

***The Europeanisation of Dutch Environmental Policy:
The Advantages of Being 'Mr Average'?***¹

Duncan Liefferink and Mariëlle van der Zouwen

*University of Nijmegen
Department of Environmental Policy Sciences
P.O. Box 9108
NL- 6500 HK Nijmegen
Tel: +31 24 3611925*

E-mail: d.liefferink@nsm.kun.nl; m.vanderzouwen@nsm.kun.nl

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1 Overview

The Netherlands has always perceived its EU membership as positive and has generally been in favour of deeper European integration. The EU has certainly had a clearly identifiable impact on the *structure* of Dutch environmental policy, most notably the mechanisms used to co-ordinate the Dutch input into EU environmental policy and those governing the transposition and implementation of EU policy in the Netherlands. The impact of the EU on both the *content* and *style* of Dutch environmental policy is less apparent. Though in some cases Dutch policy instruments have had to adapt to EU requirements, Brussels seldom affects other substantive aspects of the policy content, such as goals, concepts and settings. This is mainly because many aspects of Dutch environmental policy successfully anticipate EU level developments. In fact, the Netherlands does not, like some other countries, sit simply back and wait for the EU to act on a given issue, but 'uploads' general policy concepts and strategies to the EU

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level. The most notable difference between the Netherlands and the EU occurs in relation to their respective policy styles. Dutch consensualism and an emphasis on long-term planning appear to be very robust and to some extent in contrast with the EU style, which is more legalistic and ad-hoc. As will be argued in this chapter, the difference in style has been the breeding ground for most of the conflicts between Dutch and European environmental policy over the last years.

2 National attitudes to Europe and the Environment

The Netherlands was one of the six founding members of the EEC in 1957. Until recently, it used to be one of the most deeply committed advocates of deeper integration. Being a trading nation and exporting a significant part of its products to other EU member states, the Netherlands has always regarded the integration process as beneficiary to economic development in the country (Soetendorp and Hanf, 1998). Although often ranked as one of the most strongly committed Member States, the last time that the Netherlands advocated a strongly federalist vision of the EU was in 1991. An ambitious blueprint for the reform of the European institutions was presented in the context of the negotiations for the Maastricht Treaty. It failed to find any support among the other member states. This traumatic experience, which is now referred to as 'Black Monday', heralded a shift to a more pragmatic orientation towards European integration (Liefferink, 1997: 242-3). An even more important factor behind this change was economic, namely the realisation that the Netherlands was about to lose its status as a net-recipient of EU funding. Since 1995, the country's net contribution has in fact increased to one of the largest, measured in relative terms. With its open economy, the export orientation of large parts of its industry and agriculture, and its considerable stake in international goods transport, however, the Netherlands retains a strong self interest in achieving a well-functioning and effective Union. For that reason, the Dutch position in the EU can still be characterised as positive and constructive. Unlike more reluctant member states like Sweden and the UK, membership is a foregone conclusion. The EU is rarely discussed critically in the Netherlands. In general, the attitude can be regarded as positive, which is also reflected in successive Eurobarometers. In a recent report, 63% of the Dutch supported EU membership and believed that the country benefited from it (European Commission, 2001a). There is also a broad consensus among Dutch politicians and policymakers that EU membership is (economically) beneficial.

In the environmental field, the Netherlands has a reputation as one of the European 'pioneers' (e.g. Weale, 1992; Sbragia, 1996; Liefferink, 1997). It has a particularly well-developed system of long-term environmental policy planning and its environmental policies tend to be relatively strict. As a result, the Netherlands is often among the countries that push for stronger policies and stricter standards in the EU. This is not to say, however, that Dutch support for EU rules is unqualified or that national policy is entirely untouched by the EU. As we will see below, some important aspects of Dutch policy have been Europeanised. Specifically, problems in coping with EU policies are not limited to practical difficulties in complying with specific standards or requirements, but also involve barriers in the institutional set-up and differences in policy culture.

3 The Europeanisation of the Netherlands

In contrast with member states (e.g. the UK) which entered the EU relatively recently, or which hesitated strongly before doing so (e.g. Sweden), Europeanisation in the Netherlands proceeded gradually and almost noiselessly. For a long time, policy makers and interested parties seemed to take Europeanisation for granted and rarely problematised or questioned it. Only recently, has Dutch government seemed slightly to desert this traditional position (see above). Consequently, very few publications address the general process of Europeanisation. Crucially, the academic and political debate on Europeanisation is not nearly as well-developed as it is in younger and more Eurosceptical member states such as the UK. Section 4 deals with this issue in more detail.

