent with the broader political and social goals of the Community" (ibid:26; emphasis added). This is important, as it is clear that the EU is seeking to move beyond the harmonization of standards towards positive harmonization.

Yet, at least to this student of comparative environmental policy, this is very clearly not happening. Many analysts have in fact argued that long-standing differences, grounded in national political cultures and state-society relations, provide the greatest obstacle to the imposition of regulatory change from above (Buller et al, 1993; Weale, 1993).⁵ In the following sections, I will discuss the exact processes of policy change on-going in Britain, Germany and the Netherlands, and while these do display certain similarities, it is the differences between them, rooted very firmly in domestic factors, which are just as apparent. Furthermore, these three states represent the leaders in this realm.⁶ Parallel processes of policy change in other EU states are either happening at different levels - for example, Spain and Portugal are relatively recent newcomers to this policy realm, or are not occurring - as is the case in France, for example.

Other objections to convergence theory as applied to European environmental integration can be identified. Among the most cogent is the question of what the EU countries are supposed to be converging to, or, what is the European regulatory style? This argument is stated best in a piece by Adrienne Héritier (1996). She argues - against Vogel's contention that we are seeing convergence on the German model of environmental regulation - that approaches at the EU level towards environmental policy have differed according to issue area. While in some areas of European environmental regulation, measures are modeled after the regulatory style of one member state, others follow the style of another. Thus, "in the field of clean air policy, some Directives are shaped according to the German tradition gear towards technology-based emissions control while others are patterned after the British model of regulating ambient air quality" (Héritier, 1996:293). Which approach dominates depends first, on which state makes the "first move", and subsequently on patterns of problem-solving, "negative coordination, bargaining and compensation" (which determine whether the "first mover" advantage will be translated into policy outcomes). Contrary to Vogel, therefore, she argues that there is no dominant national tradition in European

⁵More generally, comparative political economists argue that economic theory, grounded as it is in economic or rationalistic notions of regulatory design and change, does not take into account the specific features of different domestic systems, grounded in long-standing political cultures, which help perpetuate differences between them, an argument echoed in Dyson, 1992 and Hollingsworth et al, 1994.

⁶Many readers will find it unusual to see Britain classified as a "leader" in environmental policy. Indeed, its reputation as the "dirty man of Europe" is long-standing, and while in some ways it is deserved - it is a lead importer of hazardous wastes, and it is constantly being told off for the state of its beaches, its emissions of sulfur dioxide and so on - in many ways, its success both in improving domestic environmental quality and in meeting EU demands has been considerable. On the other hand, this "leadership" position still exists in the realm of ideas rather than practical action: as the following section shows, it is being very slow in putting reforms into practice.

environmental regulation; instead, what has emerged is a complex, and fairly haphazard "colorful patchwork" of different methods of regulation, reflecting distinctive national regulatory styles.⁷

It can also be argued that the use of regulatory harmonization as a dominant term in EU policy discourse is highly counter-productive. EU member states still jealously guard their sovereignty against supranational encroachment - while Britain is most often cited in this context, it is by no means the only state raising objections here. As the recent controversies over the Brent Spar oil rig and BSE ("Mad Cow Disease"), national differences still matter a lot, and increasingly the environment has been used as a political football in the EU arena, exposing cracks in the integration edifice as much as the more high-profile issues (monetary union, intervention in the conflict in the former Yugoslavia) have done. Thus, the governments of member states feeling threatened by supra-national undermining of national traditions are more likely to retreat from policies that, re-framed, could be highly beneficial to their own and to the international environment.

So, what are we left with? There are two options. One is to retreat to a much less extensive concept of regulatory harmonization, as both a policy goal and as the baseline for academic analysis. A potential candidate is "regulatory rapprochement": "mutual recognition, or the acceptance of regulatory diversity as meeting common goals", and "coordination or the gradual narrowing of relevant differences between regulatory systems, often based on voluntary international codes of practice" (Jacobs, 1994:32). Yet again, however, as the following sections will demonstrate, what is happening across the member states of the EU is somewhat more extensive than that. In particular, while there is little real convergence in actual practices, some extremely interesting ideational changes are on-going: changes that come under the rubric of "ecological modernization", as defined by Albert Weale (1992). The next section, therefore, goes on to discuss this concept, which has come under a fair amount of criticism, but which, as I argue later on, might be an extremely productive basis for European environmental policy-makers.

