

PARTICIPATION AND POLICY MAKING IN THE EUROPEAN COMMUNITY:

Mediating Contending Interests

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The balance of influence between producer and civic interests¹ in the European Community's² regulatory policy process has been shifting, albeit slowly and erratically, away from producer interests. The principal reason for this shift has been the increase in public demands on government in general. Providing economic well-being is no longer sufficient to ensure popular support. In addition, since the founding of the EC, citizens have become more critical and questioning of their leaders. These changed attitudes have been reinforced by reforms of the EC's institutions and by the adaptation of civic interest organisations to the demands of the policy making process.

Perhaps the most important channel by which public opinion is transmitted to the EC is via policies adopted by some member state governments. Because the internal market links national economies so closely, such policies can alter the preferences of other governments. Divergent national policies can also fragment producer interests, thereby preventing a unified producer front with regard to a particular EC policy and creating well resourced advocates of policies that suit civic interests. The recent treaty revisions have increased the influence of the European Parliament, the EC institution most committed to civic interests. In addition, a number of civic interest organisations have adopted less confrontational approaches to policy making and have enhanced their capacity to participate effectively in the process.

Producers are and have to be important participants in the regulatory policy making process. Policy makers look to them for information (Beer, 1982; European Commission, 1992b; Offe, 1985). Usually, only producers can provide detailed information about the state of the market, the probable efficacy of a proposal or its likely cost. Further, implementing a policy is much easier if it is developed with the co-operation or at least acquiescence of the regulated producers (Beer, 1982; Offe, 1985). Withholding or threatening to withhold this co-operation gives producer groups the power (as distinct from influence, which is the ability to persuade by weight of argument) to affect public policy (Beer, 1982). European appliance manufacturers recently sought to exert such power by refusing to respond to Commission requests for information about the energy efficiency of their dishwashers, washing machines and dryers (ENDS Report, 235, August 1994), thereby hampering the Commission's efforts to draft a directive setting minimum energy efficiency standards. Policy makers also need to consult with producers in order to ensure that government policies do not interfere with their ability to provide valuable public goods, most notably employment and wealth (Lindblom, 1977). Governments do not want to impose such an onerous regulatory burden on producers that it drives them out of business or encourages them to relocate their production to a less heavily regulated country. As the compliance of civic interest groups is not necessary for the implementation of regulatory policies and they do not provide public goods, they do not have to be involved in the policy process, even if they represent people who will be affected. Consequently, there tends to be an imbalance in the representation of producer and civic interests in the policy making process.

The advantage accruing to producer groups due to their privileged position in the policy making process is usually enhanced by their superior capacity to organise. According to 'the logic of collective action' (Olson, 1965), it is easier for relatively small numbers of actors with fairly homogenous interests to co-operate politically than it is for larger groups with more diffuse interests. At the centre of this logic is the 'free rider problem.' In other words, if the desired political outcome is achieved, those who co-operated and participated in achieving it cannot prevent those who did not from sharing the benefits. Therefore, a rational actor will not co-operate in the hopes of reaping the rewards without paying the costs of co-operation and participation. The free rider problem is easier to overcome when only a few actors are affected because each stands to gain a substantial amount which in and of itself, may exceed the costs of participation, and because it is easier for the group to identify free riders. Smaller groups may also have more homogenous interests and therefore will find it easier to co-operate than large groups that represent heterogeneous interests.

At the European level, however, collective action problems are arguably greater for producer groups than they are at the national level and are perhaps greater than for civic interest organisations.

European-level producer associations tend to be hampered by the unwillingness of their member associations to provide adequate resources to fund EC-level representation (McLaughlin, et al, 1993). In addition, as I will discuss in greater detail later, when EC standards are being considered differences in national regulations can pit competing firms and industries in different member states against each other. In such situations aggregating the interests of national associations into meaningful policy positions is almost impossible (McLaughlin, et al, 1993). In fact, national associations may actively seek to prevent the European association from adopting a position that it abhors (McLaughlin, et al, 1993).

Not all European industry associations, however, suffer from such extreme collective action problems. This is the case in the EC's consumer electronics industry, where two major firms, Philips and Thompson, dominate the EC-level association (EACEM)³ as well as the three most important national associations and play leading roles in several others (Cawson, 1992). Further, although their membership is larger and more diffuse, the associations representing the agricultural (COPA), chemical (CEFIC), and pharmaceutical (EFPIA) industries are considered particularly effective at influencing policy at the EC level (Grant, 1993; Greenwood and Ronit, 1992).

In addition, while collective action can at times be beneficial, large firms do not need to rely on associations for effective political representation. They have the resources and hierarchical structure necessary to represent their interests individually (Salisbury, 1983). Philips, for example, has approximately 100 people, some of whom participate in the Commission's expert committees, following EC policy development (Verwey, 1994). There are more than 200 such firms (European Commission, 1992b) -- including British Telecom, Exxon, Fiat and ICL -- with representations in Brussels, and many more who dispatch officials from their corporate headquarters.

The economic origins of the European Community: a partial polity

In democratic political systems the advantages enjoyed by producers in the policy making process are at least partially offset by the policy makers being accountable at least indirectly to the voters. The producers' advantages are not entirely offset because mass political parties seek to encompass a broad range of interests, which means that elections are rarely fought on single policies. In other words, voters judge governing parties on their overall performance rather than on how they handled a particular policy unless, of course, that policy was of sufficient importance to eclipse all others.

The democratic legitimacy of the EC has come under considerable attack. For some commentators the problem focuses on the inability of the European Parliament to exercise control over the new powers that have been ceded to the EC (European Parliament, 1993; Williams, 1990). Consequently:

European elections are unable to fulfil the functions normally attributable to democratic elections. They do not determine the government of the Community, its political colour; they do not affect the composition of the Commission nor of course of the Council of Ministers; nor are they able to provide personalised leadership for the Community. (Bogdanor & Woodcock, 1991: 489)

In addition, even most national parliaments have only a very limited ability to hold national ministers accountable for decisions taken in the Council of Ministers. Even though each minister is beholden to his or her government and therefore responsible to his or her national parliament, only Denmark's ministers are given a mandate by their legislature before Council meetings. The British Parliament and the French National Assembly have, however, recently taken steps to improve Parliamentary scrutiny of their respective government's actions in the Council. Even the Danish parliament, however, cannot hold its ministers accountable for EC policy. Under the unanimous decision procedure, ministers could be held accountable for not blocking policies that the national parliament opposed. Ministers, however, could not be held responsible for the lack of progress on ones the national parliament advocated. With the advent of qualified majority voting, however, ministers cannot unilaterally block proposals that are domestically unpopular.

There may be even more profound challenges to the EC's democratic legitimacy. Regional integration impinges upon democracy by reducing the proximity, responsiveness, representativeness and accountability of the governors to the governed (Dahl, 1994; Weiler, 1992). Consequently, although the integrated polity is not undemocratic, it will be less democratic than the (democratic)

national polities of which it is composed because the ability of citizens to influence policies will be reduced (Weiler, 1992). In addition, until the EC achieves social legitimacy, that is broad societal acceptance of the system, members of the minority will not necessarily accept as democratically legitimate a majority decision (Weiler, 1992). To this extent, decisions taken by the European Parliament are no more legitimate than those taken by the Council of Ministers (Weiler, 1992).

The bottom line is that for several reasons -- some institutional, others more profound-- the EC is deprived of the checks that in national political systems serve to redress the imbalance that favours producer interests.

The EC, however, was not designed for its democratic features (Mancini & Keeling, 1994). The entire process of European integration was predicated upon technocracy and elitism (Featherstone, 1994). This approach was intended to provide space for "a combination of benevolent technocrats and interest-propelled economic groups to build transnational coalitions in support of European policies" (Wallace, 1993: 300). The need for the Commission to convince key economic elites that their self-interests lay in supporting integration (Featherstone, 1994), gave business interests a privileged position and contributed to 'a lack of balance between public interest and private interests' (Wallace, 1993: 300).