In the academic field, the more structural aspect of Europeanisation is addressed occasionally. In recent studies by Soetendorp and Hanf (1998), and Soetendorp and Andeweg (2002) for instance, it was concluded that European policy-making in the Netherlands in general was basically still organised as it used to be in the 1950s. Over the years, only incremental adjustments had been made. The principal of departmental autonomy appeared as a key obstacle to a fully integrated input into day-to-day policy processes in Brussels. In the formal preparation of the Dutch strategy both in the Netherlands and at the Permanent Representation, the Ministry of Foreign Affairs plays a role as *primus inter pares*, but in practice much co-ordination was found to take place informally between those directly involved in negotiations in Brussels (Van den Bos, 1991).

4 The Europeanisation of Dutch environmental policy

4.1 *The Europeanisation of Dutch environmental policy content*

Undoubtedly the item of Dutch environmental policy that is best known abroad is the 1989 National Environmental Policy Plan (NEPP, 1989). It sets out an encompassing strategy for the development of a more sustainable economy by controlling substance flows through the entire cycle of production and consumption. This presupposes, according to the plan, a full integration of environmental considerations into other policy areas and close cooperation with target groups in society, such as industry and consumers. The plan served as a source of inspiration for similar plans in several other countries as well as for the EU's Fifth Environmental Action Programme (European Commission, 1993; cf. Kronsell, 1997; Liefferink, 1999).

The fact that it is a Dutch policy *plan* that is best known abroad is not a coincidence. In its self-assumed role of an environmental 'pusher' – the second NEPP uses the term 'active environmental diplomacy' (NEPP 2, 1993) – the Dutch government puts an emphasis on uploading basic concepts and strategies, which are deemed necessary to achieve more effective environmental problems solving. The energetic international 'marketing' of the NEPP is just one example. Others are the efforts to stimulate the development of a more coherent European nature conservation policy in the 1980s (Van der Zouwen and Van Tatenhove, 2001), and the active Dutch role in preparing the EU's recent framework directives, for instance that on water (Van As, 1995).

So, is the Netherlands the EU's environmental impresario? Generally speaking, of course the answer is no. Following Hall's triad of (1) the setting of policy instruments, (2) policy instruments and techniques, and (3) the policy goals and concepts (Hall, 1993), we will discuss instances where Dutch and European environmental policy do converge and where they conflict, and to what extent this leads to Europeanisation.

The setting of policy instruments

Considering the enormous amount of standards and other requirements in force in EU environmental policy, serious conflicts between the Dutch government and the EU about the material content of the policy occur remarkably seldom. As in the other environmentally more progressive member states, national policies are often already in

place at the time EU measures are adopted. Sometimes, following the logic of ‘regulatory competition’, Dutch domestic policies in fact acted as sources of inspiration for EU legislation, as happened for instance with environmental impact assessment (De Valk, 1995) and, more recently, strategic environmental impact assessment (together with Finland, among others; see Sairinen and Lindholm, 2001). In other cases, EU standards and existing or intended Dutch standards are not far apart and do not cause problems. As long as no tradeable products are involved, furthermore, EU directives often give room for stricter national measures.

There have been very few direct conflicts between European and Dutch domestic environmental standards. However, the Dutch government has, in a number of cases, chosen to enter into an open fight with Brussels. Obviously, such incidents can trigger considerable public attention. Examples are the Dutch insistence upon stricter emission for small cars with fiscal measures in the 1980s (Lieverink, 1996: 104-6), the unilateral ban, together with Germany, on the wood-preservative pentachlorophenol (PCP) in the early 1990s (Lieverink and Andersen, 1998: 257), the Dutch approach to merely select areas larger than 250 ha under the Habitats Directive, and most recently the struggle around the implementation of the Nitrate Directive (91/676/EEC). In the first two cases, the Netherlands was ahead of current EU policy. As regards the Habitats Directive, the Netherlands refused to select areas which it considered too small for a European ecological network. In the last case, the standards for the application of nitrogen were considered too strict, taking into account both natural conditions in the Netherlands and the socio-economic consequences.

Policy instruments

Dutch environmental policy until the mid-1980s relied quite heavily on direct state intervention. At the same time the Dutch tradition of consultation and co-operation – the ‘politics of accommodation’ described by Arend Lijphart (1968) – remained strong. The result was a pattern of policy-making that can be characterised as negotiated rule-making. The core of the policy field consisted of direct ‘command-and-control’ regulation which was itself the outcome of intensive consultation and negotiation with polluters. This added an extra dimension of inflexibility. Not only was environmental regulation, once in place, difficult to change in view of the required legal procedures, but also because the negotiation process was time consuming and hence difficult to fine

tune to respond to new circumstances. Already in the 1980s, this occasionally led to conflicts with EU legislation, for instance in the case of standards for the emission of sulphur dioxide from refineries. At the expense of some of its credibility with the other member states, the Dutch eventually succeeded in having their original domestic solution accepted as an alternative option in the Directive on air pollution from large combustion plants (88/609/EEC) (Lieverink, 1996: 125-7).

