THE EUROPEANIZATION OF BRITISH ENVIRONMENTAL POLICY: FROM POLICY 'TAKING' TO POLICY 'SHAPING'?

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1. Introduction

The emergence of the term 'Europeanization' reflects a growing desire to catalogue and explain the various feedback processes between the different administrative levels of what is now widely perceived to be a multi-level system of governance in the EU. However, there is no single, all-encompassing 'theory' of Europeanization, and even its basic meaning remains contested. However, the mainstream opinion is that Europeanization research should seek to understand the domestic impacts of European integration (Jordan, 2002a; 2003). Boerzel (2002, 6) simply describes it as a "process whereby domestic policy areas become increasingly subject to European policy making." According to this view, which I shall employ in this paper, Europeanization concerns the process through which European integration penetrates and, in certain circumstances brings about adjustments to, domestic policy systems.

For the sake of convenience, I shall concentrate on the Europeanization of the content, structure and style national environmental policy, while recognizing that in practice these aspects of national 'policy' are subtly interrelated. Following Hall (1993), *policy content* can be divided into three different levels. The first relates to the precise setting of policy instruments (e.g. the level of emission standards or taxes, the chemicals included in 'grey' and 'black' lists, etc.). The second is the instruments or techniques by which policy goals are attained (e.g. direct regulation, fiscal instruments, or voluntary agreements). The third level comprises the overall goals that guide policy. These goals operate within a policy paradigm or a 'framework of ideas and standards that specifies not only the goals of policy and the kind of instruments that can be used to attain them, but also the very nature of the problems they are meant to be addressing' (Hall, 1993: 279).

The concept of *policy structure* is potentially very broad, which raises some problems defining its boundaries, not least in relation to policy style. National institutional structures range from the basic building blocks of the state (e.g. departments, agencies, etc) through to policy coordination networks, codes, guidelines, and 'ways of working' (Peters, 1999: 28, 146; Bulmer and Burch, 1998; 2000). The more cultural aspects of national policy structure – the norms and values associated with administrative work (e.g. Bulmer & Burch, 1998; 2000) – will be dealt with here separately as policy style.

In defining policy style, we follow the argument that a society's 'standard operating procedures for making and implementing policies' (Richardson *et al.*, 1982: 2) can be characterized along two axes: (1) a government's approach to problem solving, ranging from anticipatory/active to reactive, and (2) a government's relationship to other actors in the policy-making and implementation process, characterized by their inclination either to reach consensus with organized groups or to impose decisions.

The remainder of this paper proceeds as follows. Section Two offers a broad overview of the overall trends in the Europeanization of national environmental policy since c. 1970. Section Three describes the policy background in the UK, which is now being progressively Europeanized by the EU. Section Four analyses the Europeanization of the content, structure and style of national policy, and Section Five offers some concluding thoughts.

2. Overview

The Europeanization of British[1] environmental policy has been much more deep-seated and wide-ranging than one would expect to find in a state with a long history of environmental concern and a reluctant attitude to European integration. In order to understand this puzzling outcome we have to view Europeanization as the outcome of two intimately interconnected processes of social and political change - modern environmentalism and European integration. Ultimately, European integration has given domestic environmentalism much greater force and potency, by embedding national environmental policy in EU law. Although intended as an economic step, EU membership has also brought Britain into closer contact with continental European states (namely Germany and the Netherlands) that adopted the philosophy of ecological modernization before it did. Moreover, once a reluctant 'taker' of policy determined in Brussels, the unexpectedly deep and politically painful Europeanization of national environmental policy, has forced Britain to take positive steps to 'shape' EU policy in its own image.

Britain's antipathy to the EU is deeply rooted in its history, society, political systems (Rasmussen, 2001). The European Commission's Eurobarometer polls consistently

reveal a considerably lower level of public support for integration among the British public than in just about any other state apart from Denmark. The British feel geographically and politically *different* to the rest of the EU, which they joined largely as an act of economic necessity. The image of the EU as a "place of British failure" (Young, 1998, 3) is lodged deep in the national psyche. Because of this, Britain has found it difficult to commit itself fully to the EU and to playing the Brussels game. It has, for example, been conspicuously poor at uploading policy models to the EU. The first clear-cut example was probably the single market programme in the mid 1980s, although this generated many unintended consequences and sowed the seeds of Mrs Thatcher's eventual downfall in 1990 (Young, 1998).

Britain decided to join the EU for entirely pragmatic reasons. It has always been suspicious of Europe's 'non-market' agenda encompassing issues such as health and social security. Although Britain has always had a large number of relatively powerful environmental pressure groups, the environment has never been the focus of sustained party political conflict. These political (there has never been a stable pro-integration discourse in Britain) and economic factors (the state owned or sponsored key industries such as water, energy and farming) encouraged Britain to protect the *status quo* against what were widely perceived as unwanted political impositions from Brussels. Britain had developed an extensive system of environmental law and policy that fitted its history (strong social demands for animal welfare; much weaker demands for pollution control), legal system (common rather than Roman law) and geographical characteristics (an island state), and felt resentful about external impositions made by the EU. Although there were some areas where the national Department of the Environment (DoE) successfully took the initiative in Europe (or at least supported European solutions), they were far "fewer than might have been expected of a country with such a well established environmental policy" (Haigh, 1984, 302). In many respects, Britain's suffered the first mover disadvantage of having innovated before other EU states, using tools that were peculiar to national conditions and circumstances. During the 1980s, the DoE's half-hearted attempts to upload British policy to the EU coupled to the increasingly vocal pressure group community's attempts to have the

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[1] This paper is mostly concerned with matters in England, Scotland and Wales, hence the term Britain rather than United Kingdom.

expanding *acquis* fully enforced, produced an increasingly large 'misfit' between the requirements of EU and British policy.

