

**Capacity and Autonomy of the Intergovernmental State
Regulation of Vehicle Emissions in the
European Community, 1970-1992**

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A. Introduction

In the late 1980s, one of the most high profile "environmental" issues facing the European Community was how to regulate vehicle emissions. The debate was initiated in the early 1980s when air pollution became a major issue in the Federal Republic of Germany. Vehicle emissions interact with the atmosphere and cause acid rain, the effects of which are widely known. Moreover, because national borders are irrelevant to the problems of acid rain and air pollution generally, the debate was quickly taken up in The Netherlands, Denmark, and to a lesser extent, the other member states of the European Community. Growing concerns led to a sustained effort to develop a general European regulatory regime for vehicle emissions. The German government, along with the Dutch and Danish governments, were committed to a European regulatory regime for vehicles developed and enforced under EC law. Other member states were not nearly as committed to the project. Thus the issue became one of the dominant themes in the environmental policy debates in the European Community.

The efforts of the European Community, and now the European Union, to regulate vehicle emissions is one of the better known elements of the broader environmental policy regime that has been developed by the Union over the past twenty-five years.¹ Despite its diversity and its strengths, however, this secondary literature on the vehicle emissions case also reflects many of the limitations of the different ways in which policy-making in the European

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¹ Surprisingly, the analysis and commentary on EC rules governing vehicle emissions is quite large although highly descriptive. *Inter alia*, see Owen Lomas, "Environmental Protection, Economic Conflict and the European Community," McGill Law Journal, 33:3 (1988) 506-539, Frank Dietz, Jan van der Straaten and Menno van der Velde, "The European Common Market and the Environment: the Case of the Emission of NO_x by Motor Cars," Review of Political Economy, 3:1 (1991) 62-78, and Henning A. Arp, "Technical Regulation and Politics: the Interplay Between Economic Interests and Environmental Policy Goals in EC Car Emission Legislation," in J. D. Liefferink, P. D. Lowe and A. P. J. Mol, (eds.), European Integration and Environmental Policy, (London: Belhaven Press, 1993), pp. 150-171.

Union has been understood. All too often, analysis of the vehicle emissions case tends to focus on a single set of causal variables, most often the impact of the changing institutional arrangements of the EU² or the role of interest organizations representing the major European automobile manufacturers.³ Similarly, there is a strong tendency in the available literature to emphasize the debate at the EC level and downplay, if not ignore, the linked events in the member states.⁴

In this paper I offer an alternative account of the efforts by the European Community to develop a regulatory regime for vehicle emissions. My version of the story emphasizes the complexity of the policy process in the EC, the confederal and intergovernmental nature of the Community, and the role of both state and non-state actors. In this paper I seek to describe EC regulation of vehicle emissions, analyze changes in these regulations, and explain these changes with reference to both the internal workings of the Community and to changes in the external environment, notably the weakening of the Euro-groups representing European automobile manufacturers, the growing strength of the European environmental movement, and changes in the domestic politics of Member States. Thus I am not simply interested in exploring either the impact of institutional change via the Single European Act (SEA) *or* the impact of the key interest organizations. Rather, I wish to consider *both* influences at the same time *and the interplay between them*.

This case study of EC vehicle emissions regulation is also used to develop some generalizations about the capacity and autonomy of state actors in the European Community. The capacity and autonomy of the EC varies from one policy sector to the next. Similarly, in the case of EC policies regarding vehicle emissions, my research indicates that the capacity and autonomy of the Community varies over time. More generally, the case study is designed to demonstrate the utility of the concept of the '*intergovernmental state*,' and to present a methodology for analyzing such states, one which makes extensive use of the concept of a *policy network*. The concept of the intergovernmental state as developed here is designed to facilitate comparisons between states in which policy is often the product of extensive

² Peter Brackley, Acid Deposition and Vehicle Emissions. European Environmental Pressures on Britain, (London: Policy Studies Institute and Royal Institute of International Affairs, 1987)

³ Andrew McLaughlin and Grant Jordan "The Rationality of Lobbying in Europe: Why are Euro-Groups so Numerous and so Weak? Some Evidence from the Car Industry." In Sonia Mazey and J J Richardson, (eds.) Lobbying in the EC. Oxford: Oxford University Press, 1993, pp. 122-161

⁴ Sonja Boehmer-Christiansen, and Helmut Weidner Catalyst versus Lean Burn. A Comparative Analysis of Environment Policy in the Federal Republic of Germany and Great Britain with Reference to Exhaust Emission Policy for Passenger Cars 1970-1990. Berlin: Wissenschaftszentrum Berlin für Sozialforschung, 1992

intergovernmental interaction. In effect, by analyzing the European Community as an intergovernmental state, this paper seeks to add to the growing literature which seeks to analyze European integration using the conceptual language of comparative politics.

The structure of the paper is as follows. In the next section I briefly outline the efforts of the European Community to develop a regulatory regime for vehicle emissions, with a particular focus on the period 1970 to 1990. The following section then moves from simple description of the regulatory regime to analysis of the "how" and "why". At that point I formally introduce the concept of the intergovernmental state and the associated method for analyzing such states. The next section of the paper then reviews the evolution of the regulatory regime for vehicle emissions from the perspective of the EC as an intergovernmental state. To anticipate, the general claim is that the vehicle emissions policy network began as a clientele pluralist network, evolved into a state-directed network in the late 1980s, and was transformed again into a much less structured issue network in the early 1990s. In the concluding section, I discuss the extent to which the vehicle emissions case is representative of the policy-making process in the EU, and consider the implications of this case for the study of environment policy and interest organizations in the Union.

B. Vehicle Emissions Regulation in the European Community, 1970-1992: Description and Overview

In summary form, the debate over vehicle emissions regulation in the EC can be divided into three distinct phases. The actual vehicle emissions limits are summarized in Appendix One.

1970-1983 - Incremental, passive regulation

In the first phase, from the early 1970s to 1983, the overall approach was passive and incremental. EC norms were simply the transposition of rules negotiated under the auspices of the United Nations Economic Commission for Europe (UN-ECE). The initial directive, passed by the Council of Ministers in 1970, lays down technical standards for emissions of carbon monoxide (CO) and unburnt hydrocarbons (HC).⁵ Emission limits for nitrogen oxides (NOx) were added by in 1977.⁶ Limits on vehicle emissions were optional and were part of a larger project of a uniform set of rules governing the manufacture and sale of automobiles in western

⁵ 70/220/EEC (OJ L76 6/4/70)

⁶ 77/102/EEC (OJ L32 3/2/77)

Europe Moreover, the policy process was dominated by the two automotive Euro-Groups, the Liaison Committee of the Automobile Industry of the Countries of the European Communities (CLCA), and the Committee of Common Market Automobile Constructors (CCMC) ⁷

1983-1987 - A failed attempt at stronger regulation

In 1983, in response to pressure from Germany, the Community moved to tighten vehicle emission regulations However, the attempt was largely a failure After months of negotiation, Environment ministers agreed to the so-called 'Luxembourg compromise' which divided the car market into three sections based on engine size ⁸ The compromise made three-way catalytic converters⁹ mandatory only for the largest cars on the market In the case of small cars, the compromise effectively sidestepped the issue by remaining silent on what limits would be required after 1990 However, the compromise proved unacceptable to Denmark and Greece which argued that the emission limits were not restrictive enough Much of the disagreement centred on what to do about low-cost cars with small engines

In 1987, after the adoption of the Single European Act, the Council of Ministers was able to reach agreement on a directive incorporating the 'Luxembourg compromise' ¹⁰ One of the key changes was that the SEA provided for majority voting in the Council on measures relating to completion of the internal market. The vehicle emissions directive was re-introduced as an internal market measure and the Danish government was outvoted in the Council However, the Danes were allowed to introduce more stringent limits in their home market by virtue of a new section of the SEA on environment policy cooperation which, among other things, allowed member states to introduce stronger measures than those agreed to for the EC as a whole

⁷ The acronyms for both associations are derived from their French names The following account of the associational activity by the European car-makers is based on an interview with an official from the Association of European Automobile Constructors (ACEA), Brussels, October 23, 1992, interviews with officials in the Commission of the European Community, Brussels, December 1992, and Andrew McLaughlin and Grant Jordan, "The Rationality of Lobbying in Europe Why are Euro-Groups so Numerous and so Weak? Some Evidence from the Car Industry," in S P Mazey and J J Richardson, (eds), *Lobbying in the EC*, (Oxford Oxford University Press, 1993, pp 125-127

⁸ Note, that the Luxembourg compromise referred to here is not to be confused with the much better known version of the compromise reached in 1966 which addressed the much larger question of the very nature of the EC - was the EC to be run on the basis of intergovernmental cooperation or was it to have a stronger supranational character?