Ecological Modernization: An Ideational Approach to Environmental Policy Change

"Ecological modernization" is a term which has in recent years gained much currency in the fields of policy analysis and political sociology. Herein lies one of the big problems with the concept: namely that interpretations of it differ vastly from writer to writer.⁸ Here, therefore, I shall concentrate on the work of Albert Weale in this area, whose book *The New Politics of*

⁷Two other arguments about the development of a European regulatory style are worth noting. Mazey and Richardson (1993), while they identify some distinctive practices, and pattern of lobbying emerging at the European level, argue that any style that is merging is still in a very nascent form. Buller et al (1993) describe the European policy-making structure as "devoid of any intrinsic and autonomous historic, cultural or ideological identity"; hence having a very hard time competing with the historically and culturally embedded styles of its member states (p. 191).

⁸For overviews and critiques of ecological modernization theory, see Mol, 1996 and Christoff, 1996. The relationship between environment and modernity in the broadest senses arose from the work of Giddens (e.g. 1990) and Beck (1992, 1996). Christoff (1996) distinguishes between three uses of the term - as environmentally sensitive technological change, as a style of policy discourse, and as a belief system possible connoting systemic change - in order to draw up a typology of weak versus strong ecological modernization. Weale's work, as well as that of Hajer (e.g. 1996) falls into the policy discourse and belief system categories. Christoff's major critique of the ways in which the term is evolving is that "[it] may serve to legitimize the continuing instrumental domination and destruction of the environment, and the promotion of less democratic forms of government....Consequently there is a need to identify the normative dimensions of these uses as either weak or strong, depending on whether or not such ecological modernization is part of the problem or part of the solution for the ecological crisis" (Christoff, 1996:497).

Pollution (1992) is one of the major recent contributions to the field of comparative environmental politics.

Even so, the concept is a little hard to pin down. The starting point is that there are two major junctures in the evolution of environmental policy among industrialized countries. The first is usually identified as the first United Nations conference on the international environment, held in Stockholm in 1972. At or around this date most industrialized countries began developing institutional rules and structures aimed at controlling and remediating environmental degradation within their borders; at the same time, the environment blossomed as an issue on the international policy agenda, as well over 100 environmental treaties and agreements signed since that date attest.

The first wave of environmental protection - the "old" politics of pollution - shows some distinct characteristics across countries. First, most policies separated and addressed pollution control problems by medium: air, water and land.⁹ Second, policy measures tended to be aimed at the point of their greets effect - in many cases (solid and hazardous waste generation being a case in point) at the local level - rather than at the point of generation. This has alternatively been termed a reactive, rather than anticipatory approach. Third, policy instruments were based on traditional command and control techniques - for example, setting and enforcing uniform standards across industries.

The start of the second wave of environmental protection - the "new" politics of pollution - coincided with the release of the Brundtland Commission Report on Sustainable Development (1987). The most evident changes in regulatory philosophy make up a new series of linkages which together are usually considered to comprise ecological modernization. Its central claim, as developed in policy programs, is "that environmental protection should not be regarded as a burden on the economy but as a precondition for future sustainable growth" (Weale, 1993:207). However, as Weale and Christoff point out, this basic premise has generated a range of corollaries.¹⁰ These can be summarized (in very crude form) as follows, starting with the primary claim:

- economic growth/development and environmental protection are seen no longer as competing, but rather as compatible goals.
- the environment is more than the sum of its parts (reduction of emissions into one medium can result merely in a shift of the pollution burden to another): hence, an integrated rather than medium based approach to pollution control
- effective approaches to pollution control take into account effects beyond the local and even the national levels - thus including degradation of the global commons. Most countries have joined international environmental treaty arrangements, and compensate for transboundary pollution in their policy measures
- anticipation is better than cure: "end of pipe" technologies should be replaced by an emphasis on resource efficiency and recycling, and waste control/minimization further upstream in production processes; hence an emphasis on "green technology".
- Finally (and this so far is an issue of lip service rather than direct action) this view espouses the superiority of market or incentive based regulatory mechanisms (green taxes, tradable permits and so on) over traditional command and control based regulatory mechanisms.