The crunch came in the 1980s when Britain's geographical and political insularity came under sustained pressure from other Member States seeking to re-distribute the burden of environmental improvement in Europe. The DoE's response (neutering Europeanization by subverting key Directives) not only conspicuously failed to stem the tide of change but also lumbered Britain with a reputation for being 'The Dirty Man of Europe', that made it difficult to engage positively with the EU. The Europeanization of British environmental policy began to move into a more proactive phase in the mid 1980s as Prime Minister Mrs Thatcher turned her attention first to Europe (the single market programme, after c. 1984) then to the environment (c. 1988), without ever fully appreciating the connections between the two (Jordan, 2002a). Until that point, she had been agnostic about Europe and deeply suspicious of environmentalists. By the early 1990s, the Europeanization of national policy had progressed so far that simply vetoing new proposals in the Environment Council, was no longer a viable response. Today, we find Britain proactively exporting its own homespun environmental ideas with a passion that would have been simply unimaginable even fifteen years ago.

The remainder of this paper explores the Europeanization of British environmental policy structures, policy style and policy content. It reveals that Europeanization was mostly unintended and largely unforeseen at the time of Britain's entry, although, paradoxically, the long-term outcomes of this transformation are now widely regarded as having benefited Britain. Europeanization has therefore been a serendipitous process, which has made the domestic environmental policy sector more environmental and considerably more European than it would otherwise have been. No longer is Britain 'The Dirty Man of Europe'. In fact, nowadays, it is more likely to be criticized for domesticating the EU by successfully uploading its political preference for environmental policy integration (EPI), greater subsidiarity, stronger implementation, and the timely review and revision of outdated legislation. In many ways these are an expression of Britain's deep, historical attachment to matters of administrative excellence (or 'good governance'). But in some continental Member States, these

increasingly *communautaire* innovations are perceived as a clever ploy to blunt EU environmental policy.

3.   National Attitudes to Europe and the Environment

Attitudes to the EU

The national political-administrative system in Britain has never committed itself wholly to European integration. It is variously "aloof and sceptical" (Rasmussen, 2001, 145), "an awkward partner" (George, 1994), and a "spectator… rather than an actor... in a continental drama from which Britain… chose to exclude herself" (Young, 1998, 1). Britain joined the EU much later than the three largest member states, France, Italy and Germany, and then more for pragmatic than principled reasons. Several explanations have been advanced to explain its attitude, including its geography (an island), history (not invaded since 1066), institutional structure (adversarial party politics), economy (trans-Atlantic) and deep socio-cultural attachment to national sovereignty. With a few notable exceptions (i.e. the Heath (1970-4) and Blair (1997-) governments, and Thatcher's very brief (1984-6) flirtation with the single market programme), British governments have always seen European integration as a "disagreeable necessity rather than a positive benefit" (Gowland and Turner, 2000, 5).

The absence of a consistent, bipartisan political discourse between the two main political parties supporting European integration, has produced a "staccato" like series of negotiating positions - often negative, sometimes positive but never consistently one or the other (Wallace, 1995, 49). When things have gone badly (as they often have!), the British instinctively stand aloof rather than work inside the EU to Anglicize it. Over the years, pro-Europeanists have realised that the best way to 'sell' Europe to Britain is stealthily i.e. by understating its consequences. Consequently, British politicians find it very difficult to justify Europeanization to the body politic because it is almost always viewed as an irrecoverable loss of national sovereignty. The first fifteen years of membership were really just one long damage limitation exercise, aimed at securing a more favourable financial settlement while limiting EU competence. This created a huge problem for civil servants and Ministers who had to involve themselves positively in new institutional processes while at the same time limiting their development. Not surprisingly, these wider political currents buffeted British-EU environmental relations. Encumbered by the path dependent effects of

having innovated early (it has one of the oldest environmental protection measures in the world) and the anti-environmental attitudes of many cognate departments, the DoE invested more time in seeking to resist EU initiatives, other than in a very small number of areas (e.g. waste, seals or lead in petrol) where European policies either built upon or worked alongside existing British policy.

Is Britain more 'European' today? Socially and culturally, probably yes (Gorton Ash, 2001). In terms of the way it administers and transacts European policy, Britain is a model of 'good governance'. It prepares carefully for meetings, has a 'Rolls Royce' mechanism for co-ordinating issues across Whitehall, and an enviably good record of implementing legislation (Wallace, 1995; 1997; Weale *et al*., 2000, 320). But in terms of its political *commitment* to Europe, Britain remains somewhat detached, outside 'Euroland'. Under Blair, Britain has sought to strengthen the EU's foreign and defence policy capabilities, but for many British people, 'Europe' is what takes place across the English Channel in the continent of Western Europe; "it is them, not us" (Gorton Ash, 2001, 11).