⁹ A three-way catalytic converter is a later and more sophisticated version of the original converter and has the effect of reducing the level of emissions even further

¹⁰ 88/76/EEC of December 3, 1987 (OJ L 36 9/2/1988)

1988 - 1991 - Moderate success at imposing a stronger regulatory environment

As indicated above, the 1987 compromise directive was possible largely because the issue of what to do about small cars was left unaddressed. Thus, in 1988 the debate shifted to specifying the limits for small cars. However, by this point, the public profile of the issue was much higher and public demands for strict limits on vehicle emissions comparable to those in the United States and Japan were growing. Moreover, these strict emission limits would have to apply to all cars, irrespective of engine size.

In early 1988, the Commission issued a draft directive providing for limits on emissions from small cars.¹¹ Perhaps not surprisingly, the Council was unable to come to an agreement. On the one hand, agreement was elusive because of opposition from France and from the United Kingdom. These states felt that the limits were too strict. On the other hand, Denmark and Greece also opposed the draft and argued that the limits were not strict enough, particularly in light of the large numbers of small cars on the road in western Europe. Greek opposition was also fueled by the fact that air pollution in Athens had become intolerable and the Greek government was under considerable pressure to 'do something' to resolve the problem. The impasse appeared to be resolved in November 1988, when the Council reached a common position on a new 'small car' directive, despite the objections of some member states. In April 1989, however, the European Parliament (EP) dramatically rejected the compromise position adopted by the Council under the 'cooperation procedure' introduced by the SEA. The EP called on the Council to approve a directive that imposed stringent emission limits on all sizes of cars in the EC.

After the Commission signalled it would support the position of the European Parliament, in June 1989, the Council of Ministers adopted yet another compromise directive on emissions from small cars. This directive had several important features.¹² Among other things, it provided that member states would no longer be given the option of choosing when to adopt the new standards. What had been a permissive regulatory regime became mandatory. Second, the agreement on small car emissions was only possible because the Commission was mandated to bring forward yet another draft directive that would apply to all sizes of cars, and which would move the EC closer to U.S. vehicle emission standards.

¹¹ OJ C 56 27/2/1988, p. 9 and OJ C 134 31/5/1989, p. 8

¹² 89/458/EEC of 18 July 1989 (OJ L 226, 3/8/1989)

Thus, in 1990, the Commission released a draft 'consolidated' directive which further reduced the emission limits for all car sizes and effectively required manufacturers to equip all cars with three-way catalytic converters¹³ The Council of Ministers gave final approval to the directive in June 1991¹⁴ The so-called 'small cars directive' agreed to by the Council in June 1989, is generally seen as the key turning point in the regulation of vehicle emissions by the European Community The gains made in 1989 were reinforced with the consolidated directive of 1990, and EC regulations finally began to approach those found in the United States and in Japan

1991 - Epilogue Tighter regulation, economic decline, new regulatory measures

Since 1990, EC activity on vehicle emissions has been mixed On the one hand, the Community has continued to push for tighter limits on vehicle emissions in an effort to keep pace with developments in other countries, notably the U S On the other hand, the vexing question of how to reduce the aggregate of vehicle emissions has led to a complex debate In the 1990s, unlike the 1980s, the debate turns less on how to reduce the emission from a single vehicle and more on how to reduce the total amount of emissions from all vehicles on the road Also new is a growing public concern about the contribution of vehicles to CO₂ emissions and global warming

The overall context for the vehicle emissions debate has also changed Economic concerns are on the rise, and environmental concerns are on the wane An economic definition of the problem is driven by the fact that the European automobile industry is not particularly strong Key firms are continually in danger of losing market share This has led to resistance to environmental measures that might add to production costs and increase the sticker price of automobiles Further, the major European automobile manufacturers have once again come together in a Euro-Group, *l'Association des constructeurs d'automobiles d'Europe* (ACEA) The new association operates on a qualified majority basis and has been quite effective in lobbying the European Union, aided and reinforced by continued lobbying by member companies

An environmental definition of the problem of vehicle emissions has also faded as public pressure for tough action on the environment has declined Public concern with acid rain has diminished which has weakened the resolve of key member states such as Denmark and

¹³ OJ C 81, 31 3 1990, p 1 and OJ C 281, 9/11/1990, p 9

¹⁴ 91/441/EEC of 26 June 1991 (OJ L 242, 30/8/1991)

Germany, and has similarly weakened the key members of the European environmental movement.

However, as presented here, this overview of the vehicle emissions debate in the European Community tells us relatively little about the "how" and the "why" In particular, the approval of the small-car directive in 1989 and the consolidated directive in 1991 raises several important questions about the nature of the vehicle emissions policy during the late 1980s and early 1990s For example, why did the automobile manufacturers in France and Britain effectively abandon their commitment to lean-burn engine technologies in favour of three-way catalytic converters?¹⁵ Why did the lobbying efforts of the automobile industry Euro-Groups, the CLCA and the CCMC seem to fail? How can we explain the apparent about-face by the several key member states, notably Britain and France? Did the approval of a much tighter regulatory regime for vehicle emissions in the EC represent a "victory" for the European Parliament and the EC institutions generally? What does the policy change say about the strength and autonomy of the European Community?

In order to answer these and similar questions, the balance of this paper will provide a sketch of an alternative account of the evolution of the regulatory regime for vehicle emissions in the European Community This account is built around the concept of the intergovernmental state and a distinctive method for analyzing such states

C. The Intergovernmental State

The concept of the state is useful in the comparative analysis of political arrangements because it can help us to avoid what one observer has called "the curse of expertise in independent variables" ¹⁶ In the study of comparative federalism and intergovernmental relations, and in studies of the European Community/ European Union, there is a marked tendency to explain the policy outputs with almost exclusive reference to one set of independent variables Specifically, policy outcomes are most often linked to the self-interest of the member states (approaches drawn from international relations) or a range of non-institutional social

¹⁵ To simplify, German automobile manufacturers had opted to use catalytic converter technologies, with standard engines, to meet regulations governing vehicle emissions However key British and French manufacturers decided in the late 1970s and early 1980s to pursue a 'made-in-Europe' solution and emphasized the development of so-called lean-burn engines which would reduce the level of emissions at the source

¹⁶ Philip Goldman, "A Critique of the Dependency Model of Canadian Political Science," (Unpublished paper, Queen's University, 1973), cited by Keith Banting, The Welfare State and Canadian Federalism, Second Edition, (Montreal and Kingston McGill-Queen's Press, 1987) 180-181

forces (class, economic change, etc) Yet an explanation of European Community policy (or the policy of any other federal or confederal arrangement) cannot be limited to a discrete analysis of one or more non-institutional variables Policy decisions cannot be explained exclusively with reference to societal forces or by emphasizing a political economy of intergovernmental relations At the same time it would be a mistake to overemphasize institutional arrangements Institutions do "matter" to policy outcomes, but in conjunction with class forces, economic change, gender relations and a host of other social forces Thus, a complete analysis of the actions and non-actions of the EU will give explicit consideration to both the interaction between governments (institutions/ member states) as well as to the interactions between governments and interest organizations (social forces)

As a step towards such a comprehensive analysis, we need to make several crucial methodological assumptions First, the EC, and now the EU, should be understood as states and analyzed using the toolkit of comparative politics ¹⁷ Second, among the many tools and concepts available, concepts drawn from the comparative study of federal states are particularly useful in studying the EU ¹⁸ Third, it is also useful to think of the European Union as a confederal state where the central authority of the Union is controlled by the member states and the central authority is financially dependent on contributions from these same states ¹⁹ In a confederation like the EU, ultimate sovereignty is retained by the member states even if it is "pooled" or shared and lodged in the institutions of the Union ²⁰ Finally, I suggest we begin to

¹⁷ Simon Hix, "The Study of the European Community The Challenge of Comparative Politics," West European Politics, 17 1 (1994), p 24

¹⁸ Alberta M Sbragia, "Thinking about the European Future The Uses of Comparison," in Alberta M Sbragia, (ed), Euro-Politics. Institutions and Policymaking in the "New" European Community, (Washington The Brookings Institution, 1992), pp 266-7 Almost ten years earlier William Wallace argued that, "[] a federal analogy provides a useful way of focusing our attention on a number of characteristics of the Community system that ought not to be ignored, and provides an equally useful yardstick for assessing the 'success' and 'failure' of the Community after twenty-five years of operation " William Wallace, "Less than a Federation, More than a Regime the Community as a Political System," in H Wallace, W Wallace, and C Webb, (eds), Policy-making in the European Community, Second Edition, (London John Wiley, 1983), pp 406

