

Spanish Environmental policy in the 90' and the impact of the EU.

The case of water policy.

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How and why is EU environmental policy able jeopardize a hundred years of policymaking?. In a Mediterranean environment, characterized by the contradictory scarcity of water and the relevance of irrigation lands to the national economy, water policy in Spain has been the subject of historical demands, territorial struggles and unachieved promises of economic development linked to the resource. From the 19th century until the present, the assurance of a satisfactory water supply, i.e., that which meets water demands, has been the subject of water policy in Spain. Since the 1950', extensive public works activity has spread out dams throughout the territory with the acquiescence and consensus of a small, closed group of actors. This included primarily the Central Government, farmers and constructors, who established frequent relations among them that will survive the democratic transition. Nevertheless, these activities and public investments did not solve the water unbalance in some areas, especially the East, which is mainly oriented to the production of irrigation agriculture.

After the approval of the Water law in 1985¹, public efforts were focused on designing a global plan that would resolve water unbalances, water demands and projects of future economic development, conceiving water as a element of territorial cohesion and solidarity. Nevertheless, new actors, priorities, scenarios and standard operating procedures had appeared in the policy area. The joining of the

European Union had definitely altered the policy area, introducing new priorities and resources through its regulations that blocked the former initiative, yet still improved the development of new and successful environmentally oriented water policies in the domestic scenario.



Therefore, the aim of this paper is to suggest that Europeanisation of environmental policy in Spain, especially regarding water, has produced changes in the institutional framework and policy networks for water policy in Spain.

The Europeanisation of water policy has changed the dynamics of institutions. New public bodies have been created to handle water policy. Hence, the creation of the Secretary of State for Environment and the Directorate General for Water Quality has changed the distribution of legal, economic and political resources in the policymaking process, and has modified the capabilities of different administrative bodies as agenda-setters. The presence of Cohesion Funds from the EU increases the ability of these new institutions to develop problem-solving strategies. Simultaneously, policy style has changed (Richardson, 1982) evolving from a non-cooperative and reactive style to a new cooperative, albeit non anticipatory style.

Europeanisation of water policy has included the ideals of the “sustainable development” paradigm. Thus, it has produced substantial changes in the policy networks, among many levels of government, in the area of water policy. It has altered policy networks across two main dimensions: 1) the normative ties among members, and; 2) the structure of interdependence among participants. Along the first dimension, there has been a breakdown related to a “classical” agreement in the subject matter, namely an increased water supply. This breakdown affects old actors in the previous policy community,

¹ Ley 29/ 1985, August, 2nd.

changing their normative priorities towards a more sustainable strategy to deal with water management; this is the case of the epistemic communities and the Spanish Ministry of the Treasury. At the same time, new actors that share these same values have acquired the capability to establish sporadic relations with old actors, increasing their ability to influence the agenda-setting process.

Along the second dimension, the modification in the structure of resources' interdependence among actors has been reflected in standard operating procedures. This change has opened a way to develop problem-solving strategies in the formulation phase of some policies, especially those related to water quality.



The Europeanisation of environmental policy in Spain has produced a paramount impact on the management of a basic and scarce natural resource in this country : the water. In order to understand the modifications that Europeanisation has produced in the institutional arrangements and policy networks of this policy area, the first section of this paper will try to clarify what is understood by two main concepts that guide this analysis: *Europeanisation* and *policy networks*. The second section will briefly summarize the cycle of the two main policies the analysis is based on. Finally, the third section will cope with the impact of the Europeanisation process on institutional domestic arrangements and on policy networks that steer water policy in Spain.

***Europeanisation?* Clarifying a confusing concept.**

As other concepts in the literature about the European Union, and connected with the debate about “how to explore the nature of the beast” (Risse-Kappen 1996)², the concept of *Europeanisation* is being used with several meanings, usually complementary but hardly clarified. In order to introduce some conceptual clarity in the use of Europeanisation this paper do, next section will try to elucidate (with no aim of conclusiveness on an open debate) the different meanings of this concept within the literature.



Roughly speaking, the literature about the EU has being used Europeanisation to refer to **two different but complementary processes**: the emergence of a system of supranational and/or multilevel governance³, and the impact of the EU requirements, regulations and policymaking process on the domestic institutional arrangements and standard operating procedures.

Europeanisation can be defined, firstly, as the emergence of a process of multilevel policymaking, which is based on the transfer of national and subnational policy competencies to the European level (Börzel, 1998: 2)⁴. This lead to recognize of the emergence of a **process of**

² Risse-Kappen, T. (1996), “Exploring the nature of the beast: IR theory and Comparative Policy Analysis meet the European Union”, in *Journal of Common Market Studies*, 34, 1: 53-80.

³ Sandholtz & Stone Sweet (1998) posit that the Multi-level governance approach is centered in the analysis of specific policy areas that the EU level, taken for granted the existence of this scheme, while they are trying to explain why and how the new scheme of governance has been developed.

