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INNOVATIVE AND RESPONSIVE? A LONGITUDINAL ANALYSIS OF THE SPEED OF EU ENVIRONMENTAL POLICY MAKING, 1967-1997

Andrew Jordan, Roy Brouwer and Emma Noble

Centre for Social and Economic Research on the Global Environment (CSERGE), School of Environmental Sciences, University of East Anglia, Norwich NR4 7TJ, UK;

Tel. (00) (0)1603 592552; email: a.jordan@uea.ac.uk

In institutional terms, the European Union (EU) is considerably 'thicker' than it was thirty years ago, with many new layers of decision-making procedure and myriad new actors, including almost twice as many Member States. Conventional wisdom suggests that policy systems in which policy development depends upon securing agreement among a concurrent majority of actors, are generally slow and collectively sub-optimal. However, a longitudinal analysis of the time taken to adopt environmental proposals in the period 1967-1997 reveals that the policy process has become slightly faster not slower. This is despite an enormous growth in the scope and ambitiousness of the environmental acquis and a significant increase in the number of actors involved. The obvious conclusion is that actors have become steadily more effective at achieving consensus. These empirical findings are analysed against a number of predictions derived from macro-and middle-range theories of the EU.

LOCATING THE 'MOTOR' OF EUROPEAN INTEGRATION

A recurring theme in recent scholarship is that policy processes in the European Union (EU) should be examined as they gradually unfold through time rather than as a series of discrete events. Historical institutionalism offers the clearest and most recent invocation to address the temporal dimension of European governance, but there are also strong reminders in the work of Hall (1993), Sabatier (1998) and Wessels (1997). Analysts which adopt a longer time frame have shown that the theoretical distinction between the daily activities of decision-making and implementation (Jordan 1997; Bulmer 1998), and the 'history-making' events such as the main Treaty revisions is not nearly as clear cut as some intergovernmentalists (e.g. Keohane and Hoffman 1990) would like to think. A rapidly developing stream of public policy analysis is beginning to show that brief 'snapshots' of what is in reality a gradually unfolding process greatly underestimates the potential for integration to move significantly beyond the initial state preferences (Sandholtz 1996). Analyses of the grand events may well reveal the bargaining between politicians, but it does not, it is argued, fully explore the origins of state preferences or the subsequent process of interpreting and applying new mandates in particular policy sectors.

For the most part, the debate about what actually drives the process of integration has concentrated almost exclusively on explaining political *outputs* and *outcomes* i.e. what eventually emerges from joint-decision-making. After forty years of sustained activity, the 'holy grail' of integration theory is still to establish whether states, either individually or collectively, control the process of integration or whether it has escaped their clutches in several important respects. Intergovernmentalists typically assume that states are in control of the EU whereas pluralists believe that the grand bargains are no more than political resultants

which simply codify what has already taken place. On this latter view, states - to borrow a Marxian phrase - take the major political decisions but in circumstances not entirely of their choosing.

Noticeably absent from this re-awakening debate about the overall motor of integration is a detailed consideration of the *speed* of the policy making process. It is fair to say that intergovernmentalists have generally exhibited little interest in secondary legislation. According to Moravcsik (1993: 473), 'the most fundamental task facing a theoretical account of European integration is to explain [the big intergovernmental] bargains.' If pushed, adherents would probably argue that the speed of the policy process in particular sectors is largely epiphenomenal: if policies accord with exogenously determined state preferences then *ceteris paribus* the quicker they will be adopted and vice versa.

However, we argue that the speed of decision-making is important for at least two reasons. First, it sheds light on the underlying *efficiency* of governance in the EU - an issue which has been pushed centre stage by the decision to enlarge the EU eastwards. There is a deep but often unspoken fear that the addition of many new states will paralyse the EU, rendering it incapable of responding rapidly and innovatively to new problems. Is this a legitimate concern? The EU appears to have successfully adapted itself to previous rounds of enlargement, to new policy problems and to ever more complicated decision rules without serious disruption. Second, we argue more fully below that the speed of decision-making provides a fresh perspective on the continuing debate about how best to theorise the EU.

At various times, concerns have been expressed about the speed and conservatism of the EU policy process. The basic argument is that the potential for innovative and responsive policy making in concurrent majority political systems is severely curtailed by the tendency for integration to proceed at the speed of the slowest and most reluctant participant(s). However, mounting evidence suggests that 'joint decision traps' are far less prevalent than originally predicted by Scharpf (1988). Between 1960 and 1990 the total quantity of secondary legislation increased dramatically from 30 to nearly 38,000 items (Page and Dimitrakopolos 1997: 366). Moreover, since its founding in 1957 the EU has demonstrated a remarkable capacity for policy innovation, responding to new problems such as energy insecurity, environmental pollution and cross-border crime, as and when they have emerged. An obvious question is whether the appearance of new problems, an increasingly convoluted system of decision-making and the addition of many more 'veto players' (Tsebelis 1995: 301) in the last three decades, have combined to frustrate consensus and retard the pace of decision-making.

SPEED: A MISSING DIMENSION?

There are still surprisingly few detailed studies of the historical development of individual EU policy sectors. Writing from a 'macropolitical' perspective, Wessels (1991; 1997) documents the huge increase in formal policy outputs, the proliferation of technical committees and working groups, and the steady transfer of policy competences from the national to the European sphere. However, he says disappointingly little about the resulting impact on the underlying speed of decision-making. Has the EU become progressively faster at producing legislation or have the thickening institutional structures of interest group consultation and the inter-organisational co-operation procedures involving the Commission, the Parliament and the

Council, served to retard the whole process of joint decision making? Does repeated interaction in the 'administrative and political 'labyrinth'' of Brussels encourage consensus (Wessels 1990: 238), or has the continuing need to achieve a concurrent majority among a steadily increasing number of actors across an ever more complicated suite of problems (Weale 1996), served to retard the whole process down? These are puzzling questions which deserve closer analysis.

The conventional wisdom, pierced together from a series of 'snapshots', is that the speed of EU decision-making has fluctuated enormously since 1957. In the first, formative years of the EU, when the 'Monnet method' was in its heyday (Weale 1999), integration proceeded rapidly into new areas, prompting neofunctionalists such as Haas (1958) to speak of an 'expansive logic of integration'. The 1970s was the 'lost decade' of integration in which decision-making slowed down across all policy areas and ground to a standstill in some (Krislov *et al.* 1986). An important participant remembers that there was a widespread feeling 'that something absolutely had to be done to get the [EU] working efficiently again' (Noël 1991: 5). However, the mid-1980s witnessed a rejuvenation of European integration as 'Eurosclerosis' (Keohane and Hoffman 1991: 6) gave way to 'Europhoria' (Wallace 1996: 4). In an optimistic assessment, Ehlermann (1990: 1108) claimed that in introducing qualified majority voting (QMV) the 1987 Single European Act (SEA) had 'made an extraordinarily positive contribution to speeding up decision-making.' But in the early 1990s the mood became more pessimistic again with the doubts generated by the ratification of the 1993 Maastricht Treaty. Today, the increasingly convoluted process of decision-making under the co-decision procedure coupled to the enlargement of the Union to fifteen states is routinely blamed for

slowing down the policy process. McCormick (1998: 196) for example, claims that 'while it once took two to three years to develop a new piece of [environmental] legislation, the process may now take as long as six and seven years for more complex proposals.' Johnson and Corcelle (1995: xxvi) aver that the Council currently spends an 'average' of two years considering and consulting on Commission proposals before adopting them, although they offer no empirical evidence to support such a claim. Based on '[i]nformal inside estimates', Hayes-Renshaw and Wallace (1997: 62) put the figure at around 18 months, with 'much of the time' needed for the exchange of positions with the European Parliament (c.f. Earnshaw and Judge 1995: 646).

