
The External Environmental Policy of the European Union

John Vogler 

The role of the European Union in coming to the rescue of the Kyoto Protocol has certainly raised its profile, but should not obscure the fact that the European Community and the Union have long been significant in international environmental diplomacy.¹ Alongside the member States, the Community is a signatory of many of the major environmental conventions and agreements, including the Montreal and Kyoto Protocols. Of the 71 agreements covered in this *Yearbook*, it has signed 39 in its own right. It is impossible to survey any of the key issues in contemporary environmental politics—climate change, biotechnology, the trade–environment nexus, sustainable development—without encountering the policies and actions of the Union.

Yet there are both practical and analytical difficulties. While we may acknowledge the significance of the EU as an international political actor, it has its own unique and problematic characteristics. It is clearly not a state, but it is very much more than an international organization. The European Community has acquired very extensive environmental powers and commitments within the single market, but these are unevenly represented in external policy, and although we may speak of the Union acting this can mean a variety of different things. On some occasions the Commission of the European Community may act alone, on most the Union will appear as the member States and the Commission, and on yet other occasions the member States alone will represent the EU.² The fundamental policies of the Union require its involvement in the difficult business of managing the interdependence between environment and trade, aid, agriculture, and fisheries. Added to this are questions as to whether the Community is capable of implementing the agreements that it signs and whether, given its internal complexities and a state membership soon to increase from 15 to 25, it can ever move decisively or at a pace faster than that of its most recalcitrant member State.

Can we, then, regard the EU as a capable and effective actor in its own right? Such an assumption is often implicit in accounts of international environmental politics, but is it tenable? The range of the EU's policy concerns and the sheer scale of the single market provide it with enormous

capacity, but at the same time it is subject to a set of special constraints arising from its unique character. Because of the unilateralist stance adopted by the USA and serious transatlantic conflicts over trade, biotechnology, and climate change, this is a matter of more than purely academic interest. Expectations have been raised, most prominently in relation to the Kyoto Protocol, that the Union will assume the role of global environmental leadership. The following article can hardly provide a definitive survey of the EU's capabilities, but it does attempt to provide some basic information on the origins and extent of its external environmental policies and some of the special difficulties that afflict them. It concludes with a brief preliminary evaluation of the Union as an actor and its performance in recent negotiations.

Origins of External Environmental Policy

The foundations of the EU's engagement with international environmental politics are to be found in the evolution of its internal policies. While the Treaty of Rome was infamously silent on environmental matters, from the early 1970s this omission was steadily rectified in a succession of environmental action plans that produced a mass of environmental legislation. The topics covered have been wide-ranging: water quality, marine pollution, waste control, air quality, nuclear radiation, dangerous chemicals, energy conservation, pesticides, noise pollution, genetic modification, forestry, and animal welfare. Most, if not all of them, had external ramifications in a world where transboundary and global environmental issues were beginning to acquire a new salience in international politics.

By legislating on these issues the environmental competence of the Community, as opposed to the member States, began to grow. Competence is the EU term for 'powers'. Unlike other policy areas where the exclusive competence of either the member States or the Community is well established, one of the fascinations of studying environmental policy is that, in this area, no such determination has been achieved. Instead a situation of 'mixed competence' pertains. In critical areas such as atmospheric and water quality and hazardous waste, competence passed from the

member States to the Community, but on a large number of questions, especially those involving energy and taxation, competence was retained by the member States. When a question falls within Community competence it is subject to collective decision in Brussels under procedures that emphasize the role of the Commission. These involve the Commission's right of initiative and a dialogue with the member States represented in the Council of Ministers (in its environmental formation) in which the latter would have the final say on proposals. Subsequent to the Single European Act of 1987 and the introduction of qualified majority voting (QMV) in the Council, most environmental measures were no longer subject to veto by an individual member State. A new element was also introduced through the adoption of co-decision procedures which require the scrutiny and assent of the European Parliament, which has accordingly played a larger role in issues such as vehicle exhausts and the fur trade and trapping.

