

FORMULATING A POLICY ON WASTE  
MANAGEMENT IN THE EC:  
A Study of Policy Formulation  
Based on Sabatier's  
Advocacy Coalition Approach

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The study of environment policy in the European Community (EC) is a relatively recent development. Much of the work has necessarily been descriptive as social scientists have struggled to grasp a highly technical and scientific subject. (For a recent collection of good descriptive studies as well as theoretical articles see ENVIRONMENTAL POLITICS Winter 1992) Now, however, social scientists are testing various conceptual frameworks in order to add depth and comparability to their studies but they are cautious about adopting models used for the study of public policy in national settings. As Nigel Haigh has noted, EC policy is neither domestic nor foreign policy in the customary sense. (Haigh 1992 p.230)

Regime theory is, perhaps, the most accepted framework today for students of international environment policy. (List and Rittberger p.86) (I found that it was useful in a recent study of EC environment policy. It brought into focus important interrelationships between rules and relevant actors.) (Springer 1993) Paul Sabatier offers another approach that appears to be heuristic for the study of environment policy in the EC. He calls his conceptual framework "the advocacy coalition approach". (Sabatier 1991) His framework combines aspects of political science and policy science in order to provide a means to encompass the diverse but relevant variables involved in the EC environment policy process.

According to Sabatier, three sets of factors are involved in policy change over time. (pp.151 and 153) They are:

1. The policy subsystem which includes competing advocacy

coalitions, policy brokers and decision makers.

2. Changes external to the subsystem such as impacts from other subsystems, changing socio-economic conditions and changing systemic governing coalition which affect or restrain the policy subsystem.

3. The stable system parameters that also affect or restrain the policy subsystem. The parameters are set by the basic legal structure, the basic attributes of the problem area and fundamental cultural values.

The purpose of this paper is to study the formulation of a waste management policy in the EC using the advocacy coalition approach. Each of the three sets of factors noted above will be considered. The basic unit of study is the waste management policy subsystem in the EC. The actors in the subsystem include environmental interest groups, business interest groups, relevant national elites, the institutions of the EC and the bureaucrats in DG XI. The members of the subsystem organize into advocacy coalition groups that interact in the policy process according to rules of the system and in response to external changes.

One of the requirements of this conceptual framework is that the study should encompass a long time period. Another is the need to assume that policy oriented learning takes place and becomes a causal factor in the process of policy change. A third requirement is the conceptualization of a public policy as a belief system with value priorities and causal assumptions about how to realize them. (Sabatier 1988 p.131)

## EC WASTE MANAGEMENT POLICY 1975-1993

EC policy for waste management has three parts. 1. The EC has an oversight role to ensure that waste is dealt with properly in the member states. 2. The EC undertakes to ensure that waste is not moved among member states in ways that are detrimental to the environment. 3. The EC has assumed some responsibilities regarding the prevention of waste.

The policy began in 1975 with a rather unimportant directive which simply defined waste and requested members to make rules for its safe disposal.(75/442/EC) Three years later the EC adopted a directive to address the problems arising from toxic and dangerous waste.(78/319) In 1984 the EC adopted the first directive dealing with the transport of waste.(84/635/EEC). Each of these three basic treaties have subsequently been amended in order to be more detailed and to incorporate new technical knowledge.

It is easy to discern the policy related learning that took place over the years from 1975 to 1984. During that period, few changes disturbed the policy subsystem. The external conditions were relatively stable and the parameters within which the policy was developing remained stable as well. The growing scope and sophistication of EC policy was a logical progression from the initial decision in 1975.

In the years since 1985, both the external environment and the parameters within which the policy is made have changed. The adoption of the internal market program and of the Single European Act increased both the need for and the feasibility of a

comprehensive EC waste management policy. The creation of the internal market could undermine national efforts to regulate waste. Firms can leave countries with stringent environmental legislation and relocate into another member state with weaker regulations and still have unimpeded access to the original market. This threat caused environmentalists to turn to the EC for action to lessen the threat. Environmentalists were supported by some local and national public authorities who faced a growing crisis in waste management.