Sloot and Vershuren (1990) provide the only systematic analysis of the speed of the policy process although their account is now somewhat dated. They examine the fate of all the Commission's proposals issued in the period 1975-1986 and found no evidence of *lourdeur*. On the contrary, they discovered that the Commission succeeded in getting a progressively higher percentage of its proposals adopted over time, with a significant decline in the time lag between publication and eventual adoption. Significantly, they failed to fully explore the theoretical implications of their main finding - that the 'organizational effectiveness' of the EU had actually increased (*ibid*: 84).

THE DEVELOPMENT OF THE ENVIRONMENTAL *ACQUIS*

The story of how the EU developed a large and ambitious environmental *acquis* in the absence of an explicit Treaty base and significant financial resources of its own, is well documented (Sbragia 1993; Jordan, 1999). At its founding in 1957, the EU had no environmental policy,

no environmental bureaucracy and no environmental laws. The European Economic Community (EEC) as it then was, was primarily an inter-governmental agreement between six like-minded states to boost economic prosperity and repair political relations in war-torn Europe. Forty years later, the EU has some of the most progressive environmental policies of any state in the world (although it is not itself a state), and it is widely accepted that the environmental *acquis* 'may well be one of the [EU's] most important success stories' (Sbragia 1993: 337).

In the mid-1980s and then again in the early 1990s, the formal institutional rules governing the sector were fundamentally altered. The first major institutional innovations were introduced by the SEA, which for the first time introduced QMV and co-operation for measures connected to the internal market. Whereas before the *acquis* had evolved through the 'Community Method' (Wallace 1996), these new decision rules greatly increased the European Parliament's involvement in policy making and accelerated the trend towards transnational lobbying and coalition-building. Taken separately, we might intuitively expect the Parliament's growing involvement to have slowed down the speed of policy making and for the removal of the 'tyranny of the veto' in the Council of Ministers (CoM) to have increased it by preventing laggard states from delaying joint decision-making. Later, the Maastricht Treaty extended QMV to almost all areas of environmental policy making and introduced co-decision-making. In view of the purposes of this paper, the obvious question is what has been the aggregate effect of these changes on the pace of the environmental policy process? Is the whole process speeding up or slowing down? Has the 'shadow of the vote' (Weiler 1991: 2461) made states think twice before digging their heels in or have the complicated arrangements involving the

Parliament retarded the whole process? Is decision-making in some sub-sectors (e.g. water or air) faster than in others?

There are, of course, many factors which affect the overall pace of decision-making. Our intention in this paper is not to quantify their independent effect or to identify causal relationships, but instead to search for broad patterns which, if significant, could be subjected to more focused research. We have already identified the importance of changing decision rules. It is also worth remembering that the bureaucratic capacity of the EU is considerably greater today than it was thirty years ago. The Environment Council, which was established in 1973, is a good case in point. In the 1970s, environment Ministers met on average once every year, whereas since 1989 they have met twice in full session, and usually once in joint session with ministers from a related area such as transport or energy. If we assume that every Ministerial meeting represents only the visible tip of a submerged iceberg of working group meetings, it is safe to assume that, year on year, states have steadily invested more resources in trying to reach agreement on common policies.[i] Obviously, the more regularly the Council and its satellite committees meet the less time Commission proposals spend awaiting Ministerial attention.

There are three reasons for taking a closer look at the speed of the environmental policy process. First, the environment is a good area in which to test rival theoretical accounts of integration. Being fairly technical in nature, one would expect to find evidence of technical 'spillover'. To uncover strong or even dominant intergovernmental elements would therefore deal more pluralist theories a decisive blow on their 'home domain' (Alford and Friedland

1985: 3). The jury is still out on whether EU environmental policy has developed significantly beyond the lowest common denominator of state preferences. Golub (1996; 1997), and Huelshoff and Pfeiffer (1991/2) maintain that spillover effects and Commission entrepreneurship have only been important at the margins, whereas others contend that non-state actors have helped to generate policy outcomes that were neither originally intended nor desired by states (Weale 1996). This paper explores whether studying the speed of the policy process helps to arbitrate between these rival perspectives.

Second, there is no denying that EU environmental policy has been extremely innovative - many observers are deeply impressed by the contribution it has made to 'greening' the EU and ratcheting up the pre-existing environmental standards of the Member States (Bomberg 1998: 54). Others, however, detect the emergence of a new trend, with a declining output of legislation and a re-assertion of Member State (Golub 1996). Does a cross-time analysis of the speed of environmental policy making lend support to either of these views? The last twenty five years have undoubtedly witnessed the EU moving into politically more sensitive and costly areas of environmental protection. Has this been achieved at the cost of reductions in the speed - and thus the *responsiveness* - of the policy system?

Finally, throughout the history of the EU those seeking to deepen political integration have often raised the spectre of institutional paralysis to push for institutional reform.[ii] A major concern during the Amsterdam Intergovernmental Conference (IGC) was how to improve the institutional machinery to prepare for enlargement and - to borrow a phrase from the Reflection Group's final report - to improve the 'ways and means to improve the efficiency and

democracy of the Union' (European Council 1996: 24). In its submission, the Commission argued that existing decision-making procedures were complex, illogical and inconsistent - there being no less than twenty separate procedures for adopting legislation, with at least four in the environmental arena alone (CEU 1995: 31). In particular, it claimed that the proliferation of procedures encourages conflict over Treaty bases, reduces the efficiency of decision-making and renders the EU unintelligible to the lay person (*ibid*: Annex 8, 32, 70). Ideally, we should prefer a policy process which is capable of responding rapidly to new information about the scale and rate of environmental damage. Do the concerns raised during the IGC therefore have any basis in reality? Is the environmental policy process slowing down or is there a much greater element of continuity than politicians know about - or are prepared to admit?