Very early in the development of the European Communities the question was raised as to whether internal competence would extend to the external dimensions of a policy. Because of the implications for the independence of the foreign policies of member States this was a politically sensitive matter. It is important to note that in two key areas the Community possessed such exclusive external competence from the outset. Under the Common Commercial Policy³ it obviously made no sense, in moving to create a customs union, to allow six member States to remain individually responsible for setting customs tariffs. Similar external competence was granted in the Common Agricultural Policy and later with the creation of the Common Fisheries Policy. In other areas where the EC was beginning to make rules, however, the situation with respect to the external implications of internal Community competence was unclear. The matter was resolved by a landmark ruling of the European Court of Justice in 1970 in the case of the European Road Transport Agreement (ERTA).⁴ The Court held that once internal Community competence had been established, through the laying down of common rules, it was automatically extended to external policy. The member States no longer had the right individually or collectively to incur external obligations which the Community alone had the right to assume. This was to have momentous implications for the Community's fast-developing environmental competences.

Competence in matters of air pollution (the first piece of Community legislation dated from 1970) provided the basis upon which the EC participated alongside the member States, beginning during the late 1970s with the negotiations for a Long Range Transboundary Air Pollution (LRTAP) Convention. Previous decisions by the Community on reduction in the use of chlorofluorocarbons in aerosol cans also provided the basis for Community in-

volvement in the Vienna Convention (1985) and Montreal Protocol (1987).⁵ It is also worth noting that the implementing legislation to save the stratospheric ozone layer was introduced collectively as Community regulations and decisions. Similar circumstances have seen EC involvement in regional seas and marine pollution agreements on the basis of competence for water quality, and participation in the Basel Convention on Hazardous Waste arising from competence for waste management. Nuclear protection agreements can also include the Community alongside the member States as a consequence of Euratom (one of the three original Communities).

The wider sustainability agenda will include external policy questions that go well beyond the official remit of the EC Environment Council or the Commission's DG Environment. There are treaty-based competences for agriculture, fisheries, and, of course, trade in manufactures. Thus in external relations the Commission, representing the Community, will participate in international fisheries agreements such as the 1995 UN Fish Stocks Agreement and the 1969 International Convention for Conservation of Atlantic Tunas. Some areas, such as that covered by the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, place the Community in a particularly strong position through the combination of competences—in this case for trade and waste. Climate change reveals a different situation, where, despite the limited Community competence for many of the issues involved, the full participation of the Commission is felt to be essential. Hence the Community, alongside the member States, is a signatory of the UN Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol, and the Commission has played a central role in drawing up the EU's climate strategy and in elaborating the scheme for an emissions trading system, both of which are essential to meeting Kyoto commitments.

From the beginning international environmental politics has been inseparable from North-South issues. This has been reflected in the naming of the Rio Summit as a UN Conference on Environment and Development, in the debates about 'common but differentiated responsibilities' in the Climate Change Convention, and, most recently, in the predominance of the poverty reduction agenda at the Johannesburg World Summit on Sustainable Development (WSSD) of 2002. In the 1997 Amsterdam amendments to the treaties the achievement of sustainable development became an explicit objective of the Union.⁶ A major vehicle for the external projection of EU influence in pursuit of this objective is its development policy. When the Community's own aid programme, with its policy-making body in DG Development and its field administration in EuropeAID, is placed alongside the national development activities of the member States, the EU can

fairly claim to be the largest aid donor on earth. This is not to say that its aid is always well targeted and timely or that there are not significant 'inconsistencies' between the Community and individual member States. Yet, in line with other EC policies, environmental protection stipulations are now required to be integrated into the definition and implementation of aid policy. The most significant and institutionalized developmental relationship is with the 78 African, Caribbean, and Pacific Countries (ACP) drawn from the former colonies of member States. This relationship has been shaped by, successively, the Yaoundé, the Lomé, and now the Cotonou Convention. In recent years these agreements have formally embedded sustainable development requirements, and in the wider context of global negotiations the relationship enables the EU to claim a special knowledge and sympathy for the concerns of the 'South'.⁷ Unfortunately this claim is frequently compromised in the developing world by the effects of the operation of the Common Agricultural and Fisheries Policies.