Attitudes to the environment
Politically speaking, the British have tended to view 'environmental policy' in slightly narrower and more negative terms than other industrialized northern European states. British policy in 1970 was narrow in the sense that it only addressed a small subset of environmental concerns i.e. those that were predominantly human health related. It was negative for two reasons. First, when it entered the EU, Britain was very much an environmental pioneer in Europe. Having created some of the world's first air pollution policies in the nineteenth century and established the world's first environment ministry in 1970, it felt immensely self satisfied. A DoE guide intended "to help those abroad who are concerned to understand the operation of pollution control here" claimed that Britain was "at a comparatively advanced stage of development and adoption of environmental protection policies" (DoE, 1978, 1). In effect, the DoE told the Commission not to waste its time developing EU proposals because Britain was "well placed to cope with its own environmental problems" (in: Evans, 1973, 43). Many members of the British political establishment opposed the EU on the basis that it was new and untested, whereas domestic policy in areas such as the

environment had achieved a superior level of fitness, through "160 years of our own history" (Ashby and Anderson, 1981, 513).

These slightly jingoistic sentiments were reinforced by a strong belief that the locus of policy would and should continue to reside in Britain, with international action only as and where absolutely necessary. In 1980, Nigel Haigh (1984, xx) "shared a view widely held – and certainly held within the [DoE] - that Community environmental policy had had little or no effect on Britain." But behind this "proud" façade (Hajer, 1995), British environmental policy was long on nature conservation policy, but short on air and water pollution measures. The pattern of pressure group activity supported and in many respects exacerbated this trend (Fairbrass and Jordan, 2001a/b). Thus, 'insider' pressure groups like the RSPB and Birdlife employed non-confrontational style techniques gently to influence the content of national policy. Greenpeace and Friends of the Earth on the other hand, did not really arrive on the political scene until the 1980s. Operating from a position that was self-consciously 'outside' central government, they forcefully demanded radically better waste and pollution control policies, and spurned offers to enter into a dialogue with government.

Second, environment has tended to occupy an insecure niche in British party politics. Every now and again, there is a periodic burst of political attention (e.g. in the late 1960s, which culminated in the creation of the DoE), but for the most part, most British politicians have regarded the environment as a politically unimportant and largely self-contained area of policy. Consequently, environmental matters tend to be pushed away from the nerve centres of government (e.g. the Cabinet Office) and out to the DoE or down to technical agencies. The DoE has not, until recently, been that environmentally minded (Jordan, 2003), being an amalgam of local government and transport functions than an effective champion of environmental protection across central government. Politically speaking, it also a relatively weak department: Dunleavy (1995, 310), for example, places the Secretary of State for the Environment in the lower third of the Cabinet 'pecking order'. Even today, most parts of Whitehall regard the environment as the DoE's responsibility (Jordan, 2000) – until, that is, it impinges on their 'turf' when it is very fiercely resisted. Robin Sharp (1998, 55), the former Head of the DoE's international environmental division has cogently remarked that "[t]here are many environmental assumptions, right or wrong, that have to be argued within [Whitehall]

that simply appear to be self-evident in the German or Dutch context." In the past, most parts of Whitehall have sacrificed environmental quality in order to address the overriding social-political problem – reversing Britain's comparative economic decline (Weale *et al*., 2000, 254). Given that many elites in Britain still view economy and environment in a zero rather than a positive-sum game, the logical way to address this decline is by removing environmental barriers to growth. Or, to put it another way, the philosophy of ecological modernization has taken considerably longer to take root in Britain than other comparable EU states (Weale, 1992, 82-8; Weale *et al*. 2000, 183-4).

4.   The Europeanization of British Environmental Policy

In the late 1990s, I observed (Jordan, 1998) that British policy had developed a number of new features. If we look at what we have in this book defined as the content of national policy, there is a more consistent and formal system of administrative control based upon fixed standards and timetables of compliance, rather than administrative rules of thumb. There are many more source-based, emission controls, and a greater readiness to enunciate the underlying principles and objectives of control such as precaution, prevention or sustainability. Finally, policy makers are more willing to experiment with non-regulatory instruments such as environmental taxes and, more recently, tradable permits. In terms of policy structures, powers have shifted from local regulators to officials at higher (e.g. EU) levels of governance. Finally, the style of environmental regulation has become much more open and transparent, with greater public access to environmental information.

However, in 1998, I added that the process of change has been evolutionary rather than revolutionary. Thus, if we look at the content of many policies, there is still a strong attachment to informal gentleman's agreements and non-quantified standards. Central government is still reluctant to set clear and legally binding targets other than those specifically required by EU or international legislation. Environmental taxes and voluntary agreements are beginning to appear (Jordan, 2002b), but the vast majority of environmental policy instruments are still regulatory. New departmental structures have been created (e.g. the fusion of the departments of transport and environment to form DETR in 1997), but they are not significantly different from what preceded them. The most marked change is to be found in the regulation of public utilities such as energy and water, which are now regulated at arms-length from government, by non-

departmental public bodies. Finally, the style of policy making is more transparent, but is still more secretive than many other EU states. In relation to Richardson's schema, British environmental policy is still overwhelmingly consensual rather than adversarial (i.e. administrative discretion continues to prevail over judicial interpretation) (see: Vogel, 1986). It is also predominantly reactive - the political and legal status of the precautionary principle (one of the fundamental precepts of ecological modernization) remains unclear.

