

This is a full-text, post-print version of:

Skjørseth, Jon B. and Jørgen Wettstad, 'Is EU Enlargement Bad for Environmental Policy? Confronting Gloomy Expectations with Evidence'.
International Environmental Agreements, Online edition, 2 March 2007.

The original publication is available at www.springerlink.com

Abbreviated title: Is EU Enlargement Bad for Environmental Policy?

Full title:

Is EU Enlargement Bad for Environmental Policy? Confronting Gloomy Expectations with Evidence

Abstract

As the EU expands to include the Central and East European (CEE) countries, its capacity to adopt and implement environmental policy will be negatively affected – this has been a widely held assumption. The CEE countries have been expected to be laggards, slowing down, weakening or even reversing progress in environmental policy-making. More than two years have now passed since the enlargement, and the new member-states have begun to make their mark on EU decision-making and implementation. This article confronts gloomy expectations with evidence in three issue-areas: genetically modified organisms, air pollution and climate change. The main conclusions are, first, that there is no indication that enlargement will result in any breakdown of EU environmental policy. Second, the consequences vary across issue-areas. The new member-states have strengthened the group that favours strict regulation of genetically modified organisms, weakened the implementation of the EU emission trading directive and have affected EU air policy hardly at all. These results can give an indication of what is to come. On the other hand, only a short time has passed since enlargement, and the picture may change with regard to other issue-areas.

Key words: EU, enlargement, environment, climate change, air pollution, GMOs

Abbreviations:

BSA	Burden-Sharing Agreement
CAFÉ	Clean Air for Europe Programme
CDM	Clean Development Mechanism
CEE	Central and East European
CEECs	Central and East European Countries
CLRTAP	Convention on Long-Range Transboundary Air Pollution
ECCP	European Climate Change Programme
EEA	European Environment Agency
EITs	Economies in Transition
ENGOS	Environmental Non-Governmental Organisations
EP	European Parliament
ETS	Emissions Trading System
GMOs	Genetically Modified Organisms
JI	Joint Implementation

LCP	Large Combustion Plant
NEC	National Emission Ceilings
PM2.5	Ultra-Fine Particulates
QMV	Qualified Majority Voting
UNFCCC	United Nations Framework Convention on Climate Change
UNICE	Union of Industrial and Employers' Confederations of Europe
WTO	World Trade Organisation

1. Introduction

More than two years have passed since ten additional states entered the former EU-15, making it EU-25. These new members of the European Union are Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. Furthermore, accession is planned for Bulgaria and Romania in 2007. This will essentially double the size of the EU and present a host of new challenges and opportunities for EU environmental policy and the state of the environment in Europe.

The EU has been described as having the most progressive environmental policies of any state in the world although it is not a state (Jordan 1999). Correct or not, this does lead one to wonder whether an expanded EU will be able to sustain and develop its 'progressive' policy. So far, most analysts have painted a gloomy picture of the consequences of enlargement for EU environmental policy, indicating a slowdown or even a reversal in policy (e.g Pellegrom 1997; Baker 2001; Holzinger and Knoepfel 2000; Wilkinson et al. 2004). The general argument is that the overall capacity to develop and implement environmental policy is lower in the eight Central and East European Countries (CEECs) than in the old EU-15, due to the Socialist past and related economic/administrative transition challenges.

The first expected consequence is that enlargement can have unfortunate effects for *decision-making dynamics* in EU environmental policy by strengthening the 'laggard' camp and weakening the leader-laggard dynamic (Andersen and Liefferink 1997). Second, enlargement may further widen the '*implementation gap*', which has long been a problem in EU environmental politics (Jordan 1998; 1999). Both these effects in various policy-making phases would imply negative effects for the effectiveness of EU environmental policy.¹

Our main argument in this article is that enlargement will not lead to any overall weakening or slowdown in EU environmental policy, but will have differing consequences for particular issue-areas.² We begin by presenting the arguments and logic behind why enlargement is widely expected to weaken decision-making and widen the implementation gap. We then confront these arguments with new evidence from three issue-areas: air pollution, climate change and the regulation of genetically modified organisms (GMOs). Finally, we explore the reasons for any mismatch between the gloomy expectations and actual observations. The three issue-areas have been chosen for various reasons. First, in all three, there has been a political process following enlargement in which the new member-states have participated. Second, these areas provide us with examples of differing consequences of enlargement in various policy-making phases. Third, they vary in terms of issue characteristics. Air pollution, climate change and GMOs cover both regional and global problems, and a range of industries from energy production to agriculture. This allows us to explore some of the implications of such differences. That said, we certainly do not claim that our sample of cases is representative of the wide universe of environmental challenges faced by the EU. Moreover, only a short time has passed since EU enlargement, thus limiting our ability to go beyond impressionistic evidence, particularly as to the long-term challenge of implementation. Nevertheless, we consider it important to conduct this analysis because it adds empirical observations to a field which has been dominated by speculation.

2. Analytical Point of Departure

Gloomy expectations concerning enlargement tend to be based, more or less explicitly, on the following line of argument: First, low and declining social demand for environmental quality, weak green organisations and low administrative capacity act to produce weak environmental policies in the new member-states. Second, adding low GDP levels to weak policy, these states will tend to adopt 'laggard' positions in EU decision-making bodies. Third, institutional reforms at the EU level are inadequate for coping with the new situation. Finally, the combination of reluctant new member-states and insufficient EU institutional and administrative capacity will weaken EU decision-making and widen the implementation gap.³ Below, we explore and specify the foundations for the gloomy expectations.

2.1. WHY ENLARGEMENT IS EXPECTED TO WEAKEN DECISION-MAKING AND WIDEN THE IMPLEMENTATION GAP

New Member-states

The eight CEECs differ significantly with regard to size, state of reforms, economies and environmental challenges. However, they also share several similarities due to their common post-socialist history (Homeyer 2004). Post-socialist Europe inherited huge environmental challenges along with certain positive environmental practices. Heavily polluted regions coexisted with expanses of unspoiled terrain, the latter covering about almost one third of the region (Pavlínek and Pickles 2004).