The EU and International Organizations

The form in which the EU participates in international environmental politics will be determined not only by internal competences, but also by the extent to which outsiders are willing to accept participation by the Community alongside the member States. A particularly significant type of modern international organization occurs in the conferences and meetings of the parties which constitute the decision-making bodies for the various conventions. In many of these the EC has achieved a special status as a regional economic integration organization (REIO). This dates from the late 1970s when, as a consequence of East–West détente, the UN Economic Commission for Europe sponsored the LRTAP negotiations. Having acquired competence for atmospheric pollution, the Commission was able to make a successful claim for the Community to be represented in the negotiations alongside the member States. Such dual representation was something of a novelty in international law and a formula had to be devised to allow it to occur. With the unexpected assistance of the USSR, which evidently hoped to achieve similar recognition for the Council for Mutual Economic Assistance (COMECON), the REIO concept was born. The REIO (of which the EC remains the only extant example) is allowed to participate fully in the work of a convention and to cast the votes of all its member States (also party to the convention) but not to enjoy an additional vote in its own right. This has become the accepted way in which the Community participates in conventions alongside the member States, and it will be noted that many of the agreements listed in the *Yearbook* stipulate that they are open

to REIO participation. In practice this means the European Community. There are conventions—that on trade in endangered species (CITES) provides an example—which predate the 1979 LRTAP and do not admit REIOs. Some more recent agreements, the HNS and Bunker Conventions, for example, also exclude REIOs. In such circumstances the Community relies upon the member States to represent its interests, and they are legally obligated to do so.

Much international environmental diplomacy, beyond the conferences of the parties to the conventions, occurs within the framework of orthodox international organizations. This is highlighted by the Rio process, which has been led by the General Assembly of the UN and gave rise to the Commission for Sustainable Development (CSD) under the auspices of the Economic and Social Council (ECOSOC). Here there is a problem because the European Community, although capable of being a member in its own right of various international organizations, has only observer status at the UN. The EU member States are, of course, full members of the UN and attempt with varying degrees of success to co-ordinate their position within the world forum, particularly in respect of the Common Foreign and Security Policy. They have, however, not always been supportive of attempts by the Commission to acquire status for the Community in New York.

The EC is a member of a small number of international organizations whose responsibilities cover matters under exclusive Community competence. Thus it is a full member of the World Trade Organization, of the Food and Agriculture Organization, and of a number of fisheries organizations.⁸ It is not a member of the UN Environment Programme, the World Bank, the International Maritime Organization, and a host of others. Here the usual practice is for the Community to be granted observer rights. In the case of the Organization for Economic Co-operation and Development (OECD) it enjoys a special status under a Protocol of 1960 where 'In practice the Commission participates in all the OECD committees (except the budgetary committee) on a basis superior to that of observer but falling just short of full membership.'⁹ One of the committees in which it participates covers environmental policy—the Environment Policy Committee (EPOC).

As noted above, the EU's relationship with the General Assembly, ECOSOC, and the CSD is of particular concern in international environmental politics. It has important implications for the status of the Community, reflected for example in the question of whether the President of the Commission is granted equivalent status and speaking rights to a head of government at the plenary sessions of an 'earth summit'. Before the 1992 Rio meeting the Community was granted the temporary status of full participant (except for the rights to submit procedural motions

and to vote). The lobbying efforts of the Commission bore fruit in a special footnote to the first page of *Agenda 21* which reads: 'When the term Governments is used, it will be deemed to include the European Economic Community within its areas of competence.' Though these areas were indeed very extensive, the rights gained by the Commission for the Community remained temporary and subject to renegotiation for each General Assembly Special Session or conference, including the Johannesburg WSSD of 2002.

