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JOINT ENVIRONMENTAL POLICY-MAKING (JEP): NEW INTERACTIVE APPROACHES IN THE EU AND SELECTED MEMBER STATES

Summary Final report

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I OBJECTIVES

The concept of 'Joint Environmental Policymaking' (JEP) covers policy arrangements that are both *jointly* formulated and/or implemented by the state and private actors and have a *voluntary* element. JEP is an important alternative to traditional 'command-and-control' strategies. In practice, voluntary or negotiated agreements are the most prominent example of JEP, but the concept also includes other forms of 'interactive' environmental policy-making, such as mediation, environmental management and audit systems, and eco-labelling schemes.

The central objectives of the project were:

- to provide an *overview and evaluation* of the variety of JEP initiatives in different political and institutional settings;
- to examine the *driving forces* behind the emergence of JEP;
- to examine the *political and institutional conditions* crucial for the successful application of JEP (in terms of political structure, policy styles and roles and positions of private actors *vis-à-vis* public authorities);
- to analyse the *political and institutional conditions* for the application of JEP at the *EU level*.

II METHODOLOGY

The central research objectives were worked out in four phases:

1. Interpretative theoretical framework for the study of JEP in the national and the EU context.
2. Review studies of the state of the art, political and institutional background, conditions and functioning of JEP in three selected countries and the EU;
3. Detailed case studies of three selected issues;
4. Evaluation and analysis of the results, preparation of the final report.

The research methods that were applied in each phase as well as the selection of countries and case studies for phases 2 and 3 will now be discussed in more detail.

1. Interpretative theoretical framework

The interpretative theoretical framework had two basic objectives:

- the development of tools for the characterisation and comparative analysis of trends towards JEP,
- the development of tools for the analysis of political, institutional and cultural conditions affecting the emergence and successful application of JEP strategies.

Using theories of deregulation, political and ecological modernisation, neo-corporatism and policy networks, among other things, a set of working hypotheses was formulated regarding the emergence and specific forms of JEP arrangements in different circumstances. In addition to that a set of criteria was developed to assess the effectiveness and democratic qualities of JEP arrangements. The interpretative framework served as the theoretical basis for the next phases of the project.

2. Review studies: JEP in Austria, Denmark, The Netherlands and the EU

In this phase the empirical focus of the project was limited to the EU policy level and three EU member states: Austria, Denmark and The Netherlands. These countries were chosen because they share a policy culture characterised by relatively close, consensual relations between public and private actors. As elaborated in phase 1, this type of 'corporatist' policy culture may be assumed to be conducive to the development of JEP. The selection of three countries that are relatively similar in this sense made it possible to investigate small variations in the link between political and institutional context on the one hand and the emergence and functioning of JEP arrangements on the other.

For all three countries as well as the EU, first the political and institutional context of environmental policy making was analysed. On the basis of the theoretical findings of phase 1, special emphasis was put on the conditions for the emergence and development of JEP arrangements within this context. Secondly, the current situation with regard to the application of JEP approaches in the three countries and the EU was described (form, scope, functioning, effectiveness etc.).

This work was based mainly on the study of environmental policy literature in combination with primary literature such as policy documents, publications in professional journals, statements from industrial organisations, etc. Additional information was obtained from interviews conducted in the context of the third

phase. Phase 2 resulted in state-of-the-art reports and a comparative analysis of the three countries covered by the project and an EU-level report.

3. Case studies: packaging waste, energy efficiency and food-labelling

This phase consisted of three in-depth case studies of JEP in the fields of packaging waste, industrial energy efficiency and food-labelling in the context of organic agriculture. The main reason for selecting these areas was that they had led to substantial JEP activities in all three countries. Because of the relatively limited use of JEP strategies so far in Austria, not many alternatives meeting this criterion were available. In addition, particularly the issues of packaging waste and food-labelling had given rise to significant interactions with the EU level. Each case study covered the three countries selected in phase 2 as well as the links to relevant EU policies.