In the early 1990s, the CEEC governments and public opinion were highly attuned to the dangers facing the environment. After 1992, however, public concern for environmental quality declined (Jehlicka and Tickle 2002; Homeyer 2004). By the late 1990s, the combined memberships of environmental NGOs in, for example, Hungary, the Czech Republic, Poland and Slovakia were lower than in the late 1980s (Jehlicka and Tickle, 2002: 12). Declining public and political interest in environmental issues left environmental NGOs in the CEECs somewhat at a loss. Despite the considerable differences among the green movements in these countries, there is widespread agreement that the environmental NGOs are facing an uphill task when it comes to influencing domestic policy and not least EU environmental policies (Beckman 2002; Hicks 2004; Greenspan Bell 2004; Hallstrom 2004; Homeyer 2004). The environmental strategies of industries in the CEECs have received scant attention compared to those of ENGOs.⁴

The administrative capacity of the CEECs has been described as weak and the prospects of their active participation at the EU level bleak (Jehlicka and Tickle 2002; 2004). This observation corresponds well with low demand for environmental policy. The ministries of the environment and their departments of EU integration are understaffed, without suitably trained experts. Environmental ministries often perform only a coordinating and consultative role, and lack the administrative capacity to integrate, implement and enforce environmental regulations (Homeyer 2001; Kramer 2002; EEA 2003).

Analysts further tend to assume that the new member-states will coordinate their positions with the 'laggards' and try to block the adoption of new legislation or press for lower environmental standards. The 'leader-laggard' dynamic within the EU has been identified as one important driver behind the expansion of EU environmental policy (Andersen and Liefferink 1997). Its core mechanism is that environmental front-runners and regulatory competition drive EU environmental policy forward (Homeyer 2001). Leaders, such as Austria, Denmark, Finland, Germany, the Netherlands and Sweden and laggards like Greece, Ireland, Portugal and Spain can be distinguished by demand and supply for environmental policy and GDP levels. In addition to low social demand and weak supply of environmental policy, the CEECs will inevitably tend towards the 'laggard' group on the

basis of economic indicators: the combined GDP of all the CEE countries is less than that of the Netherlands alone (Garvey 2002: 55).⁵ According to Jehlicka and Tickle (2002), full EU membership and economic growth have been the overriding goals of the CEECs in their negotiations with Brussels; the environment is an example of a policy area with non-articulated interests.

Institutional Changes

Institutional reforms at the EU level are claimed to be inadequate to cope with this new situation. The introduction and expansion of qualified majority voting (QMV), since the Single European Act, in the Council of Ministers is generally seen as an effective means to overcome the resistance of the 'laggard' states.⁶ From 1 November 2004, the number of votes in the Council is 321 (Haigh 2003).⁷ A qualified majority will be 232 of 321 votes (72.3%) cast by a simple majority of member-states (13 of 25).⁸ This means that 90 votes representing three large countries and one small country can be enough to block a decision. The ten new member-states account for 80 votes. Most observers assume that decision-making will become less effective due to the expected 'laggard' positions and the sheer number of member-states. Moreover, the relative share of votes held by the environmental 'leader' states will decline (Schreurs 2004: 29). The votes of the ten new member-states plus one (perhaps Spain, Greece or Portugal) would suffice to block new environmental legislation.

The European Parliament (EP) has gained more power with the introduction (through the Treaty of Amsterdam) of 'co-decision' as the standard procedure on environmental legislation. Co-decision means that the Council no longer has the final say on legislative proposals. The EP has been regarded as the 'greenest' of the EU institutions – forcing governments to accept tougher standards on sulphur in motor fuels, power station emissions and packaging waste. The rising tide of political concern in Europe over competitiveness and economic growth indicates that the Parliament has toned down its environmental activism in recent years.⁹ Moreover, the number of MEPs elected in June 2004 was increased by 162 as a result of the ten new member-states. The share of seats for the former EU-15 will decline (except Germany), and the seats of the new member-states will range from 54 for Poland to 5 for Malta. This means that the combined percentage of seats held by the 'leader' states will drop (Schreurs 2004: 29).

The European Commission is seen as the 'engine of integration', with its agenda-setting power particularly important for increasing the influence of the 'leaders' on EU environmental decision-making.¹⁰ Institutional factors facilitating this role include the accessibility of the Commission to input from member-state officials, the Commission's preference for expanding its regulatory competencies, and the strong sectoralisation of EU decision-making which leads to competition between the different Directorates General and opportunities to influence policy-making on the basis of expertise and other resources (Homeyer 2001; Wurzel 2002). As the relative balance between 'leaders' and 'laggards' is expected to change in the direction of strengthening the laggard camp, the Commission's ability to strengthen the influence of the leaders is likely to be reduced.

The upshot of these changes is, first, that EU decision-making will slow down or produce lower environmental standards. More laggards will reduce the 'green' role of the EP and the ability of the Commission to strengthen the influence of leaders, making it more difficult to achieve a qualified majority on ambitious environmental standards. Second, the weak administrative capacity of the CEECs will act to increase the implementation gap. Against this backdrop, let us turn to some preliminary evidence.

3. Enlargement and EU Environmental Politics: Air Pollution, Climate Change and GMOs

3.1. EU AIR POLLUTION POLITICS: BUSINESS AS USUAL?

Within EU environmental policy, air pollution policy is probably one of the most mature and well developed issues (Wettestad 2002 a; b). From 2000 onwards an important trend in EU air politics has been consolidation and reflection on further integration and ways forward within the context of the Clean Air for Europe (CAFÉ) Programme, which has also included the new member-states.

Effects on Decision-making

The CAFÉ Programme was launched in May 2001 (EU Commission 2001). From the outset, the Commission emphasised the importance of involving the 'candidate countries' in the meetings under CAFÉ (EU Commission 2001: 13). The goal was to produce a thematic strategy on air pollution to be adopted in 2004, with particulate matter and ozone as specifically targeted issues. The Commission launched an internet consultation in December 2004. In the context of enlargement it is interesting to note that the response rate from the EU's ten new member-states was particularly good.¹¹ With regard to main results, environmental damage emerged as a higher public concern than health risks, and traffic was identified as a more serious concern than industry.¹² The strategy proposal was put forward in the end of September 2005 after significant opposition and delays (EU Commission 2005b). The main reduction targets for 2020 were 82% for SO₂, 60% for NO_x, 51% for VOCs, 27% for ammonia and 59% for ultra-fine particulates (PM_{2.5}). Estimated costs were some seven billion euros.¹³ Industry groups reacted warily while environmental groups were critical, the latter characterising the strategy as 'far too weak'.¹⁴ When the Council debated the proposal in December the overall reception was 'cool'. Of the original EU-15, it was primarily Ireland, Finland and Sweden that supported the proposal, while several environment ministers claimed that the strategy's level of ambitions was too high.¹⁵ In late June 2006, EU environment ministers then reached a provisional agreement that slightly weakened the targets initially proposed by the Commission. The next step in the process is the formal First Reading in the European Parliament at the end of September 2006.¹⁶

With regard to the new member-states, the picture has been mixed, but with Poland as a main critic. Poland foresees that coal will remain the main energy carrier in the country, which means that fulfilling the post-2012 requirements of the Thematic Strategy may well prove difficult, involving considerable economic burdens. Furthermore, Poland has questioned the realism of the suggested overall EU targets for 2020 and warned that the proposed ambition level with regard to ultra-fine particulates will impose 'a very hard' economic burden. Slovakia has also tended to be critical (EU Council 2005).

