

ENV4-CT96-0295

**THE EFFECTIVENESS OF INSTRUMENTS FOR
ENVIRONMENTAL POLICIES IN THE FIELD OF
INDUSTRY: REGULATING PACKAGING AND
TRANSPORT OF HAZARDOUS WASTE
(INSTRUECT)**

**SUMMARY FINAL REPORT
November 1998**

Key words: Policy-making; governance; instruments; fit-relations; waste

RESEARCH TEAM

Co-ordinator:

Prof.dr. A.B. Ringeling

Prof.dr. W.A. Hafkamp
Research Staff: dr. M.L. van Muijen
drs. M. Hozee, dr. F. Neumann
Department of Public Administration
Department of Environmental Studies
Erasmus University Rotterdam
PO Box 1738
NL-3000 DR Rotterdam
Tel.: +31-10-4082133
Fax: +31-10-4527842
E-mail: Ringeling@bsk.fsw.eur.nl
Hafkamp@mil.fsw.eur.nl
Hozee@bsk.fsw.eur.nl

Partners:

Prof.dr. M. de Clercq

Research staff: S. Baeke, A. Seyad
University of Gent
Department of General Economics
Bellevue 6
B-9050 Gent
Tel.: +32-9-2109883
Fax: +32-9-2109700
E-mail: marc.declerq@rug.ac.be
steven.baeke@rug.ac.be

Prof.dr. M. Jänicke

Dipl.-Pol. H. Joergens
Environmental Policy Research Unit (FFU)
Environmental Policy Research Unit (FFU)
Department of Political Science
Free University Berlin
Schwendenerstrasse 53
D - 14195 Berlin

Tel.: +49-30-8385098

Fax: +49-30-8316351

E-mail: joergens@zedat.fu-berlin.de

Sub-contractor:

R.A. Kraemer

Research Staff: A. Carius, T. Eichstädt, M. Buck
Ecologic Centre for International and European
Environmental Research
Friedrichstrasse 165
D-10117 Berlin
Tel.: +49-30-22651135
Fax: +49-30-22651136
E-mail: office@ecologic.de

Prof. M. Loizidou

Research Staff: dr. A. Lagoudi, I. Spannos, G.
Konstantinopoulos
National Technical University of Athens (NTUA)
Iroon Polytechniou 9
Zografou Campus
GR- 15773 Athens
Tel.: +301-7723106/7723108
Fax: +301-9843917
E-mail: mloiz@orfas.chemeng.ntua.gr

Sub-contractor:

Prof. F. Morata

Research Staff: dr. A. Cassademunt, Prof. dr. K.
Hanf
Autonomous University of Barcelona
Department of Political Science
Edifici B
ES- 08193 Bellaterra (Barcelona)
Tel.: +34-3-5812430
Fax: +34-3-5812439
E-mail: francesc@cc.uab.es

I OBJECTIVES

The research project concentrated on the relationship between the European Union (EU), and the Member States and the different implementation practices in the Member States. In the research project, the central assumption was that the characteristics of the prevailing environmental policy instruments and the ways they were applied, restrict the policy's effectiveness, because they did not sufficiently take into account the institutional setting in which actors took decisions that affected sustainable development. In other words, the effectiveness of environmental policy depended on the fit between the characteristics of the environmental instruments on the one hand, and the setting in which actors took decisions with environmental consequences on the other. Accordingly, the goal of this research project was to examine how the relation between the characteristics of the policy instruments and the specific institutional setting of the implementation of policy in the Member States of the EU influenced the realisation of environmental aims as phrased in the Fifth Environmental Action Programme. In short, the objective of this project was to gain knowledge and insight in the relation between instruments, institutional setting and effectiveness.

II METHODOLOGY

The research was carried out by way of a cross-national and cross-sectoral comparative case study. The selection of the cases had been done in such a way that variation with regard to the aforementioned (in the objectives) central concepts of the theoretical framework was secured. There should be variations in effectiveness of environmental policy of the EU in the countries studied. But also the instruments (and their application) and the institutional setting of the Member States studied should differ. By selecting different Member States and two policy sectors, it was possible to compare the institutional setting in two respects, namely between Member States and between policy sectors.

As far as the policy sectors were concerned, packaging waste and international transport of hazardous waste were selected. This choice was based on the assumption that both cases would provide ample variance with regard to the central concepts in the research.

Two clusters of Member States were distinguished. On one hand the northern European Member States with developed environmental policy and complex procedures. And on the other hand the southern European Member States with a quicker ratification of directives of the EU and a less well developed domestic environmental policy.

Belgium, Germany and The Netherlands were selected in the former group and Greece and Spain were selected in the latter group. France was selected because of its position in between.