The CSD, itself a creation of the Earth Summit, posed more challenges to Community representation. To the usual disputes about competence and voting strength was added the fact that CSD members were to be elected. Thus the EC was requesting admission to a body to which only some of the member States would be elected. Only after two sessions of the CSD had taken place was the issue resolved. Participation by the EC was defined as speaking rights, the right to put propositions but not to vote—and all this on the understanding that there would be no increase in the representation to which member States of the Community would otherwise be entitled.¹⁰

How the EU Negotiates

In the approach to an international negotiation or conference much will depend upon the precise distribution of competences, and a range of decision-making procedures may apply. Where the Community has competence the Commission will enjoy a 'right of initiative' and will make proposals for consideration by the Council. Policy formulation may be complicated by the inter-sectoral character of many environmental issues and the consequent need for inter-service consultations within the Commission itself. These sometimes pit different Commission DGs against each other, leading to policy 'incoherence'. While DG Environment will usually take the lead, DG Trade or DG Agriculture or Fisheries will sometimes have different interests and perspectives to pursue. There are understandable tensions between trade, environmental, and animal-welfare interests which can sometimes culminate in acrimony between EU institutions, as demonstrated in the affair of 'leghold traps' during the mid-1990s. Here the Environment Council attempted, on animal-welfare grounds, to ban fur imports deriving from cruel trapping methods in Canada and Russia. In this it was strongly supported by the European Parliament, which threatened legal action against the Commission because the latter, influenced by its trade concerns, had failed to bring forward the necessary legislation.¹¹

A Commission proposal for a negotiating mandate or a 'common platform' for an international conference will be discussed first by a Council Working Group on the Envi-

ronment, then by the Committee of Permanent Representatives (COREPER), and finally by the Council of Ministers.¹² As the environment formation of the Council meets relatively infrequently, other formations may also take decisions. The outcome will be a confidential mandate which, *inter alia*, will determine competences. This can be very significant in an international negotiation because it will determine who speaks for the EU on particular issues and the guise in which the Union will appear to its interlocutors.

There are at least three ways in which the EU will differ from a normal state participant in international environmental diplomacy. First, it will appear in different forms not only across a range of negotiations but sometimes within the same meeting. Leadership in negotiation will be determined by competence and by external recognition of the EC. As we have seen, there are some fisheries negotiations where only the Commission negotiates on matters falling squarely within exclusive Community competence. For most multilateral environmental agreements (MEAs), and particularly those with an REIO clause, representation is shared (according to competence) between the Commission and the member States, represented by the President in Office, assisted by the previous and next countries to hold the Presidency (the 'troika').¹³ With a Convention such as the Basel agreement on trade in hazardous waste the Commission will be prominent because of the extent of Community competence. In others where competence is more equally balanced, Commission and Presidency will alternate in putting the Union's position. Climate change talks involve restricted Community competence with the EU operating 'at 16', with the Commission involved alongside member States but with the leadership role being taken by the Presidency.¹⁴

Second, an EU delegation will be governed by a Council-approved mandate. Some negotiating flexibility is allowed through the device of 'co-ordination' meetings, which attempt to align member State and Commission positions during a negotiation. This is time-consuming for delegates and irritating for outsiders, who have to wait while the Union puts its own house in order. The model for this procedure is the Article 133 Committee that operates in the margins of a trade negotiation to co-ordinate national positions and approve the proposals of the Commission. Sometimes no agreement is possible *in situ* and there has to be a time-consuming reference back, not to a government, but to 15 governments represented on the Council of Ministers.

Third, those who negotiate with the EU may have real or 'tactical' doubts about whether an entity which is not a state can be relied upon to deliver any commitments into which it enters. This was a common US refrain in the negotiations leading up to the Kyoto Protocol. At issue was

Box 1. External environmental policies of the EU

The EU burden-sharing agreement, June 1998

Austria	-13.0 %
Belgium	-7.5 %
Denmark	-21.0 %
Finland	0.0 %
France	0.0 %
Germany	-21.0 %
Greece	+25.0 %
Ireland	+13.0 %
Italy	-6.5 %
Luxembourg	-28.0 %
Netherlands	-6.0 %
Portugal	+27.0 %
Spain	+15.0 %
Sweden	+4.0 %
United Kingdom	-12.5 %
European Community	-8.0 %