To what extent can we attribute these changes to the EU's influence? Or, are they symptoms of more systematic social and economic changes at the national level and international level? Of the 'domestic' drivers the most salient are *inter alia*: the continuing growth in public awareness; pressure exerted by national bodies (e.g. the Royal Commission on environmental pollution) and various Parliamentary select committees; an increasingly large and sophisticated network of environmental pressure group; the ideological preference (by and large maintained by Labour (1997-) for free market competition and the modernization of the state; the continuing internationalization of the environmental agenda, particularly in the area of climate change. The most important 'international' drivers are international agreements brokered in the UN, overseas bodies like the OECD and broader, deliberative fora such as the mega-environmental conferences in Stockholm and Rio. These have disseminated new ideas and concepts as well as more specific emission reduction targets and timetables. These factors would almost certainly have influenced domestic environmental policy irrespective of Britain's membership of the EU.

4.1   The Europeanization of British environmental policy content
More than anyone else, Nigel Haigh has sought to uncover the extent to which EU and national policy co-exist within the same political space. Over ten years ago he made the radical claim that:

> *"[N]ot many areas of [UK environmental] policy have now been left entirely untouched by the [EU] even if the depth of involvement remains uneven. Some fields such as the control of hazardous chemical substances have largely been defined by [EU] policy. Others, such as pollution of air and water, while profoundly affected by [EU] concepts, retain distinctively national*

characteristics. In contrast, town and country planning... has been much less influenced by the [EU]" (Haigh, 1992, v).

These changes have occurred at all three levels of policy content. In terms of *policy paradigms*, the EU has forced Britain to adopt a more preventative, source-based approach to policy making. The conflict came to a head when, in 1974, the Commission proposed to regulate the emission of dangerous substances to water. After a long and acrimonious struggle, driven as much by Britain's determination to protect the interests of its domestic industry as defend the intellectual coherence of its approach or improve environmental quality *per se*, a compromise of sorts was incorporated into the 1976 Dangerous Substances Directive. Around this time, Britain was clearly out of step with the rest of the EU, because no sooner had this philosophical conflict been delicately resolved, than a similarly bitter conflict erupted over the application of emission limits (this time enshrined within the principle of best available technology (BAT)) to acidic gases. This time Britain was forced to compromise in the face of concerted opposition from a number of more environmentally ambitious EU and non-EU states. Crucially, the EU provided a forum for discussing emission reduction targets (a process which had been continuing in international level meetings) and the policy tools and timetables for achieving them (i.e. emission reduction targets based on the BAT). The acid rain saga powerfully demonstrates how the EU intrudes much further into domestic practice than international bodies. In this case, the EU made the objectives of national policy more environmentally ambitious, it specified the instruments to be used to achieve them, and the manner in which they should be applied.

It would, of course, be wrong to characterize British policy as being entirely driven by an environmental quality objective approach, since there was, as Haigh argues (1992, 3.9), always an element of precaution in the British approach (e.g. for certain emissions to air). Be that as it may, the days of the contextual paradigm were numbered. While it might have served the immediate needs of an island state, it was simply too unsystematic in terms of burden sharing and hugely over reliant upon local interpretation and enforcement, to have served as a model for the whole of the EU.

So, should we conclude that the EU has forced Britain to adopt a more precautionary, source-based paradigm of policy making? There are several reasons for thinking not. First, to paraphrase Albert Weale (1997, 105), Britain has almost certainly lost a policy approach but it has not yet found a new policy paradigm to replace it. Even in the late 1990s, Britain was still not wholly committed to ecological modernization and felt distinctly uneasy about adopting strongly precautionary policies (O'Riordan, Cameron and Jordan, 2001) to reduce the emission of certain polluting substances, except when it was economically favourable or at least supportive of a more politically ambitious environmental policy (e.g. climate change). A more accurate characterization is one of deep change with important elements of continuity both in Britain and the EU. We can see this reflected in the way that Britain succeeded in shaping the IPPC and water framework Directives to incorporate elements of an environmental quality objective (EQO) approach to policy. However, this paradigmatic shift was only partly the result of Britain's increasingly effective efforts to shape the EU by uploading policy ideas (c.f. the debate over the most dangerous substances, above), because other EU states were in any case more willing to apply the EQO approach to less polluting substances.

Second, the extent of the change varies greatly across the various sectors of British policy. So, for example, air, noise, water and chemicals policy now largely incorporate strong source-based controls as a direct result of EU requirements, whereas land use planning and biodiversity protection still (though by no means exclusively) reflect traditional, British notions of environmental problem solving (i.e. a gradual negotiation of protection targets, rather than the specification a priori of an absolute level of environmental protection regardless of the economic costs). Domestic and European waste policy developed concurrently, so the EU-effect is a mixture of top down and bottom up (see below). These variations can be accounted for by: the depth and longevity of the EU's involvement (high in water/air, lower in planning/biodiversity); the institutional embeddedness of national models (ditto); the DoE's behaviour in Europe (i.e. a proactive policy shaper in IPPC, waste and (to a lesser extent) biodiversity, or a reactive, policy 'taker' (e.g. water)).

Finally, it is debatable whether the pre-existing British approach was ever really a paradigm in the Kuhnian sense of a narrow, confining cognitive framework (Jordan and Greenaway, 1998). It is probably more accurate to view it as a set of politically and

economically expedient tools, which were only worked up into a broader 'philosophy' in the late 1970s by British officials seeking to justify the *status quo* to foreign observers (c.f. Haigh 1989, p.22). In other words, we could say that Europeanization actually exacerbated the differences between British and EU policy.