This type of problem became even more apparent in the 1990s, when the NEPP approach of target group management had fully matured. An important aspect of this was the negotiation of various kinds of agreements between the government and target sectors. Although basically in line with the philosophy of the Fifth Action Programme, the use of such agreements to implement EU policy was not always accepted by the Commission. The most conspicuous example occurred in relation to the EU's Packaging Directive of 1994 (94/62/EC). A voluntary agreement, or covenant, concluded between the Dutch government and the packaging sector in 1991, although generally more strict than the Directive, was disqualified as an insufficient means of implementing the directive in view of the essentially non-binding character of the agreement. The Dutch were forced to replace it with a formal regulation, much to the dismay of both the government and industry. In fact, the regulation was followed by a second covenant (Haverland, 1998: 227-40; Lauber and Ingram, 2000: 132-7). A similar clash between legal obligations at the European level and an approach based on negotiation and consensus could be observed in relation to both the Birds and the Habitats Directives. The designation of areas to be protected under the directives was seriously delayed not least because of the Dutch wish to involve a broad range of interested actors (Van den Top and Van der Zouwen, 2000). At the moment, the Dutch government consistently seeks to have an explicit allowance included in the text of individual directives to implement EU requirements by using voluntary agreements and the like. This appears to be even more urgent in view of the partial return to more 'traditional', non-voluntary types of policies in the Sixth Action Programme (European Commission, 2001b).

Policy goals and concepts

In the introduction of this section, it was mentioned that the Dutch NEPP was well received both in other countries and at EU level. For example, the goals and concepts in the EU's Fifth Environmental Action Programme (European Commission, 1993) could

partly be traced back to the NEPP. Other relative success stories include recent efforts to introduce a general 'environmental check' on all new EU legislation to achieve EPI, or Dutch efforts to strengthen the role of the Network for the Implementation and Enforcement of EU Environmental Policy (IMPEL; together mainly with the UK). Dutch attempts in the mid-1990s to bring more coherence into the entire body of EU environmental legislation, however, did not generate much support from other states, but contributed to the formulation of framework directives in the areas of water (2000/60/EC), air (96/62/EC), and – on the longer term – soil protection (pending). As H eritier has argued, highly regulated states are in a permanent 'regulatory competition' in Brussels, trying to 'upload' their own domestic solutions to the European level (H eritier, 1996). In this context, it may be seen as an advantage for the Netherlands that its basic approach to environmental policy making can be located somewhere in the middle between the two extremes in the environmental field: the law-based, standard-oriented approach of the Germans, vs. the discretionary, quality-oriented approach of the British (H eritier et al., 1996). In fact, Dutch environmental policy contains elements of both, hence the phrase 'Mr. Average' in the title of this chapter. This makes the Netherlands relatively flexible. As a consequence, it is seldom confronted with as fundamental a misfit between the domestic and the European design of policy measures as occurred for instance in Germany during the last decade, due to the gradual shift in Brussels away from setting standards to specifying processes (e.g. environmental management; environmental impact assessment) (Pehle, 1997). In addition, a large part of the EU environmental policies are already in place in the Netherlands before being formulated in Brussels.

Goals and concepts of Dutch origin are obviously not always as well received as the NEPP. And what is more, even if the 'export' of policy concepts has been successful at first, their life in the more competitive outside world may be shorter than at home. This appears to be the case with the 'Dutch' concepts of 'shared responsibility' between public actors and 'target groups' endorsed in the EU's Fifth Environmental Action Programme (European Commission, 1993). The official assessment of the programme, issued in 1999, is rather sceptical regarding the actual commitment to this approach on the part of both member states and the stakeholders themselves (European Commission, 2000). The draft of the Sixth Programme breathes a more equal balance between voluntary and non-voluntary instruments with legislation considered as 'central to

meeting environmental challenges' and full and correct implementation as a 'priority' (European Commission, 2001b: 70).