¹⁹ Peter Leslie, "Asymmetry Rejected, Conceded, Imposed," in Leslie Seidle, (ed.), Seeking a New Canadian Partnership. Asymmetrical and Confederal Options, (Montreal Institute for Research on Public Policy, 1994), p 65, n 1 As I suggest in the concluding section of this paper, the EU is primarily an economic confederation

²⁰ "In a confederal form of government, even when there is a considerable allocation of responsibilities to central institutions or agencies, the ultimate sovereignty is retained by the member-state governments and, therefore, the central government is legally and politically subordinate to them Furthermore, the members of the major central institutions are delegates of the constituent governments " Canada. Task Force on Canadian Unity, Coming to Terms. The Words of the Debate, (Hull Supply and Services Canada, 1979), p 22 On the pooling of sovereignty see Robert O Keohane and Stanley Hoffmann, "Institutional Change in Europe in the 1980s," in R Keohane and S Hoffman, (eds), The New European Community. Decisionmaking and Institutional Change, (Boulder Westview, 1991), p 13

think of the European Union as an intergovernmental state

The term the 'intergovernmental state' refers to both orders of government in a federal or confederal system, to what both orders of government do and do not do, and to the interactions between these orders of government. Thus, the concept intergovernmental state includes the interaction of both orders of government with authority to act over a given territory. Analysis of the intergovernmental state requires careful consideration of both what individual governments do on their own and, perhaps more importantly, what governments together do and/or do not do. Necessarily, a key feature of the intergovernmental state is the degree and nature of cooperation and/or conflict in the system. The concept is designed to facilitate analysis of what the state does in situations where state activity necessarily involves considerable intergovernmental interaction.

As used here, the concept of the intergovernmental state is designed to draw our attention in two quite different directions at the same time. The use of the word "intergovernmental" suggests that in some situations actions or non-actions of the state are the products of a key institutional characteristic - intergovernmental relations.²¹ However, the concept also draws our attention to the fact that despite the importance of federalism, confederalism, and intergovernmental negotiations, the intergovernmental state remains a "state" and can be analyzed by using concepts which apply to contemporary states generally. In particular, what the state does in federal and confederal systems is often a response to the influence of organized interests, particularly to the dominant position of large multinational firms.

Use of the concept of the intergovernmental state also adds another important emphasis that is sometimes lacking in contemporary analysis of the European Union. There is a strong tendency to explain state action with almost exclusive reference to actions of the Commission, the Council of Ministers, the European Parliament, and the other EU institutions. Of course, intuitively we know that in many policy areas, what the state does is the product of a rather complex interaction between the different orders of government. Thus, the concept of the

²¹ My use of the term "intergovernmental" is not meant to be an endorsement of neo-realist notions of national self-interest, nor of what has come to be called "intergovernmentalism", i.e., the suggestion that what the EC/EU does can be explained almost exclusively with reference to the self-interest of states who pursue their goals through intergovernmental negotiation. See Andrew Moravcsik, "Negotiating the Single European Act," in R. Keohane and S. Hoffmann, (eds.), *The New European Community. Decisionmaking and Institutional Change*, (Boulder, Col. Westview, 1991), pp. 41-84 and Andrew Moravcsik, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach," in Simon Bulmer and Andrew Scott, (eds.), *Economic and Political Integration in Europe. Internal Dynamics and Global Context*, (Oxford, U.K. Blackwell, 1994), pp. 29-80.

intergovernmental state is defined in such a way as to ensure that the actions and non-actions of *both* orders of government are considered. As we shall see, this is particularly important when we consider the autonomy and capacity of the intergovernmental state.

The European Union is arguably an intergovernmental state *par excellence*. As Nigel Haigh has observed:

community policy cannot therefore be regarded as some abstract concept existing on its own and separate from national policies. Community policy only comes to life when it is implemented in the member states and has thereby become inseparably intertwined with national policies and practices.²²

In other words, the policy initiatives of the European Union cannot be understood simply by looking at activities of the main EC/EU institutions. Moreover, the converse is also true. In several EC/EU member states, what the state does is often strongly influenced by decisions taken at the Community/Union level. A legislative or regulatory initiative by a member state is often the result of prior decisions by the Community/Union. As Sbragia has observed with respect to environmental policy, "[] the Community's activism in this policy area undoubtedly had the impact of moving environmental issues up the political agenda faster than most national political elites would have done if left to their own devices."²³ Others have also observed that much of the legislation currently introduced into the British Parliament originates with action by the EC/EU.²⁴ Thus, understanding and defining the European Community, and more recently the European Union, as an intergovernmental state allows us to focus on the interaction of all orders of government with authority to act over a given territory. Conceptualizing the EC/EU as an intergovernmental state forces us to give careful consideration to what individual governments do on their own and to what governments do and/or do not do together.

In addition to the benefits cited above, the concept of the intergovernmental state has several advantages for analyzing the capacity and autonomy of the state in federations such as Canada or Germany, and in a confederal arrangement such as that which characterizes the

²² Nigel Haigh, *EEC Environmental Policy and Britain*, Second Revised Edition, (London: Longman, 1989), p. 1.

²³ Alberta Sbragia, "EC Environmental Policy: Atypical Ambitions and Typical Problems?" in Alan W. Cafruny and Gelda G. Rosenthal, (eds.), *The State of the European Community. The Maastricht Debates and Beyond*, Volume 2, (Boulder: Lynne Rienner, 1993), p. 345.

²⁴ David Judge, *The Parliamentary State*, (London: Sage, 1993).

contemporary European Union. Simply put, the concept of the intergovernmental state, using as it does the language of contemporary state theory,²⁵ draws our attention to the autonomy and capacity of the state. However, by emphasizing the *intergovernmental* nature of the state, the concept points to the fact that the autonomy and capacity of the state and state managers are determined by what happens at all points in the system.

The concept of the intergovernmental state draws our attention to the capacity and autonomy (or lack thereof) of both orders of government. By emphasizing the potential unity of action (suggesting a single state entity), the concept encourages us to look more closely at how and why some intergovernmental states exhibit greater strength than others, or why a given intergovernmental state is more powerful and autonomous in some policy domains than in others. The concept lends itself to an analysis and evaluation of the ability of different federal and confederal governments to coordinate and cooperate in policy development and policy implementation.

Method

The remainder of this section is devoted to an overview of the contending approaches to the study of policy networks and policy communities. These concepts are introduced here because they provide the conceptual tools needed for a more systematic analysis of the autonomy and the capacity of state managers in the intergovernmental state. They are also useful because of a very real gap in the existing literature on environmental policy in the European Union. As David Judge has observed, much work remains to be done on the nature and evolution of EU environment policy including "more detailed and theoretically sustained studies [] of policy networks."²⁵

The concept of a policy "network" is most often used metaphorically.²⁶ Frequently, the term is not used systematically, and does not draw on the literature which seeks to rigorously develop the concept of a "policy network." This may be due, in part, to the fact in the literature that focuses on the concept of a policy network, there is an unfortunate split over the correct use of the term and related concepts such as "policy community", "issue network", "policy domain",

²⁵ David Judge, "A Green Dimension for the European Community?" *Environmental Politics*, 1 4 (Winter 1992) 8.