Despite the new circumstances in the late 1980's, the EC did not enact any new directive from 1987 to 1992 to address the problem. (The Council did adopt a directive on titanium dioxide waste but it was declared void by the Court because it was based on Article 130 and the Court ruled that Article 100 should be the basis.) The most important landmark was the adoption of "A Strategy Paper on Waste Management" in 1989. (SEC(89)934 final) The paper was supposed to lead to an integrated waste management policy but that goal has remained elusive. (Kramer 1991 pp. 458-459) The paper establishes a hierarchy of waste management options starting with waste prevention and continuing through recycling, reuse and acceptable methods of waste disposal. The Council Resolution on the paper states "that harmonization of measures at Community levels should be encouraged and rendered consistent with the development of the internal market taking into account the special economic characteristics of waste". (90/C 122/02) The linking of EC action to the development of the internal market and the mention

of the economic characteristics of waste are important to note in light of subsequent policy development.

At the present time several important developments are underway regarding waste management policy. The Fifth Action Program "Towards Sustainability" was accepted in 1992. It establishes the framework and objectives of EC environment policy for the next five years. (COM(92)23 final) It is modest in its assessment of past EC actions and in its hopes for future successes. It notes that laws alone cannot solve a problem that arises primarily from human behavior. It also states that EC laws must be supplemented by financial instruments and by the actions of other political entities. The emphasis on the principle of subsidiarity signals a new era of restrained ambitions by EC policy makers. In regard to the waste policy, the document states that "Management of waste generated within the Community will be a key task of the 1990's" (p. 54). It also reiterates the themes from the earlier waste policy paper.

In February 1993 the EC adopted a policy on the control of movements of waste within, into and out of the EC.(COM(90)415) A number of features of the law are interesting. One, it is a regulation so it is uniformly binding in the member states. Two, it is based on Article 130 of the EC treaty so it is the first time the Commission used the environmental article when it could use Article 100 for an issue involving free movement of goods. This change deprived Parliament of a second reading. (The Commission and the Parliament were in conflict over the ban on trade in waste with

third countries and the head of the relevant committee in the Parliament disputed the change.) The regulation makes recycling the preferred method of waste management. If recycling is not possible then waste should be disposed of as near as possible to the place of production. (Business groups opposed the latter provision.) Each member state may ban entry of waste from other members if it is intended for elimination. There will be a ban on trade in waste with third countries. It is not yet clear whether the regulation replaces the need for member states to ratify the Basle Convention controlling the movement of waste so that the EC will ratify the Convention collectively. (Agence Europe December 17, 1992)

Since 1990, the EC has been trying to develop a policy to control the steadily increasing amount of waste produced in the member states. The proposed EC directive to control packaging waste has been one of most controversial efforts by the EC in the environment policy area.(COM(92) 278 final) The implication of this proposal are much wider than is generally the case for waste policies. It will affect almost all producers of goods. At the present time the proposal is in its fourth version and is being considered by the Parliament.

The EC was compelled to formulate a policy on waste control, because different national policies constitute a barrier to the single market. The German packaging law is the most famous and the most draconian but laws and voluntary agreements exist in a number of states to limit the production of waste. National governments

had to act because they no longer had disposal sites for the steadily increasing amounts of waste. The diversity as well as the severity of national policies brought complaints from the business sector and the complaints were heard in Brussels.

The EC proposal will affect all forms of packaging. It sets ambitious targets for recovery and for curtailing the amount of packaging waste. Packages will have to be marked to indicate how the package should be disposed. The EC will establish a data base of information of packaging. The European Committee on Standards setting will set standards for packaging so that packages will be able to circulate freely in the single market.

If we take the two policies discussed above and place them as policy outputs in the Sabatier model then we can reconstruct the influences and interactions that led to their formulation. (See figure 2) Relevant information will be supplied for each of the three boxes to illustrate the dynamics that shaped the outputs.

#### RELATIVELY STABLE PARAMETERS

##### 1. Basic Attributes of the Problem of Waste Management

The crisis over waste management is long term and almost indigenous in a region which combines high population density with post industrial life styles. At least since the 1970's, public officials in western Europe have been concerned about the problem of waste management.

##### 2. The Situation of Natural Resources Relevant to the Problem

The situation of natural resources relevant to the problem of



waste management is different from the situation for other environment problems. The relevant natural resource is land. Officials can not open new, improved disposal sites because available land is a limited resource in most of western Europe. They can not easily transport waste to less congested areas because congestion makes for a high level of risks when waste is transported through areas of high population density.