⁹Another distinction has traditionally been drawn in environmental policy realms between pollution control policies on the one hand, and conservation/land use policies on the other. This division is particularly marked in Great Britain, which has adopted a much more activist stance towards the latter than the former, to the extent that it has neglected the links between them.

¹⁰See Weale, 1992:75-79; Christoff, 1996:477. Weale in fact stresses that by no means is ecological modernization to be taken as a coherent ideology or belief system.

There are several reasons why ecological modernization could be a good model for European environmental integration. One is that it overcomes the issue of domestic diversity in regulatory traditions and practices, while at the same time remaining compatible with overall goals of improving economic efficiency in tandem with espoused goals of protecting the European environment. Second, these policy goals command a great deal of support from many segments of society. Third, as the following sections demonstrate, it provides a better explanation of actual processes of domestic policy change in the EU context than do harmonization models.

The question now is how some countries began to incorporate these shifts in perception into their environmental policies. The next section examines in more depth the ideas behind recent changes in environmental policy in Britain, Germany and the Netherlands. The three sets of reforms differ in many ways. While, for example, the Netherlands has based its National Environmental Policy Plan (NEPP) explicitly on the need to achieve sustainable development, Britain's policy elites have been more concerned with re-structuring environmental regulation, towards a more streamlined, and potentially more easily monitored and managed system. Germany, on the other hand has been more technocratic in its approach, basing its recycling and reuse policies on the ability of its industries to adapt to the new regime through technological innovation. However, the similarities are also striking. Not only are these reforms roughly coincident in timing, they all three reflect a more programmatic, plan-based approach on the part of national government, and demonstrate an internalization of at least some of the norms of ecological modernization as outlined above.

National Environmental Policy Change

a. Great Britain: Slow Moves towards Integrated Pollution Control

The British government in 1991 introduced the first of a series of policy measures designed to integrate its system of pollution control. Integrated pollution control, or IPC, has been defined as "the range of organizational and legislative changes that enable institutions to deal with the connected nature of environmental problems" (Irwin, 1990:9). There are two ways in which integration can occur. The first is "internal", whereby "the environment", as policy problem is treated as a unified whole, and the second is "external", whereby environmental policies are integrated into all sectors of public policy (see Haigh and Irwin, 1990; Jordan, 1993, and Weale, 1991). Britain is following the external integration route.

During the 1970s, under the Control of Pollution Act (1974) and subsequent legislation, Britain established a system of environmental regulation that was highly fragmented. Not only were regulatory responsibilities divided among ministries and among central and local governments, but they were also divided across substance and medium: air, soil and water (Garner, 1995). Agencies at the center dealing with pollution control issues include the Department of the Environment (DoE), the Ministry for Agriculture, Fisheries and Food and the Department of Industry. The DoE oversees the activities of various agencies set up during the 1970s, including the Industrial Air Pollution Inspectorate, the Wastes Inspectorate, the Radioactive Substances Inspectorate, and the Water Quality Inspectorate. It also oversees the activities of the local authorities with respect to implementing the policy framework set up by central government. This division of powers reflected the view first, that environmental problems were best dealt with in terms of their effects (rather than at source; a remedial rather than preventive view), and second (related) that as these effects were local, policy implementation was best done at a local level, by authorities close to the problem, rather than by central agencies.¹¹

¹¹Waste disposal is a clear case in point: not only were responsibilities for (municipal and industrial) waste collection and disposal delegated to some 200 local waste disposal (later, waste regulation) authorities, but lobbying efforts on the part of the waste disposal industry and other reform-minded groups met with the response that waste

The first moves to address the inefficiencies of this diffuse regulatory structure were made in the late 1980s. In 1987, the different inspectorates were amalgamated into one body: Her Majesty's Inspectorate of Pollution, or HMIP. While this represents the first step towards an integrated system of pollution control, as Weale argues, it was not until the early 1990s that HMIP become anything more than the sum of its parts, with the introduction of legislation giving it the means to implement cross-media policies (Weale, 1992:105-107). Its task, too, was complicated by the establishment of the National Rivers Authority - the overlap between their responsibilities was not clearly addressed - and by the increased conflict between central and local governments over the process of "contracting out" of services previously publicly provided by local authorities.¹²