⁴ Börzel, T. (1998), “Towards cooperative regionalism in Europe?, The impact of Europeanisation on the territorial structures in Germany and Spain”. Paper presented for the *Council of European Studies*. Baltimore, February, 1998.

supranational governance (Sandholtz & Stone Sweet 1998) that, eventually, is deriving in the existence of a **system of multilevel governance** (Marks, 1995, 1996). This implies to assume that, as Stone Sweet & Sandholtz posit (1998: 3-20), the EU has developed from an interstate treaty to a system of governance through a sequential but reinforcing involvement of EU organizations, EU rules and the increasing presence of non-governmental actors in intra-EU exchanges. Therefore, the process of supranational governance becomes institutionalized when formal or informal rules that guides the interactions among actors at the European level shape the roles, interests and strategies of them, i.e., when actors adapt to the new rules and arenas and are the context for subsequent transactions and policymaking.

It is possible to talk about Europeanisation as the emergence of a process of multilevel governance when the distinction between “normal” national and “normal” interstate politics blurs (Sandholtz, 1996: 412)⁵. The multilevel governance model assumes that decision making competencies are shared by different actors at different levels, which is to say that supranational institutions have an independent influence in the policymaking process that cannot be longer derived from their role as agents of States Executives (Marks et al., 1995: 4)⁶. Furthermore, different political arenas are interconnected⁷, which allows subnational and private actor to by-pass national governments, and have a direct and independent access to the European policymaking. MLG assumes, therefore, that

⁵ Sandholtz, W. (1996), “Membership matters: limits to the functional approach to European Institutions”, in *Journal of Common Market Studies*, 34, 3: 403-429.

⁶ Marks, G., Hooghe, L. & Blank, K. (1995), “European Integration and the State”, *EUI Working paper RSC*, No. 95/7.

⁷ Gary Marks’ works about the MLG show specifically an analytical transition, firstly assuming that actors were nested in this process of governance, and thus assuming the intermediary albeit non-key role of the State. Eventually, Marks (1996) recognizes that actors in the MLG scenario are nor nested but interconnected.

policymaking in the EU takes place in a dynamic, complex and diversified environment where public actors, whether national or supranational, are increasingly dependent of on the resources of public subnational and private actors (Marks 1993, Sandholtz 1996, Heritier, Knill et al. 1996).



But Europeanisation can be also the result of the “push”⁸ dynamic that characterize the EU environmental policy area. So, Europeanisation can also be understood as the way the European Union becomes enmeshed in domestic politics. EU rules and procedures can constrain domestic policymaking, and can even bring about changes in domestic institutional structures, i.e., the domestic institutional structure can remain altered in ways designed to meet EU requirements. Hence, the impact of the EU rules and requirements in domestic institutional arrangements and/or policymaking can achieve several degrees, as it is being recognized by the literature. It seems widely recognized that EU policies themselves can offer additional resources (competencies, information, money, expertise) to various domestic actors, while other are deprived of them, or the importance of some resources increases in relation to others (Börzel 1998: 67)⁹. In this way, the frame of multilevel governance has challenged many national practices, disturbing not only certain privileged links but equally traditional modes of national regulation. It also can introduce new principles and categories, modify politico-administrative cultures and sometimes break with deep-rooted tradition and practice by dismantling solidly established

⁸ Sbragia, A. (1996), “Environmental policy: the push-pull of policymaking”, in Wallace & Wallace, *Policy-making in the European Union*. Oxford, Oxford University Press.

⁹ Börzel, T. (1998), “The greening of a polity?. The Europeanization of Environmental policymaking in Spain”, in *South European Society & Politics*, 3,1: 65-92.

policy communities (Mény et al. 1996: 5)¹⁰. Thus, the impact of EU regulations and rules can be empirically traced along domestic institutional changes and alterations in the policymaking process, although that impact will considerably vary among Member States and policy areas. Some authors go even further, positing that the EU, and concretely the Commission, provides a new philosophy of governance, based on cooperative governing, which changes the ideas and beliefs of domestic private and public actors (Kohler-Koch 1996)¹¹.



Assuming that EU environmental policy has evolved a process of supranational governance, this paper will try to analyze the impact of the EU environmental requirements on two domestic dimensions: the institutional arrangements and the policy networks that steer water policy in Spain. In the first case, it will try to be demonstrated that Europeanisation of water policy can be considered a mechanism of institutional dynamism (Steinmo, Thelen & Longstreth, 1993)¹². In the second case, the entanglement of the EU environmental policy process at the domestic level provides new resources and normative basis that eventually have altered the traditional policy community that guide water in Spain.

Policy networks as a tool: from a descriptive use to an analytical aim.