The important place of producer interests in European integration lies in the founding treaties. Although the objectives of the European Communities went beyond economic reconstruction to the preservation and strengthening of 'peace and liberty,' these political objectives were to be achieved via economic integration. As economic growth was the goal for post-war Europe, there was no place for other concerns, such as environmental protection (Hildebrand, 1992). Consumer protection was and is also considered something of an impediment to economic growth.

Nonetheless, environmental and later consumer policies began tentatively to emerge. The first directive (67/548) to deal with environmental matters⁴, in this case establishing a uniform system of classification, labelling and packaging of dangerous substances, was adopted in 1967 (Hildebrand, 1992). The first directive (71/307) that concerned consumer affairs was adopted four years later, to approximate the member states' laws on textile names (CPS, 1995). Given the lack of an explicit legal basis in the founding treaties, such legislation depended on a 'generous' reading of Article 2 of the Treaty of Rome (Hildebrand, 1992: 19), which calls for 'a harmonious development of economic activities, a continuous and balanced expansion,...an accelerated raising of the standard of living...'. As a consequence of this tenuous legal foundation, the relatively low status of consumer and environmental policies in most member states and the requirement that all measures be adopted unanimously by the member states' governments, relatively few and rather weak directives were adopted prior to the late 1980s.

The weak position of consumer and environmental policies within the EC's institutional framework, a consequence of the EC's origins as a customs union and its corresponding emphasis on economic development (Hagland, 1991), contributed to the weakness of the legislation adopted in these areas. Directorates General for Agriculture (DGVI) and Industry (DGIII) have existed since the Commission was created in 1967, while the Directorate General for the Environmental, Consumer Affairs and Nuclear Safety⁵ (DGXI) was not established until 1981. In addition, until 1983 consumer affairs were dealt within the Council of Ministers meetings on economic policy (European Commission, 1991).

Although the institutional dominance of the traditional policies had begun to weaken by the mid-1980s when the single market programme was launched, the primacy of economic considerations remained evident. As at the origins of the EC, the single market programme was intended to address the economic ills confronting Europe. In the 1980s the challenge was not reconstruction, but declining competitiveness, large trade deficits and high unemployment and inflation. As in the 1950s, environmental and consumer protection took a back seat. Policy makers did not consider the environmental implications of implementing the single market programme until 1989, when a task-force was set up to study the issue (Weale & Williams, 1992). The Commission also postponed the consideration of consumer issues until roughly 1991 because, as Karel Van Miert, then commissioner responsible for consumer policy, explained, 'the problems involved would have overloaded the already ambitious single market agenda' (Van Miert, 1991: 5).

The end of the cosy consensus?

Nonetheless there were clear signs that environmental protection and consumer policy had moved up the political agenda. The Single European Act (SEA), for the first time, gave consumer and environmental protection a clear legal grounding in EC policy. Article 100a(3) requires that with regard to measures related to the completion of the internal market the Commission 'take as a base a high level of protection' when advancing proposals concerning health, safety, environmental protection and consumer protection. The SEA also introduced an Environment Title (Articles 130r-t), which laid out the objectives of EC environmental policy as: preserving, protecting and improving the quality of the environment; contributing towards protecting human health; and ensuring a prudent and rational utilisation of natural resources. Consumer policy did not achieve status distinct from the internal market programme until the (Maastricht) Treaty on European Union (TEU), which included Title XI on consumer protection (Article 129a).

Perhaps more important to the development of consumer and environmental policies were the institutional changes introduced by the successive treaties. The enhancement of the European Parliament's powers through the introduction and extension of the co-operation procedure and the introduction of the co-decision procedure have proved particularly important, as I will discuss later.

Adoption of the SEA appears to have boosted the momentum of EC environmental policy (Hildebrand, 1992; Sbragia cited in Vogel, 1993). The number of environmental directives and regulations adopted between 1989 and 1991 exceeded that adopted during the preceding 20 years, and the stringency of standards increased (Vogel, 1993). This has led some commentators to consider the EC's environmental policy a success (Johnson & Corcelle, 1989; Sbragia, 1993). Philip Hildebrand perceives the progressive though somewhat erratic institutionalisation of environmental policy (Hildebrand, 1992). Others, more cautious, acknowledge the recent strengthening of environmental policy, but concede that it is still one of the EC's weaker policies and is weaker than environmental policies in some of the more progressive member states (Hagland, 1991).

Undoubtedly there has also been a marked acceleration in the adoption of legislation related to consumer affairs. Prior to the single market programme, consumer policy dealt almost exclusively with harmonising the member states' various consumer protection regulations, particularly in the fields of cosmetics, textiles and food. The single market programme introduced a new element, deregulation (Majone, 1991; Woolcock & Wallace, 1995). Reducing trade barriers between member states (at least if external barriers were not raised) would increase trade and competition, and consumers would benefit through lower prices and greater choice (European Commission, 1993). The single market programme also created the need for measures to protect consumers who engage in cross-border transactions. As a consequence, there was an upsurge in the amount of consumer legislation adopted in the early 1990s. Even leaving aside those liberalisation measures that only indirectly affect consumers, the number of consumer-related regulations or directives adopted rose dramatically from an average of just over three a year during 1971-88 to almost ten per year during 1989-93 before tapering off in 1994 (CPS, 1995). Although the output of directives and regulations has increased markedly, the Commission's Consumer Policy Service (CPS) has been criticised for not seeking sufficiently strict standards. A rebuke that a CPS official implicitly accepted, arguing that the CPS seeks to find a level of protection that is achievable by all of the member states, despite differences in their national levels of protection (Interview 26). Consequently, a senior official of one of the European consumer organisations feels that Article 100a(3)'s requirement that a 'high level' of consumer protection be incorporated into internal market measures has not had much practical effect (Interview 28). Consumer representatives, however, hope that the TEU's provisions will have a more dramatic impact on the quality of consumer legislation (Locke, 1994; Interview 28).

Although environmental and, particularly, consumer considerations have not achieved parity with producer interests (Huelshoff & Pfeiffer, 1991-92; Vogel, 1993; Interview 27), they have gained in prominence since the origins of the EC. This somewhat erratic process really began in the early 1970s, though slowly. Environmental regulation received a sharp boost in the early 1980s and another in late 1980s. Consumer policy shared the second surge, albeit to a lesser extent. This process has been driven by public concern.

Elements of the end of the cosy consensus

Perhaps the most important channel by which public opinion impacts on EC policy is via member state governments. Because voters have the power to affect the composition of governments, public

opinion can influence their policies. The government can then defend its policy preferences in the Council of Ministers and adopt policies that can alter the policy preferences of other member state governments. Divergent national policies can fragment producer interests along national lines, thereby preventing a unified producer front with regard to a particular EC policy and creating well resourced advocates of policies that suit civic interests. Widespread public support for consumer and environmental protection makes them attractive policy areas for the Commission, which seeks to assuage popular concern about its tenuous legitimacy by delivering popular policies. As its members are directly elected, the European Parliament is the EC institution most committed to civic interests (Interviews 12, 13, 28), and the recent treaty revisions have increased its influence. Lastly, public opinion is represented imperfectly and indirectly by civic interest organisations, which have in general become more effective at influencing policy.