THE DATA SET

For practical purposes, this study calculates the speed of the policy process according to the time elapsed between the publication of a Commission proposal (in the form of a COM doc.) and its subsequent adoption by the CoM. These two represent two objectively defined and systematically documented 'points' in the policy process. This was the same approach used by Sloot and Vershuren (1990) although it is not without its problems. First, it takes no account of the time taken by the Commission to draft a proposal. Sensitive drafting in the pre-negotiation stages of policy may pave the way to rapid adoption by pacifying potential opponents. There is anecdotal evidence to suggest that the advent of co-decision making has forced the Commission to win as many friends in the Parliament as it can before submitting a proposal (Peterson 1997: 16). Second, in neglecting Commission proposals which, for one

reason or another, are *not* adopted, the study is biased towards the visible, 'decisional' aspects of the policy process (see Eckstein (1998) for details of unadopted proposals). Consequently, it may overstate the actual speed of the policy process. The 'unpolitics' of policy making are, of course, also pertinent to the way we theorise the EU - kicking unpalatable proposals 'into touch' is one way states could conceivably control the integration process. Finally, our analysis takes no account of the time taken to actually *implement* the legislation in national contexts. Member States may commit themselves to a policy precisely because they have no intention whatsoever of ever putting it into practice.

There is also a heated debate in legal circles about what actually constitutes the environmental *acquis*. Nigel Haigh's definitive Manual and Stanley Johnson's textbook (Johnson and Corcelle 1995) both arrive at totals of over 500 and 400 measures respectively (see also Table 1 below). Others, however, such as Krämer (1997) and Macrory and Purdy (1997: 37), settle for a much lower figure.[iii] This discrepancy is partly a function of the unbounded nature of environmental policy, which crosses many other policy areas. It is for this reason that Nigel Haigh includes legislation adopted under Articles 30 and 31 (nuclear radiation), and 43 (agriculture) in his Manual. However, the discrepancy also reflects the politics of subsidiarity post-Maastricht. It is revealing in this respect that Ludwig Krämer (1997: 9), a DG XI official, contrasts his total with those of Haigh and others 'which are sometimes used to illustrate - and criticise - the amount of legislative activity of the [EU].' Finally, the discrepancy is also a function of which types of legislation are included in the analysis. The higher figures tend to include amendments and updated items of legislation which now account for an increasing proportion of the environmental *acquis* (Table 1). However in excluding these items, analysts

run the risk of underestimating the capacity of political institutions to *perpetuate* themselves through time (March and Olsen 1989). Arguably, it is the discipline of having to continually amend and refine the *acquis* that provides the sector with internal dynamism; a process, incidentally, which is somewhat insulated from external political pressures. Therefore it seems reasonable to assume that amendments will take less time to adopt than fresh items of legislation.

[Table 1 here]

For the purposes of this analysis, we define the environmental *acquis* as the legislation listed in Haigh's Manual which is based wholly or partly on Articles 100, 130 and 235. When amendments are included, this produces a data set comprising 487 separate items. If amendments, Decisions to adopt international conventions and other 'non' environmental statutes are removed the figure drops to just 133 items. We have labelled these two 'total legislation' and 'major legislation' accordingly. These comprise 213 and 125 valid observations respectively.[iv] Interestingly, when studied statistically these two data sets exhibit broadly the same trends. Owing to the lack of space we concentrate on 'total legislation'. In order to reduce the effects of outliers on the findings, we aggregated all the items adopted in any one year. To smooth the data still further, individual items were also grouped and summarised in 5 time clusters of roughly 5 years: before 1975, 1976-1980, 1981-1985, 1986-1990 and 1990-1995. Although observations are available after 1995, we considered them to be too small in number to justify a sixth cluster.

EMPIRICAL FINDINGS

Trends in the Total Output of Legislation

Figures 1 and 2 show how the output of EU legislation has varied over time. Figure 1 is similar to the bar chart in Haigh's Manual. It reveals a much stronger element of continuity in EU environmental policy making than intergovernmentalist accounts would predict, and considerably more innovation than Scharpf's gloomy prognosis. It clearly demonstrates the extent of informal integration in this sector since the late 1960s, with no obvious discontinuities around the time of the main Treaty revisions. It also clearly reveals how integration has progressed at a 'subterranean' level (Weiler, 1991), largely unaffected by the *lourdeur* of the 1970s or the subsidiarity debates of the 1990s. The trend in Figure 2, which includes only 'major' items of legislation, is less consistent with a marked decline in output post-Maastricht. Presenting the data in this way reveals how amendments are now perpetuating the environmental *acquis*, (see Table 1).

[Figures 1 and 2 here]

Trends in the Speed of Decision-Making

Figure 3 presents the speed of all individual items adopted between 1967 and 1997. It demonstrates no clear trend. Over the whole time period, the average number of days needed to adopt environmental legislation was 840 days or 28 months - somewhat longer than the conventional wisdom would suggest. However, there is an enormous variability in the data so these results should be interpreted very carefully. For instance, using the median as a measure

of the central tendency of the observations, half took 590 days or almost 20 months to be adopted. The minimum number of days needed to implement individual items of environmental legislation from the time it was submitted was 60 days and the maximum 4780 days, or more than 13 years!

[Figure 3 here]

The correlation between the number of days needed to adopt environmental legislation and their chronological order, also measured in number of days since the last item was adopted in 1997, is very small but statistically significant and positive ($r=0.13$; $p\leq0.06$). In other words, there has been a small but significant increase in the speed of decision-making over time. Again, this result should be interpreted carefully because of the effect of outliers: the correlation coefficient explains no more than 30 percent of all the variability observed in Figure 3. The same relationship is found when the data is aggregated according to the year of adoption ($r=0.14$; $p\leq0.05$). Displaying the data in a diagram produces no clear trend (see Figure 4).

[Figure 4 here]

However, a clearer trend becomes apparent when the data is clustered into 5 year periods (Figure 5). Interestingly, this trend varies slightly depending on whether the criterion used is the year of adoption or the year of submission. Using the latter produces a consistent reduction in the number of days taken to adopt legislation over time, confirming the pattern

detected by Sloot and Verschuren (1990). It is meaningless trying to calculating a correlation coefficient because of the low number of observations (5 clusters). However, applying a non-parametric testing technique[v] suggests that the relationship is statistically significant. Did the introduction of QMV[vi] produce any significant impact? Our analysis suggests that the difference in the speed of adopting environmental legislation before and after its introduction (1053 and 673 days respectively) is statistically significant at at least the 1 percent significance level, using a non-parametric test.[vii]

[Figure 5 here]

Cross-Sectoral Variations

Figure 6 shows the average number of days needed to adopt pieces of legislation in the six environmental domains identified by Haigh. Decision-making relating to noise pollution appears to require most time, followed by water and waste legislation. Air pollution legislation is adopted the most rapidly. The differences presented in Figure 6 *are* statistically significant, but as before, the distribution of observations is highly dispersed and so these findings should be treated with caution.

[Figure 6 here]

Clustering the data into different time periods is complicated by the very low number of observations in certain time clusters for particular domains. Therefore, the results presented in Figures 7 and 8 should be interpreted extremely carefully. At first sight, the speed of the

policy process appears to fluctuate considerably across time periods and environmental domains. However, a few observations can be made for those domains for which there are a reasonable number of observations, *i.e.* air, chemicals and noise. The number of days needed to adopt air pollution legislation shows a slightly downward trend (*i.e.* an increase in speed) from period 2 (1975-1980) onwards, while the speed of decision-making in the chemicals sector remains fairly constant (Figure 7). Overall, an increase in speed can be detected in the noise sector, but this trend is abruptly interrupted by the peak in period 3 (1981-1985). Only in the case of air pollution are the observed differences statistically significant.