The choice of policy networks as an analytical tool forces to justify its relevance. Policy networks has become an integrative analytical structure to understand some new policymaking process,

¹⁰ Mény, Y., Muller, P., & Quermone, J.L. (ed.) (1996), *Adjusting to Europe, The impact of the European Union on national institutions and policies*. London, Routledge.

¹¹ Kohler-Koch, B. (1996), "The strength of weakness. The transformation of Governance in the EU", in Gustavsson, S. et al. (ed), *The future of Nation State*. Stockholm, Nerius & Santerus: 169-210.

characterized by a growing pluralism, fragmentation and proliferation of actors. Simultaneously, institutional fragmentation has divided legal, economic and information resources, as well as policymaking capabilities among different types of public and private actors, whose are obliged to cooperate in order to collect the authority, resources and knowledge necessary to assure a successful development of the policymaking process (Bressers, O' Toole & Richardson, 1995: 6)¹³. Therefore, the concept of policy network allows to answer three main questions: “who rules?”, “how do they rule?” and “in whose interests do they rule” (Rhodes, 1997: 10)¹⁴, and helps to establish further effects on the issue definition, the strategies of the actors involved in the policymaking process, on decisions contents and on the implementation process, combining the top-down and bottom-up perspectives of public policy analysis.

The broad policy network literature has tried to answer two general questions: whose actors are entangled in the policy process, and what is the nature of interactions they develop. Although these questions allow to offer a description of the “scenario”, they hardly achieve an analytical perspective that enables to link a given policy network type with certain policy results. This has been the main critiques that policy networks literature has received (Dowding 1994, 1995; Benington & Harvey, 1994). In order to justify the analytical link that is missed in this pure descriptive perspective, it is necessary to offer a clear definition of what is understood by a policy network.



¹² Steinmo, S., Tehlen, K., Longstreth, F. (1993), *Structuring Politics. Historical Institutionalism in Comparative Perspective*. Cambridge, Cambridge University Press.

¹³ Bressers, H; O' Toole, L. & Richardson, J. (1995), *Networks for water policy. A comparative perspective*. London, Frank Cass.

In a generic way, Bressers et al. (1995) defines a policy network as the variety of interdependency structures that is possible to identify among a group of actors in different phases over the policy making process. Concretely, two are the dimensions that define a policy network: the **normative integration** or common acceptance of a basic group of values¹⁵ by its public or private members; and the **resource exchange relations** among members, which condition the nature of members relations. Both dimensions define the structure of resources dependency that is established among the members of the network and, therefore, its morphology.

Precisely, Dowding (1995: 152)¹⁶ posits that policy networks are characterized by this structural dimension, which allows to link different types of policy network with different types of policy results in the policymaking process¹⁷. Dowding has attacked the most popular study on this analytical field (the Marsh and Rhodes study, 1992)¹⁸ as they classify policy networks in terms of their member's features, describing differences among policy networks types that, by themselves, lack of any type of theoretical relevance, i.e., member features in terms of normative definition and resources ownership are not causally linked to certain type of policy results. Nevertheless, Dowding argues that these features are the

¹⁴ Rhodes, R.A.W. (1997), *Understanding Governance. Policy networks, governance, reflexivity and accountability*. Buckingham, Open University Press

¹⁵ Jordan (1990) refers to the existence of "shared views", and Smith (1993) goes a step beyond, talking about "shared ideologies".

¹⁶ Dowding, K. (1995), "Model or metaphor?. A critical review of the policy network approach", in *Political Studies*, vol. XLIII: 136-158.

¹⁷ We are avoiding to talk about "policy outputs" or "policy outcomes" because this would mean limiting the effect of a policy network to the implementation process when, in fact, its effect is also relevant in the agenda setting or policy formulation phase.

¹⁸ Marsh, D & Rhodes, R.A.W. (1992), *Networks in British governments*. Oxford, Clarendon Press.

ones that determine the nature and frequency of relations among network members, and this network's structural characteristic could be linked to some type of policy results.

This last criticism lead us to opt or refuse some **typology** of policy networks. As it is well known, Marsh & Rhodes (1992: 251) have assumed the *policy network* concept as a generic referent that, based on the two variables cited above, includes a continuous typology running from *policy communities* to *issue networks*. Policy communities would describe closed networks, composed by a few members that share common values and objectives, developing strong structural dependency relations, that would result in positive games. Issue networks would describe scenarios composed by a high number of actors with several, different and even opposite interests and values. These actors develop unstable relations and weak structural dependencies.

This typology, however does not pretend to be exclusive neither exhaustive. In fact, the consequences of considering this typology as exclusive implied in this typology are clearly evident in cross-sectoral policy areas. Read (1992)¹⁹ overcomes this handicap admitting that a policy network acquires different forms in its core or its periphery. Therefore, it is quite common to identify policy networks with a policy community morphology in the core and an issue network morphology in the periphery.