In terms of policy *tools*, the EU has led directly to the adoption of more source-based controls, as well as more formal environmental quality standards for certain air and water pollutants. These reflect the EU's preference for more harmonized and precautionary-based policies. However, for reasons that are widely known, the EU's toolbox is still predominantly regulatory. Consequently (and with a number of exceptions), one has to look to domestic and international drivers to explain the recent proliferation of 'new' environmental policy instruments such as voluntary agreements and eco-taxes in Britain (Jordan, 2001a) (although the EU has supported the use of 'softer' approaches to policy making in Action Programmes (e.g. 'shared responsibility' in the Fifth), Communications (e.g. on voluntary agreements, 1996) and White Papers (e.g. Governance, 2001).

Finally, the precise *setting* of policy instruments has been directly affected by the EU. The EU has almost certainly tightened emission standards and formalized their achievement by setting strict deadlines. The style in which instruments are calibrated has also changed, as has structural context in which it takes place. In the past, the ability to constantly fine-tune the setting of policy instruments to reflect local needs and circumstances was highly prized by British pollution control elites. The margin for adjustment has decreased dramatically as more and more standards are set within the Environment Council. This has eroded the administrative discretion of local officials, whose task nowadays is faithfully to implement EU policies adopted centrally, rather than to 'create' policy 'bottom up' in Britain.

A number of more general patterns can be identified in the continuing Europeanization of national policy. First, the EU-effect is most clear-cut in relation to policy instruments and settings, reflecting the Commission's primary status as a regulatory body (Lowe and Ward, 1998, 291-2). The EU's influence as a source of paradigm change is much more difficult to quantify, given the factors listed above. More often than not, we find the EU acting as an institutional mechanism through which the

greener member states have exported a more precautionary paradigm to other parts of Europe.

Second, for the reasons set out above, Britain spent much of the 1970s and 1980s downloading paradigms and tools uploaded by other countries. Why was this? At first (c. 1972-1976) it regarded the EU as unsophisticated but essentially benign. Several important Directives (e.g. wild birds, bathing and drinking water) were negotiated by relatively junior Ministers and civil servants, who (mistakenly) believed that they were statements of good intent (Jordan, 1999). With some exceptions (lead in petrol, seals, chemicals and possibly birds), Britain **was** content to sit back and be a European policy 'taker' rather than a 'shaper'. When (c. 1976-1988) Britain began to better appreciate the speed of integration and the pervasiveness of its Europeanizing effects, it tried to block the EU's influence by vetoing proposals in the Environment Council (e.g. large combustion plants, ozone depletion, EIA and dumping at sea) or subverting Directives at the implementation stage (e.g. bathing, drinking water etc.) (Fairbrass and Jordan, 2001b).

When, like King Knut, it discovered that it could not hold up its hands and block the incoming tide of Europeanization, it set about trying to shape Europe by uploading policies to Brussels (c. post 1988). The exports reflected traditional British strengths (e.g. IPPC, environmental policy integration) or its preference for non-regulatory instruments (e.g. ecolabels, EMAS etc.). We might also include structural innovations (such as IMPEL and, perhaps even the European Environment Agency), which fitted Britain's traditional concern about achieving good governance. As it cast around for ideas and policies to upload to the EU, the DoE naturally gravitated towards the things it was already good at i.e. establishing broad procedures and policy structures as a framework for local action (Lowe and Ward, 1998, 287). In any case, these process-related functions were much more uploadable than traditional pollution control arrangements, which misfitted with what the EU was trying to achieve. Importantly, the DoE made a very conscious, *departmental* decision to shape the EU in Britain's image (Jordan, 2002a; 2003). But in order to make the transition from policy taking to policy shaping, the DoE first had to learn to rely less on the formal (i.e. intergovernmental) apparatus of the Council (e.g. COREPER), as well as learn *communautaire* bargaining tactics (as opposed to just sheltering behind the national

veto), colonize new institutional venues (e.g. the European Parliament) and develop new links (e.g. bilaterally with other Environment departments).

Third, the pattern of projection and reception is broadly consistent with the pre-existing content, style and structure of Britain policy. Thus, British exports have tended to be related to the more structural elements of policy (matters of "process and machinery (e.g. implementation (IMPEL), EPI (the Cardiff process), IPPC and subsidiarity)), in contrast to the emission (e.g. acid rain) and production targets (e.g. packaging waste) uploaded by the Germans in the 1980s. Similarly, Britain has been better at uploading policies/ideas in areas of existing expertise (biodiversity) (Fairbrass and Jordan, 2001a) or which developed concurrently with EU policies (e.g. waste) (Porter, 1998). Its inability and/or unwillingness to upload policies from similarly well established domains in the 1970s (such as water and air pollution control) was due to the Eurosceptical orientation of national politics at the time, the path dependent effects of innovating early ('first mover disadvantages') and the basic inapplicability of the British model/paradigm of environmental policy to continental geographical contexts.

So, to conclude, we can say that the EU has:

- Altered the paradigm of British policy, by forcing Britain to defend its overall approach to environmental protection and justify the underlying principles of action, many of which were arcane, implicit or merely rhetorical. More specifically, the EU has helped to erode the contextual policy paradigm by enunciating fixed numerical standards and deadlines to ensure comparability of effort

- Changed the objectives of British policy by exerting a strong, upward pressure on domestic environmental standards and accelerated the pace of remedial work. It has forced issues such as drinking water on to the domestic political agenda that were previously neglected or actively downgraded. On the implementation side, the EU has constrained the Government's freedom to pursue independent policies, disavow promises or defer expensive clean up operations.