Source: Commission of the European Communities (2001), *Proposal for a Council Decision concerning the approval, on behalf of the European Community, of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfillment of commitments thereunder*, COM(2001) 579 Final, 2001/0248 (CNS) Annex II.

the 'Burden Sharing Agreement' upon which the whole EU position was predicated. This celebrated EU 'bubble', negotiated by the Council in the spring of 1997, included differential commitments to CO₂ emissions by member States. As may be seen from Box 1, which comprises the agreement as altered subsequent to Kyoto, some states were committed to major reductions, others to none, and some countries were allowed actual increases. The whole was aggregated into an EU commitment to an 8 per cent reduction in the first commitment period. Whether this will be achieved remains to be seen.

The EU in International Environmental Politics: A Brief Evaluation

Even a cursory reading of press reports of international climate change politics or related areas of environmental diplomacy would demonstrate that the EU is widely regarded as a single and highly influential actor. Yet, as the first part of this article has shown, such an assumption glosses over the complex and problematic character of the EU. For the Union is neither a partly formed superstate nor an overdeveloped intergovernmental organization. In lawyers' terminology it is an organization *sui generis*. One way of coming to grips with the external role of the EU is

to treat it as an actor which implies volition and provides a measure of a unit's capacity to behave actively and deliberately in relation to other actors in the international system. Over the last decade many of the spokespersons of the EU have clearly expressed an ambition in this direction, particularly in the assumption of a global leadership role in environmental co-operation. We may begin to evaluate how far such aims have been realized by considering the development of EU 'actorness', which can be regarded as a process involving 'presence', 'opportunity', and 'capability'.¹⁵

'Presence' conceptualizes the relationship between the internal development of the EU and third-party perceptions and expectations of the EU's external role. It is important to note that it does not mean purposive external action; rather it is an external consequence of the internal processes of building Europe. It is very much a function of being rather than doing. By any standards the EU has significant environmental presence. The global implications of the single market cannot be ignored, and the Union is the largest trader in the world economy. The EU ranks second to the USA as an emitter of greenhouse gases, Common Agricultural Policy subsidies distort world food markets, and the fishing fleets supported by the Common Fisheries Policy bear a heavy responsibility for the depletion of world stocks. On a more positive note, the Union is developing its own emissions trading system, which has been designed to incorporate outsiders.¹⁶ This, along with its proactive stance towards the Kyoto Protocol, has raised high external expectations as to its future role in the climate change regime.

The 'opportunity' for the EU to act was greatly enhanced by the ending of the Cold War, and it was the détente process that facilitated the attribution of REIO status to the Community in 1979. The removal of Cold War inhibitions coincided with the new awareness of global environmental issues that stimulated the 1992 UNCED and provided the stage upon which the Union could assert its identity. Above all, it has been the progressive abdication of environmental leadership by the USA that has provided the opportunity for the EU to assume this role. This has been most evident with the repudiation of the Kyoto Protocol by the Bush administration, but it can be observed in other agreements as well—the Biodiversity Convention and the Basel Convention to name two examples. By 2001 the President of the sixth session of the Conference of the Parties to the UNFCCC, Jan Pronk, could declare that the 'EU has become the only game in town'.¹⁷

Presence and opportunity may provide the basis for establishing an effective actor, but the acid test is in its decision-making and negotiating capability. In external policy the degree of 'actorness' varies very widely, from the trade sector, where a single policy is formulated and executed

by the Commission and the EC is widely acknowledged as the equal to the USA, to the persistent public humiliations of the Common Foreign and Security Policy, where leading member States will oppose and work against each other in the UN Security Council.