Why has this analytical approach been chosen in this study?. The policy network approach facilitates a first overlook to the water policymaking process in Spain. It can be used with a descriptive aim in order to identify the man actors in the process, their values and objectives, their resources and the

relations they develop. But this approach also allows to identify the impact of European environmental policy in Spain, showing how new resources and ideas have been introduced in the domestic policymaking process through European regulations. Eventually, this factor has produced a modification in networks for water policy, altering its former normative integration, the structure of resource dependency among actors and, therefore, the network morphology, with further albeit irregular implications on the agenda setting process and the standard operating procedures in this policy area.

2. The National Hydrological Plan and the implementation of 91/271 Directive (1993-1995). The policy cycle.

The period 1992-1995 seems to be a critical one in the development of water policy in Spain, Two of the most important policy initiatives in this policy area were evolved in these years, the proposal of the National Hydrological Plan (*Plan Hidrológico Nacional, PHN*) and the implementation of 91/271 (Urban Waste Water) Directive through the National Plan of Sanitation and Depuration (*Plan Nacional de Saneamiento y Depuración*). A brief description of both policies will help to understand the impact that EU requirements has caused on domestic institutional dynamics and arrangements, but especially on water policy networks.



The **National Hydrological Plan** (1993)²⁰ reflects the main water policy objectives in Spain for the following twenty years. Its main objective was to achieve a level of water supply that could satisfy the levels of water demand, in a natural environment characterized by a notable irregularity in

¹⁹ Read, M.D. (1992), "Policy networks and issue networks: the politics of smoking", in Marsh & Rhodes (1992).

²⁰ The last draft (as this policy was never completed) was presented in 1993.

geographic and seasonal distribution of water resources, as well as in the balance of water demand and water resources in some geographical areas, as the east of Spain, economically oriented to irrigation agricultural activities. Even when the PHN foresees the partial acquirement of these resources through a water saving strategy, the main purpose was centered in the construction of 150 new dams and a new system of inter-territorial water transference through canals, especially from the center and North of Spain²¹ through the East. This would suppose an increase in water supply of 7250 hm³, and a total cost of 3 billions pesetas (around \$ 20 thousand millions).

The first phase of this public policy is characterized by the agreement around the main objectives of the policy and the economic oriented values that remained behind it, i.e., the consideration of water as a key natural resource for the economic development. The policy was design by a closed and limited group of actors, mainly the MOPTMA²², farmers associations²³, epistemic communities (engineers), the Treasury Ministry and the Agriculture Ministry. All of them shared the same policy objective (to increase the water supply, especially in some geographic areas). Nevertheless, they no longer monopolized the control over the legal, economic, political and information resources. This breakdown marks the beginning of a troubling and conflictual policymaking process.

The first and maybe most relevant breakup is related to the vertical division of policymaking capabilities. The decentralization process developed after 1978 did not affect the legal responsibilities of each level of government in this policy area. Those quantitative aspects related to water policy remained

²¹ Concretely, from the *Tajo* and *Ebro* rivers to the East basins.

²² MOPTMA, *Ministerio de Obras Públicas, Transporte y Medio Ambiente*, (Ministry of Public Works, Transportation and Environment).

a responsibility of the central government, concretely the MOPTMA, which coordinates and controls the activities of the Rivers Authorities (*Confederaciones Hidrográficas*, CH). However, the main target population of this policy initiative were the Autonomous Communities, practically excluded from the policymaking process: its participation is only articulated by the National Council of Water (*Consejo Nacional del Agua*), an advisory body that the MOPTMA must hear before approving the policy. The redistribution of a key and scarce natural resource stroked historical demands of economic development linked to an improvement in the amount of available water resources in *Castilla La Mancha* and *Aragón*. Especially the first one unfolded a confrontational strategy against this central initiative, keeping apart partisan considerations as long as both governments were led by the PSOE. *Castilla La Mancha* used its political resources in order to delegitimize the initiative in face of their territorial constituencies, combining a strategy of blame avoidance and sense of deprivation that will provoke a social reaction in this territory, shown by demonstrations and a legislative initiative in the Senate (March-December, 1994). Therefore, this sub-government tried to capitalize its political resources in order to overcome its few capabilities to influence the policy design.

However, this is not the only breakdown affecting a former closed, consensual and limited policy process. The environmental organizations also appear as new actors that own key information resources that they handle to challenge the environmental viability of the PHN, in a public campaign of loss of prestige.