The landmark legislation for enacting environmental policy change was the 1990 Environmental Protection Act, or EPA, and in 1991, Prime Minister Major announced plans for an Environment Agency, which would combine the functions of HMIP and the National Rivers Authority in a single body. This represents a big departure in thinking about the structure of pollution control: only three years earlier, the then Environment Secretary, Nicholas Ridley, had announced that "there is no guarantee that synergy will be gained automatically by amalgamating separate agencies" (ENDS Report 198; cited in Carter and Lowe, 1995:40). This proposal, highlighted in the Conservative Party's 1992 Election Manifesto, initiated several years of discussion and planning, and the creation of the Environment Agency was postponed on numerous occasions.¹³ It finally came into being on April 1, 1996, established as an agency independent of direct government control. However, and this is a point I shall return to, implementation of these policy changes has been, and remains extremely slow.

b. Germany: The Closed Circle Economy

Germany's system of environmental regulation, established in its basic form, like many other countries, in the early 1970s, has shown a high degree of adaptability in the face of pressures for change. It is based on a well-developed, and clearly understood federal allocation of responsibilities, whereby the sixteen Länder implement legislation developed through consultative processes at the federal government level, where environmental protection is supervised by the Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit (the BMU, established in 1986). The area in which the German philosophy of environmental regulation is most clearly defined is in its system of legally imposed environmental standards, with its "strong emphasis upon constitutional formalism, on the one hand, and technical expertise on the other" (Weale, 1992b:179). This practice follows a general preference for constitutionally and legally grounded guiding principles for policy-making. Much is made of the notion of the "Rechtsstaat": "the requirements that state action be conducted in a publicly justifiable manner through legal processes, to which the state itself is subject" (Weale, 1992b:177; see also Dyson, 1992). To that end, there exist two main guiding principles behind the administration of environmental policy in Germany:

disposal was purely a local issue, and should be managed at that level: ignoring not only the problem of transfrontier movements of wastes, but also the distances traveled within the UK by wastes en route from point of generation to point of disposal.

¹²As R.A.W. Rhodes so accurately points out, the Thatcher years did not represent a "rolling back" of the frontiers of government; rather, the policies of privatization of the major utilities and the contracting out of local services required the creation of an additional tier of regulation, consisting of many (perhaps hundreds of) individual agencies, regulating not only the activities of the major privatized utilities, but also various aspects of environmental protection (Rhodes, 1994, 1996).

¹³For a full discussion of the rocky passage of the Environment Agency, see Carter and Lowe, 1995.

the precautionary principle (das Vorsorgeprinzip), and the "polluter pays" principle (das Verursacherprinzip).¹⁴

The 1992 introduction (1996 implementation) of the Closed Circle Economy (Kreislaufwirtschaft) Ordinance is seen by many as a logical extension of these principles, as well as reflective of the high degree of acceptance by industrial actors of the main premises of environmental regulation. It forms part of a group of reforms which show a growing emphasis on producer responsibility for causing environmental harm, as in the controversial Packaging Ordinance of 1991, whereby companies (both domestic firms and importers) are obliged to collect any packaging used in the shipping of their products to point of sale. The main measures of the Kreislaufwirtschaft are: a redefinition of wastes requiring supervision to comply with EU regulations, such that it now includes wastes destined for recycling (previously categorized as economic goods);¹⁵ second, it imposes a duty on waste generating firms to seek to reduce waste production and to increase recycling (either via energy production or re-use of wastes as secondary raw materials), as well as imposing strict producer responsibility for all wastes generated (thus extending the Packaging Ordinance to all types of waste). It also tightens up licensing and monitoring processes for waste exportation.¹⁶

Many argue, therefore, that the economic growth/environmental protection trade-off is viewed very differently in Germany compared with other countries, pointing towards its thriving environmental services and technology sector, in which Germany is the undisputed world leader (Randlesome, 1994).

c. The Netherlands' National Environmental Policy Plan: Sustainability in One Generation?