The emergence of public concern

Public concern about consumer affairs and the state of the environment blossomed in the late 1960s and early 1970s. This dramatic increase in public interest had its roots in increasing levels of education, which contributed to greater understanding of the issues; heightened media attention, which increased awareness of problems; and the prolonged economic boom, which brought both prosperity and higher expectations about the quality of life more broadly defined (Vogel, 1989; Weale, 1992). In addition, there was a conviction that society, and business in particular, could afford to make the improvements (Vogel, 1989). The growth of consumerism was also in part a reaction to the apparent political influence of business and its implications for the consumer (Vogel, 1989). Concern about the environment was fuelled by a number of high profile accidents, including the Cuyahoga River fire in 1969 and the Torrey Canyon oil spill in 1967 (Vogel, 1989; Weale, 1992). As a consequence, respondents to a 1973 opinion poll in the then nine members of the EC indicated that pollution was their primary concern (Liberatore, 1991).

As indicated above, public concern about pollution was particularly strong. Burning rivers, fouled beaches and putrid air made the problem clear and present. Except in a few extreme cases (such as food safety), consumer issues did not have the same immediacy. Consequently governments in general responded more forcefully to concerns about the environment. During the early 1970s most national governments significantly expanded and strengthened their environmental regulation of industry (Vogel, 1993). The member states' governments, however, did not necessarily feel a need to address the same problems and, if they did, did not do so in the same fashion (Héritier, 1994).

The proliferation of divergent national regulations threatened the nascent customs union (established in 1968), because the regulations served as non-tariff barriers to trade within the EC. The heads of state and government of the member states responded to this challenge by agreeing, at their 1972 Paris summit meeting, to ask the Commission to draw up a EC environmental action programme (Lieverink, et al, 1993; Lodge, 1989). The leaders also saw an opportunity to appear responsive to the concerns of the general public and thereby bring the EC 'closer to the citizens' (Johnson & Corcelle, 1989: 2; Vogel, 1993). Toward this end, in addition to a EC environmental policy, they also launched EC programmes dealing with consumer protection and social and regional policies (Johnson & Corcelle, 1989).

These policies, however, got off to a slow start. Just six months after the Commission produced its first environmental action programme, in March 1973, the Yom Kippur War broke out in the Middle East, bringing with it the Arab oil embargo that tipped the member states' economies into recession. During the economic downturn, the member state governments were reluctant to consider radical measures to protect consumers (European Commission, 1991) or defend the environment (Weale & Williams, 1994). Environmental policy fared better than consumer policy during the recession because, as in the United States (Vogel, 1989), discoveries of new environmental problems (such as toxic waste and ground water contamination) and a series of prominent environmental disasters (including the accidents at the chemical factories in Flixborough in 1974 and Seveso in 1976) sustained public concern about pollution. Even so, environmental policy proceeded only 'at a leisurely pace and without much political attention' (Arp, 1993: 151).

Through the end of the 1970s neither consumer nor environmental policy progressed dramatically, although environmental policy was slightly more developed. That changed in the early 1980s and environmental policy began to develop quite rapidly, particularly in response to changes in German

domestic politics. The development of consumer policy accelerated slightly in the early 1980s and some important directives (Goyens, 1993), largely to do with removing barriers to trade, were adopted. The real development of EC consumer policy came in the early 1990s in response to the demands of the Single Market Programme.

The national response to public concern

The catalyst for the development of the EC's environmental policy was the March 1983 German general election. The election brought the Green Party into the Bundestag, which meant that there was now a political party in parliament that was committed to environmental protection and that would work assiduously to elevate environmental protection on the political agenda (Patterson, 1991). The Green Party's electoral success also put pressure on the Social Democratic Party (SPD) and Liberal Party (FDP), which had seen their shares of the votes decline between 1980 and 1983, while the Green Party's share had increased.⁶ The SPD responded by becoming more concerned with environmental issues in an attempt to win back Green voters (Patterson, 1991). The 'greening' of the principal opposition party amplified the political importance of environmental issues. The newly elected Christian-Democratic-Union-led coalition government was also under internal pressure to pursue environmental policies. 'Forest death', which was linked via acidification (more popularly called acid rain) to certain air-borne pollutants was the focal environmental issue at the time (Boehmer-Christiansen & Skea, 1991). General concern about the health of Germany's forests had particular poignancy in heavily forested Bavaria, the regional base of the CDU's sister party the Christian Social Union (CSU) (Boehmer-Christiansen & Skea, 1991). Notably, the two government ministers--Dr. Friedrich Zimmerman (interior) and Ignaz Kiechle (food, agriculture and forestry)--who most strongly advocated clean air policies were both members of the CSU (Boehmer-Christiansen & Skea, 1991). Additional pressure on the government came from its junior, though influential, coalition partner, the FDP, which, like the SDP, sought to reverse its electoral fortunes by embracing popular causes, such as the environment (Héritier, 1994). The government, therefore, reversed the previously pro-industry SPD's opposition to strict measures to address the problem of air pollution. (Turner, 1988).

Subsequently, environmental issues have remained high on the German political agenda. The Green Party has continued to perform quite well in land, federal and European elections, thereby keeping pressure on the other parties to pay attention to environmental protection. In response to public concern and electoral competition, the German government has adopted some of the strictest environmental regulations in the EC. In an attempt to reduce the competitive disadvantage at which some of these regulations place German firms, the German government has become a champion of strict environmental protection measures in the EC as a whole (Patterson, 1991).

The German government's conversion to the environmental cause created a formidable coalition of member state governments (the Danish and Dutch governments being the other members) that advocate high levels of environmental protection at the EC level (Peterson, 1995; Weale & Williams, 1992). Thus, the strength of the environmental movement in Germany has consequences throughout the EC (Grant, et al, 1988). A number of EC environmental regulations have been adopted in response to national policies adopted by one or more of these governments (Vogel, 1993). For example, the German government's threats in the early 1980s to act unilaterally if no collective measures to curb automobile emissions were forthcoming pushed the issue of stricter standards on to the EC agenda. Much later in the policy process, the Dutch and German governments acted unilaterally to increase the pressure for strict emission standards. Dissatisfied with the emission standards for small cars agreed at the November 1988 Council meeting, the Dutch government, in early 1989, introduced fiscal incentives to encourage the purchase of 'cleaner' cars, and the German environment minister, Klaus Toepfer, announced that starting in 1991 he wanted all cars produced in Germany to meet stricter standards than those agreed (ENDS Report, 170, March 1989). More recently, the EC's waste and waste packaging directive (94/62) was prompted by the German government's packaging waste regulation, which served as a non-tariff barrier to trade by placing higher burdens on importers than domestic industry, and also adversely affected other member states' recycling programmes by producing more recyclable material than Germany was able to handle. The size of the German economy means that its regulations are of particular importance to the other member states, but the smaller pro-environment member states have also been effective in pushing EC environmental policy (Kim, 1992). The Commission, for instance, began to consider setting minimum standards for the

energy efficiency of refrigerators after the Dutch government adopted a framework law, which set a timetable for introducing minimum energy efficiency standards for all appliances and notified the Commission that it would implement it unilaterally unless action was taken to set EC standards (ENDS Report, August, 1994). Measures such as this that regulate the qualities of a product are potential barriers to trade and can therefore provoke a response from foreign producers, other member state governments and the Commission, who will seek to remove them.

Many environmental regulations, such as those governing factory emissions, regulate production processes rather than products. If a government responds to powerful domestic political pressures by adopting stricter process-oriented regulations than are required by the EC, it will likely put its domestic industry at a disadvantage relative to its European competitors. The affected domestic producers are likely, therefore, to advocate an EC solution. One reason that the German government pursued an EC directive on large combustion plants was that it was concerned that the higher electricity prices stemming from national measures to control the emissions of nitrogen and sulphur oxides would hurt German industry's competitiveness (Weale & Williams, 1992). The desire to address public concerns without unduly injuring domestic producers frequently encourages the 'greener' member state governments to seek solutions to environmental problems in Brussels in an attempt to raise the other member states' levels of environmental protection. As process-oriented regulations do not impede trade between the member states, a government that is seeking to shift the regulatory locus to the EC requires the co-operation of the European Commission (Héritier, 1994).