Nevertheless, the main impact is going to be got up by two of the key former actors entrenched in what can be characterized as the water policy community: the Ministry of Treasury and the

²³ Historically, irrigation farmers in Spain are organized in Irrigators Communities (*Comunidades de Regantes*), that at the national level are linked through the National Federation of Irrigators Communities (*Federación Nacional de*

epistemic communities. The Ministry of Treasury considers the PHN as unbearably expensive in terms of cost-benefit analysis: taking into account the situation of economic crisis and budgetary shortage imposed by the criteria of accession to the EMU, as well as the future expansion of irrigation production in the European economic context, this actor posits that the expensive investments required by the PHN were hardly justifiable. Furthermore, it is argued that other policy instruments, as a whole strategy of water saving and rational use of the resource would be better off suitable for the aim followed by the PHN.

The epistemic communities started to defend the need of assuring the environmental protection and equilibrium as a pre-condition to any other strategy related to water management. Epistemic communities did not challenge the main objective of the PHN, but the policy instruments. They propose strategies oriented to water saving, rational use or even re-utilization.



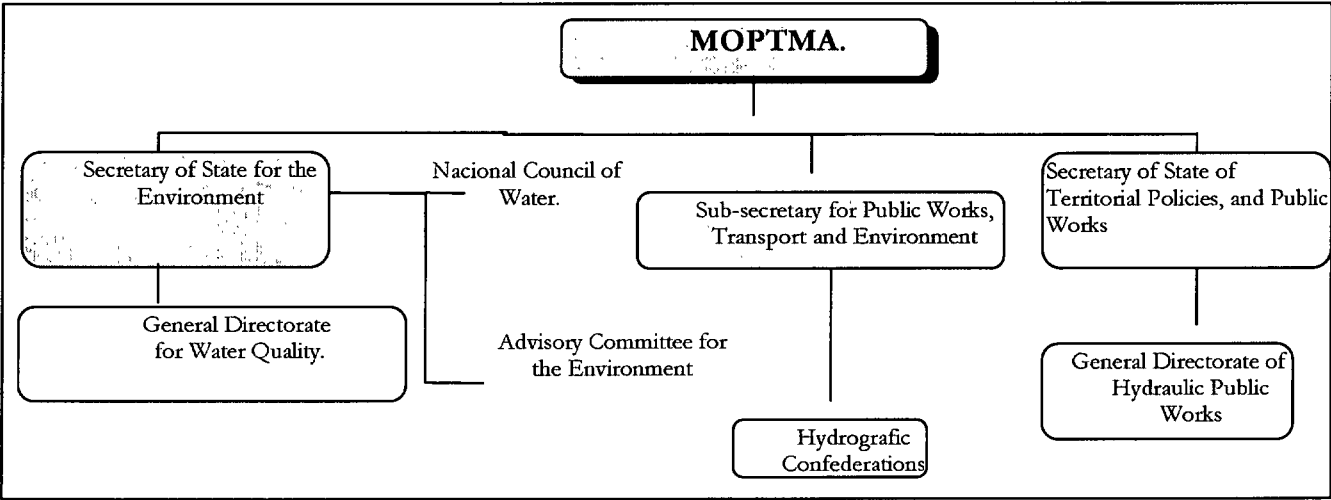
The transition towards environmental values in the quantitative management of water policy lead us to refer to the second main initiative in this period. The transposition and practical enforcement of the **91/271 Directive** (Urban Waste Water Treatment Directive) was carried out through the National Plan of Sanitation and Depuration²⁴. Once again, the fragmentation of the legal, political, economic, and information resources defines the policymaking scenario. At the domestic level, the recently set up Secretary of State for Environment²⁵ shared the competencies over water quality with the Autonomous Communities, while only the central level of government had the ability to have a direct and formal

Comunidades de Regantes).

²⁴ *Plan Nacional de Saneamiento y Depuración* (PNSD), May, 1995.

²⁵ *Secretaría de Estado de Medio Ambiente y Vivienda* (SEMAV), created in 1993. It depends functional and organically from the MOPTMA.

access to the agenda setting process at the European level. Notwithstanding, the two main requirements of the Directive were mainly swayed by the division of economic and information resources. The first requirement imposed by this Directive was the elaboration of a catalogue of “sensitive” and “less sensitive” areas, including as well the level of treatment and infrastructures available in each Autonomous Community, which would help to determine what areas would firstly need the construction of a treatment plant²⁶. This task demanded the cooperation among three levels of government, the local, the regional and the central one. Simultaneously, the construction of these treatment plants, linked to the achievement of certain levels of water quality, required high investments, over again in a context of budgetary shortage and economic recession.



Source: MOPTMA (adapted).

For circumventing the dispersion of legal and political resources, the SEMAV established an informal network of relations with the Autonomous Communities, later formalized in the Sectoral Conference of Environment (1994). If the first pattern of cooperation improved the elaboration of the catalogue, the second one became the arena where the PNSD were formally discussed, achieving

²⁶ This catalogue should be sent to the Commission in 1993.

bilateral agreements between the State and each Autonomous Community to assure its implementation²⁷. The SEMAV showed an innovative pattern of consultation and cooperation that allowed a consensual agreement on the policy objectives and instruments in this case.