- Brought Britain into contact with new instruments and influenced the manner in which it applies existing tools. The EU has forced Britain to give administrative devices such as water quality objectives legal backing and to approach industrial

permitting on a more consistent, sector-by-sector basis. Completely new tools such as air quality standards and emission 'bubbles' have been introduced to comply with EU requirements.

4.2.   The Europeanization of British environmental policy structures

It is considerably harder to identify a clear 'EU effect' on national structures. The most obvious organizational changes made to the hardware of government have included the creation of a permanent representation (UKREP) in Brussels (one or two officials shadow the work of the Environment Council), the establishment of a European coordinating unit in the DoE, the development of new rules and codes for reaching agreement across Whitehall, and the creation of parliamentary committees in the House of Commons and the Lords to oversee the work of the executive (Bulmer and Burch, 1998; Kassim, 2000; 2001b). Otherwise, British environmental structures have hardly changed at all to accommodate European logics (Jordan, 2001d). If anything, the basic institutional 'logic' of policy making in Whitehall remains essentially undiminished. For instance, the 'Rolls Royce' system of inter-departmental coordination in Britain was only very marginally adapted following EU membership, and has changed very little since then. Similarly, new procedures have been developed to enable national Parliament to scrutinize the EU policy work of Whitehall departments, but they are strikingly similar to those governing national policy. EU pressures also contributed to the need for Parliamentary reform (e.g. the creation of select committees) (Giddings and Drewry, 1996), but they were certainly not the primary cause (Rasmussen, 2001, 158). Longstanding concerns about Parliament's ability to scrutinize the work of the executive have been exacerbated by Europeanization. With the exception of the small number of in-depth studies conducted by the House of Lords select committee on EU affairs each year, most EU proposals receive very little parliamentary scrutiny.

However, authors who have looked at Europeanization of organizational cultures suggest that the EU has made departments such as MAFF, the Department of Trade and Industry and the Foreign Office much more 'European' in their attitudes and expectations through their entanglement with European policy making processes (Buller and Smith, 1998). Hugo Young (1998, 412) makes the telling point that:

"It is the fate of modern British governments, however sceptic they are in theory, to be in practice 'European'. The facts of life are European. Europe shapes the everyday reality with which all public people have to grapple… The existence of the [EU] is a condition infusing the bloodstream of every official and politician. But it reaches deepest into the life of Ministers especially. Where others protest and complain, Ministers act."

Research reveals that the DoE has indeed 'learnt' new, more *communautaire* tactics (see above), established new alliances (see above) and, most profoundly of all, adopted a new (i.e. more environmental and more European) departmental political interest or 'departmental view' (Jordan, 2002a). Europeanization has undoubtedly strengthened the hand of the DoE, but the department did not set out use the EU with this purpose in mind. On the contrary, empowerment via Europeanization was largely a serendipitous outcome, reaped but not specifically sown by the department (see above). Rather, the DoE was empowered *against* its will through the combined activities of European actors and national pressure groups. The DoE then found, to its surprise, that it could use external, EU requirements to extend the scope of national environmental protection by working through (rather than around) national coordinating mechanisms.

However, when set alongside the raft of 'machinery of government' changes initiated by British governments in the 1980s and 1990s, the overall 'EU effect' on national structure is actually quite modest. As part of a massive programme of institutional change and upheaval, the Conservatives slashed the civil service, privatized industries such as water and energy, and contracted out many central run functions to the market. These changes had a huge impact on Britain's European environmental policy (e.g. the privatization of the utilities provided the funds needed to comply with water and air pollution Directives that 'misfitted' massively with national practices (Jordan, 1998)). Similarly, the EU was an important factor in the establishment of a national Environment Agency, though by no means the decisive one (Jordan, 2003). Finally, the negotiation of international environmental regimes on issues such as climate change and acid rain would, in all probability, have forced the DoE to take on a greater central steering role irrespective of the EU's involvement. In the past, local level pollution controls were negotiated in a very ad hoc and unsystematic (i.e. location specific) manner. International agreements, on the other hand, require states to formulate long-

term, national emission reduction plans, which then have to be consistently and rigorously applied by sub-national bodies. National officials must tailor policy instruments to achieve these reduction targets, whereas before they used their independent, professional judgement to tailor them to local conditions (e.g. the financial profitability of a polluting factory). Consequently, powers that used to be exercised locally have had to be centralized by central government, to ensure that national targets brokered in the EU are achieved.

The impact of the EU is probably most clearly inscribed on national legal structures (Macrory, 1987; 1991), which have become more formal and specific in terms of the objectives to be achieved (Bridge, 1981). In fact, national law was probably one of the first elements of British practice to be Europeanized via the doctrines of supremacy and direct effect. Like other Member States, British government and politics were extremely slow to adjust to the rapid and largely unforeseen "transformation" (i.e. constitutionalization) of the EU legal system (Alter, 2001, 183) (see above). Indeed, throughout the 1970s, central government sought to reduce the extent of change by employing administrative circulars to implement EU requirements instead of legislation. That practice has been discontinued following ruling by the ECJ. Of course the written word of EU law also has to be interpreted and implemented by national enforcement bodies such as the Environment Agency. Therefore, any assessment of the Europeanization of legal structures must also include the associated affects on the overall style of national policy making and implementation.