### 3. Relevant Socio-Cultural Values

Social values and social norms ensured that public officials would act on the waste issue and they shaped the relationship among the actors. Quality of life issues have been on public agendas in western Europe for more than two decades. Environmental concerns have a widely accepted legitimacy. On the other hand, businesses have learned that the legitimacy of business demands is not unquestioned and that business interests must be accommodated to those of the larger society. In addition, corporatist traditions which value mutual compromises over adversarial approaches shape the acceptable ways in which advocacy coalitions of businesses and environmentalists will act in the EC policy process.

### 4. Relevant Constitutional Rules

The constitutional rules provide for shared competencies between the EC and member governments for the enactment of environment policies. In practice this means that the EC must always justify why it is acting on an environmental issue in place of national governments. The principle of subsidiarity, which must be respected by the EC when making environment policy, implies that

environment laws will be made at the lowest appropriate level.

Two Articles of the revised Treaty of Rome are very important regarding waste management policies. Article 130 sets the objectives of EC environment policy. Directives based on Article 130 require a unanimous vote in the Council and they set minimum norms which member states may exceed in their implementing national legislation. Article 100, which is the article used for directives establishing the internal market, may be used for environment laws when the intent of the law is to remove a barrier to trade. When Article 100 is the basis for an environmental law, that law must establish a high level of protection but member states may not have higher national standards unless they can demonstrate that their law does not result in a barrier to trade. Article 100 measures may pass the Council on the basis of a qualified majority. Parliament plays a larger role in regard to Article 100 measures than in regard to Article 130 proposals. The differences between the two are regarded as significant among proponents and opponents of environment policy and the selection of the treaty basis of a proposal stirs controversy.

#### DYNAMIC EXTERNAL EVENTS

##### 1. Changes resulting from the Creation of the Internal Market

As discussed above the single market puts at risk the impact of national environment policies. Conversely the single market is hindered by different national policies when such policies constitute a barrier to trade.

## 2. Changes resulting from the Selection of a New Commission

A new Commission arrived in Brussels in 1984. Under the leadership of Jacques Delors, the Commission re-energized the lethargic EC. The ratification of the Single European Act and the creation of the internal market initiated the era of Europhoria. Key members of the Commission were willing and able to act on environmental issues.

## 3. Changes resulting from impacts from global and national subsystems

The impacts from other subsystems had a direct effect on EC policy. The acceptance in 1989 of the Basle Convention on the movement of waste globally was of immediate relevance to the EC. Either the EC adopted its own policy and signed the convention or member states would act individually. Action by the member states to decrease packaging waste threatened the internal market and led to the EC packaging directive.

### INSIDE THE POLICY SUBSYSTEM

#### a. Advocacy Coalitions

Two coalitions are relevant to the policy subsystem. Coalition A is composed of groups that advocate a vigorous EC environment policy. The core belief of this group is that governmental intervention in the market is necessary in order to protect the quality of life. The actor may be the national government or the EC depending on which one would be more effective. Coalition B also wants the EC to act on environment

issues but primarily in order to preclude more rigorous actions by some member states. The core belief of this group is that EC action is legitimate when it is designed to eradicate national barriers to the internal market. Coalition A has a strategy based on the use of Article 130. It signals that EC policies are environment policies and not trade policies but it also allows member states to set higher standards than those yet achievable in the EC. The strategy of Coalition B is to promote EC proposals under Article 100 which makes it more difficult for member states to have protections that are higher than those required by the EC. Some of the members of Coalition A are Greenpeace, labor unions such as the German DGB and BUEC (The Bureau for the Union of European Consumers). Some of the members of Coalition B are the EC Committee of the American Chamber of Commerce, UNICE (the European Employers Association) and the trade group for the food and drug industry. (For more details on the positions of the various groups see Springer 1993)

b. The Commission as a Power Broker

Because the Commission holds the power of initiative in the EC policy making process, it is well placed to act as a broker. It can modify proposals. It can consult with relevant parties until compromises are found. It can also propose to delegate to private groups roles in the policy process in order to gain their acquiescence to measures in the proposal.