[Figure 7 here]

[Figure 8 here]

Turning to cross-time trends, Figure 9 shows that the process became quicker in three domains after 1987, namely air, chemicals and noise. However, this increase is only statistically significant for air pollution,[viii] although this may be due to the relatively low number of observations before 1987 (70% occurred after 1987). Did decision-making speed up after the introduction of QMV in 1987? In those domains where the speed slowed down, the difference is only significant for waste. In the case of wildlife and countryside, a statistically significant difference is found for the mean values before and after 1987 (Figure 9), but not for the median values. Equality of median values was also tested because of the low number of observations in the domains of water, waste and wildlife and countryside. Median values were included in

the testing procedure to test the robustness of the results in view of the low number of observations. Finally, in the case of water, equality of mean and median values was rejected.

[Figure 9 here]

THEORETICAL PREDICTIONS

How well do these findings relate to the predictions made by popular theories of the EU? Given the obvious space constraints we concentrate on four major perspectives, identifying the predictions, or in some cases inferences, they make about the overall speed of policy making.

Realism-intergovernmentalism

Of the two main theories of International Relations traditionally used to understand the EU, intergovernmentalism is an obvious point of departure. Simplifying greatly, it assumes that states guided by self-interest are the dominant actors with supranational actors fulfilling a series of carefully delineated tasks. In principal-agent terms, the relationships between the two is assumed to be fairly 'tight', with supranational actors enjoying very little autonomy. On this view, the institutions of the EU are passive devices whose primary task is to reduce transaction costs and enhance the efficiency of international negotiations (Moravcsik 1993: 508).

Intergovernmentalists are not nearly as fixated with the constant ebb and flow of secondary policy development as scholars of EU public policy. It is hardly surprising therefore that intergovernmentalism does not make any explicit predictions about the speed of decision-making, although some are undoubtedly implicit. For instance, rather than a steady, smooth

transition to a supranational system of governance, intergovernmentalism suggests that integration will proceed 'in fits and starts' (Moravcsik 1991: 48) corresponding to the divergence and convergence of state preferences. The strong similarity between this swinging 'pendulum' (Wallace, 1996) image and the conventional wisdom summarised above is striking. Intergovernmentalists would therefore presumably interpret any increase in the speed of decision-making as evidence that the EU is functioning as states intended it to *i.e.* because of a gradual alignment of exogenously derived state preferences. Although far from conclusive, studies of the origins of Commission proposals do suggest that very few are 'pure, spontaneous' initiatives, most being responses to specific requests from Member States (Westlake 1995: 64). Consequently, the best prediction of how fast a proposal will travel through the decision-making process can be gained by analysing the prior preferences of the Member States: the greater the difference between *a priori* negotiating positions the longer it will take to reach agreement.

Does intergovernmentalism make any more specific predictions? If political outcomes typically reflect the lowest common denominator of state preferences, then it seems reasonable to expect states to resist attempts made by supranational bodies to 'upgrade their common interest', manifested in slow or even no policy adoption. Similarly, we should expect states to resist integration the further it intrudes into politically sensitive areas of domestic affairs. Since environmental policy already exhibits both these features,[ix] it seems reasonable to expect the pace of decision-making to have slowed down. The fact that the EU is a much larger and geographically more differentiated entity than it was in the 1960s, reinforces this expectation.

Pluralism

Pluralists claim that realism-intergovernmentalism substantially mis-diagnoses the role of supranational actors and overlooks the important effect of integration on the attitudes, expectations and ultimately the preferences of the actors concerned. As originally specified, neofunctionalism predicted a self-perpetuating process of integration driven by sectoral spillovers. The whole process was expected to be cumulative and inherently expansive, with a more or less automatic transfer of sovereignty from states to supranational bodies. For our purposes, the most interesting aspect of pluralist theorising is the notion of political spillover or *engrenage* (literally 'meshing in'), which arises when actors from different political and functional domains interact and, in so doing, re-adjust their preferences by 'learning' how to work together. On this view preferences are *endogenously* defined during the process of integration. In other words, membership of the Union 'matters': states behave differently as members of the EU than they would outside it (see: Sandholtz 1993: 3; 1996: 404-5). As they learn the 'habits' of integration even the most sceptical actors will, in time, learn to put aside their national differences and identify more closely with the interests of the EU than their national bureaucracy. For Wessels (1990: 238):

> The administrative interactions increase the mutual calculability and the confidence in the action of partners or other actors such as the Commission. Civil servants develop norms of working together, reducing the fear of being exploited by co-players. The stability of interaction systems and the overall productivity of decisions are enhanced.

The obvious corollaries are deeper integration and faster decision making. In stark contrast to intergovernmentalists, pluralists would interpret an increase in the speed of decision-making less as evidence of satisfaction on the part of Member States with the course of integration and more as confirming the existence of a self-perpetuating dynamic, pulling them into closer integration than they had originally expected. Crucially, integration develops *incrementally*, most forcefully at a 'subterranean' level in 'ancillary' policy areas such as the environment (Weiler 1991: 2408, 2449).

Institutionalism

Institutionalists share an interest in the way in which institutions, defined broadly to include formal and informal and informal systems of rules, procedures and norms which bind together actors into identifiable units, frame political behaviour (Hall and Taylor 1996). 'New' institutionalism is a middle-range theory and is relatively agnostic with regards to the overall outcome of integration. Rather, institutions are regarded as *intervening* variables between actor preferences on the one hand and policy outcomes on the other.

Within the framework of rational choice institutionalism, Scharpf's joint decision-trap provides the most powerful explication of intergovernmentalist logic in the EU. Scharpf (1988) originally argued that in systems where decision making authority is shared between different levels, policy outcomes will largely be determined by what the least willing participant will accept. In a complicated, concurrent majority system such as the EU, the shear number of veto players militates against rapid policy change. In fact, the atmosphere of distrust which pervades such systems actively encourages states to pursue their immediate self-interest. The

inevitable corollary is slow and conservative policy making process (namely 'frustration without disintegration; resilience without progress' (*ibid* 242)), even when there are significant external forces pushing for change.

Scharpf does not, however, consider explicitly the question of speed but the overall implications of his analysis are fairly clear: we should not expect the EU to respond creatively or innovatively to new policy demands; enlargements will encumber the decision making process and extend the time required to reach consensus. However, if his analysis is correct we would expect the introduction of QMV to have encouraged participants to adopt the 'problem solving' (*ibid* 261) mentality needed to escape the joint decision trap.

Policy Networks

The underlying premise of a policy network approach is that the EU policy process is segmented into highly specialised policy sectors. Adherents argue that all but the most politically controversial policy making issues are processed within these sectors by a relatively small number of actors grouped into discrete networks. These networks create order by excluding certain groups and including others. If the big history making decisions are dominated by inter-state bargaining, then it is in policy networks that the detailed aspects of policy development and implementation - the 'low' politics of integration - are worked out. Policy networks are conventionally defined as 'an arena for the mediation of the interests government and interest groups' (Peterson 1995: 76). Rhodes (1997) distinguishes between several types of network ranging on a continuum from tightly clustered policy communities through to much more loosely arranged issue networks. Policy communities are characterised

by consensus among participants. In contrast, issue networks exhibit a rapidly changing cast of participants, no shared ideology and continuous conflict.