Formation and implementation of policies in the areas at stake were described. Crucial factors behind the choice for or against JEP strategies were investigated. Interactions and conflicts between policy approaches at the national level and in Brussels were examined. Each case study was concluded by a detailed comparative analysis of the emergence and functioning of JEP in the three selected countries following the analytical framework developed in phase 1.

The case studies were based on two types of sources. First, processes of policy-making and implementation were explored on the basis of primary literature (policy documents, journals, statements, etc.). On the basis of this, qualitative, open or semi-structured interviews with key actors involved in the relevant policy processes were conducted. Interviewees included policy makers at the national and the EU level and representatives of industry, branch organisations and NGOs at the national and the EU level. For each case study 25-40 interviews were held, i.e. almost 100 in total. First drafts of the case study reports were sent to all interviewees. Written comments were received from some of them and taken into account in the final drafts.

4. Analysis and conclusions

The final analysis drew together the findings of the review studies conducted in phase 2 and the case studies carried out in phase 3, using the interpretative theoretical framework developed in phase 1. In addition, it was made use of the outcomes of a workshop entitled 'Joint approaches to environmental policy-making', organised by the project team, in close collaboration with the Dutch Ministry of Environment, Housing and Physical Planning (VROM) and held in The Hague on 4 June 1998. The workshop brought together about 40 scientists, policy makers and representatives of business and NGOs from 8 countries as well as the European Commission and the OECD. On this occasion, the preliminary findings of the JEP project were discussed and confronted with those of two other projects from the current Environment and Climate Research Programme¹.

III. MAIN RESULTS

The following discussion of the main results of the JEP project will focus on the findings of the case studies on packaging waste, industrial energy efficiency and food-labelling and on the final comparative analysis. The discussion will be structured along the lines of the interpretative framework. Findings from the review studies provide background data regarding the political and institutional context of the case studies.

Packaging waste

The issue of packaging waste involves a large, complex chain of actors from packaging producers to retailers to recyclers, as well as a wide variety of packaging materials and waste types. The various interests tend to be organised around a core network of national ministries of the environment and, sometimes, economic affairs. JEP in this area developed in the late 1980s to mid-1990s in all three countries, corresponding with rises in green consumerism and a politicisation of packaging waste as a symbol of the 'throw-away society'.

In Austria, the *Alstoff Recycling Austria* (ARA), a private organisation, provides a voluntary system as an alternative for companies to comply with two wide-ranging waste ordinances. There are also about 8 voluntary agreements concerning waste. In Denmark, packaging waste is covered both by a government action plan and four issue-specific voluntary agreements. The most extensive is the transport packaging waste agreement, negotiated between the central industry, plastics and paper industry associations and the environment agency, and formulated to also partly implement the 1994 EU Packaging Waste Directive. Voluntary agreements also cover soft drink bottles and PVC. The PVC agreement led to considerable controversy. Dutch packaging waste

¹ These were the project entitled 'The effectiveness of instruments for environmental policies in the field of industry' ENV4-CT96-0295 and the project entitled 'New instruments for sustainability' ENV4-CT96-0268

policy began in the mid-1980s with two covenants of a limited scope. These were followed by a comprehensive packaging covenant negotiated between a specialist, well-organised packaging association and the environment ministry in 1991. The operation of this first, relatively successful agreement was disrupted by the implementation of the EU Directive, necessitating a packaging law. As an alternative for companies to comply with the Directive, however, a second covenant was negotiated amongst a wider group of ministries and business associations. Only the Dutch, in other words, pursued joint policy-making as central policy tool. In Austria, agreements and ARA were 'soft' alternatives or supplements to traditional legislation, and in Denmark they were ad-hoc instruments in a mix of regulations and taxes.