To conclude, Nigel Haigh's thesis that EU Directives have centralized power in Britain (Haigh, 1986) is still extremely apposite, but it needs to be seen against the backdrop of a raft of recent and hugely important domestic-international drivers of structural change in Britain. So yes, it is true that the logic of integration has shifted more policy making up to the European level, eroding the power of local regulatory officials. But, the organizational landscape of British environmental policy would have had to change regardless of Europeanization, not least to fit the new public management aspirations of successive Conservative governments in the 1980s and 90s. Who have been the main winners and losers? Europeanization has empowered some national environmental groups, which were previously excluded from national policy networks (Lowe and Ward, 1998, 295; Fairbrass and Jordan, 2001a/b). In the 1980s, DG-Environment

actively cultivated them to legitimate legal actions arising from the misfit between EU and national policy. There have been two main losers: national parliament (which struggles to audit policy making in Brussels) (Armstong and Bulmer, 1996, 275; Giddings and Drewry, 1996) and local-level technocrats (whose professional discretion and influence has been greatly circumscribed).

Therefore, in terms of policy structures, the EU has undeniably:

- helped to centralize into the hands of national and supranational officials responsibilities for setting standards, determining priorities and making investment decisions that were once exercised at a very local level.
- altered the way that British officials at all levels conduct their work. After an initial period of hesitation, the DoE has been forced to operate more proactively in European policy networks and adapt to a system of joint-decision making in which Ministers increasingly build alliances with their opposite numbers in other states (see below).

4.3 The Europeanization of British environmental policy style

There are two aspects to policy style: the style of British policy in Britain, and the style of the British in the EU. The style in which contemporary British environmental policy is enunciated and implemented is undeniably very different to that described in c.1970, namely negotiative and reactive (Jordan and Richardson, 1982, 81; 1983). We have already noted the trend towards greater explicitness, more formalism and greater pro-action (prevention). However, there are many contributory factors in the shift towards what has been termed a "new politics" of pollution control in Britain (Weale, 1992), of which the EU is only one. For instance, the politicization of environmental politics (itself accelerated by Europeanization) has perturbed the quasi-secretive world of pollution control, as has the advent of public registers of information, mechanisms of judicial review and (most recently of all) the incorporation of the European Convention of Human Rights into British law. New public management has also ushered in a much more open and formal style of regulation, although arrangements are still in a state of great flux. In the last five years, both OFWAT and OFGAS (who regulate the price of water and gas) have openly challenged the basis of environmental policy decisions on wastewater treatment and climate change respectively. In so doing they have helped to

create a more open and publicly accountable system of regulation, which has forced central government departments to lay bare the financial calculations underpinning environmental standards. Finally, industry too has realised that tougher and more independent regulation plays well with customers, employees, shareholders and potential investors because it demonstrates compliance with the best practice. Many large companies are beginning to divulge information voluntarily, although smaller companies still have a long way to go.

Overall, the domestic policy has changed greatly since the 1970s, but it is has not been transformed and there is no obvious shift towards a common, European policy style (if such a thing even exists) (Lowe and Ward, 1998, 290). There is certainly little evidence of an imminent phase change to a more adversarial style of policy in Britain; informal negotiation and game playing are still the lifeblood of British environmental regulation. Court proceedings are, in any case, expensive and judicial review procedures are long, expensive and uncertain as to their outcome. That British environmental groups have often found it more productive to exploit the lobbying opportunities in Brussels than London, is a good indication that 'club' government is still alive and well in Britain, albeit in a political system transformed by Europeanization. The EU's impact on style appears to have been more contingent than direct. Europe has certainly helped to open up the British system of regulation to greater external scrutiny and reduced the discretion once enjoyed by local officials. For instance, the level of sewage treatment, once a matter for local control, is largely prescribed by the Urban Wastewater Treatment Directive, which was negotiated in Brussels by Ministers and DoE officials.

To a large extent, the British have carried this style of working into Brussels (Christoph, 1993). Britain sees itself as a 'a hard negotiator but a dutiful implementer' of EU legislation (Wallace, 1997); British negotiators like to think that they make the EU work by injecting a dose of common sense, whereas other, supposedly more 'European' states, tend to slip into an "easy rhetoric" about the merits of European integration (Wallace, 1995, 47). They have advocated the use of a more consultative and bargained style of working, using white and green papers, as well as broader, framework Directives, and economic appraisal techniques. However, Britain's opposition to the more impositional and proactive demands of other states, has, on

occasions, left it looking distinctly 'awkward' and anti-environmental. In fact, some commentators have gone as far as to suggest that many of Britain's European problems stem not from substantive inter-state differences, but contrasting styles of bargaining and coalition building (Buller, 1995; Wallace, 1995). For a variety of reasons (see above), the British find it immensely difficult to speak the language of Europe integration, because they see it as a zero-sum game played by (and between) sovereign states. Consequently, they still tend to spend more time trying to defend a fixed national position in the Council (a task to which the highly polished but inflexible inter-departmental coordination mechanisms are ideally suited), than developing broader alliances or shaping the all-important 'pre-negotiation' stages of the policy process.

There are, however, signs that the British are employing a much more *communautaire* policy style in Brussels since Tony Blair's election in 1997. Labour's more 'engaged' European policy stance has certainly made it easier to work inside the EU political system and upload policies. Interestingly, the unexpectedly deep and politically painful Europeanization of environmental policy had forced the DoE to adopt this more 'European' style in the early 1990s (i.e. well before the arrival of Blair). This shift was made mainly pragmatic reasons – the department realised that it had to get a firmer grip on EU policy, or risk more and more policy misfits. Being more proactively engaged, meant uploading more policies to Brussels (see above), using more *communautaire* language ('yes, but' to a Commission proposal rather than 'no') and employing 'corridor diplomacy' (Jordan, 2002a) to achieve its departmental objectives. In making these changes, the DoE has transformed itself into one of *the* most European departments in Whitehall (Buller and Smith, 1998). In effect, the Europeanization of the content of national policy has forced the structures of government to adapt their styles of operation.