An influential coalition of member state governments does not exist to champion consumer protection at the EC level. Only the Belgian and Danish governments seek to export their national consumer protection policies to the EC as a whole (Interview 26). The German government, even though or perhaps because it has strong domestic consumer protection legislation, actually resists the transfer of consumer protection regulation to the EC (Interview 26). The most likely explanation is that the German government does not want to risk the dilution of its standards, as has been the case with food additives (Millstone, 1991).

Unlike most environmental regulation, consumer protection legislation affects products or services, not production processes. National regulations that raise the costs of production put domestic firms at a competitive disadvantage, thereby creating pressure on the government to export the regulation. National regulations that mandate high product or service standards, however, can act as barriers to trade, thereby protecting domestic industries. In addition, exporting firms can emphasise higher levels of product safety and quality to promote sales and justify higher prices. Consequently, there is little pressure from domestic producers to export consumer protection legislation. As small countries, Belgium and Denmark have a greater incentive than much larger Germany to try to raise the level of consumer protection enforced by their trading partners. As with product-oriented environmental regulations, the emphasis of EC-level action will tend to be on removing barriers to trade, not raising national standards.

There has been, however, a more vigorous advocacy of liberalisation, the more recent component of consumer policy, by member state governments. The British government has been the most vocal supporter. Its commitment to liberalisation in the EC is essentially an extension of the ruling Conservative Party's ideology (Interview 17), an ideology that is a response to the perceived policy and political failures of the 1960s and 1970s (Wolfe, 1991). By the mid-1980s there was at least partial acceptance in many member state governments that liberalisation might be a way of coping with the pressing economic problems of the time (Cameron, 1992; Moravcsik, 1991; Sandholtz & Zysman, 1989), and as such lay at the core of the Single Market Programme.

The recent enlargement of the EC should also bolster the articulation of civic interests in the EC's consumer and environmental policies. The Austrian, Finnish and Swedish governments all pursue environmental policies that are, on the whole, stricter than the EC's. Consequently, environmental regulation was one of the key sticking points in the accession negotiations. The issue was settled by the new member states being granted a four year derogation with regard to their existing regulations and the EC undertaking to review its environmental regulations. The Finnish and Swedish governments, in particular, are also known for their commitment to strong consumer protection policies (Interview 26). Some officials within the CPS and in consumer organisations expect that they will reinforce the Belgian and Danish governments in advocating higher levels of consumer protection (Interviews 23 & 27).

The fragmentation of producer interests & the creation of strange bed fellows

As the previous discussion indicated, divergent national regulations can fragment producer preferences with regard to EC policies. Producers in countries with strict process-oriented regulations will want the EC to adopt standards that are just as stringent as their national ones so as to 'level the playing field' (Grant, et al, 1988). If a government is only considering strict process-oriented regulations, domestic producers might seek EC legislation instead in the hope that the introduction of the national measure will be postponed by the need to reach agreement within the EC or that the measure will be watered down in response to opposition from other member states's governments (Grant, et al, 1988). Producers in countries with more lax regulations, meanwhile, will resist the adoption of strict EC legislation.

Likewise, if a government is committed to liberalisation, domestic producers are likely to advocate liberalisation on an EC scale in order, at the very least, to deprive their competitors of the advantages of protected markets and/or subsidies. Liberalising governments are also likely to advocate EC action so as not to disadvantage their industries. Producers elsewhere will resist EC liberalisation policies as they are able to take advantage of liberalised markets without conceding access to their own. Highly competitive firms are also likely advocates for liberalisation. British Airways, for example, has been an active advocate of liberalisation, while much of the rest of the airline industry has bitterly opposed it.

The inverse is true with regard to product and service oriented standards. Domestic producers will support existing standards and perhaps even new ones if they think they can meet them more easily than their foreign competitors. Foreign producers, on the other hand, have an incentive to see the standards abolished. They might file a complaint with the Commission or pursue a case before the European Court of Justice (ECJ). The most famous such case resulted in the 1979 Cassis de Dijon judgement.

Industries can also be split between large companies, particularly transnational corporations (TNCs), and small and medium-sized enterprises (SMEs). The former, in general, prefer harmonisation and liberalisation (Interviews 30 & 34). Since they operate in many countries harmonisation (at least in theory) means they only have to deal with one set of regulations rather than with multiple regulatory regimes. TNCs favour liberalisation because they tend to have the resources to be able to capitalise on increased market access. The members of the American Chamber of Commerce, for example, are in general keen advocates of liberalisation as it provides access to new markets and harmonisation as it reduces the number of regulations with which they have to contend (Interview 34). SMEs, on the other hand, tend to have a domestic focus and are therefore less interested in harmonisation or greater market access. Further, they are the most likely to be threatened if TNCs gain access to their previously sheltered markets.

Clearly, the political dynamics in regulatory policy making differ substantially depending on the type of measure in question. If a product regulation presents a barrier to trade, the measure will quickly become an EC issue. The impetus for action will come from the Commission, importers and other member states' governments, who will be trying to remove the trade barrier. The initiating member state government will have to fight to prevent harmonisation setting a standard that is not domestically acceptable. The strength of the regulating government's hand will depend on: how costly its policy will be for other member states while the ECJ's ruling is pending; how the various actors anticipate the ECJ will rule; and whether or not the offending government is willing to flaunt the ECJ's judgement if it goes against it. With process-oriented regulations and liberalisation, it is the (de)regulating government and the domestic producers who seek EC action to eliminate distortions to competition. In this they need the connivance of the Commission. The emphasis will be on trying to raise the other member states' standards (in the case of process-oriented regulations) or lower their barriers to competition (in the case of liberalisation).

The place of bureaucratic politics: the role of the European Commission

The Commission as a whole has an interest in developing EC environmental and consumer policies because they present opportunities for expanding its influence (Bomberg & Peterson, 1993; Grant, et al, 1988). Although the Commission as a whole might favour broadening its competence, the stringency of the regulations it proposes is often the product of bargaining between directorates general

with differing bureaucratic interests. In environmental policy, the principle protagonists are usually DGIII, which almost invariably opposes strict environmental standards, and DGXI, which tends to favour them (Grant, et al, 1988). In general, DGIII is more influential than DGXI (Weale & Williams, 1992). Not only is its remit at the core of the EC's activities, it is also substantially better resourced (Weale & Williams, 1992). These resources are not always sufficient, however. In extraordinary circumstances, other demands can claim the attention of DGIII's officials, enabling other DGs to play a more active role in policy formulation.

In fact, DGXI has been relatively successful in influencing the pace and direction of environmental policy (Mazey & Richardson, 1992). This is due in part to the Commission as a whole becoming more environmentally conscious in response to the public pressure evident at the national level (Mazey & Richardson, 1992). This pressure was manifested in the political commitment to environmental protection in the SEA, which in turn has enhanced the influence of DGXI within the Commission (Vogel, 1993). The extent of public concern about the environment was brought home to the Commission by the dramatic success of environmental parties in the 1989 European elections, in which they won more than eight percent of the vote in Belgium (13.9%); Denmark (9.1%); France (10.6%); Germany (8.4%); and the UK (14.9%). According to a senior DGXI official those results 'helped to raise the profile of "green" issues within the Commission and to assist those parts of the EC's decision making process committed to environmental improvement and protection press forward' (quoted in Judge, 1992: 6). Consequently, the Commission gives environmental protection greater weight relative to economic concerns than it used to (Interview 10), and at least some of the directorates general other than DGXI have taken environmental considerations 'on board' (Interview 36). An indication of this 'green shift' within the Commission is the declining influence of DGIII in setting automobile emission standards (Interviews 13 and 36). DGIII's influence appears to be undermined by the perception that it is 'in the pocket of industry' (Interviews 13 and 36). Further, officials in DGVII (transport), at least, find the environmental arguments in favour of stricter vehicle emission limits politically compelling (Interview 36).