The Netherlands responded to the growing environmental pressures on its small and densely populated territory by fundamentally re-shaping its hitherto haphazard system of environmental regulation to incorporate the notion of sustainable development, as articulated in the 1987 Brundtland Report, into all aspects of environmental and economic management (externally integrated pollution control) (Wintle and Reeve, 1994).¹⁷ The ambitiousness of the resultant National Environmental Policy Plan (NEPP) is unparalleled in the history of environmental policy making (Weale, 1992).

The Dutch government unveiled the NEPP in 1989, following up in 1990 with NEPP Plus (World Resources Institute, 1994). By targeting the actions of both firms and consumers, by 2010 it aims to have cut emissions of toxic substances into the environment by over 50%, to greatly reduce energy usage, and hence emissions of greenhouse gases into the atmosphere, and to increase rates of recycling and reuse of materials in the production and consumption processes. The policy changes, however, go well beyond the adoption of an ambitious set of goals, involving also the introduction of incentive-based policy instruments and an extensive program of public education. What really sets the Netherlands' plan apart is its grounding in a well-articulated philosophy about the importance of achieving sustainability, not only in one country, but also in

¹⁴For further discussion, see Jordan and O'Riordan, 1995, and Héritier et al, 1994.

¹⁵See Koß et al, 1994.

¹⁶As reported by the Associated Press, October 6, 1996, and the *BNA International Environment Reporter*, August 21, 1996.

¹⁷In other words, the Netherlands is attempting to incorporate the definition of sustainable Development as articulated in the Brundtland Report: "development which meets the needs of the present without compromising the ability of future generations to meet their own needs".

the ways that country relates to the global environment (Weale, 1992). Although like its British equivalent, many of the proposed reforms have either been severely delayed, or effectively neutralized in their passage into legislation (van der Straaten, 1994), the fact remains that the Netherlands has taken the lead among industrialized countries in trying to take the ideas behind that nebulous concept, sustainable development, at all seriously.

Factors Affecting Environmental Policy Reform

The ecological modernization approach shares much in common with other ideational approaches currently in vogue in new institutionalist versions of international and comparative political economy.¹⁸ One of these is that it requires specification of the factors encouraging the adoption and transmission of particular ideas. In the cases outlined above, there are many possibilities. At a very basic level policy reform arose from the recognition that the old policies were not working. However, as any student of policy reform realizes, the recognition that there is a problem with the old ways of doing things is neither necessary nor sufficient for change to occur.

Domestic level factors are also very important, as Weale points out. There are many different groups of stakeholders in environmental policy reform, some of whose interests are more clearly defined or affected than others. In each of the above, industrial interests supported the changes. The environmental services sector, which, according to the OECD is now one of the biggest growth sectors worldwide, generating annual revenues of approximately \$250 billion is a case in point (OECD, 1996). More specifically, the British waste disposal industry has, down the line, supported, a more centralized system of environmental management. Societal groups, including the environmental movement, too, were strong advocates of policy change. Institutional factors - which determine, for instance, who has access to the policy process helped determine the outcome in each case. The more closed British system (hardly surprisingly) remained unresponsive to demands for more open processes of consultation. On the other hand, the Green Movement in Germany, both through die Grünen and through the more established party were able to push through a more extensive series of measures which many producers regard as overly onerous.

Domestic institutional factors have also played a key role in slowing down the pace of change. A final commonality between these cases is that in all the process of ecological modernization is proving a slow road indeed. Gaps between the announcement of policy plans and their implementation are long, and ambitious policies are more often than not severely diluted en route. In other words, the gap between rhetoric and reality remains (Aarhus, 1995; Wintle and Reeve, 1994). Furthermore, the above mentioned countries are the only ones in Europe in which these processes can be easily identified. Some countries, such as Spain, Portugal and Ireland are still emerging from a state of no environmental policy, while others - France is the most notable example - are making little or no effort to modernize or reform the ways in which they manage issues of pollution control.¹⁹

¹⁸See, for example, Goldstein and Keohane, 1993; Sikkink, 1991; Hall, 1992; Haggard, 1987. For a critique of these approaches in the way they have evolved out of different branches of New Institutional theory, see Blyth, 1997.