Political culture and policy style play an important role in explaining these differences. The Dutch have developed covenants as integral to their 'target group approach', based on the notions of partnership and the 'internalisation' of environmental responsibility. An important condition for the success of this approach was the policy style of trust and consensus prevailing in The Netherlands. Support for the covenants was further created by depoliticising the packaging issue with scientific logic within a core group of actors directly involved in the issue, while at the same time allowing consumer and environmental groups a certain degree of access to the process. In Austria, an ambiguous attitude to agreements prevailed, due to a strong tradition of regulation. ARA was created as a result of the packaging ordinance and was styled in part as a voluntary agreement. There was much controversy already during the preparation of the ordinance, which persisted after its passage and led only gradually to the acceptance of ARA. This reflects a policy style marked by a mix of compromise and conflict between actors with strong ties to the major political parties inside closed, limited networks. In Denmark, an emphasis on firm, preferably legal guarantees for equal treatment led to a certain amount of political skepticism about the voluntary approach. Although a consensus-seeking style in principle prevailed in Denmark, a further obstacle to fruitful cooperation in the context of JEP could be found in a tendency for conflict, due in particular to the strong politicisation of the controversial packaging issue and the fragmentation of industry associations.

The pervading influence of the EU in the area of packaging waste was manifold. Among other things, the European Commission promoted harmonisation of policies, which encompassed the joint approach. A cross-state 'copy cat effect' was also apparent, particularly other states being interested in the Dutch model.

Industrial energy efficiency

An interesting range of policy-making arrangements was found in the CO₂ policy field. This is an area where climate and industrial energy-efficiency policies overlap, and joint policy instruments co-exist with economic instruments and traditional regulation.

Whilst certified environmental management systems and energy audits were common in all countries, only The Netherlands used voluntary agreements as the main instrument to achieve energy-efficiency improvements. More than 30 long-term agreements have been concluded between, on the one hand, the Ministry of Economic Affairs and, on the other hand, the respective industrial branch organisations and firms within each sector. The agreements are mediated and monitored by the independent agency NOVEM which has developed extensive expertise in energy and environment issues. Subsidies for energy saving investments are linked to the agreements. Denmark also makes use of agreements on energy savings. But whereas each of the Dutch long-term agreements forms an extensively organised co-operative network, most of the Danish energy agreements are individual contractual relationships between the Energy Agency and single heavy energy consuming enterprises. Another difference is the legally binding nature of the Danish agreements. Most important, however, the energy agreements are merely an appendage to the earmarked CO₂ tax which is the central tool of the Danish CO₂ policy strategy; they basically serve to avoid the tax if firms invest in energy conservation. In contrast, the Austrian strategy makes no use of agreements. It is a non-intervention strategy, where industry is left to decide its own energy saving measures under the observance of scattered energy taxes and small investment subsidies.

Voluntary long-term agreements emerged as the preferred approach to industrial energy-efficiency in The Netherlands partly because they matched the 'soft' corporatist tradition for decentralised, public-private cooperation in industry. The consensus, pragmatism, mutual trust and partnership approach between public authorities, branch organisations and firms in the energy area made it easier to manage the complex agreements. Additionally, there was industry's fear of encountering CO₂ taxes. At the same time, a joint approach was facilitated by the technical expertise, organisational capacities, management skills and a philosophy close to that of business provided by NOVEM. Also important were the strong institutional capacities for policy integration, such as the plan-orientated environmental policy style, the close integration between policy areas and the highly developed evaluation and feed-back mechanisms.

The Dutch experience shows JEP in the form of long-term agreements to have been effective in stimulating energy-efficiency improvements, innovations, and particularly in raising company awareness and facilitating a fast transfer of knowledge on new technologies. However, the approach can be criticised for not being very environmentally effective. It creates no direct incentives to reduce CO₂; it only vaguely promotes cleaner energy sources; and its achievements can be outbalanced by rapid production growth. The tendency to standardise targets also gives rise to strategic behaviour and unrealised environmental potential. In contrast, the Danish policy of a tax combined with agreements focuses upon the crucial CO₂ parameters, providing an effective means of reducing CO₂ pollution. Whilst the disadvantage of costly taxes can be a weakened competitive position, compared to the Austrian and Dutch cases, it appears to have been more effective in reducing industrial CO₂ pollution, by generating strong direct incentives to lower company CO₂ emissions. Finally, recent data suggesting a poor performance over the last three years of the Austrian non-intervention strategy indicate that it is even more problematic to leave the choice of CO₂ abatement up to industry alone. Focused public measures, creating obligations for industry, are clearly justified on environmental grounds.