But also the reverse may happen: concepts successfully 'uploaded' to the European level may start to lead lives of their own and eventually backfire on the domestic level. A case in point is the promotion by the Dutch government of the Dutch National Ecological Network at the European level. This network consists of nature areas, which are connected through so-called ecological corridors. Indeed, this concept of ecological networks is now part of the Habitats and Birds Directives (respectively 92/43/EEC and 79/409/EEC). However, by the time this approach had been established at the EU-level, the Dutch domestic approach had moved on from what had been originally uploaded to Brussels. Apart from scientific criteria, a whole range of social and integrative factors was now taken into account for the designation of protected areas in the Netherlands. This gave rise to serious complications in implementing the Habitats Directive (Van den Top and Van der Zouwen, 2000). In the case of the Habitats Directive, the Netherlands held the chair during the final stage of the negotiations. At that moment, obviously, securing a successful conclusion of the negotiations was considered more important than the risk of creating a conflict with domestic concepts.

Cynics may regard the Dutch efforts to export environmental policy concepts as a cheap and easy way to make good appearance as a 'pioneer' at the international stage. Evidence suggests, however, that it may perhaps be cheap, but by no means always easy. The case of nature conservation policy shows that it may even lead to quite unexpected results. And in any case, as we saw above, it does not entirely preclude the appearance of more 'down-to-earth' problems, such as in the choice of instruments and the setting of specific standards.

Conflicts and the quest for formal solutions

If conflicts between Dutch and EU environmental policy occur, the most common Dutch response is to try to settle the matter in a formal way. In some cases, particularly those regarding formal aspects of implementation, this cannot be avoided, as illustrated for instance by the case of the incompatibility of the Packaging Directive and the Dutch covenant. Here, national policy simply had to adapt to EU requirements. But also if more room for manoeuvre appears to exist, selective implementation or shirking is nor

preferred. A case in point is the 1999 Directive on air quality standards (1999/30/EC). While several member states will have a hard time implementing the requirements of this Directive (particularly for nitrogen dioxide in the proximity of busy roads), the Netherlands has so far been about the only country carefully to map the problem and report it to the Commission. This strategy could be interpreted as a naive way to wake up sleeping dogs. The Dutch government, in contrast, emphasises that it allows for a substantive discussion with the Commission about the problem really at stake, rather than protracted squabbling and the prospect of a possible Court case about non-compliance with formal reporting requirements.

Also in the phase of policy formation, rather than relying on an uncertain loophole to evade its commitments, the Dutch government generally prefers the certainty that comes with formally admitting its problems to the Commission. The refinery regime in the Directive on air pollution from large combustion plants (88/609/EEC), especially designed for the Dutch, is one example. Another is provided by the Nitrate Directive (91/676/EEC), where Dutch efforts, among others, led to the formalisation of the practice through which states can deviate from the limits set for the application of nitrate to the land *if* they can prove that the quality objectives that lie at the heart of the Directive are still achieved (Annex III, 2(b)). This clause was formulated with an eye on the Dutch system of mineral registration (cf. Liefferink, 1995: 145) and forms the basis for the formal request for derogation submitted by the Netherlands in 2000. Also, the Dutch wish to include in every relevant directive the explicit allowance to use voluntary agreements for implementation, mentioned above, can be regarded as an expression of the preference for formal solutions.

Summing up

The Netherlands is particularly good at 'uploading' general policy concepts and strategies to the EU level. It has a certain reputation in this field and its efforts have often had a notable impact on the design of European environmental policy. This strategy is in line with the prevalent idea, also apparent in domestic environmental policy, that general targets and long-term strategic approaches are crucial as a basis for specific policies and standards (cf. Liefferink, 1999). Considering this strategy, its relative success in Brussels and the Netherlands' reputation for being the EU's 'Mr. Average' it may come almost as an anomaly for policy makers in The Hague if national

and EU policies misfit at the more practical level of standard setting and implementation. The most common responses to such a situation are either formally to adapt national policy to EU requirements in an often long and complicated process (see below), or, in pressing cases, to seek formal recognition for a deviating national position.

As can be concluded from the above, Brussels seldom affects goals, concepts and settings in Dutch environmental policy. Of the three aspects of content, instruments seem to be most affected. More than once, as we have seen, the Netherlands has had to bend over backwards to meet the Commission's demand for more formal instruments.

4.2 The Europeanisation of Dutch environmental policy structures²

This section deals with the institutional structures of Dutch EU environmental policy making and implementation. In particular, it describes and analyses how incremental changes have resulted in the strengthening of these structures since 1970.