Nevertheless, the SEMAV did not restrict participation to public actors. Other actors exhibited an active interest in the policymaking process, as it is the case of industries, consumers and environmental organizations. Furthermore, some of these actors held notable information resources. The SEMAV decided to open the pattern of consultation to private actors, integrating these actors in the Advisory Committee of Environment (1993), which conclusions will be included in the PNSD.

The PNSD implementation requested high investments. As legal and policymaking resources were spread among at least three levels of government²⁸, economic resources could be also obtained from those levels of government that held the autonomous and formal ability to design the policy, i.e., the European Union, the central government and the Autonomous Communities. In this sense, all levels of government committed in the process will cooperate in order to provide the required economic resources to assure the implementation of the plan. Doubtless, the financial assistance of the EU through the Cohesion Fund appears as a key variable in this pattern: the Cohesion Fund will provide the 85% of the resources needed to finance the Plan. The SEMAV provided at least the 25% of the costs of this works, although it could obtain the resources from European funds if they were consider as “works of general interest”. The Cohesion Fund could also provide financial assistance to the amount of money the Autonomous Communities should contribute.

²⁷ Guadalupe (Cáceres), September, 19th, 1994 (in *Información de Medio Ambiente*, 35/95).

²⁸ Municipalities were also engaged in the management of water policies, although they lack any type of legislative or policymaking capability. Adding to this feature, the financial power of Municipalities in Spain is really weak.

Therefore, by developing patterns of consultation and cooperation with public and private actors, the SEMAV was able to collect the resources needed to assure the practical enforcement of this directive. This new public body opted for acting as a director in the policymaking process, allowing the formation of consensual agreements around the policy.



This two initiatives reflect different standard operating procedures guiding water policy in Spain, as well as obvious different policy outputs. But, are these features the result of formal institutional modifications?, or complementary, do they reflect further changes in the structure of governance?.

Europeanisation as a factor of institutional dynamism.

Some part of the scholars linked to the Neo-Institutionalist literature point out that institutions limit the political process, providing a context to political actions that influence the interests formation and interactions among actors, although they are not the sole explanatory factor of the political process (Immergut, 1998)²⁹. But institutions are also constrained by factors that act as sources of “institutional dynamism” (Steinmo , Thelen et al., 1993: 16)³⁰, and in this case, institutions can become the object of change by themselves. As it has pointed out before, this paper will to analyze the effect of EU

²⁹ Immergut, E. (1998), “The theoretical core of New Institutionalism”, in *Politics & Society*, 26, 1: 5-34.

³⁰ Steinmo & Thelen (1993: 16-26) point out four sources of institutional dynamism:

1. Latent institutions suddenly become salient.
2. Old institutions are put in the service of new ends, as new actors come into play.
3. Exogenous change can produce a shift in the goals or strategies being pursued within institutions.
4. Institutions become themselves the object of contention. In this case, institutional change results from deliberate political strategies.

requirements on the Spanish institutional arrangements. In this sense, what is the effect of the Europeanisation in Spanish water policy?.



The Europeanisation of Spanish water policy stretches its effects far beyond than the pure modification of the legal framework (transposition) and the formal institutions, affecting also the standard operating procedures that guide the policymaking process.

As well as the transposition of several Directives, the Europeanisation has been resulted in key modifications of the formal institutions holding formal competencies in the policy area. The setting up of the Secretary of State for the Environment (1993) and the location of the General Directorate for Water Quality under its organic and functional dependence has reallocated the political, legal and economic resources, affecting the dynamics that steer the policymaking process inside the same organizational structure, the MOPTMA. Legal resources are now horizontally divided among the SEMAV and the General Direction for Public Works, whereas the first will be responsible of developing water quality regulations and in the implementation of EU water quality directives.

Europeanisation in this policy area also implied the multiplication of economic resources available in water quality policies (as opposed to the concentration and scarcity of economic resources in water quantity directives) in a context of budgetary shortage. The availability of Cohesion Funds for paying the PNSD allowed the development of problem-solving strategies, and the removal of hypothetical lines of conflict related to questions of financial insufficiency among different levels of government, mainly, between the State and the Autonomous Communities.

COHESION FUND.
INVESTMENTS IN SANITATION AND DEPURATION IN SPAIN.

Administration executing	Total investment.	Millions pesetas. Approved help.
Autonomous Communities	132.807	106.264
Central	68.682	58.380
Total	201.489	164.644

Source: Ministry of Treasure, 1998.