Food-labelling in the context of organic agriculture

The contribution of food labels to the development of organic farming provides another example of the emergence and development of JEP. Instead of voluntary agreements, as in packaging waste and energy efficiency, this case involves other forms of close interaction between the state and private actors in setting up and running labelling systems within the broader context of organic farming policies.

Organic food farming in Austria experienced a rapid growth in the 1990s with a conversion rate from 'traditional farming' of 8%, supported by subsidies and governmental support for organic farmers associations in order to develop what was perceived as a potential market niche. Organic labels have flourished, in particular two private labels. The state label *AMA-Biozeichen*, however, fared rather poorly. In contrast, Denmark experienced a slow but steady development in organic farming since the 1980s, with a 2.5% conversion rate. A broad encompassing programme of policy instruments to support organic farming was developed as part of a strategy to combat eutrophication; it involved the farmers associations, parliament, a major retailer and environmental organisations. The only label is the *Red Ø*, the *Staatsskontrolleret Økologisk*. The Netherlands has experienced a slow development to date, with a 0.6% conversion rate to organic farming. The policy has been mainly market-orientated, supported with limited conversion subsidies for farmers. Labels include the *EKO* label and the government run *Milieukeur*, plus several private labels.

There have been a number of important influences on the emergence of voluntary organic food labels. One has been the structure and economic importance of agriculture within the three countries, indicating that where agricultural intensity is high and agricultural products are a valuable export product and important economic sector, there is less encouragement and development of organic farming (see Table 1). This can be directly related to the difficulty and costs of conversion, which are relatively high in this situation. Another has been the role of the EU, which in Austria was indirect, whilst in The Netherlands EU legislation on organic farming had a direct influence on government policy. In Denmark the development of organic farming was largely independent from EU decision making.

	Total contribution of agriculture to export	Total contribution of agriculture to GDP	Agricultural intensity	Market share of organic food
A	3.5 %	1.5 %	low	1.8 %
DK	20.0 %	7.0 %	high	5.0 %
NL	21.0 %	12.5 %	very high	0.9 %

Table 1: Economic importance and intensity of agriculture and market shares of organic food in Austria (A), Denmark (DK) and The Netherlands (NL)

The policy networks around the issue further explain the differences. In Austria, the strongly corporatist agricultural network, is based on obligatory farmer membership of the Chamber of Agriculture. The Organic Association and the then new Minister were key members of the network, as were the powerful retailers. Generally there was low interest in market instruments and a resistance to state labels. In Denmark, the Organic Association plays a central role, alongside the Ministry of Agriculture, operating in a more open corporatist structure. The Danish government had a basic interest in developing market-oriented instruments. After a short period of reticence, the *Red Ø* was also supported by the organic farmers. In The Netherlands, the corporatist structures of agricultural policy had largely dissolved by the end of the 1990s, so that the Agricultural Ministry and farmer associations were operating in a new, more open and insecure policy atmosphere. Despite this, organic farmers did not succeed in entering the policy network, as there was no

strong organisation of organic interests and a very skeptical attitude towards organic farming on the part of the traditional agricultural policy network. The prevailing Dutch attitude was one of support for market-based instruments, with the private sector being responsible for labelling.

A mix of factors appears decisive for the highly interdependent relationship between the development of organic farming at large and the emergence of organic labels in particular. The agricultural structure, influence of the EU and prevailing national agricultural policy were major determinants in the development of organic farming. Crucial factors that assist the emergence of organic farming networks were a well-organised sector association, state support and the involvement of retailers. The case study shows that the strength of such networks *vis-à-vis* traditional farmers was crucial for the success or failure of organic food labels.

Analysis and conclusions

The application of JEP in the three case study areas in Austria, Denmark and The Netherlands is summarised in Table 2.