On the other hand, it is interesting to note that clear support for the Thematic Strategy has been voiced by several other new member-states, among them Cyprus and Latvia. Accession states Bulgaria and Romania have also been included in the discussion, and both countries have expressed general support for the strategy (EU Council 2005).¹⁷ Other CEECs, such as Hungary and the Czech Republic, have been quite neutral in their remarks (ibid.). However, in connection with the June 2006 discussions among EU environment ministers, both Hungary and two of the Baltic states opposed the emerging deal.¹⁸ Nevertheless, the CEECs have placed themselves in all main camps within the EU, with some even siding with the 'leaders' and several adopting more of a bystander position.

Effects on Implementation

The challenge of the CEECs' implementation of existing EU air pollution policy has been dealt with by extended deadlines combined with funding. For instance, in the case of the important Large Combustion Plant (LCP) Directive, six CEECs obtained transitional arrangements (Czech Republic, Estonia, Hungary, Lithuania, Poland and Slovakia). Poland received the most generous terms, with a 2017 deadline for compliance. Estonia and Lithuania have a 2015 deadline, whereas the Czech Republic and Slovakia obtained a more modest extension, until 2007.

This has been combined with funding support. For instance, Hungary has received funding for the development of a Hungarian Air Quality Monitoring System (EU Commission 2004: 3). More generally, EU assistance through Structural and Cohesion funds increased threefold after accession. As pointed out by the Commission, through these funds the new member-states will receive financial support for the implementation of the heavy directives for which transition periods have been granted (EU Commission 2004: 4, 5).

How is implementation proceeding in this issue area? Already by April 2004, the Commission reported that transposition of air pollution legislation was 'nearing completion' (EU Commission 2004: 1). So the formal part seems generally to be well on track. With regard to more specific policies, the main challenge is the Large Combustion Plant Directive. In the central case of Poland (where 90% of energy comes from coal), it has been noted that 'EU regulation brought into force in 2001 and 2002 can prove extremely significant and costly. This is true of the LCP Directive' (Kudelko and Suwala 2003: 742). In June 2005, Poland put an important building block in place: a 220 million euro loan with the European Investment Bank, for upgrading a large coal-fired power plant near the Polish town of Belchatow. This power plant, the biggest lignite-fuelled facility in Europe, supplies 20% of Poland's power. The investment is expected to help the plant comply with LCP Directive requirements by 2012 (i.e. five years before the deadline).¹⁹

3.2. CLIMATE CHANGE AND EMISSIONS TRADING: THE CEECs AS A MILDLY IMPEDING FACTOR?

Within the context of the United Nations Framework Convention on Climate Change (UNFCCC), in Kyoto in December 1997, the EU took on the target of reducing its greenhouse gas emissions by 8% by 2008–12. This was based on a preliminary internal Burden-Sharing Agreement (BSA) which was revised and finalised in 1998. The CEECs were not included in the BSA.

In order to meet the 8% target there was a clear need to develop stronger EU policies. The European Climate Change Programme (ECCP) was initiated in 2000. As a central element of this new drive, the EU decided to develop an internal emissions trading system (ETS) (Lefevre 2005; Wettestad 2005). The Commission's proposal for an EU ETS was put forward in October 2001, and political agreement on the system was reached in June 2003. This was followed by a process in the member-states of setting a national cap on emissions and allocating allowances to individual installations, through the drawing up of National Allocation Plans (NAP). The links between the EU ETS and the flexibility mechanisms established under the Kyoto Protocol (the Joint Implementation (JI) and the Clean Development Mechanism (CDM)), were settled in a specific Linking Directive formally adopted in October 2004.

Effects on Decision-making

The CEECs are parties to the UNFCCC and the Kyoto Protocol. Within both these instruments, they have status as 'Economies in Transition' (EITs). All CEECs have ratified

the Kyoto Protocol, under which they are committed to emissions limitations as Annex B Parties. Poland and Hungary are committed to a 6% reduction target, while the Czech Republic, Slovakia, and the Baltic states all have taken on a 8% reduction target (the same as EU-15). However, in view of the economic and industrial restructuring processes undergone by the CEECs in the 1990s, their Kyoto targets are generally expected to be quite generous. This will probably set them up on the clear selling side in EU emissions trading, and is one important indication that the CEECs will not necessarily adopt laggard positions and further complicate EU climate policy.

From late 2002 on and with formal accession approaching, the CEECs were granted more access to EU decision-making, including climate policy, through the establishment of the 'Interim Committee'.²⁰ The overall attitude towards emissions trading should probably be described as positive, albeit somewhat mixed. Among the clearly positive countries were Slovakia and the Czech Republic (Fernandez Armenteros and Massai, 2005: 438–442). Other countries, such as Hungary, Malta, Latvia and Lithuania were more critical. For instance, a Hungarian official complained that 'the scheme was designed without keeping in mind the needs of the new member-states'.²¹ In addition, Poland has been described as a country with more mixed attitudes towards emissions trading (Fernandez Armenteros and Massai 2005: 440–442).

The process of gradually closer involvement was further strengthened by the important European Council meeting in April 2003 and the signing of the Accession Treaties. The CEECs were hence included as observers in the final stages of the negotiations on the EU ETS Directive, including both the Second Reading in the European Parliament and the final deliberations in the Council.²² The CEECs took more active part in the negotiations on the linking directive all along. There is no evidence to suggest that they complicated or held up this extremely speedy process. Developing an EU ETS seems to have run its course, primarily due to dynamics within the group of the earlier EU-15.