But modifications produced by the extensive Europeanisation of this policy area are not limited to formal institutional changes and alterations in the distribution of resources along the policymaking process. The CAMA (*Consejo Asesor de Medio Ambiente*, Advisory Committee of Environment) was created as an answer to the participatory approach promoted by the 5th Environmental Action Plan. As it has been described, this new body will play a key role in the preparatory works of the PNSD that can be interpreted as a movement towards a more cooperative “policy style”³¹ or “regulatory style” . This

³¹ The classical concept of policy style (Richardson, 1982) is defined as the interaction between the type of relations the government develops with private actors (cooperative/non-cooperative) and its approach to problem resolution (active/reactive). The first dimension is relatively close to the definition that Knill & Lenschow (1998: 5) offer about “regulatory style” as “(...) patterns of interaction between administrative and societal actors”.

new style is in contrast to the traditional non-cooperative style³² developed by the MOPTMA, as they used to restrict participation in the policymaking process to a few private actors, as it is illustrated in the PHN policymaking process. Therefore, the evolvement of a cooperative style in water quality policy can be interpreted as the result of the “new philosophy of governance” to which Kholer-Koch (1996) refers.



The effects of Europeanisation, however, are spread out to the water policy networks. The emergence of a system of multilevel governance that splits old resources and provides new ones, as well as the turning up of new ones, modifies the morphology of the deeply rooted policy networks that guide water policy in Spain.

Modifications in water policy networks.

As it has been said, the morphology of a policy network is defined by the degree of normative integration its members shared, as well as the structure of resource dependency among them. These two variables determine the type and frequency of reached interactions. Furthermore, those variables define the configuration that could be linked to some type of policy results and to the ability of those networks to adapt themselves to a changing environment (Bressers et al. 1995: 207).

Europeanisation has been reflected in alterations over the water policy networks, that have evolved from a policy community to a *layered* policy network³³. In this layered policy

³² Through all, Spanish environmental policy style has been widely characterized as a reactive a non-cooperative one (Font, 1996; Aguilar, 1993, 1997).

³³ Bresser at al (1995: 199) refers to a layered policy network as “(...)a network array that exhibit a degree of “layering”, an arrangement akin to concentric circles. In these cases, researchers report relatively tightly-coupled clusters or “cores” which operate interdependently with broader and more loosely-coupled structures”.

network, the core acquires the form of an unstable policy community, and the periphery becomes an issue network that establish sporadic relations with the core.



The former policy network, which used to design a water policy oriented towards a “supply increase”, adopted the form of a policy community, i.e., a network composed by few members, with common values and objectives and a quasi-monopoly over the resources needed to develop policies in this area. Both factors led to the maintenance of strong structural dependencies, based in two main factors: the general definition of water policy as an instrument to push the economic development, and strong relations in order to collect the resources needed in the policymaking process, both among public (MOPTMA, Treasury and Ministry of Agriculture) and few private actors (farmers, experts and construction companies). Hence, the DGOH, integrated in the MOPTMA, gathered the legal responsibilities to evolve policies related to the construction of water infrastructures, as well as the responsibilities related to water quality until 1993. Its policies were widely economically supported by the Treasury, as well as by the scientific resources of epistemic communities integrated in different advisory bodies of the MOPTMA. Simultaneously, DGOH policies and Ministry of Agriculture ones were closely interconnected, which guaranteed the coordination between the planning of hydrological public works and the increase of new irrigation lands.

Therefore, until 1993 it can be said that water policy in Spain was steered by a closed policy community, articulated over a wide consensus in economic development values. This consensus ensured frequent and closed relations that gathered the political, economic and legal resources required to develop this type of water policies.



As it has been analyzed above, Europeanisation has produced not only formal institutional changes, but also a redistribution of resources among private and public actors that has a different impact in qualitative and quantitative water policies, although it has brought about a general modification in policy networks, as well as further changes in the standard operating procedures.

In addition to the obvious division of economic and legal resources, Europeanisation had a direct impact on the ability of former peripheral private actors to gain policymaking capabilities. The openness of the Commission and the formal mechanisms provided by the TUE for monitoring the accomplishment of EU environmental regulations³⁴ locate environmental organizations in a central position in the policymaking process as hypothetical “watchdogs” in the process. Furthermore, the participatory approach proposed by the 5th EAP will drive the SEMAV to opt for a consultative pattern of relations with actors that were holding whether information (NGO’s, industries, epistemic communities) or policymaking resources (Autonomous Communities) in the formation of the PNSD.

Nevertheless, the main effects of the Europeanisation over the water policy networks must be linked to **the assumption of the *sustainable development paradigm***, mainly in water quality policies (PNSD), but also in the quantitative ones (PHN). The new policy priorities imposed by EU environmental regulations generated an initial intra-organizational breakdown inside the MOPTMA around the main water policy objectives: the SEMAV started to question the need to increase water supply, in opposition to the need of warranting this quality and the protection of the linked environments to this resource.

³⁴ Art.169 TUE.