¹⁹France is an interesting case. For one, while dozens of studies exist which compare British and German environmental policy, or which discuss the NEPP, there are few which incorporate France into the comparisons (the exception being Héritier et al, 1994). More importantly, while the French government has actively implemented EU environmental directives, its system of environmental regulation is at best haphazard, and environmental issues fall fairly low on its policy agenda. Hence, it has shown no inclination to reorganize this system in the sorts of programmatic ways displayed by its EU counterparts - except to the extent this has happened through the reforms of the regional tier of government. See Bodiguel and Buller, 1994.

Arguably, however, the international and transnational spheres have provided the greatest impetus for the development and application of new policy ideas. High levels of ecological interdependence at the global level have given rise to a large number of international treaties and agreements. The dynamics of the policy process at the international level - sponsored for example, by the UNEP and UNDP - are now driving the re-configuration of domestic environmental policies. The EU, as the most powerful regional authority in terms of its scope and its ability to affect the domestic political practices of its members, has played a role not only as a source of ideas, but also as a "transmission belt" for these ideas. For one, it provides crucial forums for policy-makers from all member states to meet and share ideas and formulate policies. Moreover, the vastly increased density of economic and social interactions at the sub-government level has fostered cooperation between industrial interests and between societal groups and NGOs, and has allowed them multiple points of access to the policy process, over and above those afforded by their national governments. Thus, it could be argued the regional integration process has been a necessary condition for the adoption of policy change by Britain, Germany and the Netherlands (a point made by Haigh and Lanigan, 1995); the question remains how well does it explain the process of European environmental integration itself?

European Environmental Integration: Harmonization or Modernization?

The question I want to address in this section is whether or not ecological modernization is a better rubric, or framework both for understanding European environmental change and for re-directing the course of environmental policy-making at the supranational level. It certainly has its weaknesses. One set include the theoretical problems mentioned in the reviews above (Christoff, 1996; Mol, 1996). It could be argued that a concept which is so all-encompassing gives us little explanatory leverage in understanding and analyzing these phenomena. Another concerns the slow speed at which policy change is being implemented by member states: if such transformation isn't considered possible by fully-fledged nation states, among the most powerful in terms of their capacities to affect the behavior of their citizens, then surely the EU - a relatively weak regulatory body by comparison - will not be able to effect such change either.

On the other hand, several factors point towards it being a better model than the convergence model for analyzing the complexities of environmental policy in the context of regional integration. First of all, it is quite simply a better explanation of what is going on within EU member states. While these entities are obviously responding to the European environmental agenda, in particular in paying more attention to the international and transboundary aspects of industrial activity, it also seems apparent from the above discussion that these changes do not add up to regulatory harmonization, or convergence, in the strong sense. What is going on is a much more complex process of ideational transmission: countries are adopting similar ideas about the relationship between economic growth and environmental protection, and about the way "the environment" should be perceived, but are going about implementing these ideas in very distinctive ways.

Thus, and second, a framework based on ecological modernization - while accused by many of being a mere technological fix, or legitimating tactic - is better able to conceptualize national diversity in policy styles; furthermore, the explicit adoption of this model as a framework for policy-makers alleviates the issue of convergence up or down: the lowest common denominator problem is avoided under this scenario.

While, however, it is fairly straightforward to demonstrate the utility of the ecological modernization model for understanding recent policy changes in Britain, Germany and the Netherlands, from the policy-making angle the question remains as to whether or not it should or could replace the convergence model as the guiding principle behind EU environmental policy. The rationales behind regulatory convergence in the environmental sphere (e.g. leveling the playing

field and easing the burden of monitoring environment degradation) remain strong. However, beyond the observation already made that complete convergence is unlikely given the embeddedness of national regulatory differences, it also seems that the growing politicization of environmental issues in the EU context, witnessed in disputes between states over, say, the regulation of trade in hazardous wastes might threaten this agenda. A commitment to fostering ecological modernization in its different forms among member states would, on the other hand, fulfill the EU's stated aim of attempting to meet demands at the international level for industrialized countries to enact more sustainable policies. The EU would also be well-equipped to aid states in implementing these policies, and to help along laggards. Finally, it would seem that here is a policy agenda that would command wide support not only from industrial interests, but also from broader societal groups.