Within the project, three stages could be distinguished: a descriptive stage, a comparative stage, and an explanatory stage. In the descriptive stage the case studies were carried out. In the comparative stage environmental policies in the countries selected were confronted with each other. In the explanatory stage reasons were sought for the similarities and differences of the practices in the countries studied.

The first two stages concentrated mainly on describing and comparing the cases on the basis of the following concepts and the relationships between these concepts:

- Actor groups: relevant parties, their problem perception/definition and interests.
- National settings: institutional, state traditions, policy styles.
- Policy process: patterns of interaction, rule of the game, dynamics, cross country links, involvement in policy processes of the EU and the Member States , resulting policy and instruments.
- Effects: environmental, goal attainment, costs, other effects.

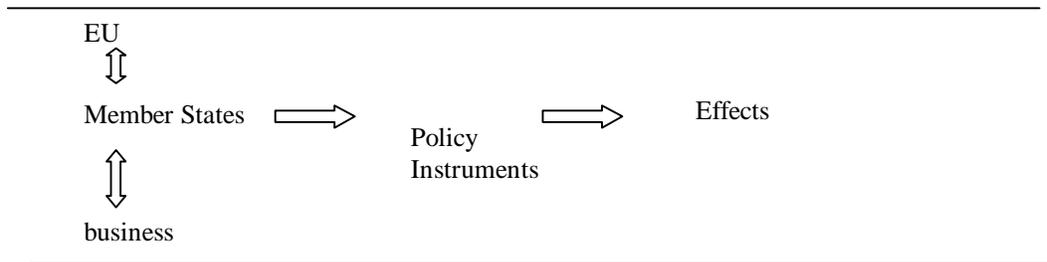
These concepts formed the ingredients of the research perspective. They were combined by the concept of "fit", a correspondence in relationships. The core hypothesis was 'the more fit the more effective the policy'. The concepts mentioned could be related in a number of different ways. In the research project seven fit relationships were selected that seemed most relevant to the project.

1. the fit between policy of the EU and the policy of the Member States with regard to a certain policy problem;
2. the fit between the policy of the Member States and the policy of the national business community;
3. the fit between the policy of the EU and the policy of the business organisations;
4. the fit between the policy of the Member States and the instruments chosen in a certain country.
5. the fit between the policy of the EU and the instruments that the Member States had chosen;

6. the fit between the policy of the national business community and the instruments that the Member States had chosen;
7. the fit between the instruments of the Member States and the instruments of the business community.

In the explanatory stage this had led to two kinds of explanation. The first type was the explanation of the effects as a result of the policy of the EU in the different Member States. This first explanation was directed to the effects and could be put in terms of environmental effectiveness and other effects of the policy pursued in the Member States researched. The second type of explanation concerned the choice of policy options and policy instruments in the different Member States examined. This second explanation was directed to the circumstances in which policy choices were made. Concepts relevant for these circumstances were arenas, cultures, preferences, splits between the actors involved, cross national links, etc. The second explanation was related to the first, because differences in effects partly were caused by differences in policy. However, it remained to be explained why different courses of actions were pursued, which was what the second explanation aimed at.

The research model for the explanatory stage is depicted as follows.



III MAIN RESULTS

The analysis of fit

The process of formulation and implementation of the policy of the EU is highly non-linear, complex, to some extent chaotic, due to the phenomenon that there are policy-arenas on both the national and the EU level simultaneously. The first conclusion therefore was that all kinds of fit, lack of fit and development towards fit existed in the cases researched.

Both policy problems studied showed a development of an increasing fit between the policy of the EU and the Member States. As a consequence the policies of the Member States compared to each other became more alike as well. It could be concluded that the EU took policy measures which contributed to policy harmonisation among the Member States.

Another thing was how the national policies were formulated. Some Member States, e.g. France, used patterns of consensus building more than other Member States, e.g. Germany. Other Member States, e.g. The Netherlands, made use of only regulation first, and seeing that it did help much, consequently changed their patterns of policy-making toward consensus building. However, a special interfering factor existed here. The business community had the opportunity to react and interfere two times. If it was not satisfied with the results on the national level, it could try again on the European level. Important lobby-groups were active in the decision-making process in Brussels (ie: EU level) and not without success. In the packaging field a europeanisation of the German solution was effectively blocked. In the field of transport of hazardous waste professionalisation was made possible.

However, in the cases studied a partial fit existed, because the business community mostly was a divided house. Producers of packaging material or of hazardous waste did not have the same interests as fillers, distributors or transporters.

The fit that countries tried to reach between their policies and the instruments used was interesting. However, fitting national policies towards European standards was not the same as a choice of the same instruments. More than that, several countries opted for unique instruments like the eco-tax in Belgium and the covenants in The Netherlands. They demonstrated a high fit with national policy-making, but whether they fitted with the European policy was heavily discussed. Differences between the instruments the different Member States used could be explained to an large extent by the attempts to reach agreement with private sector in a specific country.