Effects on Implementation

As indicated, implementation of the EU ETS should provide the CEECs with good opportunities. With regard to the production of an initial National Allocation Plan on time and getting it approved by the EU Commission, it should first be noted that the CEECs had a somewhat later deadline than the EU-15: 1 May 2004 (as against 31 March for the EU-15). Only five of the EU-15 managed to meet the 31 March deadline (see Wettestad and Saeverud 2005), so it should be kept in mind that the NAP process was generally complicated by delays. The CEECs did little to improve the situation. By 1 May several of the larger CEE countries, including the Czech Republic, Hungary and Poland, experienced considerable problems. As the Czech Republic and particularly Poland figure among Europe's major emitters, the processes in these countries were watched with particular concern.²³ In the spring of 2004 these countries struggled with data quality and the definition of the installations to be covered by the system. There were conflicts between the ministries of the environment and finance. Poland experienced severe conflicts between government and industry.²⁴ The Czech Republic finally submitted its NAP in mid-October, along with Hungary. After the Czech government agreed to a 9.5% cut in its NAP, this plan was accepted by the Commission in mid-April 2005.²⁵

The first Polish NAP was finally approved by the Commission at the end of June 2006.²⁶

These delays have also meant delays in getting the registries in these countries into operation. By late November 2004 the Czech Republic, Hungary, Latvia and Poland did not have registries in place. Even by June 2006 Poland's registry was still not fully linked with the system. The substantial delay in such important countries as Poland has been mentioned as one factor that has contributed to a less mature market than foreseen and also higher initial

prices in the EU ETS than expected.²⁷ As to a second NAP covering the Kyoto commitment period (2008–12), the deadline for delivery to the Commission was 30 June 2006. By the end of July, only seven member-states had handed in their NAPs. Interestingly, the seven included Estonia, Lithuania and Poland, in addition to Germany, Ireland, Luxembourg and the UK.²⁸

3.3. THE REGULATION OF GMOs: STRENGTHENING A ‘LOOK ON THE BRIGHT SIDE’ PERSPECTIVE?

The development of the EU’s GMO policy can be traced back to the mid-1970s, when industry argued for a self-imposed moratorium on GMO release and the need for regulation. Policy-making gained speed in the mid-1980s when discussions started on a directive on the deliberate release of GMOs into the environment (Directive 90/220). In 1998, an unofficial moratorium on the commercial release of GMOs was adopted. Up until then, approval had been granted for 18 bio-tech plants, including maize, rapeseed, chicory, and soybeans. In 2001, the deliberate release directive was further tightened up by Directive 2001/18. Two regulations were adopted in July 2003: one on GM food and fodder, emphasising that food and fodder using GMOs must be traceable through the food chain (Regulation 2003/1829); and Regulation 2003/1830 on mandatory labelling and traceability (see Haigh et al. 2006). As an overall significant trend, EU policy has developed in a far more restrictive way than developments within the key global actor where most GMOs are grown – the United States (Rosendal 2005; Bernauer 2003).

Effects on Decision-making

In October 2003 the Commission signalled to the member-states that it intended to end the unofficial moratorium in a few weeks’ time. This can be interpreted as a move to decrease the tension between the USA and the EU in this issue area. A recommendation for marketing approval of a GM sweet maize variety developed by the company Syngenta was announced to be just around the corner, followed by a corn variety from Monsanto. However, the Commission’s line failed to obtain a sufficient majority among national experts in the case of the Syngenta application in December 2003, and likewise in the case of Monsanto in February 2004.²⁹

In the first EU-25 vote on the issue (in this case the Monsanto application) within a regulatory committee in mid-June 2004, the clear split within the EU was confirmed. Most of the ten new member-states voted to reject the application, with only the Czech Republic and Slovakia voting in favour and Slovenia abstaining.³⁰ When the Environment Council voted on the issue at the end of June 2004, it was not possible to obtain a qualified majority for or against; it can be assumed that the positions were quite similar as within the regulatory committee.

This pattern of GMO positions among the CEECs correlates very well with attitudes expressed in opinion polls. In the EU Commission’s 2005 Eurobarometer poll, Poland and Latvia figured among the most concerned (around 70%); also Hungary scored slightly above the EU median (62%). On the other hand, both Slovakia and not least the Czech Republic came in well below the EU median (EU Commission 2005a).

The Commission then authorised the Monsanto application in July 2004, and approved the inscription of 17 GM maize varieties in the common EU catalogue in September 2004. This latter move was criticised by 15 member-states, including Poland, at the agriculture council meeting in October 2004. In the same month Poland followed up by seeking an opt-out of the EU GM maize rules, on the grounds that the Commission had taken its decision too quickly and without consulting the new EU member-states.³¹

Seven member-states (Austria, France, Germany, Greece, Hungary, Luxembourg and Poland) then introduced unilateral national bans on EU-approved GMO crops. In the spring of 2005 the Commission turned to the Environment Council for support in getting these national bans overturned, focusing on the five member-states of the original EU-15 (Austria, France, Germany, Greece and Luxembourg). But the Council meeting in June 2005 voted ‘overwhelmingly’ to back the five member-states: indeed support for the five was much stronger than anticipated.³² All ten CEECs gave their support.³³ This logic was repeated in several EU meetings during autumn 2005. In May 2006, Poland was finally granted approval for its national ban by the EU Commission.³⁴

Effects on Implementation

Already by spring 2003 all the CEECs had transformed the main points of EU GMO legislation into national law. However, most CEECs lacked any means to implement and enforce their laws on GMO authorisation and labelling (Friends of the Earth/ANPED 2003a). Only the Czech Republic and Hungary had state laboratories certified to detect GMOs in seed, food and feed (ibid.).³⁵

This is some of the background that explains why the EU Commission has been assisting the CEECs to set up GM enforcement laboratories.³⁶ In April 2004, 24 national laboratories from the new member-states became part of the European Network of GMO Laboratories, bringing the total to 71 laboratories and aimed at providing a reliable GMO detection system across the enlarged EU. The network will assist the Commission’s Joint Research Centre in establishing a harmonised system for tracing GMOs and strengthening GMO implementation capacity in the CEECs.

4. Analysis of Expectations and Observations

From these three cases we can note a general pattern emerging. First, that there is limited empirical support for fears that enlargement will generally weaken EU environmental policy. True, the evidence is limited and only a short time has passed since the CEECs joined, but there are no indications so far that enlargement is leading to a breakdown in EU environmental policy. The second observation is that the effects of EU enlargement will vary from one issue-area to another. In the case of air pollution, it seems to be ‘business as usual’; on GMOs, by contrast, the new member-states have apparently strengthened EU’s restrictive policy. In the case of climate change, the making of the EU ETS was not significantly affected by the CEECs, but some of these countries have been slow in implementation.