The CPS is, by contrast, much less influential than DGXI. It is smaller, with a staff of just 120. As a result, though it is meant to cover all issues relevant to consumers throughout the Commission, it is only now beginning to become actively involved in issues for which it is not assigned primary responsibility (Interview 26), such as the liberalisation of public utilities and voice telephony. The CPS also suffers from having poor representation within the College of Commissioners. The current commissioner for consumer affairs, Emma Bonino, also holds the portfolios of humanitarian aid and fisheries⁷, both of which can be very demanding. Ritt Bjerregaard, the commissioner responsible for the environment, has only that portfolio. Consequently, although all of the consumer organisations have frequent contacts with the CPS, they have little admiration for its effectiveness (Interviews 28 and 31). There has been nothing comparable to the 'greening' of the Commission in consumer protection, and it is still not a Commission priority (Interview 27).

The directorates general--DGs XV (internal market) and IV (competition)--that are most involved in liberalisation, however, wield far more political clout than does the CPS. Both have quite explicit mandates--DGXV from the Single Market Programme, DGIV from the Treaty of Rome--which lend them authority. That is not to say, however, that they are always successful. DGIV, without support from member state governments, was unable to overcome DGIII's opposition to revising significantly the block exemption from competition rules for car distribution.

The Commission's fragmented policy-making structure has posed problems in both environmental and consumer policies. The division of labour into narrow subject areas, that is the hallmark of bureaucratic decision making, mitigates against the integration of consumer and environmental concerns into all policy spheres as called for in the SEA (Bomberg & Peterson, 1993; Weale & Williams, 1992). In addition, there is reason to suspect that the highly segmented nature of decision making within the Commission benefits producer interests because a policy network with a narrow focus is less likely to consider broader societal ramifications or include groups that might represent those affected by such ramifications (Kohler-Koch, 1994; Wallace, 1994). An example of the consequences of fragmented policy making is provided by two contrary directives on pesticides, one which originated from DGXI, the other from DGVI (agriculture). In 1990 the Council of Ministers (environment) adopted a directive governing the sale of new types of pesticides, which stipulated that genetically-modified organisms designed for use as pesticides could only be sold after detailed assessment of their environmental impact. The following year agricultural ministers adopted a

directive that contained no such provisions and that left the licensing of new pesticides to a committee of agricultural experts (Bomberg & Peterson, 1993).

The rise of a populist champion: the European Parliament finds its feet

Because it is directly elected, the European Parliament tends to be more receptive than the Commission to the concerns of broadly based groups, such as consumers, and to issues that affect everyone living in the EC, such as the environment (Verhoeve, et al, 1992). Consequently, the Parliament has long played an important role in environmental and consumer policies and the successive expansions of its powers under the SEA and the TEU have brought it more directly into the policy making process. The privileged position of social movements in the Parliament has been somewhat eroded recently as business interests have paid greater attention to the Parliament in response to its greater role in the policy-making process (Interviews 12 & 25). The European Federation of Pharmaceutical Industries' Associations (EFPIA), for example, submitted to the rapporteur of the Parliament's Environment, Consumer Affairs and Public Health Committee 19 amendments (written in the style of parliamentary amendments) to the Commission's proposal for a directive regulating the advertising of medicinal products (EFPIA, nd). EFPIA has also referred to itself as 'privileged partner for the European Parliament' (EFPIA, 1994). Nonetheless, the Parliament is still widely perceived to be more amenable to public concerns than to business interests (Interviews 6, 13, 27, 28 & 37).

Although the SEA and TEU have enhanced the Parliament's powers, its influence remains highly contingent (Judge, et al, 1994; Tsebelis, 1994). Its influence is constrained by three factors. First, it depends on the legal basis under which a proposal is submitted. If a proposal is submitted as an environmental measure under Article 130s(1), then the co-operation procedure applies. If, however, the proposal is submitted as an internal market measure under Article 100a (as much environmental legislation was in the past), then the new co-decision procedure applies (Verhoeve, et al, 1992).

Second, under the co-operation procedure the Parliament depends on the Commission to incorporate its amendments into the revised proposal to the Council. If the Commission does, the Council can adopt parliamentary amendments by a qualified majority. If the Commission rejects the Parliament's amendments, the Council must vote unanimously to adopt them. Usually, the Parliament can only lobby the Commission to take the proposals on board. Only occasionally can the Parliament exercise more formidable influence over the Commission, as was the case on the small car emissions directive. Prior to its second reading of the proposed directive, the Parliament threatened that unless the Commission undertook in advance to incorporate its amendment (if adopted) that would substantially lower the permissible emissions limits into the revised proposal to the Council, the Parliament would vote to reject the proposal (Jacobs & Corbett, 1990; Judge, 1992b). This threat was credible because the Parliament had adopted the same amendment by a large majority at its first reading and environmental issues had high political salience in the run up to the June 1989 European elections (Tsebelis, 1994). As there was not unanimous support among the member states (see above) for the lower standard, such a rejection would have blocked EC emission standards, which would have left the EC car market fragmented. Rather than see the directive scuppered, the Commission committed itself to incorporate the Parliament's amendments into its revised proposal to the Council (Judge, 1992b; McLaughlin & Jordan, 1993).

Under the co-decision procedure, the role of the Commission is reduced, though not eliminated. It is still easier for the Council to adopt Parliamentary amendments that the Commission has approved than ones it has not, but the Parliament can reject a proposal by voting twice by absolute majority to do so. Also, if the proposal enters the conciliation committee after the Council's second reading, the Commission is excluded from the process.

Third, the Parliament's power is constrained by the positions of the member states (Judge, et al, 1994). Under the co-operation procedure, its amendments to or rejection of a proposal can be overturned by the Council by unanimous vote. Under co-decision, the Parliament is somewhat less constrained by the positions of the member states as the Council cannot overturn its rejection even by unanimous vote.

The Parliament's influence is further circumscribed by the requirement that in most instances an absolute majority of MEPs must vote to amend or reject a proposal (Tsebelis, 1994; Weiler, 1992). Many MEPs, particularly those from the southern member states, also hold local offices.

Consequently, they are frequently absent from the Parliament, which means that in practice an absolute majority constitutes roughly two-thirds of the members present (Tsebelis, 1994). Thus, even relatively small minorities can block amendments to or the rejection of a proposal. In the Parliament's second reading on the proposed waste and waste packaging directive, for example, an amendment that would have eliminated maximum recovery and recycling targets failed largely because a number of MEPs were absent (ENDS Report, 232, May 1994).

Nonetheless, the Parliament's greater powers also make it easier for it to impose itself on the consciousness of the other institutions or, in some cases, to insert itself into the formal dialogue between the Commission and the Council (Judge, et al, 1994). It is also possible that the Parliament's new-found confidence stemming from the co-decision procedure will make it generally more assertive (Interview 34). In addition, representatives of producer and civic interest organisations expect that, at least where the co-decision procedure applies, the Commission will begin to take the Parliament's likely position more fully into consideration when drafting proposals (Interviews 28 & 34).

The Parliament has used its formal powers and less formal influence to significant effect with regard to EC environmental policy. The best known example of the Parliament's use of its formal powers is its use of the threat to reject the proposed directive on small car emissions to compel the Council to adopt stricter standards than it had previously agreed (see above). More recently, it rejected a proposed directive on patenting genetically altered organisms and other biotechnological inventions, which was among the first proposals subject to the co-decision procedure. The Parliament's rejection came as something of a surprise as the proposal was a joint text, which had been agreed in the conciliation committee between delegations from the Parliament and Council. In the run up to the final vote lobbyists for the biotechnology industry were largely absent, while Greenpeace engaged in a vigorous and highly emotional lobbying campaign against the proposal and the Vatican appealed to Catholic MEPs to reject it (Interview 35). This illustrates that in order to block a proposal it is not always necessary to be involved in the process from the beginning. Though it can be a risky strategy, an intensive effort at a strategic point may be sufficient to derail a proposal.