The Dutch input into EU environmental policy making

Formal responsibility for the Dutch input into the policy-making process in Brussels lies with two high-level interdepartmental bodies, chaired by the Ministry of Foreign Affairs (see further Liefferink, 1997). Both bodies tend to focus on the preparation of meetings of the Council of Ministers. However, this formal structure was increasingly felt to be inadequate for developing effective strategies throughout the negotiation process. A limited number of 'technical' ministries tended to dominate the earlier, but in practice often crucial negotiations in the Council's subordinate bodies. In this context, it should be noted that environmental policy competences were and still are relatively fragmented in the Netherlands. While pollution and spatial planning issues come under the Ministry of Housing, Physical Planning and Environment (*Volkshuisvesting Ruimtelijke Ordening en Milieu*, VROM), nature conservation is dealt with by the Ministry of Agriculture, Nature Management and Fisheries (*Landbouw, Natuurbeheer en Visserij*, LNV), energy by Economic Affairs, and water pollution as well as transport policy by Transport and Public Works. In the final, more politicised stage of the EU decision-

² This section has greatly benefitted from interviews with officials from the Ministries of the Environment, Housing and Physical Planning (VROM) and Agriculture, Nature Management and Fisheries (LNV), March-May 2001.

making process, a shift from these specialised ministries to the Ministry of Foreign Affairs took place. This could lead to problems of co-ordination, the risk of not seizing political opportunities in Brussels at the right moment, and sudden changes in the positions taken by the Dutch.

For this reason, a new interdepartmental Committee for dealing with new proposals from the European Commission was established in 1998 (*Commissie Behandeling Nieuwe Commissievoorstellen*, BNC). As soon as a new Commission proposal is published, one ministry is assigned a co-ordinating role. This ministry is supposed to produce within a few weeks an initial file, summarising the implications of the proposal for Dutch policy and setting out a basic strategy for the Dutch input into Brussels negotiations. This file is discussed within the Committee BNC and then serves as the basis for the following process. The Ministry of VROM was one of the strongest propagators of this new mechanism, not least because it offered an opportunity for timely involvement in environmentally relevant issues occurring in other policy fields. A number of other ministries, in contrast, feared that their room for manoeuvre would be limited by formal interdepartmental co-ordination in an early phase. According to the Ministry of VROM, the Committee BNC has contributed to more professional and consistent Dutch positions in Brussels. It should be added, however, that the political will of individual Ministers and ministries to co-ordinate and co-operate remains crucial throughout the process. Good working relations exist between the Ministry of VROM and the divisions directly responsible for nature conservation, energy and water pollution in the other ministries mentioned above, but this is not always the case in more cross-sectoral issues. Within the Ministry of LNV too, co-ordination has improved over the last years. While the coordination of EU nature conservation used to be dispersed among different divisions within the ministry, a central role in this field was given to the Division of International Affairs in 2001. As there have been no major initiatives regarding nature conservation at the EU level since, however, the effect of this shift still remains to be seen.

VROM has also improved the way it handles the earlier stages of the EU policy process. Commission proposals are usually published only after extensive consultation with experts from the Member States – in most cases specialised, middle rank civil servants. These meetings are highly important in defining the boundaries of the playing field for

later formal negotiations. Until recently, Dutch delegates to experts meetings in the environmental field tended to 'run their own shops' in Brussels. Sometimes the Directorate for International Environmental Affairs within the Ministry of VROM was not even aware of such meetings taking place. Since a few years, experts from the Ministry of VROM have the obligation to co-ordinate the positions they intend to take beforehand and to report afterwards.

While the better control over expert activities and the establishment of the Committee BNC have contributed to a better intra- and interministerial co-ordination of the Dutch input in Brussels, the role of actors outside the central bureaucracy remains limited. The Parliament is better and earlier informed about EU work than a decade ago: BNC files and annotated agendas of Council meetings are now sent to it on a routine basis and MEP's regularly visit Dutch parliament in order to answer national MP's questions on EU matters. In addition, political parties have been trained in a number of 'technical' areas of EU policy by way of the temporary assignment of civil servants to the parties' parliamentary offices. Interestingly, these were experts from the Ministry of Foreign Affairs rather than the ministries directly involved, such as VROM, illustrating the continuing importance of the Foreign Office in the more political aspects of EU policy making. In spite of these opportunities, however, the actual influence of the national Parliament continues to be limited. Highly technical EU negotiations remain very hard to follow for national MP's and little attention is still being paid to BNC files and the possibility to hear MEP's.

The same goes for lower levels of government. Relevant information is channeled to them on a very intermittent basis. Their active involvement in policy preparation is often thwarted by lack of interest and tight deadlines. Particularly if the implementation of EU legislation brings with it significant tasks for regional or local government – for instance in terms of planning or licensing – this situation may cause problems. In the case of the Birds and Habitats Directives for instance, regional and local authorities appear to be unfamiliar with the relevant EU requirements and are now facing the consequences of inadequate communication between national and regional authorities (Algemene Rekenkamer, 1999; Van den Top and Van der Zouwen, 2000). Furthermore, Dutch nature conservation movements are successfully exploiting this situation by formally appealing to the insufficient implementation of the Habitats Directive. Some

regional authorities try to overcome the lack of communication between national and lower levels by the recent establishment of regional offices in Brussels. So far, however, their focus has been on acquiring EU funding for regional and interregional development and environmental policy has received less attention. In general, it can be stated that regional and local authorities do not benefit from Europeanisation of environmental policy as far as the balance of power between the different levels of government is concerned. Implementation of EU policies is – even in cases where active involvement of lower levels is necessary – being perceived as a central government activity.