Third, the picture is also mixed concerning consequences in different policy-making phases. With regard to decision-making, the GMO case indicates that most the new members have supported the EU states that favour a stringent policy based on precaution. In the case of air pollution, the new member-states have spread themselves in all existing camps within the EU: leaders, laggards and bystanders. The new member-states are also generally in favour of emissions trading, although some critical voices have been heard.

Implementation is a long-term challenge, but these three cases provide some indications of what to expect in the future. With GMOs and air pollution there have been positive developments, and the EU has taken significant steps to close the ‘implementation gap’ by strengthening administrative capacity. In the case of climate change, significant implementation problems have arisen with regard to national allocation plans and registers.

Why does such a mixed picture emerge from our empirical analysis? We can offer some bits and pieces of information that may be of more general relevance in relation to the arguments and logic presented in Section 2 above. First, although most observers seem to agree that the societal demand for environmental quality has declined and the domestic base of ENGO pressure in the CEE countries is relatively weak, the history of the environmental

movement in Western Europe demonstrates that dips in public environmental attitudes can be temporary (Downs 1972). Moreover, public concern for the environment and ENGOs attention is likely to vary from one issue-area to another. The GMO case shows that issue-areas characterised by high complexity and uncertainty may raise public awareness in the new member-states on the basis of values and perceptions of risk.

Second, the air pollution case points up the importance of industry strategies in EU policy-making. In the CEECs, an important dividing line goes between large multinational export companies and domestic companies (Botcheva-Andonova 2002; 2004). Large export-oriented companies have adopted, and will probably continue to adopt, more pro-active environmental strategies. For example, ISO 14000 certification has already made some impact in central Europe (Greenspan Bell 2004: 210).

Third, the three cases generally conform to the notion of weak administrative capacity in the new member-states. However, the GMO and air pollution cases indicate that EU capacity building is working to counter an increasing 'implementation gap'. By 2006, the new member-states had received about 8 billion euro in the environmental field – more than 10% of the total investment requirements. After 2006, the EU will need to ensure a new financial instrument for the environment that can include the new member-states. Nevertheless, the costs of compliance will be significantly higher than the economic support, so the EU will have to combine management with enforcement. The EU has also stepped up its activities for monitoring, verifying and enforcing legislation through the European Court of Justice. According to the Commission, new member-states will not be given any special treatment in connection with complaints and infringement proceedings (EU Commission 2004).

In addition to the CEECs probably benefiting from emissions trading, the new member-states may more generally be positive to new and flexible policy instruments. Prior to 1990, the CEECs also had a type of environmental policy in the form of national quality standards and pollution permits, for example. In the 1990s, however, virtually all new environmental policy principles were imported from the West (Jehlicka and Tickle 2004). The CEE countries are now undergoing major economic and political transformation, a process that may offer an opportunity to avoid past mistakes and to take new principles on board at an early stage (Homeyer 2001).

Fourth, the cases examined here do not give support to the fears that the new member-states will coordinate their positions with laggards and press for lower standards. The case of air pollution indicates that environmental damage is seen as an important concern. Whereas the CEECs will inevitably tend towards the 'laggard' group on the basis of GDP levels, there are also significant benefits from pollution control that pull in the opposite direction. The costs of compliance with the EU environmental *acquis* has been estimated to approximately 50–80 billion euros for the ten new member-states, representing an average of between 2% and 3% of GDP on the environment in the coming years (EU Commission 2004). Although they are more complicated to quantify, the benefits in health, resources and eco-systems have also been assessed. Results indicate considerable benefits for all the new member-states from fully implementing the *acquis*. By 2020, the cumulative benefits are expected to amount to between 130 and 681 billion euros, depending on the scenarios (Garvey 2002). Benefits from implementing the *acquis* may also lead to a more positive stance on new EU policy and legislation.

The GMO case also indicates that objective physical impacts, like the abatement costs/damage costs dimension, do not speak for themselves. In this case, the new member-states could have been expected to support US policy, which is less restrictive. More articulated environmental interests and variation in such interests and values among the CEECs point in the direction of no stable 'laggard' coalitions and significantly differing positions according to different issue areas.

Fifth, if the new member-states do not systematically strengthen the laggard camp, and even strengthen the leader group on some issues, this will weaken the argument of protracted and weakened qualified majority decision-making and the declining role of the Commission to increase the influence of 'leaders'. Concerning the Parliament, a study conducted by Friends of the Earth has indicated that the MEPs from the new states will be no less 'green' than EU-15.³⁷ Moreover, the June 2004 election to the EP did not change the overall balance significantly, although a certain general weakening of pro-environment parties was noted. In addition, calls for institutional mechanisms to respond to the diversity of the member-states have a long history within the EU (Soversoki 2001). The various treaties have provided opportunities for member-states to maintain or introduce more stringent environmental standards; and with regard to specific directives, there are derogations concerning standards and deadlines.³⁸ Even though enlargement may weaken EU aggregation capacity in some issue-areas in the short term, this may be offset by a higher level of flexibility in decision-making.

5. Concluding Comments

A new phase has begun in the debate on EU enlargement and the environment. It is now possible to confront general notions and more or less well-founded speculations with some actual evidence. However, the evidence is thus far necessarily limited, and somewhat varying in 'abundance' between issue areas. The preliminary analysis carried out in this article shows that the effects of enlargement will vary according to the issue-area in question. The evidence available does not support the widespread notion that EU enlargement is bad for environmental policy. First and foremost the picture is *mixed* – with some unfortunate effects, but also some good news for those striving to uphold EU environmental policy and even make it more ambitious. This is the clear message from the three cases analysed in this paper. Bringing in more issue-areas and more evidence will surely refine the picture further.