²⁶ For metaphorical uses of the concept of a policy network in the study of the EC/EU see F. Boons, "Product-oriented Environmental Policy and Networks: Ecological Aspects of Economic Internationalisation," *Environmental Politics* 1 4 (Winter) 84-105, and Brian Harvey, "Lobbying in Europe: The Experience of Voluntary Organizations," in Sonia Mazey and J. J. Richardson, (eds.), *Lobbying in the European Community*, (Oxford: Oxford University Press, 1993, pp. 188-200).

and "policy style"

A review of the different definitions is not necessary here²⁷ Suffice to say that because I am interested in the interplay between intergovernmental relations and group-government relations, the "structural" approach suggested by William Coleman and Grace Skogstad is particularly appropriate²⁸ In developing their structural approach to the study of policy communities and policy networks, Coleman and Skogstad argue that to understand policy networks, we must analyze the "structural properties" of the state *and* of the associational system For the *state*, these structural properties are state autonomy and state capacity For the *associational system* they speak in terms of the "organizational development" which is a function, first, of the capacity of the association to process information and formulate positions and, second, of the autonomy of the association from its members and the state Articulated in this way, the approach developed by Coleman and Skogstad underlines the need to analyze not only the characteristics of the state, but also the characteristics of the associational system Both come together to form a policy network

The structural approach to the study of policy networks elaborated by Coleman and Skogstad yields five different types of policy networks pressure pluralist, clientele pluralist, state-directed, concertation, and corporatist Each network varies from the next in terms of the capacity of both state and non-state actors and the autonomy of the state from organized interests As modified by Lindquist,²⁹ the various networks can be summarized as follows

In a *pressure pluralist network*, there is little capacity among either state actors or organized interests, and neither is particularly well organized Business, labour, consumer and other kinds of organized interests have weak associational systems Although these societal interests may be organized, there is competition among groups and no one organization or structure can mediate between the interests of different business groups, to take one example

²⁷ There is a significant divergence in the literature on the appropriate usage of the terms policy network and policy community For an introduction see, R.A W Rhodes and David Marsh, "New directions in the study of policy networks," European Journal of Political Research, 21 (1992) 181-205 and Michael M Atkinson and William Coleman, "Policy Networks, Policy Communities and the Problems of Governance," Governance, 5 2 (April 1992), p 163 For a discussion of the Canadian usage of the terms policy network and policy community see Patrick C Fafard, "Structural Analysis and Attentive Publics Canadian writing on policy communities and policy networks " Mimeo July 1993

²⁸ William D Coleman and Grace Skogstad, "Policy Communities and Policy Networks A Structural Approach," in W D Coleman and G Skogstad, (eds) Policy Communities and Public Policy in Canada. A Structural Approach Toronto Copp Clark Pitman, 1990, pp 14-33

²⁹ Evert A Lindquist, "Public Managers and Policy Communities Learning to Meet New Challenges," Canadian Public Administration, 35 2 (Summer 1992) 127-159

There is a similar lack of organization among state actors, with different bureaux competing with one another to influence the policy process and no single agency or organization capable of resolving the inevitable conflict within the bureaucracy to produce a coherent policy position. In a pressure pluralist network, state capacity is quite low and state autonomy is variable. Despite the relative lack of internal coherence among state actors, the autonomy of the state can be quite high given the relative disorganization of interest organizations. Alternatively, in some cases, the autonomy of

Table One - The Nature of Different Policy Networks			
		Degree of Organization -- Government(s)	
		<i>Low</i>	<i>High</i>
Degree of Organization -- Interest Organizations	<i>Low</i>	Pressure Pluralism	State Direction
	<i>High</i>	Clientele Pluralism	Corporatism or Concertation

Adapted from Evert A. Lindquist, "Public Managers and Policy Communities: Learning to Meet New Challenges," *Canadian Public Administration*, 35:2 (Summer 1992): 134

state actors may be quite low when a single organized interest succeeds in capturing a department, usually by having information and analysis that the department needs to pursue its policy goals.

In a *clientele pluralist network*, the state continues to be relatively poorly organized whereas key interest organizations are often highly organized and able to implement a coordinated approach to government. Thus, to take the example of business organizations, in a given sector the various firms come together in an industry or trade association and are able to work out their differences and to develop a working consensus on key issues. Government actors, on the other hand, remain unable to develop a coordinated position and often rely on the industry association for key information. Association representatives become key players in the policy process and are consulted early and often. In a clientele pluralist network, state capacity is low and state autonomy is also quite low in the face of a comparatively well organized set of pressures from organized interests.

In a *state-directed network*, as Lindquist observes, "the policy ball is in the state's

court" ³⁰ The state is comparatively well organized while interest organizations are not. Different societal interests or organizations are unable or unwilling to come together to produce coordinated policy alternatives. State actors, on the other hand, enjoy considerable capacity to develop policy alternatives, and one or more organizations or processes will force different bureaux to reconcile their differences. Thus, in a state directed network, not only is the capacity of the state quite high, the autonomy of state actors is also high.

In the final set of networks, a rough balance exists between well-organized, policy-capable state and societal interests. In *concertation networks*, a strong association contends with a strong state and each can offer well-researched and coherent policy alternatives. The policy process is often closed to any other players who lack the resources, organization or technical expertise to participate effectively. In concertation networks, while the capacity of the state is quite high, the autonomy of state managers is moderated by the extensive interactions with key interest organizations.

In corporatist networks, or what I prefer to call '*balanced*' networks,³¹ the capacity of the state remains high and the autonomy of the state is increased by virtue of the fact that the power of one set of organized interests is offset, or balanced, by another equally powerful set of societal interests. So, to take one example, in the forestry industry, the power of the forestry companies and their industry association is balanced by a sometimes equally powerful environmental movement. In this situation, the autonomy of state actors is assured. Not only are they not reliant on a single set of organized interests for information and analysis, they can sometimes play one set of interest organizations against another. The autonomy and capacity of the state in the different networks is summarized in Table Two.

Our goal thus becomes one of understanding what kinds of policy networks tend to characterize the policy process in the intergovernmental state. In effect, the intergovernmental state is not all that different from any other kind of state insofar as the policy process will be managed by different kinds of networks, and the autonomy and capacity of the state will also vary from one network to another.

³⁰ Ibid p 139

³¹ I prefer to use the term balanced network because the term corporatism is so strongly associated with a pattern of structured relations between business, labour and government. As used here, the term balanced network allows for a range of different powerful interests. In other words, the power of business is offset in some cases by organizations representing labour, in other cases by consumer groups, in still other cases by environmental interest organizations. The key is that the power of one societal interest is balanced by the power of another.

Before moving on in the next section to consider in greater detail what policy networks and policy communities look like in the intergovernmental state, I want to add one final element to the general model of policy networks. This final element is designed to answer the perhaps inevitable question of what lies outside a policy network. In his work on the interaction between the state and organized interests, Paul Pross has introduced the concept of the '*attentive public*' which provides a response to this question. Pross defines an attentive public as the set of government agencies, private institutions, interest organizations, academics, etc. who are affected by, or interested in, the policies of specific agencies. The attentive public, according to Pross, will follow the policies of a given government agency and perhaps try to exert influence. However, the members of the attentive public, "do not participate in the policy-making on a regular basis. Their interest may be keen but not compelling enough to warrant breaking into the inner circle."³²

D Evolution of the Vehicle Emissions Policy Network in the European Community³³

In order to characterize and analyze the evolving policy networks in this area, I would now like to turn to a somewhat more detailed consideration of the four phases of EC regulatory activity on vehicle emissions over the past 25 years. As outlined in Table Two, the general conclusion is that the vehicle emissions policy network has evolved from a clientele pluralist network in the 1970s and early 1980s (phase one), to a pressure pluralist network through most of the 1980s (phase two). For a brief period in the late 1980s (phase three) the vehicle emissions policy network was state-directed. Since 1991, the network has changed again and is a much more diffuse and unstructured issue network.

The analysis that follows is tightly focussed on the evolution of the vehicle emissions policy network, and is somewhat divorced from the larger issue of the fundamental nature of the European Community and now the European Union. In particular, the analysis presented in this chapter tends to downplay the potential impact of the many "macro-level variables" that will affect the nature of the policy network.³⁴ One of the more important macro-level variables for the EU is the overwhelmingly economic orientation of the Union. In effect, it may be best to

³² A. Paul Pross, *Group Politics and Public Policy*, Second Edition, (Toronto: Oxford, 1992), p. 121.

³³ This analysis is a much abbreviated version of Patrick C. Fafard, "The Intergovernmental State: A Study of the Evolution of the Vehicle Emissions Policy Network in the European Community, 1970-1992." Ph.D. Dissertation, Queen's University, April 1995, Chapters Four and Five.

³⁴ Atkinson and Coleman, "Policy Networks, Policy Communities and the Problems of Governance," p. 163.

characterize the European Union as an "economic confederation"³⁵ The implications of this strong economic orientation for the autonomy of the state in the EU are taken up briefly in the concluding section of this paper

Phase One (1970-1983) A Clientele Pluralist Network

In the European Community, the first attempts to regulate vehicle emissions date from

Table Two Evolution of the autonomy and capacity of the intergovernmental state and the changing policy networks for vehicle emissions regulation in the European Community, 1970-1991			
<i>Phase - Time Period</i>	<i>Nature of the Policy Network</i>	<i>Autonomy of the intergovernmental state</i>	<i>Capacity of the intergovernmental state</i>
One - 1970-1983	Clientele Pluralist	Low	Low
Two - 1983-1988	Pressure Pluralist	Low	Growing but Limited
Three - 1988-1991	State-directed	High	High
Epilogue -	Pressure Pluralist Policy Network or Diffuse Issue Network?		