The Parliament has generally been less active on consumer issues. At least in the eyes of one consumer representative, the Parliament's Committee on the Environment, Public Health and Consumer Protection is far more concerned with the first of the competencies in its name than with the others (Interview 23). Nonetheless, the Parliament has altered proposals to the benefit of consumers. For example, it played an important role in ensuring that the directive (88/146) regulating the use of hormones in livestock restricted their use to therapeutic purposes, subject to veterinary control (European Commission, 1991).

The Parliament has also used its role in the EC's budgetary process to advance civic interests. For example, by adding a budget line for the Financial Instruments for the Environment (LIFE) Fund (to support biodiversity), the Parliament forced the Commission to submit regulations so that there would be a legal basis for spending the money (Interview 12). Further, each year there is a ritual dance in which the Council slashes the Commission's proposed consumer protection budget, which includes funding for the CPS and subventions to the consumer organisations, and the Parliament reinstates it (BEUC, 1994).

A less formal way in which the Parliament has shaped the development of the EC's consumer and environmental policies is through its own initiative reports (European Commission, 1991; Judge, 1992b). Even before the Parliament's powers were enhanced, such reports contributed to directives on major industrial hazards (82/501); lead content in petrol (82/884); the importation of seal pup skins (82/129); and transfrontier shipment of waste (84/631) (Judge, 1992b). Parliamentary reports also contributed to regulations on toy safety (European Commission, 1991). More recently, Parliamentary calls for action have at least in part contributed to the Commission's decision to publish Green Papers on the Urban Environment (Judge, et al, 1994) and the Impact of Transport on the Environment (European Commission, 1992).

Civic interest organisations: disadvantaged but learning to cope

Another change that has affected the development of the EC's consumer and environmental policies has been the rise and professionalisation of civic interest organisations. While there is a fair degree of accuracy to the common perception that civic interest groups are weak (Greenwood, et al, 1992; Grant, 1993), such groups have begun to develop means of compensating for their weaknesses.

As discussed earlier, the logic of collective action becomes more forbidding the larger the number of actors one is trying to organise. An obvious problem that stems from the breadth of interests being organised is that internal disagreements may paralyse the organisation. Without trivialising the problem, it may well be that civic interest organisations do not face such substantial internal differences as do European producer associations (Mazey & Richardson, 1992).

Although the European-level civic interest organisations encompass numerous national associations with many members, they may not be as diverse as they at first seem. It is certainly true that some organisations' effectiveness is hampered by the breadth of interests they represent. The 'peak' European environmental organisation, the European Environmental Bureau (EEB), for example, has rather limited influence, which is in part due to difficulties with representing the diverse interests of its members (Knight, 1994). In 1993 the EEB had 140 full member organisations from 14 countries (EEB, 1994). Those members, not surprisingly, differ as to priorities and strategies. Since the mid-1980s a number of more focused, either in terms of issues or ideologies, EC-wide environmental groups have established offices in Brussels. This move toward more direct representation in Brussels was at least in part prompted by the EEB's inability to adequately represent the interests of its members (Rucht, 1993). In this regard the changes in interest representation in the environmental movement echo those discussed earlier in producer associations. The Friends of the Earth (FoE) was the first environmental group to establish an independent European representation (FoEE) in 1985 (Rucht, 1993). Even though, FoE's national organisations enjoy a significant degree of autonomy, FoEE is a much more ideologically homogeneous organisation than the EEB (Rucht, 1993). Other international environmental organisations followed FoE's lead and established Brussels representations: Greenpeace in 1988 and the World Wide Fund for Nature (WWF) in 1989 (Rucht, 1993). A number of issue-focused groups have also organised European-level lobbying activities. In 1989 the European Federation for Transport and Environment (T&E) was established to 'campaign for an environmentally responsible approach to transport' (T&E, nd). In 1993 BirdLife International established an EC Office to monitor and seek to influence EC activities that 'have an impact on birds and their habitats' (BirdLife International, nd).

There is no European 'peak' consumer association. The European Commission recognises five European consumer organisations¹⁰: the European Consumers' Organisation (BEUC), the Confederation of Family Organisations in the European Community (COFACE), the European Trade Union Confederation (ETUC), the European Community of Consumer Co-operatives (EURO COOP); and a relatively new organisation, the European Interregional Institute for Consumer Affairs (EIICA). There are rather sharp differences of interests that border on the ideological between the more established groups. BEUC professes to defend the interests of the consumer defined in the narrowest sense. That is as a purchaser of goods and services. Consequently, it views increased competition more favourably than some of the other consumer organisations. COFACE is more concerned about consumer protection than market issues and considers the social implications of consumer policy (Interview 31). The ETUC has standing as a consumer organisation because many consumer associations, particularly in the southern member states, grew out of trade unions (Interview 31). Not surprisingly, the ETUC is also concerned about the implications of consumer policies for people in their capacity as workers as well as as consumers (Interview 23). EURO COOP, as it represents consumer co-operatives, is particularly concerned with food issues (Interview 23) and is perceived by some of the other consumer organisations as seeing issues from the perspective of distributors rather than consumers (Interviews 28 & 31). The EIICA brings together regional authorities and public and private standards bodies (Interview 26). The other European consumer organisations seem to consider it a Commission creation and are uncertain about it (Interviews 28 & 31). The differences in approach are sufficiently great that BEUC has sought to have the ETUC and EURO COOP expelled from the Consumers' Consultative Council (CCC), the Commission's standing advisory committee on consumer affairs, on the grounds that they do not represent consumers' interests (Interview 28). While these divisions among consumer organisations can impede co-operation between them (see below), they present the opportunity for greater homogeneity of interests within the organisations, as, at least to an extent, national associations can decide to which European organisation they belong.

The effectiveness of some civic interest organisations is enhanced by fairly streamlined decision-making procedures. One significant advantage such groups have over most producer associations is that they are not federations of federations. The executives of the national members tend to be highly autonomous and do not have to consult with their members before agreeing to positions advanced by

the European association. Consequently, the European association can respond more rapidly to developments than can more traditional European producer federations.

In addition, a few European civic organisations concentrate a significant amount of authority in Brussels, enabling them to respond quite swiftly to developments. The WWF representation in Brussels is a bureau of WWF International and does not have members per se. Most of BEUC's positions originate in the Brussels secretariat and are circulated to the members for comment. The director is given a fair degree of leeway in determining if there is sufficient consensus for a position to be advanced (Interview 28). In order to achieve consensus, contentious points are sometimes dropped from positions (Interviews 3 & 28).

Perhaps more typically, other civic interest groups have more complicated and cumbersome procedures. COFACE, EURO COOP and T&E, for instance, rely on working groups to develop proposals, which are then adopted by a body comprised of members (Interviews 23, 31 & 38). COFACE's secretariat is not able to take decisions even in emergencies, although the president is able to issue statements without extensive consultation (Interview 31).

Perhaps the most severe consequence of the logic of collective action is that organisations that seek to aggregate civic interests tend to be poorly resourced (Mazey & Richardson, 1992; Rucht, 1993). In order to at least partially compensate for the lack of funding for European representation, the European Commission provides funding for the core activities of many of these organisations (Rucht, 1993; Interview 26). For the consumer organisations, for example, Commission funding accounts for roughly a third of their annual core budgets (Interviews 23 & 28). Even so, civic interest organisations tend to be substantially more poorly resourced than producer organisations, even though, as mentioned earlier, European-level producer organisations tend to be under-resourced compared with national producer associations. T&E, for example, has only one representative in Brussels. The organisations representing the producers with whose interests it most often comes into conflict are much better resourced. CONCAWE, 'the oil companies' European organisation for environmental and health protection,' (CONCAWE, 1994) has a Brussels secretariat of 13 (Euroconfidentiel, 1994). The European Automobile Manufacturers Association (ACEA) has two members of its secretariat responsible for environmental issues and one who deals solely with the European Parliament (ACEA, nd). The European Liaison Committee of the International Road Transport Union (IRU) has a staff of three (Interview 5).