References

- Acid News (2005, November). The CAFÉ Programme and the Thematic Strategy on Air Pollution. 4, pp.11–14.
- Andersen, M. S. & D. Liefferink (1997). *European Environmental Policy: The Pioneers*. (Manchester: Manchester University Press)
- Baker, S. (2001, May 25–26). *The Impact of Eastern Enlargement on EU Environmental Governance*. (Paper prepared for presentation at the Environmental Studies Workshop 'Environmental Challenges of EU Eastern Enlargement' organised by the Robert Schumann Centre at the European University Institute, Florence, Italy)
- Beckman, A. (2002, August). Pushing the Door: The Role of Central and East European NGOs in Enlarging the EU. (In S. Crisen and J. Carmin (Eds.), *EU Enlargement and Environmental Quality: Central and Eastern Europe & Beyond*. Conference proceedings retrieved from Woodrow Wilson International Center for Scholars website: http://wwics.si.edu/index.cfm?topic_id=1422&fuseaction=topics.publications&doc_id=7734&group_id=7430)
- Bernauer, T. (2003). *Genes, Trade and Regulation – The Seeds of Conflict in Food Biotechnology*. (Princeton NJ: Princeton University Press)
- Botcheva-Andonova, L. (2002, August). EU Enlargement, Industries and Environmental Policy. (In S. Crisen and J. Carmin, (Eds.), *EU Enlargement and Environmental Quality: Central and Eastern Europe & Beyond*. Conference proceedings retrieved from Woodrow Wilson International Center for Scholars website: http://wwics.si.edu/index.cfm?topic_id=1422&fuseaction=topics.publications&doc_id=7734&group_id=7430)
- Botcheva-Andonova, L. (2004). *Transnational Politics of the Environment: The European Union and Environmental Policy in Central and Eastern Europe*. (Cambridge, MA: The MIT Press)

- Downs, A. (1972). Up and Down with Ecology – the Issue Attention Cycle. *Public Interest*, 28, Summer: 38–50.
- EEA: European Environment Agency (2003). *Europe's Environment: The Third Assessment*. (Copenhagen: EEA)
- ENDS Daily (2003, March 21). Eastern Challenge to EU Climate Trading Plan.
- ENDS Daily (2003, October 30). EU's GM Product Ban 'Could end in two weeks'.
- ENDS Daily (2003, December 8). EU Hopes of End to GM Moratorium Dashed.
- ENDS Daily (2004, February 18). Ministers to Get More GM Food for Thought.
- ENDS Daily (2004, June 9) European Elections 2004 and the Environment.
- ENDS Daily (2004, June 17). Split over GMOs confirmed in first EU-25 vote.
- ENDS Daily (2004, June 29). EU Environment Council Round-up.
- ENDS Daily (2004, July 19). Second Modified Crop Gets EU Green Light.
- ENDS Daily (2004, August 2). New-look EU Parliament Environment Committee.
- ENDS Daily (2004, September 8). Commission Stalls again on GM Norms.
- ENDS Daily (2004, October 25). Poland to Seek EU GM Maize Rules Opt-out.
- ENDS Daily (2005, February 23). Public has its Say on EU Air Pollution Policy.
- ENDS Daily (2005, June 24). Summary of EU Environment Council.
- ENDS Daily (2005, June 27). EU Environment Council Key Developments.
- ENDS Daily (2005, September 19). EU to Rein in Its Ambitions for Cleaner Air.
- ENDS Daily (2005, September 21). EU Clean Air Strategy Sees the Light of Day.
- ENDS Daily (2005, September 22). Industry Reacts Warily to EU Clean Air Plan.
- ENDS Daily (2005, December 5). Council Cool on New EU Air Quality Programme.
- ENDS Daily (2006, June 28). Ministers Agree New EU Air Quality Limits.
- ENDS Daily (2006, June 30). Poland Enters CO₂ Emissions Trading Scheme.
- EU Commission (2001, May 4). The Clean Air for Europe (CAFÉ) Programme: Towards a Thematic Strategy for Air Quality. Commission Communication, COM(2001) 245. (Brussels: EU Commission)
- EU Commission (2004, April 19). Questions and Answers on Enlargement and Environment. Memo/04/86. (Brussels: EU Commission)
- EU Commission (2005a). Lisbon, Growth and Jobs – Working Together for Europe's Future. Special Eurobarometer 215. Retrieved from www.europa.eu.int/comm/public.opinion/index.en.htm.
- EU Commission (2005b, September 21). Questions and Answers on the Thematic Strategy on Air Pollution. Memo. (Brussels: EU Commission).
- EU Council (2005). Thematic Strategy on Air Pollution, Proposal for a Directive of the European Parliament and the Council on Ambient Air Quality and Cleaner Air for Europe. (Public debate at Environment Council on 2 December 2005, 2005/0183)
- Euractiv (2004, August 17). EU Steps up Efforts to Enforce GMO Rules in New Member States.
- Euractiv (2005, September 21). Clean Air Strategy Seeks Balance Between Health and Business Concerns.
- Euractiv (2006, June 22). MEPs Want Tight, Yet Flexible Air Quality Rules.
- Euractiv (2006, July 27). CO₂ Quota Plans: EU Threatens Legal Action against Latecomers.
- Fairbass, J. & Jordan, A. (2005). Multi-level Governance and Environmental Policy. (In I. Bache and M. Flinders (Eds.), *Multilevel Governance*. (Oxford: Oxford University Press)
- Fernandez Armenteros, M. & Massai, L. (2005). Emissions Trading and Joint Implementation: Interactions in the Enlarged EU. (In M. Bothe & E. Reh binder (Eds.), *Climate Change Policy* (pp. 407-450). (Utrecht: Elsevier International Publishing)
- Friends of the Earth/ANPED (2003a, May). *EU Enlargement – The Introduction of GMO's by the Backdoor of EU Accession?* (Report, FoE/ANPED Northern Alliance for Sustainability)
- Friends of the Earth/ANPED (2003b, May 27). Environmental Groups Warn that EU Enlargement Could Weaken Policy on GMOs. (Press release, FoE/ANPED Northern Alliance for Sustainability)