As befits an area where 'mixed competence' prevails, external environmental policies fall somewhere between the two extremes. There is evidence that the Union's performance has generally improved in environmental negotiations since the 1980s. The best-known early case is provided by the stratospheric ozone negotiations. Here Richard Benedick, head of the US delegation, wrote a scathing account of the Montreal Protocol negotiations in which the EC delegation was portrayed as an obstructive laggard, dominated by national industrial interests, incapable of moving at a pace greater than that of the most backward member State, and preoccupied with its own internal constitutional wrangling.¹⁸ Matters were soon to improve with the adoption of the Single European Act, which introduced QMV to most areas of environmental policy, thereby preventing a veto by individual European governments. Furthermore, the habit of co-operation in external environmental policy began to develop during the 1990s, and the accession of Sweden, Finland, and Austria, all of which can be regarded as environmentally progressive states, certainly enhanced the credibility of the Union. It is possible to point to a range of MEAs during the 1990s in which the EU, acting as a single bloc, played a proactive role and was influential in spreading its own policy ideas, such as the precautionary principle and eco-labelling. Among notable instances are the Rotterdam Convention on PIC, the Stockholm Convention on POPs, the Basel Convention and its Ban Amendment, and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity. This last explicitly includes a precautionary approach to the transboundary movement of living modified organisms coupled with a clause which does not yield pre-eminence to WTO rules. It was the EU delegation which fought for these positions in the face of US and 'Miami Group' opposition.¹⁹ It also played a mediating role between the latter and the 'Like-Minded Group' of developing countries. This is another role which the EU has espoused and which is observable across a range of MEAs. A similar story could be told about the EC's influence at the WTO and within its Committee on Trade and Environment. Here the Commission can speak with some authority because of its long single market experience in integrating the disciplines of free trade with the requirements of a high level of environmental protection.

The situation is not uniform and there are still instances,

such as recent forestry negotiations and some climate change meetings, where EU solidarity in negotiation has been less than impressive.²⁰ The extent of Community exclusive competence and consequent Commission leadership will clearly have a major bearing on the ability of the Union to define positions and negotiate effectively. Furthermore, it is difficult to avoid the inertia exerted by internal Union procedures. These can be a major source of delay and frustration, with endless co-ordination meetings and the inflexibility of Council mandates. Thus it is impossible for the EU to be a nimble and instantly creative negotiator. A salient example is provided by the Kyoto Protocol, where the detail of the 'flexibility mechanisms' was introduced by the USA and the Union simply reacted. On the other hand, manifest inflexibility can provide an excellent basis for a commitment strategy along the lines of 'the Council of fifteen states has agreed to our position after difficult negotiations and there is no possibility of referring it back.' In the longer term the Union can define and hold to a position while incorporating others, such as the ACP and applicant and accession countries. The range of its concerns and its association agreements, which will now contain sustainable development clauses, are without parallel in the international system. Contrary to the suspicions of some of its adversaries it is also, through its internal law-making procedures, capable of binding its members to act together in the implementation of commitments. It is, as one Commission official said, a 'weighty ship' once the course has been set.

For all its failings and peculiarities, the EU and its policies are an unavoidable and often positive feature of contemporary environmental negotiations. They can be a source of both leadership and intense frustration. The paradoxes are well illustrated in the development of the climate change regime. This is an area of outstanding EU leadership in the face of US abdication and outright opposition, yet it is also an area of restricted Community competence. The Kyoto Protocol which is now so stoutly defended is essentially comprised of North American policy concepts which the Union was unable to counter in negotiation. Much is now expected of the Union, and its track record since the emergence of the EC as an REIO in 1979 gives some ground for optimism. Yet major uncertainties remain. They include the Union's ability to develop a working emissions trading system within and beyond the single market and the probability that some of the key institutional arrangements described in this article will be altered as a result of the Constitutional Convention and the implications of enlargement to 25 or more states if they are not.