1970 when the Council of Ministers agreed to the first directive dealing specifically with emissions³⁶ However, the impetus for the directive came not so much from an environmental policy agenda as it did from an effort to set down a uniform set of rules to govern the manufacture and sale of vehicles in western Europe These efforts were encouraged by the United Nations Economic Commission for Europe (UN-ECE) based in Geneva, one of the key players in the early policy network that formed around this policy issue

Generally speaking, in the 1970s and early 1980s the vehicle emissions policy network in Brussels and in most of the key member states was predominantly a clientele pluralist network. Thus, the policy network in the intergovernmental state (the EC and the member states analyzed together) was also a clientele pluralist network. Automobile manufacturers exercised a dominant position Indeed, throughout the 1970s and 1980s, the political and economic

³⁵ See Murray Forsyth, "Federalism and Confederalism," in Chris Brown (ed), Political restructuring in Europe. Ethical perspectives, (London and New York Routledge, 1994), pp 50-65

³⁶ 70/220/EEC (OJ L76 6/4/70)

interests of European vehicle manufacturers were articulated by two associations - the Liaison Committee of the Automobile Industry of the Countries of the European Communities (CLCA), and the Committee of Common Market Automobile Constructors (CCMC)³⁷ These two Euro-Groups were often assisted by powerful national associations and individual automobile manufacturers who lobbied national governments³⁸ Conversely, the environmental movement was much less powerful In fact, in some member states, notably the United Kingdom, vehicle emissions had yet to make it onto the environmental policy agenda

Thus, during this first phase, the autonomy of the intergovernmental state was quite low State managers in both the Commission, the UN-ECE, and in the member states, relied on the vehicle manufacturers for the technical information and the advice necessary to draft the successive regulations The capacity of the intergovernmental state was similarly low For example, the overall effectiveness of the Commission was limited by the fact that two different Directorates-General took an interest in the issue The industrial policy Directorate-General, DGIII, took a leadership role in EC efforts to regulate vehicle emissions as part of a larger effort to harmonize the automobile market in Europe However, inside the Commission, DGIII shared responsibility for vehicle emissions issues with the environmental policy Directorate-General, DGXI This reflects, of course, the fact that emissions are also very much an environmental issue given the contribution of vehicles to air pollution and, in particular, acid rain In fact, the actual deliberations on emissions took place in the meetings of Environment Ministers, thereby further reinforcing the role of DGXI Officials in the Commission were asked to manage a series of procedural and methodological "gaps" that were created by this sharing of responsibility, something that became more important as the environmental dimensions of the vehicle emissions debate intensified during the course of the 1980s³⁹

The capacity of the intergovernmental state was also limited because the various member governments of the intergovernmental state were unable to generate the technical information needed to formulate regulations on vehicle emissions Indeed, there was no real need to do so

³⁷ The acronyms for both associations are derived from their French names The following account of the associational activity by the European car-makers is based on an interview with an official from the Association of European Automobile Constructors (ACEA), Brussels, October 23, 1992, interviews with officials in the Commission of the European Community, Brussels, December 1992, and Andrew McLaughlin and Grant Jordan, "The Rationality of Lobbying in Europe Why are Euro-Groups so Numerous and so Weak? Some Evidence from the Car Industry," in S P Mazey and J J Richardson, (eds), *Lobbying in the EC*, (Oxford Oxford University Press, 1993, pp 125-127

³⁸ Ibid

³⁹ Interview with a senior official from DGXI, Brussels, December 3, 1992

Governments could rely on the vehicle manufacturers who were willing to provide the necessary data to formulate regulations that would continue to ensure a relatively free market in automotive production. As Boehmer-Christiansen argues

regulation during the 1970s was thus left to the relatively cosy bargaining between technical experts from industry [] any conflicts tended to be resolved by experts drawn from European vehicle manufacturers organised into the CCMC []. Decision-making was therefore industry-centred.⁴⁰

However, the clientele pluralist policy network on vehicle emissions was destined to change quite dramatically during the 1980s. The issue at hand was redefined to one of both environmental and economic concern.

Phase Two (1983-1987) A Failed Attempt at Stronger Regulation

During this second phase in the life cycle of the vehicle emissions policy network in the European Community, the autonomy and capacity of the EC institutions increased. However, because the different parts of the Commission, the Council, and the member states, could not agree on how best to proceed, the overall strength and autonomy of the *intergovernmental state* remained limited (as distinct from the strength and autonomy of individual member states or the central EC institutions). To build on Lindquist's model,⁴¹ the intergovernmental state was well organized but not well organized enough. Conversely, although the automobile manufacturers were somewhat less well organized in Brussels, until almost the very end of this second phase, individual manufacturers in Britain and France continued to exert a strong influence on their national governments. Considering the intergovernmental state as a whole, that is the central EC institutions and the member states considered together, the vehicle emissions policy network in this second phase was a classic pressure pluralist network.

This general conclusion about the autonomy and capacity of the EC as an intergovernmental state is based on an analysis of the policy networks operating in both Brussels and in some of the key member states. In Brussels, the policy network shifted from a clientele pluralist network to a more pressure pluralist network. Some of this change is the result of a

⁴⁰ Sonja Boehmer-Christiansen, "Vehicle Emission Regulation in Europe - The Demise of Lean-Burn Engines, the Polluter Pays Principle and the Small Car?" *Energy and Environment*, 1 (1990) 11-12

⁴¹ Lindquist, "Public Managers and policy communities" p. 134

somewhat stronger set of state actors in Brussels. For example, the growing interest in, and concern about, the environment and pollution across western Europe also increased the capacity of the EC institutions during the second phase of the evolution of the vehicle emissions policy network. The central institutions of the Community were able to channel public concerns about the environment and take a stronger stand than they might have in the absence of public concern. For example, late in this second phase, the European Parliament 'rode a green wave' and was able to force the Council and the Commission to enact vehicle emissions legislation. The capacity of the Community institutions was also increased by the growing pressure and sophistication of the national, and EC-wide environmental movement. However, this pressure, notably on DGXI, was not sufficient to offset the power and influence of DGIII and its auto-maker allies.

The shift to a more pluralist network in Brussels is also due to the fact that the nature of the debate changed in the Motor Vehicle Emissions Group (MVEG), the main advisory body to the Commission with respect to EC regulation of vehicle emissions.⁴² In phase one, the deliberations of the MVEG were highly technocratic, and they generally sidestepped political and environmental concerns. However, during this second phase, that is after 1983, the viability of this technocratic approach to the issue of vehicle emissions was limited by at least two sets of factors. First, all participants had to acknowledge the links between the narrow issue of how best to achieve a given level of emissions, and the broader issues of the viability of the vehicle industry and the growing competition from offshore, notably Japan. Second, the 'greener' member states, notably Denmark and The Netherlands, were interested in more than the narrow issue of emissions from a single vehicle (they pushed hard for the lowest possible emission levels). They also raised concerns about the overall impact of vehicle emissions, and about the total level of emissions from all vehicles on the road. These 'green' member states were supported, and sometimes prodded, by the representatives of the European environmental movement who worked hard to secure a place in the MVEG and thereby move closer to the centre of the European vehicle emissions policy network. However, securing this place was not easy, and the environmental movement was not regularly represented on the MVEG until the mid-1980s.

⁴² This account of the work of the MVEG is based on an interview with a senior official in DGIII, Brussels, November 30, 1992. This person acted as Secretary to the Group. This account is also based on an interview with a senior official in DGXI familiar with the work of the MVEG, Brussels, December 3, 1992, and a telephone interview with an environmental policy consultant who has participated in the work of the MVEG on behalf of European environmental lobby groups, November 17, 1992. See also Henning A. Arp, "Technical Regulation and Politics: the Interplay Between Economic Interests and Environmental Policy Goals in EC Car Emission Legislation," in J. D. Liefferink, P. D. Lowe and A. P. J. Mol, (eds.), European Integration and Environmental Policy, (London: Belhaven Press, 1993), pp. 150-171.

A similar shift in the vehicle emissions policy network took place in the Federal Republic of Germany. The strength of the German government increased, in response to, and aided by, strong public concerns about air pollution in general and acid gas emissions in particular.⁴³ However, the policy network in Britain remained a clientele pluralist one, and the British government continued to articulate the concerns of the automobile manufacturers who essentially sought to bargain for time to allow for the further development of an alternative lean-burn engine technology.⁴⁴ Much the same could be said of France and Italy where the PSA Group (Peugeot/Citroen) and, to a lesser extent, Renault and Fiat, remained opposed to a regulatory regime that would require the use of catalytic converters on all car models.