This absolute resource imbalance between producer and civic interest groups is exacerbated by the breadth of issues of concern to European civic interest organisations (Mazey & Richardson, 1992; Sbragia, 1993; Interview 28). In 1993, for example, the 10 policy members of BEUC's secretariat participated in various Commission or Parliament forums on food safety, telecommunications services, informatised reservations systems, liability in air transport, product safety, dietary supplements, drinking water, construction, commercial communications, access to justice, transport policy, and language requirements in consumer labels (BEUC, 1994). Because the organisations are concerned with such a breadth of issues their small staffs cannot be experts in all, or any, of them. This lack of expertise can at times present serious problems (Locke, 1994; Interviews 12, 15 & 28).

Civic interest organisations have developed a number of responses to cope with the discrepancy between resources and responsibilities. As other European interest federations do, many civic interest organisations make use of working groups comprised of representatives of their member organisations to compensate for their lack of resources.. T&E (Interview 38), COFACE (Interview 31), and EURO COOP (Interview 23), for example, all make use of working groups to provide technical expertise. Perhaps the most extreme example of this strategy is provided by FoEE. On most projects, the scientific research, political and strategic planning are done by a member organisation (referred to as a lead campaign group). FoEE only provides the lead group with information and assists with co-ordination, administration and logistics (FoEE, 1994). The WWF also looks to member organisations to bear some of the burden. Its position paper in response to the Commission's Green Paper on the Impact of Transport on the Environment, for example, was drafted by WWF UK (WWF UK, 1992). Even BEUC, with its larger secretariat, periodically goes to its member organisations for technical expertise or assistance in pursuing policies (Interview 28). One of its member organisations, the (UK) Consumers' Association, for example, played an important role in tracking the medicines advertising directive through the Parliament. The attraction of this strategy is that the national associations, as is the case with producer groups, tend to be much better resourced than their European organisations. The Consumers Association has a staff of 500 (Locke, 1994). Likewise FoEE's staff of four11 is

dwarfed by those of its members in Great Britain (100)¹² and the Netherlands (50) (Rucht, 1993). One drawback of this approach is that sometimes national experts lack a European focus (Interview 28) which, if uncorrected, can impede the effectiveness of the message.

In addition to a division of labour and information sharing within organisations, there is a fair degree of co-operation between European civic interest organisations, particularly among the environmental groups. The directors of the main European-level organisations -- EEB, Greenpeace, FoEE and WWF -- meet approximately every six weeks in order to exchange information and co-ordinate activities (Rucht, 1993). In 1993 these meetings were expanded to encompass eight umbrella environmental organisations (FoEE, 1994). In addition, there were two meetings of the broader European Environmental Round Table (FoEE, 1994). There is also a division of labour between the groups (Mazey and Richardson, 1992). Greenpeace, for example, concentrates on ocean ecology, toxins, nuclear issues, the atmosphere and energy. The WWF takes the lead concerning the environmental consequences of the structural funds and the Common Agricultural Policy. In the field of transport and the environment, Greenpeace has dropped its transport campaign (though it continues to monitor the impact of transport through its climate campaign), in part because the arrival of T&E, which deals exclusively with transport, enabled it to concentrate its resources elsewhere (Interview 15). While T&E focuses on transport policy, the WWF, Euronature and the International Institute for the Conservation of Energy deal with the environmental impact of transport infrastructure projects (Interview 15). A particularly high degree of co-operation exists between the WWF and T&E, with the former deciding it would be more cost-effective to fund the latter than to operate its own transport and the environment section (Interview 38).

Because of 'ideological' differences, there is much less co-operation between the European consumer organisations. Nonetheless, some participants see a de facto division of labour with BEUC specialising in economic issues, EURO COOP concentrating on food and COFACE particularly concerned with consumer protection, particularly product safety (Interviews 23 and 31). There are also more formal areas of co-operation. BEUC and COFACE jointly administer the European Parliament's Inter-Group on Consumer Affairs. And consumer representation in the European standards-making bodies CEN and CENELEC is co-ordinated by the *S cretariat europ en de coordination pour la normalisation (SECO)*, which is provided by BEUC under contract to the Commission. From the end of 1995, ANEC, an independent body funded by the Commission, will replace SECO.

Civic interest organisations also cope with insufficient resources by seeking to affect the Commission's agenda. Agenda setting has proved a particularly effective tool in the field of environmental regulation (Grant, 1993b; Mazey and Richardson, 1992). Firms often find themselves reacting to issues put on the agenda by environmental groups (Mazey and Richardson, 1992). Direct action can be a highly effective tool for placing issues on the political agenda. Witness the recent ability of a relatively few animal rights protesters in Britain to have the issue of live animal transportation considered by the Council of Ministers, although no decision was forthcoming. A drawback to direct action is that it is perceived by policy makers as the tool of extremists, and they are consequently reluctant to talk with groups that engage in it. In this regard, the differences in preferred strategies between environmental groups can prove to be a boon rather than a curse. Greenpeace which is world-renowned for its high profile direct action can force an issue on to the political agenda by raising public awareness of a problem, and the more moderate environmental organisations, such as the WWF and FoEE can then follow-up within the policy-making process.

On the whole, consumers are less inclined to direct action than are environmentalists (Interview 28). Pollution is visible, while slightly higher prices, for example, are hidden. On occasion, however, consumer issues can evoke deep emotions and lead to direct action. A highly effective consumer boycott, for instance, following the discovery of the use of hormones in the production of meat for human consumption, contributed to the directive, mentioned earlier, that prohibited the use of certain types of hormones as growth promoters in animals (Goyens, 1993).

Environmental organisations are particularly adept at translating scientific findings into comprehensible political issues (Mazey & Richardson, 1992). In addition to politicising other people's research, most of the civic interest organisations, through their members, have a strong research bases. Occasionally, this research base enables civic interest organisations to provide necessary information withheld by producers. For example, the refusal of European appliance manufacturers to provide information to the Commission about the energy efficiency of their products (see above) was short-

circuited by a study on appliance energy efficiency conducted by the (UK) Consumers' Association (ENDS Report, 235, August 1994).

This ability to provide information to policy makers has made them valuable interlocutors. Many officials in DGXI, for example, have a very high regard for the information provided by environmental organisations (Mazey & Richardson, 1992). The competition directorate general (DGIV) has an annual day-long meeting with BEUC to discuss issues of common interest (Locke, 1994).

The civic interest organisations are also important to Commission officials for their ability and willingness to monitor the implementation of EC policies (Bomberg & Peterson, 1993), a function that the Commission lacks the resources (and, some would argue, the inclination) to perform. Consequently, the Commission usually learns of a violation of EC legislation relating to consumer affairs or the environment via a complaint from an individual, a pressure group or another interested party, usually a rival firm (Bomberg & Peterson, 1993). FoE (England and Wales), for instance, filed a complaint with the Commission about drinking water in East Anglia exceeding EC limits for nitrates (Bomberg & Peterson, 1993). In August 1991, the (UK) Consumer Association, likewise, highlighted the poor quality of the water off Britain's beaches by publishing its own tests of virus levels, which showed that only one of Britain's fifteen best-known beaches met EC standards (Bomberg & Peterson, 1993). In some cases bureaucrats actively encourage civic interest organisations to monitor the implementation of policies.