Environmental and business organisations are regularly informed about relevant EU developments, but particularly in the Commission phase of new EU policies these organisations can often be more effective by working in Brussels directly, for instance through the European Environmental Bureau (EEB), the Union of Industrial and Employers' Associations (UNICE) or more specific groups.

Finally, the working procedures of the Dutch government in the policy making process in Brussels also show a gradual shift of power from the Ministry of Foreign Affairs to that of VROM. For many years the Netherlands was represented in the Council Working Group on Environment by a diplomat from the Ministry of Foreign Affairs. Since the Maastricht Treaty, he has been assisted by one, later two, officials from the Ministry of VROM. The presence of the Ministry of the Environment at the Permanent Representation materialised late in comparison with other Member States (cf. Pellegrin, 1994; 1997). It enables the Directorate of International Environmental Affairs to keep its hands free for the more substantive preparatory work at home. The relationship between civil servants from the Ministry of Foreign Affairs and the Ministry of VROM is a rather good one. This could probably be traced back to the clear and strict co-ordination exercised by the Committee BNC and the high-level co-ordination bodies and to the non-hierarchic organisation of the Dutch Permanent Representation. Soetendorp and Andeweg (2002) argue that the principle of departmental autonomy is indeed present in the Permanent Representation, but the small size of the organisation together with the distance from The Hague and the informal way of working results in a 'unit' on its own.

The shift of power at the Permanent Representation from the Ministry of Foreign Affairs to the Ministry of VROM in 1993 did not change the indirect – as it were ‘secondhand’ – representation of issues of nature conservation at the EU level. It is now the Ministry of VROM, rather than LNV, which is responsible for bringing in those issues in Brussels. Only in cases of highest importance, civil servants from the Ministry of LNV will attend meetings of the relevant Council Working Group, but even then they lack formal power.

Implementation

Within VROM, the Law Directorate is responsible for the co-ordination and control of the implementation of EU environmental policy. In the Directorate for International Environmental Affairs, only one lawyer keeps an eye on the process. Similar to the expert meetings in the preparatory phase of EU legislation, VROM tries – more than before – to keep track of the various implementation committees in Brussels and to co-ordinate the Dutch input into them.

At the Ministry of LNV, it is the Nature Directorate and within it the Department of Policy Instruments that takes care of the implementation. In the case of the Birds and Habitats Directives, co-operation with regional and local authorities comes to the fore in relation to the designation of areas. As noted before, communication and co-operation with these authorities have been neglected ever since the Directives were adopted (1979 and 1992). It seems that the ministry is becoming aware of the problem now (LNV, 2000).

The Dutch government tries fully and faithfully to transpose new EU rules into national law and policy. Copying the text of directives and regulation directly into the national law books has never been common practice. On the contrary, in the past the implementation of new EU policy has sometimes taken as an opportunity to revise the entire existing legislation in the field. This can take several years and cause an enormous delay in implementation, as for instance in the case of the first so-called Seveso Directive on industrial hazards (82/501/EEC) (cf. Bennett, 1993). Therefore, this practice was intentionally abandoned during the 1990s. Delays in implementing EU environmental law are now usually connected to serious substantive or administrative problems. Examples of such problems include the Habitats Directive, the Nitrate

Directive and the Air Quality Directive, all discussed above. The Dutch tendency to report relatively conscientiously on such problems, also mentioned above, helps to bring them under the attention of the Commission in a fairly early stage.

Summing up

From this section it can be concluded that a considerable professionalisation of Dutch EU environmental policy making has taken place over the last decade. Procedures have been improved, leading to a better substantive co-ordination of the Dutch input and to a strengthening of the role of 'technical' ministries such as VROM and LNV *vis-à-vis* the diplomatic service. The latter is also reflected in the appointment of two environmental attachés from the Ministry of VROM at the Permanent Representation in Brussels. At the same time, implementation has been streamlined to the extent that purely procedural complications are now avoided as much as possible. As a result, fewer but undoubtedly more persistent problems are left.