It is difficult to come to hard and fast conclusions about the strength and autonomy of the EC as an intergovernmental state when the nature of the policy networks varies from one order of government to the other and from one member state to another. This was less of a problem in the first phase because a clientele policy network existed in Brussels and in most of the key member states. In this second phase, we are confronted with a pluralist network in Brussels and in Germany, and a clientele network in France and Britain. Given the shifting and varying influence of the Commission, the Council and the different member states, it is impossible to simply combine the patterns by some formula.

However, in this case, the actual evolution of EC vehicle emissions regulations is a useful guide to how best to characterize the policy network during this second phase. Despite intense negotiations and growing public pressure, the EC was not able to move to "U S " standards for vehicle emissions until 1987 and then only with respect to vehicles with medium and large engines. The dominant position of the automobile manufacturers was not easily challenged. The gulf between 'green' states such as Denmark and The Netherlands and the non-green states such as France and the U K was effectively unbridgeable.⁴⁵

Although the Commission, the European Parliament, and the governments of Denmark, the Netherlands, and Germany, were committed to stronger regulations, this commitment was stymied by continued opposition from France and Britain. Their position reflected pressure from

⁴³ The following account of the vehicle emissions policy network in Germany is based on Boehmer-Christiansen and Helmut Weidner, Catalyst versus Lean Burn, pp 31-55 and interviews with officials from the Commission and the environmental Euro-Groups.

⁴⁴ For a discussion of the nature of the British debates about vehicle emissions and the larger political and economic context, see Boehmer-Christiansen and Weidner, Catalyst versus Lean Burn, pp 56-70. See also John McCormick, British Politics and the Environment, (London Earthscan, 1991).

⁴⁵ Interview with a senior official from DGXI, Brussels, December 3, 1992.

domestic automobile manufacturers and the relative weakness (in the French case) or neutrality (in the British case) of the domestic environmental movement. As one official from the DGXI put it, until the late 1980s, EC regulation of vehicle emissions was "a joke"⁴⁶. Thus, after 1983, the vehicle emissions policy network in the EC shifted from being a clientele pluralist network to a more classically pressure pluralist one. However, as we shall see, change is perhaps the only constant in the recent history of the European Community, and the vehicle emissions policy network was destined to change yet again as public concerns about the environment peaked in the late 1980s.

Phase Three (1988 - 1991) Moderate success at imposing a stronger regulatory environment

As alluded to above, by the end of the 1980s, the public profile of the issue of vehicle emissions was very high. Public demands for strict limits on vehicle emissions "comparable to those in the United States and Japan" were growing. Thus, the Council of Ministers agreed to two directives in quick succession which significantly tightened the regulatory regime for vehicle emissions in the Community. The so-called "small-cars" directive of 1989⁴⁷ and the "consolidated" directive of 1991⁴⁸ effectively meant that all cars manufactured and sold in the European Community would have to be fitted with a three-way catalytic converter by the mid-1990s. The explanation for this relatively sudden transformation in the regulatory regime lies in the changes in the vehicle emissions policy networks, both in Brussels as well as in key member states.

In Brussels, the policy network moved towards a state-directed network as a result of changes in the central institutions of the EC, and linked changes in the key members of the associational system. Perhaps the most important change was the fact that, after the adoption of the Luxembourg compromise in 1987, the unity among the automobile manufacturers unravelled.⁴⁹ The Council's common position on the small cars directive favouring 8g/test (and rumours of a willingness by some member states to go as low as 5g/test) posed serious problems

⁴⁶ Ibid

⁴⁷ 89/458/EEC of 18 July 1989 (OJ L 226, 3 8 1989)

⁴⁸ 91/441/EEC of 26 June 1991 (OJ L 242, 30 8 1991)

⁴⁹ The following account of the associational activity by the European car-makers is based on an interview with an official from the Association of European Automobile Constructors (ACEA), Brussels, October 23, 1992, interviews with officials in the Commission of the European Community, Brussels, December 1992, and McLaughlin and Jordan, "The Rationality of Lobbying in Europe," pp 125-127

for the different automobile manufacturers. It was far from certain that lean-burn engines would be able to achieve a combined NO_x and HC limit of 8g/test. A limit of 5g/test would effectively make such engines unworkable.

Generally speaking, those manufacturers who had made an earlier commitment to the use of catalytic converters (read German companies) were supportive of the changes in EC regulations. The changes would not entail significantly increased costs to manufacturers in Germany. On the other hand, the different proponents of lean-burn engine technologies responded in quite different ways to the prospect of an EC-wide regulatory regime that would have the effect of making three-way catalytic converters mandatory on all cars by the mid-1990s. For example, in early 1988 some British manufacturers, notably Vauxhall and Ford, signaled their willingness to adopt catalytic converter technology.⁵⁰ By the fall of that year it was clear that many U.K. manufacturers would be introducing three-way catalytic converters.⁵¹

In the case of France, in early 1989 Renault opted to "go green" and introduced three-way catalytic converters. Conversely, the PSA Group remained adamantly opposed to the use of catalytic converters. The Group Chair, Jacques Calvet, was strongly opposed to the introduction of three-way catalytic converters, and extended his criticism of the EC to the Community response to Japanese competition, and the nature of the deliberations of the Council of Ministers. This has led one set of observers to suggest that Calvet's actions are a case study of how *not* to lobby the European Community.⁵² The vehemence with which the PSA Group held to its position caused problems for both the French Government and the automobile lobby.

The net effect of these increasingly divergent positions was that by the spring of 1989, the major western European automobile manufacturers were badly split over the issue of how to respond to the prospect of EC rules that would effectively require the use of catalytic converters on small cars. The compromises of the 1980s were no longer viable. In November 1989 the CCMC collapsed. For several months the secretariats of the CCMC and the CLCA had discussed abandoning the traditional system of giving all member companies a veto. However, the reform discussion was put to rest at a meeting in Paris when Jacques Calvet used his veto to prevent the group from moving to a system of qualified majority voting. Following the veto, eleven of the twelve members of the CCMC resigned. Even though the obstinate position of

⁵⁰ Ends Report, January 1988, p. 8.

⁵¹ Ends Report, October 1988, p. 6.

⁵² Sonia P. Mazey and Jeremy J. Richardson, "Interest Groups in the European Community," in J. J. Richardson, (ed.), Pressure Groups, (Oxford: Oxford University Press, 1993), 210.

Mr Calvet was the proximate cause, the collapse of the organization had been imminent for several months. All of these tensions and the collapse of the CCMC meant that the effectiveness of the automobile industry Euro-Groups was severely diminished during much of the third phase of the evolution of the vehicle emissions policy network in the European Community.

Conversely, in the third phase the European environmental movement became a more important player in the policy network.⁵³ The movement developed a window on the vehicle emissions policy process by virtue of having secured a stable place on the Motor Vehicle Emissions Group (MVEG) advising the Commission. The very fact that the environmental movement was interested in participating in the deliberations of the MVEG was the result of a change in strategy on the part of the key groups in the United Kingdom. By the end of the 1980s, Greenpeace and Friends of the Earth in the U.K. had launched high-profile advertising campaigns to put pressure on the automobile industry and the government to opt for catalytic converters. In the fall of 1988, Friends of the Earth in the U.K. launched a boycott of Peugeot to draw attention to the companies' opposition to the introduction of three-way catalytic converters.⁵⁴ Finally, the European environmental movement moved closer to the centre of the vehicle emissions policy network in the late 1980s as a result of growing public concern about air pollution and environmental issues generally. As is well known, the late 1980s and early 1990s were a period of intense public concern about the environment in most industrialized countries.

In general then, the capacity of organized interests shifted quite dramatically in the third phase of the evolution of the vehicle emissions policy network in the European Community. On the one hand, the power and influence of the automobile manufacturers declined as the internal divisions in the key Euro-Groups could no longer be ignored. On the other hand, the influence of the European environmental movement increased.

At the same time, several forces served to increase the capacity of the European Community institutions during this third phase. First, the central institutions of the Community and the member states acting together were able to evaluate and otherwise employ the information received from the automobile manufacturers and their associated Euro-Groups. Some of this was the result of the independent research commissioned by governments in

⁵³ The following account is based on interviews conducted by the author with representatives of the major environmental Euro-Groups in the fall of 1992.

⁵⁴ John Griffiths, "Tougher anti-pollution deal in tatters," *Financial Times*, October 20, 1988.