	PACKAGING	ENERGY	FOOD-LABELLING
A	joint efforts within tight regulatory framework	no genuine JEP (self-regulation)	marginal semi-JEP (beside successful private labels)
DK	JEP for specific sub-issues	JEP in close connection with CO ₂ tax	strong JEP elements in state label
NL	JEP as independent policy approach	JEP as independent policy approach	no genuine JEP (private label and state label)

Table 2: Overview of JEP arrangements regarding energy efficiency, packaging and food-labelling in Austria (A), Denmark (DK) and The Netherlands (NL)

The case studies show that in *Austria*, JEP approaches were advocated primarily by business and Conservative Party coalitions, using arguments of deregulation and business flexibility. Nevertheless, JEP in Austria never really fully developed. Reasons for this relate especially to the prevalent policy culture. The legalistic style, relying strongly on fixed rules and procedures and symptomatic of a lack of trust in the effectiveness of voluntary coordination, appears to be difficult to combine with more flexible, open-ended JEP arrangements. This leads to hybrids like ARA and the combination of elements of JEP with traditional legislation. A second factor is the current state of Austrian corporatism. In principle the closed corporatist networks associated with the Austrian 'social partnership' system could provide a good basis for JEP, but these networks rarely play a dominant role in environmental policy. This makes it difficult to establish stable, binding joint arrangements.

In *Denmark* JEP was used mainly for specific issues in specific contexts, such as certain packaging waste materials and as an 'escape route' against the CO₂ tax. JEP often appears as 'deregulatory islands' within environmentally inspired policies. To a certain extent, this reflects the political situation in Denmark, particularly until 1993, where a powerful, predominantly left-wing 'green majority' in Parliament was skeptical about voluntary arrangements. It was able to push through relatively strong environmental policies, against the liberal-conservative minority government, which was more positive about JEP. However, a general reluctance to enter joint approaches prevailed. Ideas of political modernisation, departing from traditional command-and-control approaches, did exist but focused more on internalising environmental costs through 'green' taxes rather than JEP. This could be related to the relative openness of Danish policy networks to new influences and the rapid politicisation of environmental issues, due to the long-standing role of the 'green majority' and a high public environmental awareness. A second factor is the slightly legalistic policy style, particularly an emphasis on legal guarantees for equal treatment. These factors leave little room for agreements which could be seen to accommodate business rather than environmental interests. Additionally, the relatively fragmented organisation of business in Denmark probably acts as a barrier to broad, encompassing JEP arrangements.

The Netherlands was the only one of the three countries where JEP was frequently used as the main policy approach. This was in line with ideas of political and ecological modernisation, advocated in Dutch target group policy and emphasising partnership and the 'internalisation' of environmental responsibility, whilst taking into account the 'needs and wishes' of business. The reasons for the consistent Dutch use of JEP can be related to policy culture. The erosion of corporatist structures in The Netherlands had proceeded considerably faster than in Austria. This allowed for a pragmatic approach to the membership of policy networks, bringing together most actors directly involved in the problem at stake. At the same time - and in contrast with Denmark - the style of consensus seeking between the state and well-organised representational branch organisations was maintained in The Netherlands.

The analysis leads to the following main conclusions:

- Deregulatory concepts, advocated particularly by business and liberal/conservative parties, do not 'automatically' lead to JEP.
- Ideas of political and ecological modernisation, rooted primarily in socialist/left-wing parties but taken up also by others, also do not 'automatically' lead to JEP.
- JEP in practice largely depends on characteristics of the general policy culture, in particular:
 - a consensual rather than an adversarial style is conducive to JEP
 - a pragmatic rather than a legalistic style is conducive to JEP
- 'Corporatist', consensus-oriented policy styles are generally conducive to JEP, but overarching corporatist structures do not provide a good basis for the pragmatism necessary for successful JEP.
- A high level of organisation of sectors and branches is an important pre-condition for JEP.