Although significant as such, one may ask why these improvements were not made earlier? Despite the rhetoric in subsequent National Environmental Policy Plans, the answer can probably be found in the relatively low impact EU environmental policy has actually had on the Netherlands, at least until recently. At the working level, moreover, EU policies in this field tended to be seen 'primarily as a potential burden on domestic policy goals and processes' (Lieverink, 1997: 244; Van den Top and Van der Zouwen, 2000). In other words, as long as serious conflicts between EU and national policies could be diverted, existing procedures were considered to be sufficient. Generally speaking, this was the case up to the early 1990s. Until then a limited group of environmentally progressive Member States, often consisting of Germany (Wurzel, this volume), the Netherlands and Denmark, to a large extent determined the course of EU environmental policy in such a way that it left their previously established national policies largely untouched (Lieverink, 1996; Jordan, this volume). During the last decade, 'regulatory competition' in the environmental field greatly increased with other Member States becoming more active as well, notably the UK (cf. Héritier et al., 1996) and the new Nordic Member States (e.g. Sweden and Finland) (Lieverink and Andersen, 1998; Kronsell, this volume). This diminished the control of the old environmental 'troika' on environmental policy development in Brussels. At the same time, but only partly related to this, a number of serious problems around the

implementation of EU environmental directives occurred in the Netherlands. Particularly the possible consequences of the Nitrate Directive for livestock farming are without precedence and could perhaps have been smaller if the relevant Dutch policy community – LNV, VROM, but also agricultural organisations – had realised much earlier that such seemingly mundane activities such as Dutch manure production would eventually fall within the ambit of EU policy (cf. Liefferink, 1996, ch. 8). The combination of these developments has probably instigated the notable institutional changes that occurred during the last decade.

4.3 The Europeanisation of Dutch environmental policy style

Distinctive features of the Dutch policy style are the close and pragmatic relations and perpetual quest for consensus between public and private actors, and the tradition of long-term policy planning. The EU, by contrast, is characterised by a relatively formal, legalistic and at the same time more *ad hoc* mode of policy-making. Conflicts between those two styles of policy making may help to explain problems and shifts in the fields of environmental policy content and structure described so far.

Consensualism

As noted before, the 'politics of accommodation' has a long tradition in the Netherlands (Lijphart, 1968). This tradition has led to a clear division of particularly well organised private interests along functional lines (Visser and Hemerijck, 1997). A wide variety of private associations have a say in the design of policies that directly or indirectly affect them and, in exchange, actively engage in the implementation of those policies. Van Waarden (1992) traces the origins of present-day Dutch corporatism back to the eighteenth century, when private actors began to play a key role in the organisation of, for instance, economic life and water management.

Environmental policy in the Netherlands started in the 1970s with a small avalanche of 'top-down' laws and regulations. In the mid-1980s this was followed by a shift to a more consensual approach. As worked out in the NEPP (1989) and subsequent documents, consultation between the state and target groups in society was supposed to lead to basic agreement about the course of environmental policy. The NEPP-approach can be interpreted as a partial return to the corporatist roots of the Dutch political system, after a more contentious period of the 1970s and early 1980s (Liefferink, 1999: 270). Nature

conservation policy also underwent this transition but slightly earlier than pollution control.

Although some of the basic ideas of the NEPP were 'uploaded' to the EU's Fifth Environmental Action Programme (European Commission, 1993), the overall impact of this effort was short-lived. The draft of the Sixth Programme appears to depart from much of the Dutch legacy. This is not to say that consultation with private actors does not take place in Brussels. Particularly in the draft phase of EU legislation, the Commission keeps in touch with a wide range of interest groups in order to acquire both information and support for its plans. However, the process almost invariably ends, in formal legislation, usually a directive, requiring implementation by the Member State governments. National governments are restricted in the way they carry out this obligation in order to warrant equal treatment of policy addressees throughout the Union. Only little room is left for experimenting with, for instance, voluntary agreements (Mol et al., 2000). Particularly when compared with Dutch practice since the mid-1980s, in short, the EU policy style can be characterised as legalistic and formal.

If national policies are already in place and subsequent EU measures do not significantly affect them, the discontinuities between the Dutch and European modes of policy-making do not cause any problem. As argued above, this used to be the case for the Netherlands as well as some other environmentally relatively progressive Member States until the early 1990s. For them, the EU mainly functioned to reduce the economic uncertainty of acting unilaterally (cf. Liefferink, 1996). This picture has now changed. In a number of recent conflicts about the Packaging, Habitats and Nitrate Directives, compromises between the state and private parties that had been reached after long and difficult negotiation at the national level, were subsequently upset by EU measures. Although the the strictness of EU requirements played a role as well in those cases, the core of the problem was in the way relevant private actors should be induced to take action to implement those requirements on the ground. Where Brussels insisted on following the rules once agreed upon in the Council, the Dutch preferred negotiation and, if necessary, accommodation. This conflict led to hard fights, not only between the Dutch government and the Commission, but also within the domestic context.