Denmark and The Netherlands The representatives of these "green" member states arrived at meetings of the MVEG and the Council of Ministers with independent analysis of the options available for meeting more ambitious targets for reduced vehicle emissions⁵⁵ Second, the capacity of the Community was enhanced as a result of the changes in public opinion that have already been mentioned Not only did the rise in public awareness of environmental pollution strengthen the hand of the European environmental movement, it added to the capacity of the Community Third, the capacity or strength of the EC was enhanced as a result of the growing number of member states committed (or in some cases resigned) to the need to require the use of three-way catalytic converters on all cars operating in the EC Fourth, the capacity of the European Community was enhanced by a reduced level of conflict between DGXI and DGIII over the merits of a tighter regulatory regime for vehicle emissions In contrast to the earlier period, in this third phase there would seem to have been a general consensus within the Commission on the inevitability of tighter emission limits and the introduction of three-way catalytic converters⁵⁶ Finally, and perhaps most importantly, the increased capacity of the EC central institutions was the result of the changes to the operations of the Council and the role of the European Parliament brought about by the Single European Act Note, however, it would be a mistake to simply argue that the only change of any consequence was the move to qualified majority voting in the Council of Ministers The increased strength of the Community in this third phase was the result of a series of changes in the level of organization of both the central EC institutions and in the positions of the member states

However, as was true in phases one and two, before we can come to any conclusions about the nature of the policy network in the intergovernmental state, we need to look not only at the policy network in Brussels but also at the nature of the policy network in at least some of the key member states As it turns out, in Germany the policy network remained a pressure pluralist one, although both the government and the key automobile manufacturers were committed to a comparatively strong regulatory regime Conversely, the nature of the policy network in Britain, France and Italy changed significantly from phase two to phase three In the United Kingdom, the vehicle emission policy network did not shift to a state-directed network as was the case in Brussels However, the network did become more pluralistic and much less dominated by a single point of view from the auto industry Similarly, in France, the policy network did open up to a degree, and the clientele pluralist patterns of the early and mid-1980s came to an end In the case of The Netherlands, the policy network was largely state-directed, a

⁵⁵ Interview with an official from the Directorate-General for Environmental Protection, Ministry of Housing, Physical Planning and Environment, The Hague, The Netherlands, December 8, 1992

⁵⁶ Interview with a senior official from DGXI, Brussels, December 3, 1992

reflection of the policy leadership exercised by successive Dutch governments in the late 1980s on environment policy generally⁵⁷

Thus, in the late 1980s, the vehicle emissions policy network in the EC as an intergovernmental state was briefly transformed into a state-directed network. During this third phase, the vehicle emissions policy network in Brussels moved from being a pressure pluralist network in phase two to a largely state-directed network. Key members of the vehicle emissions policy network (notably the Commission, the European Parliament, and key member states such as The Netherlands and Denmark) were able to exercise policy leadership. More importantly, the fact that the allied policy networks in some of the other member states were no longer dominated by automobile manufacturers hostile to the introduction of catalytic converters meant that these reform minded players could carry the day and push through relatively tough regulations limiting vehicle emissions, regulations that were closer to U S standards. The very fact that the emissions policy network was state-directed in Brussels as well as in key member states such as Germany and The Netherlands *and* was largely a pluralist network in the other member states is significant.⁵⁸

Because the overall vehicle emissions policy network in the intergovernmental state was state-directed, the autonomy and capacity of state officials in the intergovernmental state was enhanced. The intergovernmental state was no longer constrained by a powerful lobbying effort on the part of automobile manufacturers, and the state was able to act comparatively boldly with the support of the general public and a strong environmental movement. However, as is predicted by the theoretical literature on policy networks, state-directed networks are relatively rare and unstable.⁵⁹ Because of recession and economic instability of the early 1990s, concerns about air pollution and acid rain have been of late, pushed downwards on the public policy agenda.

Epilogue -- Pluralist Policy Network or Diffuse Issue Network?

⁵⁷ Interviews with officials from the Directorate-General for Environmental Protection, Ministry of Housing, Physical Planning and Environment, The Hague, The Netherlands, December 8, 1992 and Albert Weale, The New Politics of Pollution, (Manchester Manchester University Press, 1992), Chapter Five

⁵⁸ When looking at the nature of policy networks across the intergovernmental state, if state-directed and pluralist networks co-exist in different parts of the intergovernmental state, it is likely that the overall network will be state-directed

⁵⁹ See Coleman and Skogstad, "Policy Communities and Policy Networks: A Structural Approach"

By the early 1990s, the nature of the vehicle emissions policy network had changed quite dramatically. At a minimum, the network was no longer state-directed. It is now more appropriate to speak of a much looser issue network rather than a policy network *per se*. Consider the following changes:

The intergovernmental state, that is the EC and the member states acting together, was not nearly as well organized and had difficulty agreeing on what to do next. Simply put, whereas DGXI and some members of the European Parliament might call for such measures on environmental grounds, other DGs, other members of the Parliament, and some key member states were promoting policies that would have the opposite effect.⁶⁰ At the same time as DGXI was calling for a reduction in road transport and car use, DGIII, some key member states, and the highly influential European Round Table of Industrialists (ERT), were calling for the completion of the so-called "missing links" in the transportation infrastructure of the Community, including roads. The resulting Trans-European Network (TEN) programme, developed by the Commission, includes plans for 12,000 kilometres of new highways by the year 2002, increasing the network by 32 per cent, and for spending over 124 billion ECU (US\$ 143 billion) in the first six years.⁶¹ Once again, the narrow focus on emissions from single vehicles was eclipsed by a much larger debate on the role of the EC in promoting economic growth vs environmental protection.

Similarly, the European environmental movement was in a weaker position to take a strong stand on emissions, in part because of internal disagreement on the importance of the issue and how best to respond to a problem which no longer could be solved by a technical fix. Public concern about the environment declined as unemployment in western Europe rose, and attention shifted to other issues such as German unification and the radical changes taking place in Eastern and Central Europe. The declining concern with air pollution and vehicle emissions weakened the position of the European environmental movement. Key organizations such as Friends of the Earth and Greenpeace shifted scarce resources to other issues and concerns. At the same time, the environmental movement also embraced the changing definitions of the problem identified above. For example, while the European Environmental Bureau maintained

⁶⁰ The 1992 project itself, with its emphasis on economic growth and the elimination of trade barriers, also has the effect of increasing use of cars and trucks and by extension vehicle emissions. One study estimated that the growth impact of the internal market is likely to cause atmospheric emissions of SO₂ to rise by 8-9% and emissions of NO_x to increase by 12-14% by 2010. See Commission of the European Communities, Task Force on the Environment and the Internal Market, 1992. The Environmental Dimension, (Luxembourg: Commission of the European Communities, 1989), p. v.

⁶¹ Ann Doherty, and Olivier Hoedeman, "Misshaping Europe - The European Round Table of Industrialists," The Ecologist, 24.4 (July/August 1994) p. 4-6.

an active interest in the issue of air pollution caused by vehicles, the emphasis shifted away from regulating tail-pipe emissions of noxious gases, and towards a more generalized concern about the CO₂ emissions from automobiles and the aggregate level of emissions ⁶²

The Euro-Group representing the automobile manufacturers was reorganized, and became a more effective voice in Brussels. If the Commission and the other central institutions of the European Community were more sensitive to the economic concerns of the automobile industry in the early 1990s, it was due in large part to the creation of the Association of European Automobile Constructors (ACEA) in the Spring of 1991.

The ACEA is the successor organization to the two automotive Euro-Groups active in the 1980s, the CCMC and the CLCA ⁶³. The new organization is a much more effective Euro-Group for at least two reasons: the membership of the association includes the major American and non-EC automobile manufacturers (but not the Japanese) and, more importantly, decision-making is by qualified majority. Individual member companies can no longer veto any given proposal. The effectiveness of the ACEA was demonstrated by the fact that it was quickly able to forge a common position on the difficult issue of Japanese imports, and then intervened strongly and very early with respect to EC policy on recycling ⁶⁴.

To summarize the nature of the vehicle emissions policy network in the early 1990s, it is clear that, at a minimum, the network was no longer state-directed. The intergovernmental state, that is the EC and the member states acting together, was not nearly as well organized, and had difficulty agreeing on what to do next. Similarly, the European environmental movement was in a diminished position to take a strong stand on emissions.

However, it may no longer be possible to speak of a vehicle emissions policy network *per se* given the fact that the definition of the problem has moved beyond a concern with the emissions from a single vehicle to the overall contribution of motor vehicles to air pollution and global warming. The number of members of the network has increased and a much wider

⁶² See for example Holman, "Car Fuel Consumption: A Report for the European Environmental Bureau."