Policy network approaches have been subject to serious criticism in recent years. The fundamental point at issue is whether or not networks have an independent effect on policy outcomes. One obvious way in networks may affect outcomes is by shaping the preferences of participants. So, the close and regular interaction found in policy communities is seen to breed confidence, reciprocity and trust - precisely the conditions needed to generate a 'problem solving' mentality. Thus in policy communities 'the dominant strategy often becomes preserving the arena as a locus for generating future benefits, rather than simply always to beat the opponent at each turn' (Peters 1997: 31). In issue networks policy outcomes are much more unpredictable.

Policy network analysis does not explicitly consider the question of the speed of decision-making (the focus, again, is largely on outcomes) but it seems self-evident that decision-making in a policy community is likely to be routinised (i.e. more regular and considerably faster) than in the more conflictual environment of an issue network, where there is little consensus on the best course to take. Over time a 'consensus culture' develops as participants gain in confidence, accepting short term costs in the expectation of longer term gains from staying 'in the game'. The affinities with the concept of *engrenage* and historical institutionalist approaches are obvious. The core point being made though is this: being a member of a policy network does 'matter'; the preferences of national actors adjust because of the climate of solidarity and mutual expectation they engender. If the policy process is

sectorised, what sort of network(s) do we find in the environmental sphere? Peterson (1997: 7) characterises the environmental policy network as an open, almost 'anarchic' issue network, but it is debatable whether there is one network or a range of networks corresponding to different sub-areas. Richardson (1994: 163-4), for example, finds evidence of a policy community around the problem of drinking water quality; both Grant *et al* (1988: 204) and Jordan (1998b) find a similar pattern in the European chemicals sector.

REFLECTION AND CONCLUSIONS

To what extent do our findings confirm these theoretical predictions? Both the steady growth in output of environmental regulations and the slight increase in the speed of decision-making cast doubt on the validity of Scharpf's account. The joint decision trap may characterise certain aspects of the EU, notably the 'high' political bargaining in the European Council, during particular phases, but our analysis confirms that integration has proceeded steadily and strongly in this particular sector. Statistically speaking, the overall trend in the speed of decision-making is weak but it is sufficiently at odds with the conventional wisdom to be worthy of note. Moreover, the introduction of successive new institutional procedures and decision rules appears not to have significantly affected the process. In fact, the speed of decision-making was already declining *before* the introduction of QMV in 1987, and it continued to decline steadily thereafter. Institutional rules obviously do matter a lot in EU politics, being important determinants of final political outcomes, but the evidence presented here implies that they do not matter that much. In fact, our findings suggest that institutional rules were themselves adjusted to reflect a pre-existing pattern of behaviour. Other

commentators have identified this 'anticipatory effect', with a pronounced trend towards voting *before* the formal introduction of QMV in 1987 (Wessels 1991: 146).

Our findings also confirm the narrow scope of realist-intergovernmentalist accounts of EU politics in that integration has proceeded informally in the periods *between* the main IGCs. Three snapshots of the politics surrounding the Treaty amendments would leave a large part of this rich process of policy development in shadow. Our study also finds that integration has progressed steadily through time, largely untouched by the oscillating levels of political support at the macro level. At least in quantitative terms, the sector appears to have weathered the post-Maastricht backlash against deeper integration, albeit with a pronounced trend towards 'softer' forms of regulation such as framework directives. Again, these are not novel findings but they add further weight to the pluralist case.

Despite their obvious reluctance to test their theories in humdrum policy areas,[x] it is now incumbent upon intergovernmentalists to demonstrate that the informal integration which has occurred in this and many other secondary policy areas has followed, rather than moved beyond, the initial preferences of states. Pluralists believe that the steady progression of integration at the bureaucratic level in the many functional areas of EU activity represents the main constraint on the autonomy of Member States, not the politically high-profile transferences of sovereignty sanctioned by politicians at the heads of state level. Intergovernmentalists continue to deny the validity of this interpretation, but offer little in the way of empirical justification. A particularly striking finding of our research is that the time taken to adopt individual items of environmental legislation has, contrary to conventional

wisdom, also *significantly* declined since the late 1960s. To find yet more strong evidence of continuity in the policy process serves to re-affirm the need to go '[b]eyond and beneath the highly visible politics of member state bargaining' to uncover the 'less transparent but very consequential, process of post-Treaty interpretation and institution building' (Marks 1993: 392, 395).

European environmental policy actors are evidently getting better (i.e. faster) at reaching consensus. Admittedly, our data is simply too aggregated to determine whether this is the product of *engrenage* or a convergence of exogenously determined state preferences. The only way of settling the matter is to undertake historical case studies of particular policies, carefully delineating state preferences and then assessing the extent to which they are reflected in political outcomes over the *full* course of the policy cycle. Of course, such an exercise raises the hoary question of how to identify *ex ante* Member State preferences when integration is an ongoing, multi-level political process. In practice, states often do reveal their preferences during the process of parliamentary scrutiny, although analysts will undoubtedly disagree over which time scale to adopt (when the negotiations begin? when the Commission issues its proposals?) It is, however, important to clarify the scale on which changes in the dependent variable (policy outcomes) are to be measured. Golub, for example, implicitly adopts the financial cost of implementing Directives as his main yardstick, but this may not be particularly meaningful when the costs of compliance are distributed throughout society or are picked up by a different government to the one that adopted the legislation. Others, however, emphasise the aggregate effect of EU environmental policy on the decision-making styles and policy paradigms of national policy (Lowe and Ward 1998). After all, there is surely nothing

more significant a country can do than compromise its historical principles and traditions during the process of integration.

There is no easy answer to such questions. But in re-posing them on slightly different grounds, our analysis reinforces the need for theorists to clarify whether or not states actually obtain what they expect from integration or whether it escapes their control in important respects. It is significant in this regard that intergovernmentalists are still to provide a convincing riposte to Pierson's (1996: 125) charge that '[t] is almost always possible, *ex post*, to posit some set of Member-State preferences that reconciles observed outcomes with the image of near total member-state control.'

How valid is a policy network view of EU policy making? Our findings do little more than demonstrate the existence of interesting variations across the various sub-areas of EU environmental policy although the divisions are arbitrary. Whether networks exist in a particular policy sub-sector is ultimately a matter for detailed empirical analysis. However, our data suggests a number of promising lines of inquiry. For instance, is there a link between the cohesive chemicals policy community identified by some analysts and the rapidity of decision-making in the sector? Can the contrast with noise policy making, which is a much more cross-sectoral issue, be explained in terms of the network characteristics of the two sub-sectors?