Because of their ability to provide information and monitor implementation, civic interest groups have a useful role to play in the policy making process. Consequently, civic interest organisations are represented on many of the Commission's advisory committees. Representatives of BEUC and the EEB sit on the Motor Vehicle Emission Group. Representatives of consumer groups also sit on the Advisory Committee on Foodstuffs, the various Agricultural Advisory Committees, the Advisory Committee on Veterinary Matters, the Advisory Committee on Gas, and the Ecolabel Forum, Payment Systems Users Liaison Group (BEUC, 1994; COFACE, 1994; EURO COOP, 1993; European Commission, 1995). In 1993 representatives of the EEB participated in the 'Erasmus Group' on priority waste streams, 13 Ecolabel Competent Body Group, Ecolabel Forum, EMAS Advisory Group, the working Group for the Revision of the Large Combustion Plant Directive, and DGXI's Auto/Oil Group (EEB, 1994).

In addition to participating in issue-specific technical consultative bodies, civic interest organisations participated in some forums more in the role of representatives of diffuse interests. As mentioned earlier, the five European consumer groups and representatives of some national consumer organisations sit on the CCC, which is intended to provide a 'consumer' perspective on proposed legislation. Even before the recent flare-up over its composition, the CCC's influence was limited (Locke, 1994; Goyens, 1993). Part of the problem is that many parts of the Commission do not seek the CCC's opinion even on issues that will affect consumers (Interview 27). Even the CPS, which administers the CCC, does not always consult it, as was the case with the Three Year Consumer Action Programme for 1990-92 (Goyens, 1993).

The most similar forum for environmental groups is the General Advisory Forum on the Environment and Sustainable Development, which was established in 1994. It is comprised of 32 members drawn from environmental and consumer groups, trade unions, business and local authorities. It only meets two to three times a year and the diversity of its members will likely prevent it from reaching substantive opinions.

Such formal consultations are supplemented by extensive bi-lateral contacts between Commission officials and civic interest organisations. DGIII, for instance, consulted BEUC while it was drafting directives governing the labelling (92/27) and advertising (92/28) of medicines and preparing the White Paper on the Outlines of an Industrial Policy for the Pharmaceutical Sector in the European Community (COM (93) 718) (Interview 28). DGXIII (telecommunications) has approached the (UK) Consumers' Association for information about how the deregulation of telephone services affected British consumers (Interview 22). According to one BEUC official, the extent of consultation has increased since the Saunter Commission took over in the beginning of 1995 (Interview 28).

Civic interest organisations, however, do not have to wait for the Commission to come to them. By and large, they have little trouble gaining access even to senior Commission officials. One consumer representative puts this down to officials being 'uncomfortable' with refusing to see consumer organisations (Interview 28). Certainly, representatives of BEUC were able to meet with Commissioner Vanni D'Archirafi, who was at the time responsible for the internal market and financial

services portfolios, to call for a directive governing the cross-border transfer of funds (BEUC, 1993). In addition, T&E and one of its UK members, Transport 2000, were the first non-governmental organisations to meet with incoming transport commissioner Neil Kinnock (Interview 38).

Access, however, should not be confused with influence (Interview 28). Just because you are able to talk to an official does not mean he or she will listen to you. In addition, the composition of a number of the advisory committees on which civic interest organisations sit is heavily weighted toward producer interests. The advisory committees on agricultural market organisation, which make recommendations concerning subsidies and quality criteria, for example, are dominated by producers (Grant, 1993, EURO COOP, 1993). Members of the farmers association (COPA) hold a majority of seats on each of the committees, with the remainder being distributed among consumer organisations, trades unions and food processors (EURO COOP, 1993). The under representation of consumers in these committees was noted in 1961 by the then commissioner for agriculture, Sicco Mansholt (European Commission, 1991), but the imbalance has remained.

In addition, the fragmentation of policy making that characterises the European Commission, provides avenues for circumventing consultations with civic interest organisations. For example, during the 18 months in which the Commission drafted a directive on additive standards, it did not consult with the Advisory Committee on Foodstuffs, which includes consumers, as it was supposed to. Instead, it held a series of meetings with an ad hoc Commission Working Party on Food Additives, which included representatives of governments and industry but not of consumers (Millstone, 1991).

In order to reduce the burdens of following legislation and to improve their chances of influencing policy, civic interest organisations, at least the more pragmatic ones, form tactical alliances with producers whose objectives are congruent with theirs. In responding to the Commission's Green Paper on Design Protection, for instance, BEUC co-operated with manufacturers of car spare parts, automobile insurers and glass makers and was able to substantially alter the eventual proposal in the direction of the consumers' (and the others') interests (Locke, 1994). T&E wants to work with the associations representing road and rail passenger transporters to have VAT imposed on airlines and is seeking funding from the IRU for a study on how to crack down on road hauliers who violate safety and environmental regulations (Interview 38).

Conclusion

In order to influence policy makers public opinion must be aroused and channelled. It often falls to civic interest organisations to repoliticise issues that the Commission has reduced to technical considerations in an attempt to depoliticise them and improve the prospects of an agreement. The impact of public opinion on EC policy making has been enhanced by the institutional reforms that increased the European Parliament's powers in the policy making process. The internal market provides a mechanism whereby influential civic interests, be they articulated by voters, political parties or associations, that shape policy in one member state can affect EC policy. It is through this process that the accession of Austria, Finland and Sweden may have a dramatic effect on the EC's consumer and environmental policies.

Although civic interests still tend not wield the same degree of influence as producer interests, the extent to which they are taken into consideration in the EC's policy process is much greater now than when the EC was founded. How rapidly and to what degree civic interests will continue to gain influence relative to producer interests is impossible to predict, but the jinni of public opinion is out of the bottle.

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Personal Interviews

Interviews were conducted for the ESRC project between April 1994 and March 1995 with officials in the European Commission, national representations, national and European interest associations. Those cited in the text represent only some of those interviews, but they are numbered according to when they were conducted in the series of interviews for the project.

3	Brussels 26 April 1994	26	Brussels 28 February 1995
5	Brussels 27 April 1994	27	Brussels 28 February 1995
6	Brussels 27 April 1994	28	Brussels 28 February 1995
10	Brussels 17 May 1994	30	Brussels 1 March 1995
12	Brussels 13 June 1994	31	Brussels 1 March 1995
13	Brussels 13 June 1994	34	Brussels 1 March 1995
15	Brussels 15 June 1994	35	Brussels 2 March 1995
17	Brussels 15 June 1994	36	Brussels 2 March 1995
22	Falmer, UK 14 October 1994	37	Brussels 2 March 1995
23	Brussels 27 February 1995	38	Brussels 2 March 1995
25	Brussels 28 February 1995		

ABBREVIATIONS

ACEA	European Automobile Manufacturers Association
BEUC	European Consumers' Organisation
CCC	Consumers Consultative Council
CDU	Christian Democratic Union (Germany)
CEFIC	European Chemical Industry Council
COFACE	Confederation of Family Organisations in the European Community
CONCAWE	oil companies' European organisation for environmental and health protection
COPA	Committee of Professional Agricultural Associations
CPS	Consumer Policy Service
EACEM	European Association of Consumer Electronics Manufacturers
EEB	European Environmental Bureau
EFPIA	European Federation of Pharmaceutical Industry Associations
EIICA	European Interregional Institute for Consumer Affairs
ETUC	European Trade Union Confederation
EURO COOP	European Community of Consumer Co-operatives
FoE	Friends of the Earth
FoEE	Friends of the Earth European Co-ordination
IRU	European Liaison Committee of the International Road Transport Union
SECO	Sécretariat européen de coordination pour la normalisation
SME	Small or Medium-Sized Enterprise
T&E	European Federation for Transport and Environment
TNC	Transnational Corporation
WWF	World Wide Fund for Nature