- Garvey, T. (2002, August), EU Enlargement: Is it Sustainable?. (In S. Crisen & J. Carmin (Eds.), *EU Enlargement and Environmental Quality: Central and Eastern Europe & Beyond*. Conference proceedings retrieved from Woodrow Wilson International Center for Scholars website: http://wwics.si.edu/index.cfm?topic_id=1422&fuseaction=topics.publications&doc_id=7734&group_id=7430)
- Greenspan Bell, R. (2004). Further up the Learning Curve: NGOs from Transition to Brussels. (In Special Issue: EU Enlargement and the Environment: Institutional Change and Environmental Policy in Central and Eastern Europe. *Environmental Politics*, 13(1), 194–216)
- Haigh, N. (Ed) (2003). *Manual of Environmental Policy Release 24*. (Oxford: IEEP/Elsevier).
- Haigh, N. (Ed) (2006). Genetically Modified Organisms – Food and Feed (section 7.22); and Traceability and Labelling (section 7.23). (In *Manual of Environmental Policy: The EU and Britain*. London: IEEP)
- Hallstrom, L. K. (2004), Eurocratisising Enlargement? EU Elites and NGO Participation in European Environmental Policy. (In Special Issue: EU Enlargement and the Environment: Institutional Change and Environmental Policy in Central and Eastern Europe, *Environmental Politics*, 13(1), 175–194).
- Hicks, B. (2004), Setting Agendas and Shaping Activism: EU Influence on Central and Eastern European Movements. (In Special Issue: EU Enlargement and the Environment: Institutional Change and Environmental Policy in Central and Eastern Europe, *Environmental Politics*, 13(1), 216–233).
- Holzinger, K. & Knoepfel, P. (2000). The Need for Flexibility: European Environmental Policy on the Brink of Eastern Enlargement. (In K. Holzinger & P. Knoepfel (Eds.), *Environmental Policy in a European Union of Variable Geometry. The Challenge of the Next Enlargement*. (Basel: Helbing & Lichtenhahn)
- Homeyer, I. (2001, May 25-26). *Enlarging EU Environmental Policy*. (Paper prepared for presentation at the Environmental Studies Workshop ‘Environmental Challenges of EU Eastern Enlargement’ organised by the Robert Schumann Centre at the European University Institute, Florence, Italy)
- Homeyer, I. (2004). Differential Effects of Enlargement on EU Environmental Governance. (In Special Issue: EU Enlargement and the Environment: Institutional Change and Environmental Policy in Central and Eastern Europe, *Environmental Politics*, 13(1), 52–77).
- International Environment Reporter (2005, June 29). EU Finance Institution Lends Power Plant in Poland Euro 220 million for Emissions Control.
- International Environment Reporter (2005, December 14). Simplicity a Virtue in Structuring EU Emissions Trading, Official Says.
- Jehlicka, P. & Tickle, A. (2002, August). Environmental Policy and EU Enlargement: A State-Centered Approach. (In S. Crisen & J. Carmin (Eds.), *EU Enlargement and Environmental Quality: Central and Eastern Europe & Beyond*. Conference proceedings retrieved from Woodrow Wilson International Center for Scholars website: http://wwics.si.edu/index.cfm?topic_id=1422&fuseaction=topics.publications&doc_id=7734&group_id=7430)
- Jehlicka, P. & Tickle, A. (2004). Environmental Implications of Eastern Enlargement: The End of Progressive EU Environmental Policy?. (In Special Issue: EU Enlargement and the Environment: Institutional Change and Environmental Policy in Central and Eastern Europe. *Environmental Politics* 13(1), 77–95)
- Jordan, A. J. (1999). The Implementation of EC Environmental Policy: A Policy Problem without a Political Solution? *Environment and Planning C: Government and Policy*, 17(1), 69–90.
- Jordan, A. (1998). EU Environmental Policy at 25 – The Politics of Multinational Governance. *Environment*, 40(1), January/February, 15–45
- Kramer, J. M. (2002, August). Enlargement and the Environment: Future Challenges. (In S. Crisen & J. Carmin (Eds.), *EU Enlargement and Environmental Quality: Central and Eastern Europe & Beyond*. Conference proceedings retrieved from Woodrow Wilson International Center for Scholars website: http://wwics.si.edu/index.cfm?topic_id=1422&fuseaction=topics.publications&doc_id=7734&group_id=7430)

- Kudelko, M. & Suwala, W. (2003). Environmental Policy in Poland – Current State and Perspectives of Development. *Energy and Environment*, 14(5), 737–750.
- Lefevre, J. (2005). The EU Greenhouse Gas Emission Allowance Trading Scheme. (In F. Yamin (Ed), *Climate Change and Carbon Markets – A Handbook of Emissions Reduction Mechanisms* (pp.75–151). London: Earthscan)
- Moravcsik, A. (1998). *The Choice for Europe*. (London: Routledge)
- Pavlínek, P. & Pickles, J. (2004). Environmental Pasts/Environmental Futures in Post-Socialist Europe. (In Special Issue: EU Enlargement and the Environment: Institutional Change and Environmental Policy in Central and Eastern Europe, *Environmental Politics*, 13(1), 237–266).
- Pellegrom, S. (1997). The Constraints of Daily Work in Brussels: How Relevant is the Input from National Capitals? (In D. Liefferink & M. S. Andersen (Eds.), *The Innovation of EU Environmental Policy*. (Oslo: Scandinavian University Press).
- Point Carbon (2003, August 22). Hungary: Late bloomer by intent. Carbon Market Europe.
- Point Carbon (2004, February 10). Lack of EU NAP Progress Stirs NGO Reactions.
- Point Carbon (2004, May 7). NAP Watch: New Governments Cause Delays.
- Point Carbon (2004, May 14). Viewpoint: Polish EU ETS Undermining Kyoto Principles?
- Point Carbon (2005, March 11). Commission Roughs Up New Member States, Carbon Market Europe.
- Point Carbon (2005, April 15). Carbon Market Europe.
- Point Carbon (2005, May 13). Carbon Market Europe.
- Point Carbon (2005, July 8). CEEC Companies Cautious to Provide EUA Supply, Carbon Market Europe.
- Point Carbon (2005, November 18). Mixed Emotions as NAP Talks in Deadlock, Carbon Market Europe.
- Reuters/Planetark (2005, July 5)
- Reuters/Planetark (2006, May 9). EU Lets Poland Ban GMO Maize Seeds Across Country.
- Reuters/Planetark (2006, June 8). Polish CO2 Permits Surplus in '05 Not Big.
- Rosendal, G. K. (2005). Governing GMOs in the EU: A Deviant Case of Environmental Policy-making? *Global Environmental Politics*, 5(1), February, 82–104.
- Schreurs, M. (2004). Environmental Protection in an Expanding European Community: Lessons from Past Accessions. (In Special Issue: EU Enlargement and the Environment: Institutional Change and Environmental Policy in Central and Eastern Europe. *Environmental Politics* 13(1), 27–52)
- Skjærseth, J. B. & Wettestad, J. (2002). Understanding the Effectiveness of EU Environmental Policy: How can Regime Analysis Contribute? *Environmental Politics* 11(3), 99–120.
- Skjærseth, J. B. & Wettestad, J. (2006). *EU Enlargement and Environmental Policy: The Bright Side*. (FNI Report 14/2006. Lysaker: The Fridtjof Nansen Institute).
- Soversoki, M. (2001). *Flexibility, Subsidiarity and Environmental Derogations: Past, Present and Future Implications for Enlargement*. (Luxembourg: European Institute of Public Administration).
- Statens Energimyndighet (2005). *Prisutvecklingen på el og utsleppsretter samt de internationella brenslemarknaderna*. (Stockholm: Statens Energimyndighet rapport ER 2005:35).
- TNO (2005, April). *Public Views on Air Pollution in the European Union, Results of the European Commission's Public Consultation on Air Pollution*. (Apeldoorn, the Netherlands: TNO Report R 2005/100).
- Wettestad, J. (2002a). *Clearing the Air – European Advances in Tackling Acid Rain and Atmospheric Pollution*. (Aldershot: Ashgate).
- Wettestad, J. (2002b). The Convention on Long-range Transboundary Air Pollution (CLRTAP), pp.197–223 in E. Miles, A. Underdal, S. Andresen, J. Wettestad, J. B. Skjærseth & E. Carlin, *Environmental Regime Effectiveness: Confronting Theory with Evidence*. Cambridge, MA: MIT Press).
- Wettestad, J. (2005). The Making of the 2003 EU Emissions Trading Directive: Ultra-Quick Process Due To Entrepreneurial Proficiency? *Global Environmental Politics*, February, 5(1), 1–24.
- Wettestad, J. & Saeverud, I. A. (2005, 15–17 June). Implementing EU Emissions Trading: Institutional Misfit? (Paper presented at the 7th Nordic Environmental Social Science Research Conference, Gothenburg University).