This breakdown is spread out far beyond the MOPTMA, affecting to one central actor in the former policy community, the Ministry of Treasury, which started to place in doubt the economic and environmental viability of the PHN. Additionally, the epistemic communities also internalize the new environmental values, proposing strategies more respectful with the environmental values transmitted by the EU directives³⁵. The key informational and economic resources these actors held, adding to the breakdown of the former consensus they maintained on water policy priorities, changed the structure of resource dependency, as the MOPTMA loses the former support of these key actors. Therefore, it is possible to talk about an unstable policy community, mainly affected by a disagreement in the normative values that underpinned their former closed relations.



Nevertheless, the changes cannot be limited to this overturn. Around this policy community, it is showing up a group of new actors, with different normative priorities and resources, that develop weak and unstable relations, i.e., an **issue network**. This issue network is composed by environmental organizations, Autonomous Communities, and other private actors, as industries or consumer associations. Their resources, however, are never strong enough as to consider them an inner part in the policymaking process, albeit they share the same environmentally-oriented values as some members of the policy community, mainly, the SEMAV, epistemic communities and the Ministry of Treasury.

³⁵ All the strategies are related to policy instruments in order to save water resources, although their proposals hardly questioned the need to satisfy water demands (unless the Ministry of Treasury and the water demands linked to the new irrigation plantations and their profitable).

What is the relation of this issue network with the policy community? The divergent strategic answer of the main actor in the policy network, the MOPTMA, to the presence of this new issue network will determine the turning up of two different regulatory styles: a mediating regulatory style in the water quality sub-area and the continuity of a non-cooperative and interventionist regulatory style in the formation of the PHN. The emergence of these two regulatory styles is closely linked to the effects of the Europeanisation in the domestic policy network. Whereas the SEMAV developed a participatory strategy with the issue network actors, based on the need of their resources and a common agreements on the normative values, the rest of the MOPTMA will not react to their presence: even when some of these actors held resources and maintained common values that led to the formation of an advocacy coalition (Sabatier, 1993)³⁶, the MOPTMA kept on acting through a non-cooperative regulatory style. Precisely, the paradigm of sustainable development acted as the unifying factor of an advocacy coalition among the Treasury, the environmental organizations and the experts that, eventually, will challenge the traditional values water policy was based on, and will block the development of one the main water policy in this decade, the PHN.

Contrarily, the SEMAV, as a part of the water policy community, will opt for evolving patterns of cooperative relations with the issue network actors. This pattern, favored by a consensual agreement on environmental values, will assure the eventual development of the PNSD.

³⁶ Sabatier, P. & Jenkins-Smith, H.C. (1993), *Policy change and learning. An advocacy coalition approach*. San Francisco, Westview Press.

Conclusion. Europeanisation as a cause of “bounded” innovation.

A jeopardized policy area?. And, if this is true, what are the challenges and what are its effects?. It is hard to conclude that EU impact in Spanish water policy has produced a whole change in the main dimensions analyzed, i.e., the institutions conceived as standard operating procedures, and policy networks. Albeit the clear impact of EU regulations on water quality policies, its formal institutions, and the standard operating procedures that steer this sub-sector, the management of water supply remains quite resistant to change. The formal institutional division inside the MOPTMA, however, have introduced alterations in the distribution of resources among the actors involved in the area, as well as in the normative values that inspire the policy. Both factors have changed the policy network morphology and, therefore, the standard operating procedures understood as “(...) political rules, established by a tacit or expressed agreement, whether or not they can be written”³⁷.

Therefore, the main effects of Europeanisation can be identified in the water qualitative area, although its impact has been extended to the qualitative sub-area through the internalization of normative values, which are provided by former and key actors defending the principles of sustainable development. Nevertheless, this impact is limited to the blocking of non-environmental initiatives: it has been reflected nor in a new regulatory approach to water supply management neither in a new regulatory style that might develop new patterns of cooperation in the policymaking process.

³⁷ Steinmo & Thelen 1993. In this sense, see also, Hall 1993 or Rothstein 1996.

Should we conclude, hence, that this is a case of *bounded innovation* (Weir, 1992)? Lock-in effects are obviously present in the impact of EU regulations on water supply management. Nevertheless, lock-in effects are also being produced by the development of EU environmental regulation and its impact on domestic institutional arrangements: as long as EU regulations are spreading out new resources and enhancing new environmental priorities that enable new actors to participate in the policymaking process, they have created adaptative expectations in these actors as well as learning effects that push individual behavior in paths that are hard to reverse (Pierson, 1993, 1996, 1998) . The different response of an internally divided public actor, the MOPTMA, to the new process of multilevel governance reflects a new scenario of steering where a former dominant public actor no longer monopolize the needed resources to evolve water policies. Therefore, while Europeanisation has already modified part of the policy area, lock-in effects coming from above (EU) but also from below (the former and deeply rooted characteristics of policymaking process) are still present in water policymaking in Spain.

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