Notes and References

1. There are in fact three distinct European Communities: the European Coal and Steel Community, created by the 1951 Treaty of Paris, and the European Economic Community (EEC) and Euratom, created by the Treaty of Rome. From 1993 the EEC was renamed the European Community. It, like the other two communities, has legal personality under Article 281 of the Treaty establishing the European Community (TEC).
2. It is worth noting at the outset that the EU is an umbrella institution which, since the 1993 Treaty establishing the European Union (TEU), comprises the 15 member States and their intergovernmental policies (such as the Common Foreign and Security Policy) and the European Community. This last, established under the much amended TEC, has legal personality which enables it, unlike the Union, to sign treaties and join international organizations. Legal personality allows it to accept the credentials of ambassadors and sign treaties. Moves are afoot in the Constitutional Convention to provide the Union with this status.
3. Treaty of Rome, Art. 113; now TEC, Art. 133.
4. Case 22/70.
5. EEC 80/32 and EEC 82/79.
6. TEU, Art. 2.
7. See Art. 32 of the Partnership Agreement between the members of the African, Caribbean, and Pacific Group of States of the one part and the European Community and its member States of the other part, signed in Cotonou on 23 June 2000 (Cotonou Agreement) (OJ L317 du 15.12.2000).
8. These include the Northwest Atlantic Fisheries Organization (NAFO), the North-East Atlantic Fisheries Commission (NEAFC), the North Atlantic Salmon Conservation Organization (NASCO), the International Baltic Sea Fishery Commission, the International Commission for the Conservation of Atlantic Tunas, and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Only in the last do some member States participate alongside the EC Commission. This is because the CCAMLR is an ecosystem rather than a simple fisheries agreement, and involves the conservation of penguins, birds that are not covered by Community competence for the protection of wildlife in Europe!
9. Iain MacLeod, Ian D. Hendry, and Stephen Hyett (1996), *The External Relations of The European Communities: A Manual of Law and Practice* (Oxford: Clarendon Press), 194.
10. Chris Mensah (1996), 'The United Nations Commission on Sustainable Development', in Jacob Werksman (ed.), *Greening International Institutions* (London: Earthscan), 32.
11. See Gillian Dale (1996), 'The European Union's Steel Leghold Trap Ban: Animal Cruelty Legislation in Conflict with International Trade', *Colorado Journal of International Environmental Law and Policy*, 7: 2 (summer), 441–61.
12. COREPER is a vital component of the Brussels system where national officials negotiate and agree on the vast bulk of proposals emanating from the Commission, leaving only the most significant and disputed for ministerial discussion in the Council.
13. At the moment the Presidency rotates on a six-month basis. This can sometimes mean that a small country holds the EU Presidency at a key moment. For example, Luxembourg was President in Office during the Kyoto negotiations in late 1997 and had the responsibility of leading for the Union. The unsatisfactory nature of the rotating presidency, especially in an EU of 25 member States in which many of the newer entrants are small, has been widely recognized and has formed a key issue for discussion at the European Constitutional Convention.
14. For more detail on negotiation formats, recognition, and competence issues, see John Vogler (1999), 'The European Union in International Environmental Politics', *Environmental Politics*, 8: 3 (autumn), 24–48.
15. This formulation derives from a larger study of the EU as an actor in world politics which ranges across all the external policy areas, including trade, development, and environment; Charlotte Bretherton and John Vogler (1999), *The European Union as a Global Actor* (London: Routledge).
16. See European Commission (2001), *Proposal for a Directive of the European Parliament and of the Council Establishing a Scheme for Greenhouse Gas Emissions Trading within the Community* (Brussels), COM (2001) 581 final.
17. *Earth Negotiations Bulletin* (2001) July, 34.
18. Richard E. Benedick (1991), *Ozone Diplomacy: New Directions in Saving the Planet* (Cambridge, MA: Harvard University Press).
19. On this, see Christoph Bail, Robert Falkner, and Helen Marquard (eds.) (2002), *The Cartagena Protocol on Biosafety: Reconciling Trade in Biotechnology with Environment and Development* (London: Royal Institute of International Affairs/ Earthscan Publications).
20. For an example of disunity, see the sixth session of the Conference of the Parties to the UNFCCC in The Hague of 2000. Two commentators note that: 'The negotiations leading up to and at The Hague were characterised by the fact that the EU was not in a position to counter the various proposals of the Umbrella Group—in large part because the co-ordination of 16 dissonant voices (15 member States and the Commission) is an Herculean task.' Michael Grubb and Farmina Yamin (2001), 'Climate Collapse at the Hague: What Happened and Where Do We Go from Here?', *International Affairs*, 77: 2 (April), 261–76, at 265.