- Wilkinson, D., Monkhouse, C. & Baldock, D. (2004). *The Future of EU Environment Policy: Challenges & Opportunities. A Special Report for the All-party Parliamentary Environment Group*. (London: Institute European Environmental Policy).
- Wurzel, R. (2002). *Environmental Policy-making in Britain, Germany and the European Union*. (Manchester: Manchester University Press).
-

Notes

- ¹ See Skjærseth and Wettestad (2002) for a discussion of the effectiveness of EU environmental policy.
- ² In a previous contribution we examined the expected negative effects by critically assessing the explanatory variables emphasised in the literature on enlargement and the environment (Skjærseth and Wettestad, 2006).
- ³ This line of argument reflects a blend of two different but complementary perspectives in the study of EU policy-making and integration: *liberal inter-governmentalism* and *multi-level governance* (see e.g. Jordan 1998; Fairbass and Jordan 2005).
- ⁴ In the *Environmental Politics* Special Issue on EU enlargement and the environment (2004), for example, environmental NGOs are given significantly more attention than industry (Homeyer 2004).
- ⁵ Average GNP per capita in the CEECs is less than \$US 4,000, as against \$US 25,000 in the EU-15.
- ⁶ It is important to note that the extent to which QMV leads to higher standards depends on the constellation of positions in the Council of Ministers.
- ⁷ At the December 2003 EU Summit, disagreements erupted over the new system to be introduced in 2009. Poland and Spain want to retain the weighting of votes agreed in the Treaty of Nice, whereas Germany, France and others favour the introduction of a 'double majority' voting system with votes weighted more in accordance with population size.
- ⁸ In addition, a new population threshold has been introduced. Any member-state can request that the 13 out of 25 member-states represent at least 62 per cent of the total population in the EU.
- ⁹ *ENDS Daily* 2004, 9 June; 2 August.
- ¹⁰ The Barroso Commission, which formally took office on 1 November 2004, consists of 25 members – one from each member-state.
- ¹¹ In total, over 10,000 responses were received.
- ¹² *ENDS Daily* 2005, 23 February; TNO 2005.
- ¹³ *ENDS Daily* 2005, 19 and 21 September; *Euractiv* 2005, 21 September
- ¹⁴ *Euractiv* *ibid.*; *ENDS Daily* 2005, 22 September.
- ¹⁵ *ENDS Daily* 2005, 5 December; EU Council 2005.
- ¹⁶ *Euractiv* 2006, 22 June; *ENDS Daily* 2006, 28 June.
- ¹⁷ And interviews, Brussels January 2006.
- ¹⁸ *ENDS Daily* 2006, 28 June.
- ¹⁹ *International Environment Reporter* 2005, 29 June.
- ²⁰ This Committee, established to allow the CEECs to comment on EU draft legislation concerning the signature of the Accession Treaties, was composed of representatives of the EU, the EU Commission, the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia. See Fernandez Armenteros and Massai (2005: 432).
- ²¹ *ENDS Daily* 2003, 21 March. A similar sentiment was expressed by Lidija Zivcic, coordinator of CAN Central and Eastern Europe, in February 2004: 'The...particular circumstances [of the accession countries] have not been properly considered in the shaping of this Directive' (*Point Carbon* 2004, 10 February).
- ²² For instance, T. Farago from the Hungarian Ministry of the Environment stated: 'we have followed the negotiations on the [ETS] Directive very closely, and have also expressed our concern on the linking proposal...At the moment we are waiting for the Commission's guidelines on the NAP' (*Point Carbon* 2003, 22 August).
- ²³ These two countries account for around 15% of all EU allowances, and for three-quarters of the allowances from the 10 new member-states (*Point Carbon* 2005, 8 July). Poland's NAP is the third largest in the EU, after Germany and the UK.
- ²⁴ *Point Carbon* 2004, 7 and 14 May.

25 *Point Carbon* 2005, 11 March and 15 April.

26 *ENDS Daily* 2006, 30 June; *Point Carbon* 2005, 13 May and 18 November.

27 *International Environment Reporter* 2005, 14 December; Statens Energimyndighet 2005;
Reuters/Planetark 2006, 8 June.

28 *Euractiv* 2006, 27 July.

29 *ENDS Daily* 2003, 30 October and 8 December; and 2004, 18 February. In the case of Syngenta, the blocking alliance consisted of Austria, Denmark, France, Greece, Luxembourg and Portugal. Belgium, Germany and Italy abstained (*ENDS Daily* 2003, 8 December).

30 *ENDS Daily* 2004, 17 June.

31 *ENDS Daily* 2004, 29 June; 19 July; 8 September; 25 October.

32 According to *ENDS Daily*, 2005, 24 June.

33 Only the UK supported the Commission; Finland and Sweden abstained (*ENDS Daily* 2005, 27 June).

34 Reuters/Planetark 2006, May 9.

35 On the other hand, FoE/ANPED noted that many provisions in the laws of the CEECs addressed gaps in EU law or even went further than EU legislation. For instance, the GMO laws in Poland and Slovakia provided for liability (Friends of the Earth/ANPED 2003b).

36 EU Commission 2004; *Euractiv* 2004, 17 August.

37 *ENDS Daily* 2004, June 9 and August 2

38 For example, the LCP directive includes differential obligations for member-states. With regard to the Auto-Oil Directive, differing time-frames on lead and SO² have been granted to various member-states.