Considering the political setting for joint approaches at the EU level in the light of these findings, it is clear that a consensual style is largely lacking here. In addition, the law-based character of the EU may interfere with the pragmatism needed for JEP. Together with a number of legal-institutional impediments, such as the limited powers of the Commission *vis-à-vis* the Council and the member states and the complexity of internal decision-making procedures, this makes the development of encompassing, full-fledged JEP at the EU level very difficult. However, the ongoing practice of 'lighter' forms of JEP, involving for instance a formally recognised gentlemen's agreement between part of the Commission and a well-organised industrial sector, is likely to continue.

IV. SCIENTIFIC INTEREST AND NOVELTY

The main scientific interest and novelty of the project was in the direct link that is established between a JEP approach on the one hand and the political and institutional context on the other. Whereas several other studies focus on the functioning in practice and the effectiveness of specific JEP arrangements (notably voluntary agreements), this project sought to analyse the emergence of JEP as a new mode of environmental policy-making in relation to the institutional features and the political culture of the broader environmental policy context. The project thus contributed to a better understanding of the emergence of various forms of JEP in the EU and its Member States.

In a more general sense, the project was one of a category of research activities investigating the relationship between environmental policy instrument choice and the broader political and institutional context. It brought together theories of deregulation, political and ecological modernisation, neo-corporatism, policy styles and policy networks, among others, in a coherent and operational conceptual framework. By applying this framework to three in-depth comparative case studies, the JEP projects constituted a major contribution to this strand of policy research.

V. POLICY RELEVANCE

This section draws together the conclusions from this project that are directly relevant to policy-makers and others involved in JEP in practice. The findings give a better insight into the factors that are conducive to the development and proper functioning of JEP arrangements and may thus help to assess if a given context offers (or can be made to offer) sufficient opportunities for the successful use of a JEP approach.

1. JEP can develop in response to deregulation pressures, or more communicative, co-operative and 'contextual' forms of steering (political modernisation), or a combination of both. However, these ideas alone nor the promise of 'win-win' options as such are sufficient for JEP to develop. In practice the broader political and institutional context is highly influential.
2. JEP arrangements should bring together all the actors directly involved in the problem. Traditional and/or formal government-industry relations, such as those founded in corporatist structures set up primarily to deal with socio-economic policy, may act as a barrier to establishing such pragmatic links.
3. A consensus-oriented policy style and a general sense of commitment, trust and reciprocity between public and private actors appear important conditions for successful and effective JEP arrangements.
4. Trust and consensus between actors in a JEP process can be damaged by escalating conflicts. Limiting third party involvement to certain levels can prevent this.
5. Legitimacy and effectiveness of JEP arrangements are enhanced by greater openness, including both third party participation in the process and access to information about the process and content, monitoring results, etc.
6. A balance is needed between openness and closeness to third parties. A threat with regulation can be a forceful 'stick' to ensure compliance within the JEP process and striking a balance.

7. Close links between JEP and legislation may however neutralise advantages of a JEP approach, such as flexibility and non-hierarchical government-industry relations. EU involvement in a given field, such as through directives, tends to formalise and legalise policy.
8. A good organisation of sectors and branches is an important pre-condition for JEP. This includes single, non-fragmented sector organisation, high branch membership to avoid free-riding and trust between members and association. JEP can itself stimulate sector organisation.
9. Methods of goal setting and goal achievement should be monitored. Risks in JEP negotiations include 're-interpreting' and devaluing general policy objectives to the specific JEP targets and deadlines.
10. Efforts to apply JEP at the EU level have to be limited to 'light' forms both regarding substance and bindingness and focusing on fields where relations between business and (parts of) the Commission are already well developed. Legal and institutional constraints and a policy style which is not sufficiently consensual and pragmatic will prevent the development of full-fledged, encompassing JEP arrangements at the EU level.

VI. LIST OF PUBLICATIONS

in preparation

Books

Liefferink, D. and V. Lauber (eds.), *The voluntary approach to environmental policy: joint environmental policy-making in Europe*. [book publication on basis of the JEP project, working title]

Articles in scientific journals

Ingram, V. (1999), "Sparring partners to bedfellows: joint approaches to joint environmental approaches", *European Environment*

Mol, A.P.J. (1999), "The environmental movement in an era of ecological modernization", *Geoforum*

Other

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Other

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