Long-term policy planning

A second important difference between European and Dutch national policy styles involves policy planning. Due among other things to the multitude of actors involved in agenda-setting and policy formation (e.g. Richardson, 1996), and the crucial role of the Member States in bringing issues to the European level, the EU's style of policy development is fairly reactive and fragmented. In the Netherlands, by contrast, a firm tradition of comprehensive, long-term policy planning exists. Having its origins in spatial and socio-economic planning in the years immediately after the Second World War, the planning idea naturally became part of the environmental field from the beginning. In the 1980s, in particular, an encompassing system of environmental planning was set up. It was crowned by the series of NEPP's, published with four-year intervals, looking ten years ahead and integrating all environmental policy sectors.

The existence of divergent modes of policy planning in the Netherlands and in Brussels need not necessarily be a problem, since the two systems do not directly interfere on this point. It should be realised, however, that comprehensive, long-term policy planning can hardly be imagined without general concepts and principles that can be applied in a range of concrete, existing as well as future, situations. The key role thus taken by concepts and principles in guiding environmental policy development may on the one hand be regarded as an important factor behind the efforts to export them, described above. On the other hand, the strong reliance on long-term, comprehensive strategies makes Dutch environmental policy quite rigid. Within the limits of the pre-established playing field, flexibility is very possible, but trespassing across these boundaries would require a fundamental discussion about underlying goals and values. On top of the consensual culture, which makes policies once agreed upon difficult to change, this aspect further increases the persistence of conflicts between European and Dutch policies.

Summing up

There is little indication that the prevailing Dutch policy style in the environmental field is changing under the influence of Europeanisation. On the contrary, the central features of this style – consensualism and an emphasis on long-term planning – appear to be very robust. Moreover, they appear to lie at the heart of most of the conflicts between Dutch and European policy that have occurred in the past years. The style of negotiation

and (often fragile) consensus between domestic parties exhibits a considerable resistance to pressure from outside. In various ways, therefore, it is attempted to minimise the impact of the EU upon national policies.

First, an active input in the policy-making process in Brussels aims at ensuring that Dutch viewpoints are taken into account as much as possible from the beginning. The long-term planning tradition accounts for this being done with an emphasis on the development and consistent use of concepts and principles of environmental policy. In line with the Dutch domestic tradition, the Dutch style in Brussels can be characterised as constructive rather than provocative (Lieverink and Andersen, 1998). In recent years, a number of institutional adaptations have been carried through to support this work. Second, if Dutch efforts in the policy-making phase have been insufficiently successful and difficulties may be expected in implementation, recognition is sought for allegedly specific Dutch problems or circumstances. In those cases, going-it-alone is not the usual Dutch style (Lieverink, 1997; Liefferink and Andersen, 1998). Alternative implementation routes commonly agreed upon or formal derogations are preferred. Third and finally, *if* problems in implementing a piece of EU legislation nevertheless occur, these problems tend to be tough. Difficulties in changing domestic agreements and, possibly, deviating from pre-established policy principles may lead to protracted processes of adaptation at the national level and hard dealings with the Commission and maybe even the Court.

5. Conclusions

The Europeanisation of Dutch environmental policy has been a gradual, incremental and largely 'hidden' process. In the 1970s, European environmental policy was formulated predominantly after environmental forerunners, such as the Netherlands, had framed their domestic policies. Therefore, *if* the Netherlands had not been a member state, Dutch environmental policy would probably not have been fundamentally different from what it is now.

Even nowadays, apart from a couple of notable but relatively isolated examples, Europeanisation does not seem to have too much impact on Dutch environmental policies. As a flexible 'Mr. Average', the Netherlands quite smoothly integrated most European influences into the domestic environmental policy arena. As set out at the end

of the previous section, most of the key aspects of the Dutch response to the Europeanisation of environmental policy can be understood in terms of policy style. Consensualism and a tradition of comprehensive, long-term policy planning are robust features of the Dutch style in environmental policy. They account for instance for the efforts to 'upload' general policy concepts and principles to the EU. Seemingly substantive problems of implementation in a number of fields, moreover, originated to an important extent in difficulties in breaking up existing domestic compromises. During the past decade, a number of institutional improvements have been made to deal with EU environmental policy more effectively, but these have not detectably affected the basic orientation of either Dutch domestic environmental policy making or the Dutch input into the policy process in Brussels in this field.

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