References

- Aarhus, Knut. "Rhetoric and Reality in European Pollution Control." International Environmental Affairs 7.2 (1995): 111-126.
- Beck, Ulrich. Risk Society: Towards a New Modernity. London: Sage, 1992.
- Beck, Ulrich. "Risk Society and the Provident State." Risk, Environment and Modernity: Towards a New Ecology. Eds. Scott Lash, Bronislaw Szerszynski and Brian Wynne. London: Sage Publications, 1996.
- Blyth, Mark M. "Any More Bright Ideas? The Ideational Turn of Comparative Political Economy." Comparative Politics 29.2 (1997): 229-250.
- Bodiguel, Maryvonne, and Henry Buller. "Environmental Policy and the Regions in France." Regional Politics and Policy 4.3 (1994): 92-109.
- Buller, Henry, Philip Lowe, and Andrew Flynn. "National Responses to Europeanization of Environmental Policy: A Selective Review of Comparative Research." European Integration and Environmental Policy. Eds. J.D. Liefferink, P.D. Lowe and A.P.J. Mol. London: Belhaven Press, 1993.
- Carter, Neil, and Philip Lowe. "The Establishment of a Cross-Sector Environment Agency." UK Environmental Policy in the 1990s. Ed. Tim S. Gray. London: MacMillan Press, 1995.
- Christoff, Peter. "Ecological Modernization, Ecological Modernities." Environmental Politics 5.3 (1996): 476-500.
- Dyson, Ken, ed. The Politics of German Regulation. Aldershot: Dartmouth Publishing Company, 1992.
- Garner, Robert. Environmental Politics. London: Prentice Hall/Harvester Wheatsheaf, 1996.
- Giddens, Anthony. The Consequences of Modernity. Oxford: Polity Press, 1990.
- Goldstein, Judith, and Robert O. Keohane, eds. Ideas and Foreign Policy: Beliefs, Institutions and Political Change. Ithaca: Cornell University Press, 1993.
- Haggard, Stephan. Pathways from the Periphery: The Politics of Growth in the Newly Industrializing Countries. Ithaca: Cornell University Press, 1990.
- Haigh, Nigel, and D. Baldock. Environmental Policy and 1992. London: Institute for European Environmental Policy, 1989.
- Haigh, Nigel, and Frances Irwin, eds. Integrated Pollution Control in Britain and North America. Washington D.C.: The Conservation Foundation, 1990.
- Haigh, Nigel, and Chris Lanigan. "Impact of the European Union on UK Environmental Policy Making." UK Environmental Policy in the 1990s. Ed. Tim S. Gray. London: MacMillan Press, 1995.
- Hall, Peter. "From Keynesianism to Monetarism: Institutional Analysis and British Economic Policy in the 1970s." Structuring Politics: Historical Institutionalism in Comparative Perspective. Eds. S. Steinmo, K. Thelen and Longstreth. Cambridge: Cambridge University Press, 1992.
- Héritier, Adrienne. "The Accommodation of Diversity in European Policy Making and its Outcomes: Regulatory Policy as a Patchwork." Journal of European Public Policy 3.2 (1996): 149-167.
- Héritier, Adrienne, et al. Die Veränderung von Staatlichkeit in Europa - Ein regulativer Wettbewerb: Deutschland, Gross-Britannien und Frankreich in der Europäischen Union. Opladen: Leske + Budrich, 1994.
- Hollingsworth, J. Rogers, Philippe C. Schmitter, and Wolfgang Streeck, eds. Governing Capitalist Economies: Performance and Control of Economic Sectors. New York: Oxford University Press, 1994.
- Irwin, Frances. "Introduction to Integrated Pollution Control." Integrated Pollution Control in Europe and North America. Eds. Nigel Haigh and Frances Irwin. Washington: The Conservation Foundation, 1990.