Therefore, in terms of policy style, the EU has:
- created a more explicit and transparent framework of environmental protection, reinforcing the trend towards greater openness in regulation.
- encouraged greater environmental monitoring which has made policy more transparent.

- in several key areas (e.g. acid rain, marine pollution, ozone depletion etc.) made British policy considerably more anticipatory.

5.   Conclusions

Britain's struggle to come to terms with Europeanization in this sector, is really a symptom of the country's long-term struggle "truly [to] accept that her modern destiny [is] to be a European country" (Young, 1998, 1). As in so many other domestic sectors, Britain has taken a very long time to accept the EU as a benign force. For long periods, the EU was regarded as an extraneous and unhelpful imposition, to be resisted if at all possible. Consequently, Europeanization has generally proceeded via a series of deep political conflicts and unintended consequences, rather than in a smooth or evolutionary manner. In the words of Prime Minister Blair (2001):

> "politicians of both parties have consistently failed… to appreciate the emerging reality of European integration. And in doing so, they have failed Britain's interests…. The history of our engagement with Europe is one of opportunities missed in the name of illusions - and Britain suffering as a result."

Consequently, Britain has undergone a "retarded" form of Europeanization (Wallace, 1997, 677), more on the EU's terms, than Britain's.

The 'EU-effect' is most clearly inscribed upon the content of national environmental policy. Its effect on national policy structures and policy styles has been heavily modulated by domestic factors, though the EU remains important as both a trigger of national action and a constraint upon the autonomy of national actors pursuing 'domestic' policy objectives. Without the EU, Britain would almost certainly have been forced to modernize its environmental policy. However, the pace and depth of change would have been several orders of magnitude less.

It is a measure of how Britain has been Europeanized that nowadays many national actors treat Europe as a given - "a banal, merely functional extension of the business of governing" in Britain (Young, 1998, 480).   But the question remains as to why Europeanization penetrated so deeply in a state with a minimalist view of integration and a very long history of environmental concern. There are three possible answers to

this puzzle. First, the supposed progressiveness of British policy was always overstated, not least by the British in Brussels. It is undeniably true that Britain had a well-established environmental policy prior to the EU's involvement, but it was designed to achieve domestic policy goals. In practice, it relied upon externalizing waste products along long pipes into the sea, or up chimneys into the atmosphere. By innovating early, Britain suffered a 'first mover disadvantage', which hobbled it during the critical, early stages of the European 'regulatory competition'. The British model was disadvantageous because it could not easily be uploaded to other states, which had similar legal systems and shared many policy problems arising from their close geographical proximity. The apparent success of the model at resolving some of Britain's immediate environmental problems also created a feeling of self-satisfaction among officials and Ministers. Instead of selling the model (or "approach") (see: Waldegrave, 1985)[2] to the rest of the EU, Britain dug in and resisted innovations proposed by the Commission and other Member States.

Second, Britain tried unsuccessfully to overcome 'misfits' by blocking the tide of Europeanization. Very little sustained effort was made to exercise leadership by uploading policies to Brussels. But in so doing, Britain suffered the fate of those that consistently download policy from the EU – namely implementation problems, policy misfits, and performance crises (Green Cowles *et al.*, 2001, 8-9). The impacts of the initial, strategic 'mistake' of trying to block Europeanization from the outside rather than working inside Europe to modulate the path of European integration, were enduring and self-reinforcing.

Finally, Britain did not actually resist European integration as hard or as successfully as its minimalist reputation (i.e. hard negotiator, dutiful implementer) would imply. The environment has never been a serious focus of conflict in British party politics, so it was understandable that so many of the early Directives were negotiated in a very relaxed manner. The very weakly environmental government saw the environment as an unimportant, 'sacrifice issue' which could be traded for more important

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[2] It has been argued that Britain never possessed a coherent set of environmental policy principles, tools and ideas (Lowe and ward, 1998). The British 'approach' was never a policy paradigm in the Kuhnian sense of a narrow, confining cognitive framework. In fact, it owed its existence to the EU, being a *post hoc* justification for resisting the more disruptive effects of Europeanization (Jordan, 2003).

political/economic goals such as the single market or an opt-out in a cognate policy area (Jordan, 2001c; 2002a/b). But EU environmental policy proved to be much more costly and self-perpetuating than Ministers had expected. British environmental policy was therefore Europeanized indirectly, stealthily and largely contrary to the expectations of the British government.

Eurosceptics will presumably argue that Britain should have been *more* not less sceptical if it wanted to avoid policy misfits and performance crises. In contrast, Europhiles will no doubt claim that the story told above typifies everything that is wrong with British-EU affairs. As long as Britain remains hesitant and unconvinced it will chase the game in Europe; the only reliable way to make Europe work for Britain is, as Blair (2001) recently claimed, to "exercise leadership in order to change Europe in the direction we want." The developments in this particular sector cast serious doubt on the 'weakly Eurosceptical' position, leaving two remaining courses of action: full disengagement or full engagement. That thirty years after it first joined the EU Britain remains torn between these two options is perhaps the greatest and most fundamental paradox of all.

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