⁶³ The following discussion of the ACEA is based on an interview with an official from the association, Brussels, October 23, 1992, interviews with Commission officials who have dealt with the ACEA and McLaughlin and Jordan, "The Rationality of Lobbying in Europe."

⁶⁴ However McLaughlin and Jordan suggest that the quick agreement was a result of the fact that the ACEA was created on the basis of a pre-existing agreement among the large firms. See McLaughlin and Jordan, "The Rationality of Lobbying in Europe," p. 148-149. The agreement on Japanese imports was also possible because the PSA Group was not a member of the Association and did not have to contend with Jacques Calvet's strong opposition to Japanese imports.

diversity of interests have come to the table for negotiations. As a result, after 1991 it may be preferable to speak, not of a stable vehicle emissions policy network with an identifiable membership and structure, but rather of a more diffuse *issue network* with a shifting membership and a loose structure.⁶⁵

E. General Conclusions

In this paper I have tried to demonstrate that many of the existing accounts of the efforts of the European Community to regulate vehicle emissions underestimate the dynamic relationships between institutional arrangements and social forces, notably organized interests. Similarly these accounts, and indeed most accounts of the policy process in the European Union, underestimate the implications of the fact that the policy process takes place on at least two levels in the EU, and that there is yet another dynamic and reciprocal relationship between the policy process in the member states and the process in the central institutions of the Union.

I have also tried to suggest that the concept of the intergovernmental state and a detailed method for analyzing such states can begin to remedy some of these deficiencies. Thus, this paper suggests that the whole story of EC efforts to regulate vehicle emissions must take into account the changing nature of the vehicle emissions policy networks both in Brussels and in some of the key member states. And if we then try and come to some conclusion about the nature of the policy network in the EC as an intergovernmental state (the EC and the member states taken together), I have suggested that the network has evolved from a clientele pluralist network from 1970 to the early 1980s, through a pressure pluralist network in the mid-1980s, to a state-directed network for a brief period in the late 1980s. Since that time the definition of the issue of vehicle emissions has been redefined and expanded such that it is probably no longer appropriate to speak of a reasonably tight and well-defined policy network but rather a more diffuse issue network.

However, care should be taken in extrapolating from this case study to the EU as a whole. First, this case study of the vehicle emissions policy network is meant to be a disciplined-configurative study⁶⁶ designed to cast doubt on established theories which suggest

⁶⁵ Mazey and Richardson suggest that, with the exception of agriculture, "[] EC policy-making is more pluralistic, characterized by less cohesive, larger 'issue networks' within which there are a wider range of conflicting policy objectives." See Mazey and Richardson, "Environmental Groups and the EC", p. 209.

⁶⁶ For an introduction to disciplined-configurative case studies see Harry Eckstein, "Case Study and Theory in Political Science," in F. I. Greenstein and N. W. Polsby (eds.), *Handbook of Political Science*, (Reading, Mass: Addison-Wesley, 1975), reprinted in Harry Eckstein, *Regarding Politics. Essays on Political Theory, Stability*

that the intergovernmental state cannot be other than weak and penetrated. Second, I am attempting to see how the EU "fits" with some of the more general claims in the comparative politics literature, and to add to the growing trend of analysis which tries to situate the EU in the broader literature of comparative politics.⁶⁷ Third, and most importantly, this study is also meant to be an heuristic case study designed to develop and test a "preliminary theoretical construct",⁶⁸ i.e., the concept of the intergovernmental state. Over time I hope that the concept of the intergovernmental state, and indeed the larger method I have introduced to analyze the intergovernmental state, will be refined based on further applications to other cases. Finally, the goals of this study are modest. I am not trying to introduce a full-blown theory of the intergovernmental state, but rather to introduce a potentially useful "comparative concept" which will facilitate the study of federalism and federation and intergovernmental relations.⁶⁹

Despite its limitations, this study does challenge the view that federal states, and by extension confederal states, are inherently weak states. In perhaps the most blunt statement of this thesis, the British jurist A. V. Dicey argued that "federal government means weak government."⁷⁰ Similarly, a major commission of inquiry into the Canadian economy and economic policy concluded that, "federalism seems to be the enemy of policy that is planned, comprehensive, coherent, uniform and consistent."⁷¹ However, by looking at a confederal state, which by definition should be even weaker than a federation, this case study suggests, albeit in a tentative way, that such broad claims need to be re-examined.

But of course, the European Community, and now the European Union, is not just any kind of confederation. As suggested above, the EU is primarily an economic confederation defined and driven by economic goals and objectives. And the overwhelmingly economic orientation of the EU is not simply a matter of "big business" being able to exert greater influence on specific initiatives.⁷² On the contrary. Considered broadly, the *raison d'être* of the

and Change, (Berkeley: University of California Press), pp. 138-143.

⁶⁷ Hix, "The Study of the European Community: The Challenge of Comparative Politics,"

⁶⁸ Harry Eckstein, "Case Study and Theory in Political Science," pp. 143-147.

⁶⁹ Richard Rose, "Comparing Forms of Comparative Analysis", *Political Analysis*, 34 (1991), p. 461.

⁷⁰ A. V. Dicey, *Introduction to the Study of the Law of the Constitution*, 7th edition, (London: Macmillan, 1908), p. 175, cited by Donald V. Smiley, *The Federal Condition in Canada*, (Toronto: McGraw-Hill Ryerson, 1987), p. 19.

⁷¹ Canada, Royal Commission on the Economic Union and Development Prospects for Canada, *Report*, Volume III, (Ottawa: Minister of Supply and Services, 1985), p. 147.

⁷² For example, the details of the Single European Act (SEA) have been said to reflect the policy priorities of the

integration project has, almost from the very beginning, been to promote economic goals, and the evolution of the Union reflects the evolution of corporate capitalism in western Europe, indeed around the world. As the scope of corporate activity has expanded and multinational firms have grown, the effectiveness of national economic policy has declined and the need for multinational policies has grown. With or without the direct intervention of specific firms, the evolution of the European Union reflects the consensus among elites, that for Europe to remain "competitive", it must operate on a larger, pan-European scale.

The European Union is without question an interesting, and in many ways unprecedented, example of regional economic and political integration. One observer has described the EU as the most important (and perhaps the only) example of what we might call "the post-national state"⁷³. But the Union is by no means a unique entity and need not always be organized into a category of one. We know relatively little about how the Union operates and what impact it has on citizens, and those organizations that purport to represent citizens as workers, consumers, environmental activists. To fill this gap in our knowledge, it is useful to analyze the EU using concepts and theories that are also applicable to other federal and confederal political arrangements. The European Union may, in fact, be a "post-national state". But it remains comparable to other states, a comparison made easier by invoking the concept of the intergovernmental state.

European Round Table of Industrialists (ERT). See Ann Doherty, and Olivier Hoedeman, "Misshaping Europe - The European Round Table of Industrialists," *The Ecologist*, 24 4 (July/August 1994) p 4-6

⁷³ James Laxer, *Inventing Europe. The Rise of a New World Power*, (Toronto: Lester, 1991), p 303

Appendix One

The Evolution of European Passenger Car Emission Standards <i>[all numbers are grams per test]</i>					
<i>Regulation</i>	<i>Regulated Pollutant</i>				<i>Comments</i>
	CO	HC	NOx	HC + NOx	
1976 ECE 15-02	80	6.8	10	n/a	no observable improvement in air quality -- suitable for lean-burn
1979 ECE 15-03	65	6	8.5	n/a	
1984 ECE 15-04	58	n/a	n/a	19	
1984 EC Commission Proposal [Stage II was equivalent to US regulations]	45	15	6	n/a	threat to lean-burn engine
1985 Luxembourg					3-way catalyst only lean-burn and oxidation suitable for lean-burn
-- 'large' cars	25	6.5	3.5	n/a	
-- 'medium'	30	n/a	n/a	8	
-- 'small'	45	n/a	6	n/a	
1988 Small Car					uncertain for lean-burn 3-way catalyst only
-- Stage I	30	n/a	n/a	8	
-- Stage II	19	n/a	n/a	5	
1989 Council Promise All cars to comply with 19.5 standards to be agreed by 1990 together with a new European high speed test cycle					
1990 Consolidated Directive	19	n/a	n/a	5	3-way catalyst for all cars by 1993/4

Adapted from Sonja Boehmer-Christiansen and Helmut Weidner, Catalyst versus Lean Burn. A Comparative Analysis of Environment Policy in the Federal Republic of Germany and Great Britain with Reference to Exhaust Emission Policy for Passenger Cars 1970-1990, (Berlin: Wissenschaftszentrum Berlin für Sozialforschung, 1992), p. 7

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