To summarise, the speed of the EU decision-making receives surprisingly little attention in the existing literature. However, our study produces findings which are strangely at odds with conventional wisdom. The ability of EU environmental policy to deliver innovative policies is

widely recognised and understood. But what our analysis shows is that the EU has also managed to respond more rapidly to Commission proposals. Why might this be? There are a number of plausible explanations although these would need to be subjected to case study testing. It could be that the Commission has adapted itself to the 'doing less but better' dictum by aligning it proposals more closely with Member State preferences. There is, however, no completely objective means of testing whether EU legislation is becoming less complex or ambitious. Indeed we would go as far as to argue that complexity is a matter of individual (subjective) judgment.[xi] It could also be that new decision rules such as QMV have deeply affected the behaviour of actors, generating a 'consensus culture' and a greater readiness to build coalitions with like-minded participants. One way in which the analysis could be taken forward is by drawing comparisons with other policy sectors, especially those in which states have traditionally defended their autonomy such as energy supply and economic affairs. Future research might also try to establish the source of the delays in the policy process by tracing individual items through the policy process, or dividing the data by Treaty base to control for at least some of the factors which might have been responsible for the observed trend in speed (e.g. the role of different EU institutions). We might then be able to pinpoint more accurately which EU institutions are at fault. After all, if there is to be institutional reform, politicians should be certain that they are concentrating their energies on the right part of the problem.

To conclude, our analysis confirms that integration in this particular policy sector has exhibited much greater continuity than the popular 'pendulum' view of European politics would suggest. Many of our findings are admittedly suggestive rather than conclusive. So, while they cast further doubt on the validity of Scharpf's account of integration,[xii] of themself they are

incapable of arbitrating fully between the other three theoretical approaches. However, in highlighting a neglected feature of the temporal dimension of European governance, our analysis raises interesting questions and puzzles which are not fully addressed by current theories of the EU.

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Total: 8300 words.

Table 1: The Output of EU Environmental Legislation Over Time.

Year	No. Major New Items Adopted	No. Amendments Adopted	Total No. of New Laws Adopted	Amendments (% Total)
1958-1972	5	4	9	44.4
1973-1987	118	77	195	39.4
1987-1993	107	135	242	55.78
1994-1995	35	59	94	62.78
TOTAL	265	275	540	50.92 (average)

Source: Based on McCormick (1998, 194-6).[xiii]

Figure 3: The Speed of EU Environemental Decision-Making (Days Per Item Of Legislation)

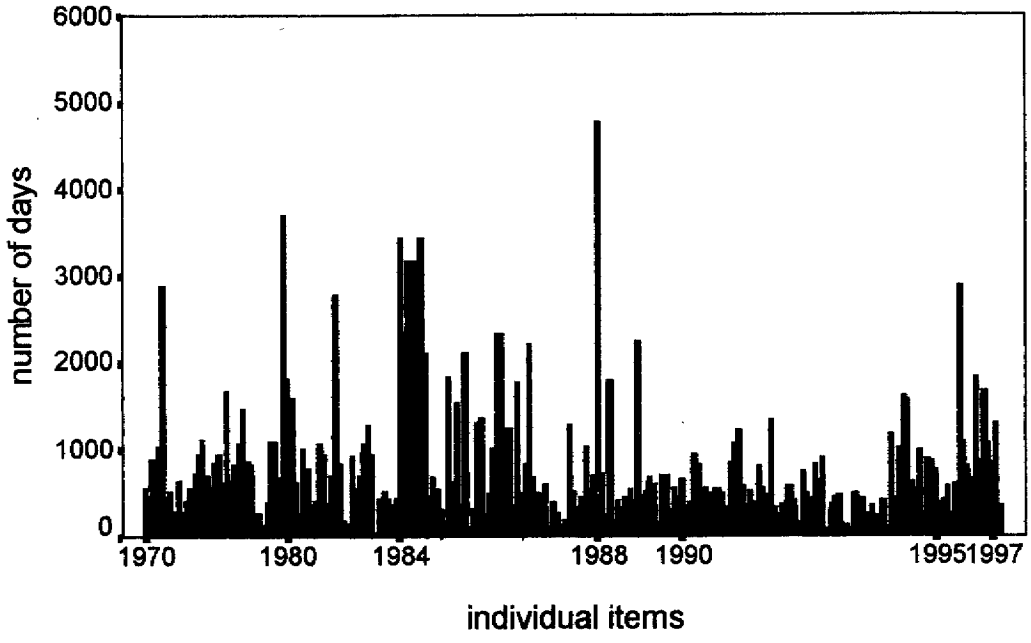


Figure 4: Speed of EU Environmental Decision-Making (Average No. of Days p.a.)

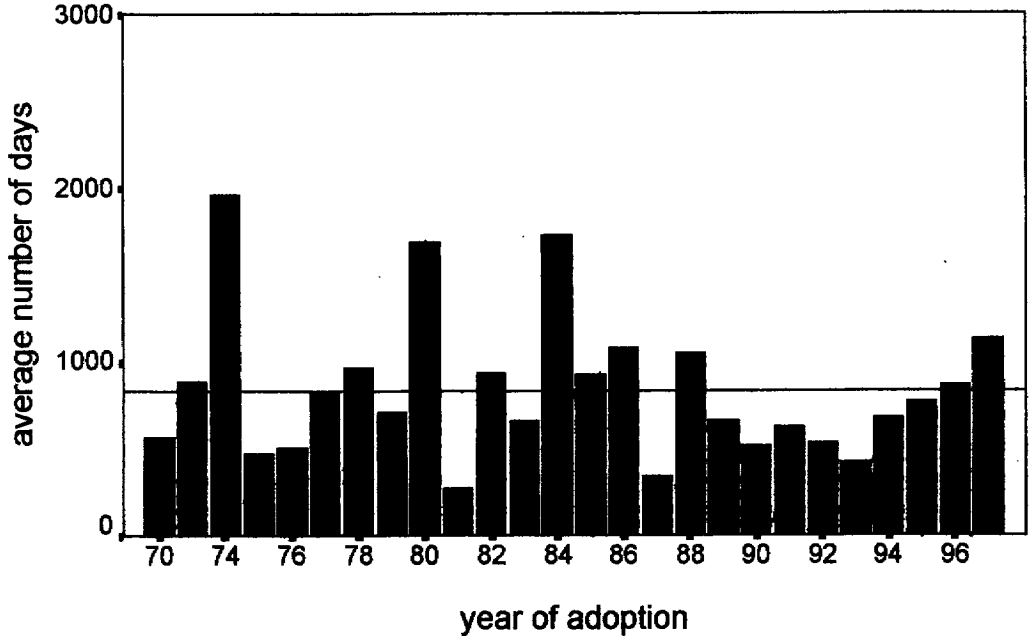


Figure 5: Speed of EU Environmental Decision-Making (Average No. Days Per 5 Years)