The Commission used most of the above options in order to gain support of the advocacy coalitions for the two outputs. Members of

Coalition B were won to support of the packaging directive by some softening of the terms but also by a provision for industry to have a key role in setting the specifications for packages. Members of Coalition A accepted the use of Article 100 for the packaging directive in exchange for directive that will set a relatively high level of environment protection.

The Commission agreed to switch the legal basis for the regulation on the movement of waste to Article 130 as a gesture to environmentalists but also to bypass Parliament. Concessions were made to satisfy all the member governments in order to gain the necessary unanimous vote.

#### DECISIONS BY THE COUNCIL

The Sabatier model does not provide a guide to the relevant factors to consider in regard to the Council, but several factors do appear to be relevant. The Council approved the regulation on the movement of waste rather quickly and unanimously. Participants in the Council were under pressure to act due to the Basle Convention and public concern. As noted above, the impact of national regulation has been lessened by the formation of the internal market. The EC regulation was a reasonable alternative and it leaves national governments with the right to act when national concerns dictate such action. Perhaps, the Council action is an example of policy-related learning as defined by Sabatier. (Sabatier 1991 p.153)

The packaging directive has not had its final hearing by the

Council, but general observations about the treatment of environment policy in the Council are relevant. Today most member governments have a minister for the environment and the environment ministers are the participants in Council meetings on proposed environment actions. (Proposals based on Article 100 are also considered by Council's for the internal market where ministers from economic ministries are the participants.) Environmentalists in the member states lobby their environment minister and may have long term ties with the person. They may put pressure on the person to make environmental issues a major agenda item when the country holds the rotating presidency of the Council. For example, the Greens in Belgium are engaged in such a campaign in preparation for the Belgium presidency which starts in July. (Agence Europe March 10, 1993) It may be fair to conclude that the greening of national politics is leading to a greening of the Council -- hitherto the least green of the EC institutions.

#### CONCLUSION

Having made three studies of the EC waste management policy -- one using straight description, one using regime theory and the present one using Sabatier's model, it is useful to assess the findings of the present study in light of the previous two. Not surprisingly, I find that the use of either model is preferable to a descriptive study. Models force consideration of aspects that may be overlooked otherwise such as changes in external events. They also bring into focus important relationships such as the

relationship between EC rules (Articles 100 and 130) and the reconciliation of differences between different advocacy coalitions. On the negative side, both approaches involve consideration of a number of variables making their proper use almost impossible within the confines of a conference paper.

I found that the Sabatier model makes four important contributions to the study of EC waste management policy. First, it provides a simple visual diagram which illustrates the relevant variables and their relationship to the policy process. Second, it forced attention on socio-cultural values that were instrumental in shaping the policy but probably would have gone unremarked in a traditional study. For example, the cultural milieu in which business operates in the EC determines both the strategy that business follows and the fact that business is accepted as a legitimate actor inside the policy process. Third, as noted above, the model brought out the importance of impacts from global and national subsystems. Fourth, the evolution of the EC waste management policy can be described as a consequence of policy related learning. The policy grew in complexity and scope as the relevant actors drew together relevant information. Their belief systems, though different in many respects in the cases of coalitions A and B, allowed all of them to accept action by the EC.

The main weakness which I found with the model is that it is an American model designed for the American system and based on American assumptions. It is after all a model focusing on advocacy

coalitions. It is not certain from my study that coalitions dominate the policy process in the EC or are the different coalitions competing in the usual American style. Both of the coalitions noted accepted the need for an EC policy. The pressure on them was not to "win" but to be responsible participants in the formulation of a policy. Just as the model may over emphasize the role of groups, it may underemphasize the role of the Council. The model provides few roadmarks to guide the researcher. In the diagram based on the Sabatier model, the decisions by Council appear to be simply the convergence point for all the impulses arising from the other actors. As students of the EC know, the Council is a powerful and complex institution. Perhaps no model based on national systems could encompass adequately the nuances of supranationality and internationality that characterize the actions of this unique institution.

In conclusion, the study presented here is not an adequate test of the usefulness of the Sabatier model for the study of the EC environment policy process. Many important details had to be summarized in order to fit the limits of a paper. However, the study does raise warning signs about the applicability of the model to the EC system.



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# FIGURE 2

## A Diagram of Policy Changes in the EC Waste Management Policy; Based on the Sabatier Model