- Jacobs, Scott H. "Regulatory Co-Operation for an Interdependent World: Issues for Government." Regulatory Co-Operation for an Interdependent World. Ed. Organization for Economic Cooperation and Development. Paris: OECD, 1994.
- Jordan, Andrew. "Integrated Pollution Control and the Evolving Style and Structure of Environmental Regulation in the U.K." Environmental Politics 2.3 (1993): 405-427.
- Jordan, Andrew, and Timothy O'Riordan. "The Precautionary Principle in UK Environmental Policy." UK Environmental Policy in the 1990s. Ed. Tim S. Gray. London: MacMillan, 1995.
- Judge, D., ed. A Green Dimension for the European Community: Political Issues and Processes. London: Frank Cass, 1993.
- Jupille, Joseph Henri. Free Movement of Goods and Hazardous Waste: Reconciling the Single Market with Environmental Imperatives. Annual Meeting of the International Studies Association. San Diego: 1996.
- Kerr, Clark. The Future of Industrial Societies: Convergence or Diversity? Cambridge, Mass.: Harvard University Press, 1983.
- Koss, Klaus-Dieter, Ulrich Malorny, and Wilfried Stahlke. "Europäischer Abfallkatalog und die EG-Abfallverbringungs-Verordnung." Müll und Abfall .10 (1994): 625-640.
- Laurence, D., and B. Wynne. "Transporting Waste in the European Community: A Free Market?" Environment 31.6 (1989): 12-17, 34-5.
- Leveque, Francois, ed. Environmental Policy in Europe. Cheltenham: Edward Elgar, 1996.
- Liefferink, J.D., P.D. Lowe, and A.P.J. Mol, eds. European Integration and Environmental Policy. London: Belhaven Press, 1993.
- Moe, T., and M. Caldwell. "The Institutional Foundations of Democratic Government: A Comparison of Presidential and Parliamentary Systems." Journal of Institutional and Theoretical Economics 150.1 (1994): 171-195.
- Mol, Arthur P.J. "Ecological Modernization and Institutional Reflexivity: Environmental Reform in the Late Modern Age." Environmental Politics 5.2 (1996): 302-323.
- Organization for Economic Cooperation and Development. The Environment Industry: The Washington Meeting. Paris: OECD, 1996.
- Randlesome, Collin. Business Culture in Germany: Portrait of a Powerhouse. Oxford: Butterworth-Heinemann Ltd., 1994.
- Rhodes, R.A.W. "The Hollowing Out of the State: the Changing Nature of the Public Service in Britain." The Political Quarterly 65.2 (1994): 138-151.
- Rhodes, R.A.W. Reinventing Whitehall, 1979-95? Annual Convention of the American Political Science Association. San Francisco: 1996.
- Sikkink, Kathryn. Ideas and Institutions: Developmentalism in Argentina and Brazil. Ithaca: Cornell University Press, 1991.
- Unger, Brigitte, and Frans van Warden, eds. Convergence or Diversity? Internationalization and Economic Policy Response. Aldershot: Avebury, 1995.
- van der Straaten, Jan. "Environmental Policy in the Netherlands: Change and Effectiveness." Rhetoric and Reality in Environmental Policy: The Case of The Netherlands in Comparison with Britain. Eds. Michael Winter and Rachel Reeve. Aldershot: Avebury Studies in Green Research, 1994.
- Vogel, David. National Styles of Regulation: Environmental Policy in Great Britain and the United States. Ithaca: Cornell University Press, 1986.
- Vogel, David. Trading Up: Consumer and Environmental Regulation in a Global Economy. Cambridge, MA: Harvard University Press, 1995.
- Weale, Albert. The New Politics of Pollution. Manchester: Manchester University Press, 1992.
- Weale, Albert. "Vorsprung durch Technik? The Politics of German Environmental Regulation." The Politics of German Regulation. Ed. K. Dyson. Aldershot: Dartmouth Publishing Company, 1992b.
- Weale, Albert. "Ecological Modernization and the Integration of European Environmental Policy." European Integration and Environmental Policy. Eds. J.D. Liefferink, P.D. Lowe and A.P.J. Mol. London: Belhaven Press, 1993.
- Weale, Albert, Timothy O'Riordan, and L. Kramme. Pollution in the Round: Change and Choice in Environmental Regulation in Britain and West Germany. London: Anglo-German Foundation, 1991.
- Wintle, Michael, and Rachel Reeve, eds. Rhetoric and Reality in Environmental Policy: The case of The Netherlands in comparison with Britain. Aldershot: Avebury Studies in Green Research, 1994.