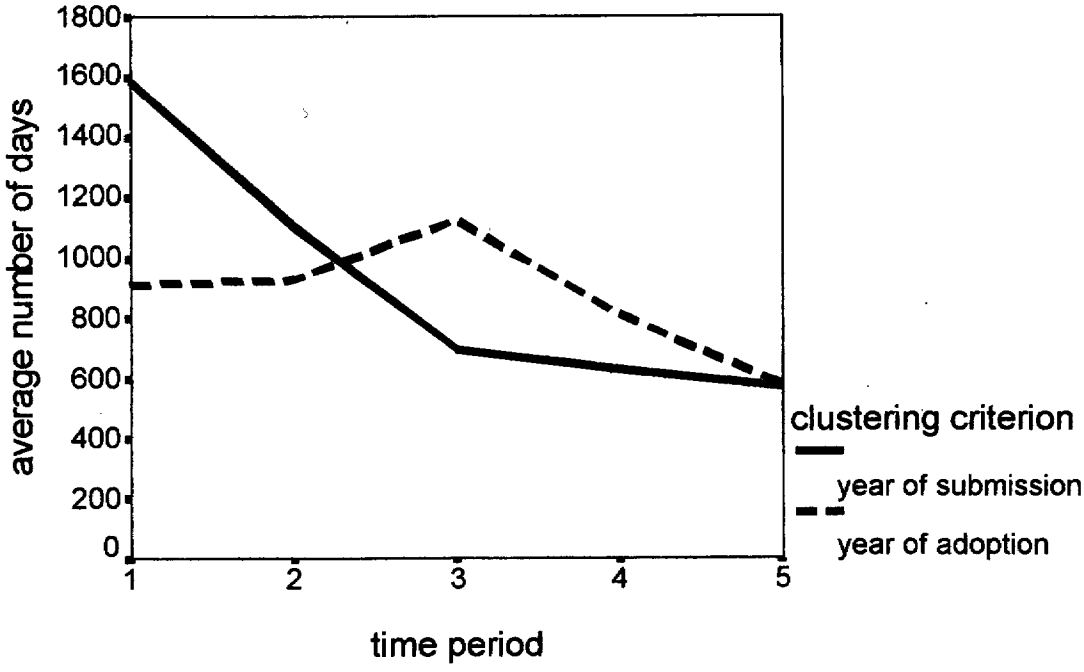


Figure 6: Speed of Decision-Making Across Environmental Domains

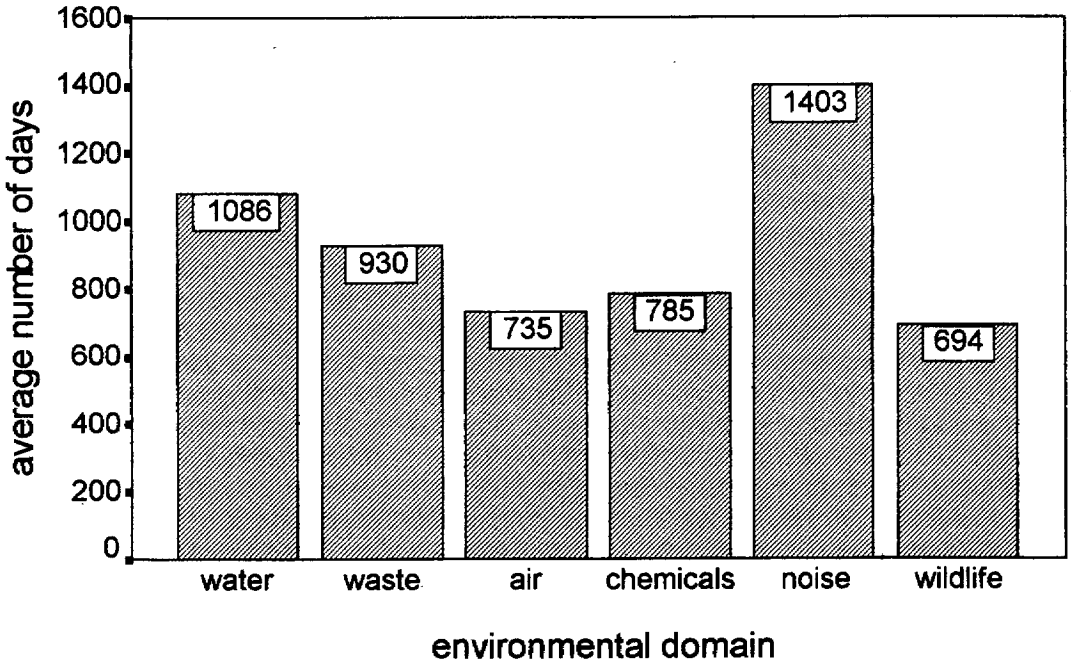


Figure 7: Temporal Variations in the Speed of Decision-Making in the Water, Noise and Air Domains

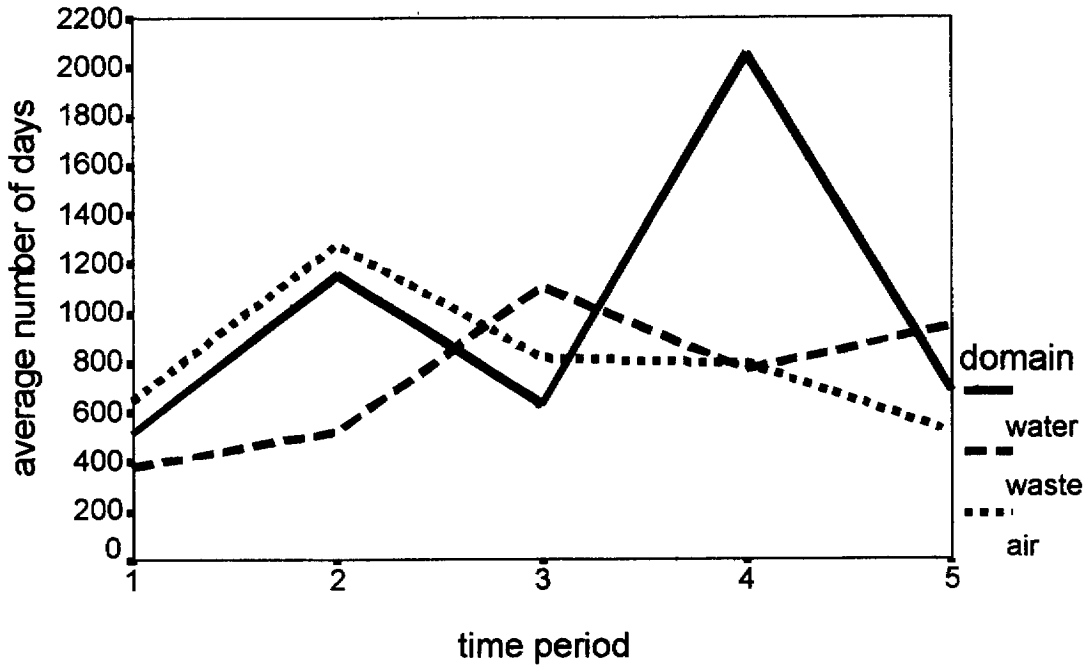


Figure 8: The Speed of Decision-Making in the Chemicals, Noise and Wildlife Domains