Member States and industry generally tried to obtain the most fit between the European and their own policy and between policies and instruments used. When they succeeded in that, what were the consequences for the policy of the European Union? Did it lead to better results? And better from whose point of view? It was not easy to give a good

judgement on this last question. A high degree of fit was not good or attractive in all circumstances. It depended on the standards used. The research made clear that a strong fit between the preferences of different actors did not always lead to a more effective policy. There were circumstances where a strong fit between the preferences of Member States and industry existed but the environment was paying the price. Eco-emballage in France seemed to be the prime example of this case. What could be said was that a strong fit led to better implementation of a certain policy, an implementation with less resistance, blockages. This interesting administrative phenomenon must not be confused with the effects on the environment and the development of environmental quality. In essence that was the confusion between “outputs” and “outcomes”.

Overall conclusions

The policy of the EU did contribute to a harmonisation of the national policies on packaging and the transport of hazardous waste to some extent. At least the policies of the Member States studied were harmonised more than before the EU took action. Besides, the policy of the EU put some Member States in motion that were not active before with regard to the problems in question. The process on packaging waste, however, showed a ‘mismatch’, since the policy addressed a non-existing issue in countries like Greece and Spain, while failing to address urgent practical problems, such as the lack of landfills in Greece.

Although the EU issued a single policy, different national policies existed. These differences had to do with the difference in role and power of environmental NGOs, green parties and ‘green’ public opinion in some countries and with the history of the policy process in the Member States. The national setting was more important in Member States that have more policy development with regard to the issues studied. Member States who did not have much developed environmental policy of their own copied what they saw from other Member States. However, they did not simply copy, but adopted and adapted what fitted their own situation.

Instrument choice had been influenced to a large extent by the national setting and the consensus seeking in national policy-making processes, resulting in differences between the Member States. One type of instruments was not superior to another since instruments are mostly selected within a national context that limits the options.

IV SCIENTIFIC INTEREST AND NOVELTY

In research on the environmental policy of the EU often the conclusion is that a so-called implementation deficit existed. The overall impression of many observers was that there is more policy than results. Apart from the fact that the phenomenon of a gap between policy-formulation and policy-results could be observed in many fields of public policy. This is especially the case with the environmental policy of the EU. From the results of the project it was concluded that perhaps there was less of a deficit than easily assumed. It is possible that the term was coined too easily. For sure, a certain discrepancy was found between the high expectations on the policy-making level and what was realised in day to day practice. The measures of the EU researched were no exception to the general picture sketched above.

However, the phenomenon of different policies and different instruments of the Member States are deceptive. They could be interpreted as non-implementation of European directives and regulations. In this project another way of perceiving and evaluating the effects of European policy-making was developed. The variety of implementation practices in the Member States could also be considered as serious attempts of these countries to realise European policy in a way that fitted to the circumstances in these countries, because all countries researched in this project were already active on both policies or became active in these policy areas. Furthermore, all countries researched took the measures of the EU into account. So, in short, the measures of the EU were effective. But their effects did not always go in the desired direction, or did so more slowly than expected. This was not so much a result of unwillingness to implement, but of the policies that had been developed already.

V POLICY RELEVANCE

The national settings of the Member States studied proved to be of a strong influence for the implementation of European measures. The research led to serious doubts whether it is wise to prescribe ways of implementation to the Member States. They are more creative in finding ways to implement the policy of the European Union. The environmental policy of the EU should leave enough leeway for the policy development of the Member States. This is not the same as saying that countries concerned should follow their own course. One conclusion was that EU policy stimulated some Member States to develop policies with regard to problems they did not approach in the past. Moreover, there are harmonising influences between the environmental policies of the Member States.

There is an additional reason for this recommendation. Transnational business groups turned out to be influential partners on the European level. There is doubt whether these pressure groups are confronted with equal strong policy making groups. In most Member States policy formation is a somewhat more balanced process.

The EU should give more attention to the implementation practice of its measures in the Member States, because it seemed to have a serious monitoring problem. The Commission did check whether the Member States transposed the directives in their own legal system, but there the monitoring must stop. On the European level little information existed about differences in implementation practice in the Member States. Or to put it differently: a more common market could be reached, despite different implementation practices.

VI LIST OF PUBLICATIONS

1 Presented

Hafkamp, W.A., M. Hozee, A.B. Ringeling “The effectiveness of instruments for environmental policies in the field of industry: regulating packaging waste”

To be published in the proceedings of the conference “Globalization and the environment: opportunities and challenges for the new transatlantic agenda”, September 29 –October 2, 1998, Indiana University, Bloomington, IN, USA.