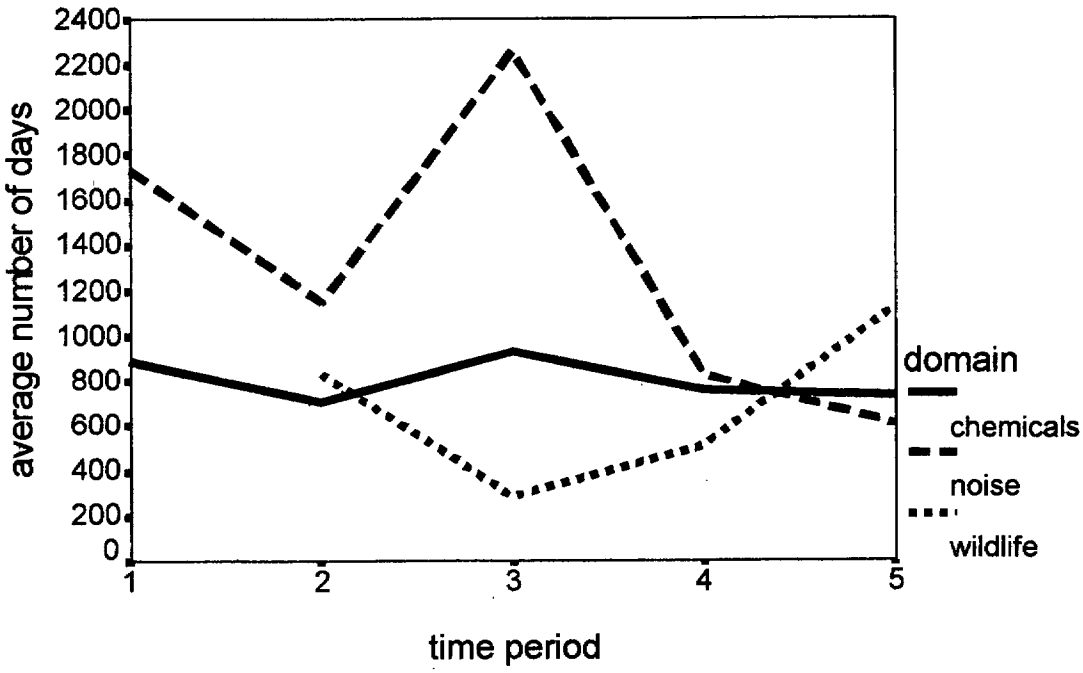
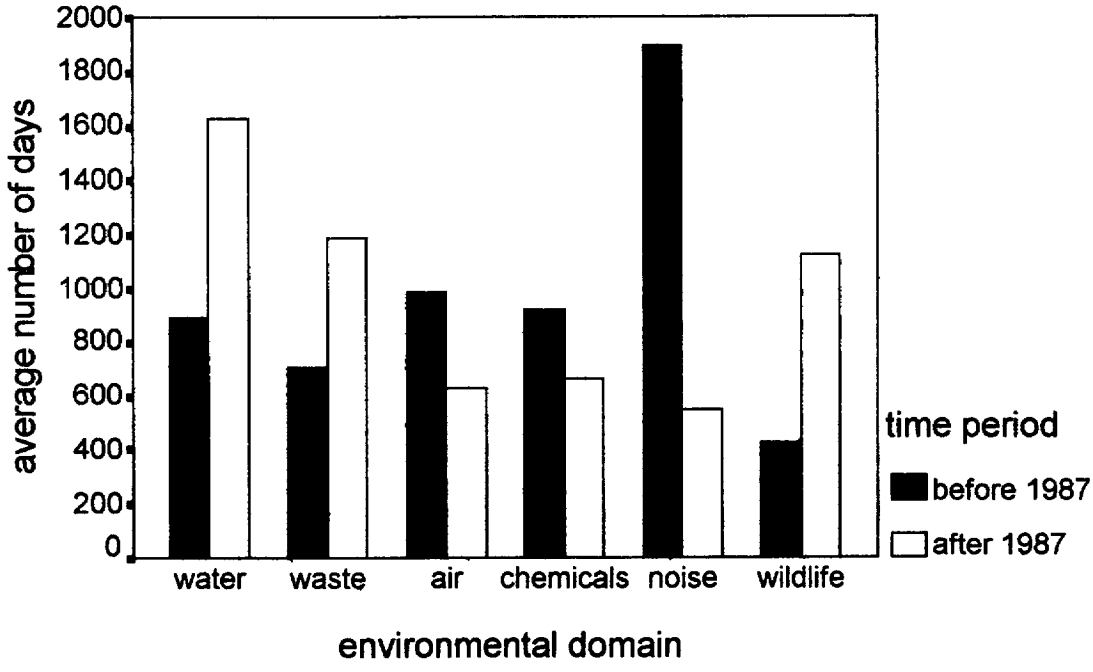


Figure 9: Temporal Variation in the Speed of Decision-Making in Different Domains Before and After the Introduction of QMV



NOTES

[i] The number of Council sessions p.a. nearly doubled in twenty years, rising from 57 in 1975 to 92 in 1994 (Hayes-Renshaw and Wallace 1997: 30).

[ii] Wallace (1991: 19) argues that the alarming prospect of the Iberian enlargement bringing EC decision-making to a grinding halt was what 'really kicked off' the negotiation of the SEA.

[iii] Macrory and Purdy identify 70 'major' items of environmental legislation.

[iv] There are gaps in the documentary record in the period up to the late 1970s. The CELEX database only a provides a systematic coverage of items adopted after 1979.

[v] Using the Kruskal-Wallis test ($\chi^2 = 11.5$; $p \leq 0.02$ for the results based on year of adoption and $\chi^2 = 44.5$; $p \leq 0.001$ for the results based on year of submission).

[vi] In practice, proposals based on Article 130 continued to be adopted by unanimity after 1987. Indeed unanimity will continue to apply for certain aspects of environmental policy when the Amsterdam treaty is ratified (Jordan, 1998a). However, clustering the data according to the exact Treaty base/decision rule (i.e. unanimity or QMV) does not produce a statistically significant number of observations hence the more aggregated approach used here.

[vii] Using a Mann-Whitney test (outcome of test statistic (Z-value) = -3.5510; $p \leq 0.001$).

[viii] Using a non-parametric Mann-Whitney test.

[ix] States clearly regard these as politically sensitive because they will still be subject to unanimity post-Amsterdam even though the EU has already established some competence (see: Jordan 1998a).

[x] In a footnote, Moravcsik (1995: 613) concedes that his earlier focus on grand bargains was a 'theoretically justified first step... [which] does not foreclose the possibility that [LI].... will be helpful in explaining many everyday decisions as well.'

[xi] Our division between primary and amended legislation is an admittedly crude means of addressing this problem.

[xii] Interestingly, Scharpf (1996, 20) has since qualified his arguments by differentiating between different *types* of legislation. He now argues that while process standards (e.g. environmental impact assessment) commonly reflect the lowest common denominator of state preferences, product standards normally do not. We owe this point to Rüdiger Würzel.

[xiii] Based on Haigh's (1998) data.