

Le projet ANR-DFG ELEMENT (2022-2025)

L'histoire de la politique européenne de l'environnement 1980-2000

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Résumé en français

A European Leap? The History of EC/EU Environmental Policy, 1980–2000 (ELEMENT) étudie le renforcement de la politique de l'environnement de la Communauté Européenne (CE) puis de l'Union Européenne (UE).

Pour cela, ELEMENT veut évaluer 1) comment les politiques européennes de l'environnement se sont imposées par rapport à celles des Etats; 2) comment leur technique de gouvernance ont changé, et si cela a signifié le développement d'une approche plus "néolibérale", plus souple avec les pollueurs; 3) si la CE/UE est effectivement devenue un leader international dans ce champ, tant en comparaison avec les autres organisations internationales (OI) qu'avec les Etats-Unis, qui étaient auparavant parfois considérés comme un leader.

ELEMENT vise à dépasser la séparation entre trois champs de recherches: 1) l'histoire de l'intégration européenne; 2) l'histoire environnementale et 3) la recherche en science sociales sur les politiques européennes de l'environnement. Ces trois champs sont rarement analysés de concert pour la période 1980-2000, cruciale pour le renforcement de ce domaine de politique publique.

ELEMENT les met en relation à travers des concepts communs et des recherches nouvelles fondées sur des sources primaires. Pour cela, une équipe franco-allemande de sept personnes est constituée. Les deux coordinateurs ont une grande expérience de coopération internationale et dans l'histoire des politiques économiques et sociales européennes, y compris, dans une certaine mesure, dans le domaine environnemental. L'équipe inclut aussi Christophe Bonneuil, un expert dans l'histoire de l'environnement, des sciences et des technologies. 4 doctorants vont travailler sur 4 sujets complémentaires (taxe carbone et un autre sujet à définir à Paris; pollution de l'eau et "verdissement" de la PAC à Munich). Le conseil scientifique est composé de spécialistes de politiques européennes de l'environnement (en histoire et en sciences sociales) et de spécialistes d'autres pays européens, afin de compléter l'expertise de l'équipe de coeur.

La valeur-ajoutée franco-allemande est double: 1) ELEMENT vise à dépasser les frontières entre trois domaines historiographiques; 2) le projet vise à créer un groupe franco-allemand servant de base pour des recherches internationales plus larges.

L'équipe franco-allemande adopte une approche intégrée, avec des réunions régulières, des voyages communs aux archives, des publications et des événements de valorisation communs.

ELEMENT vise à produire une recherche sur un sujet d'actualité crucial, tout en encourageant la coopération internationale et interdisciplinaire à la croisée de plusieurs domaines de recherche qui dialoguent encore assez peu entre eux.

Résumé en anglais

A European Leap? The History of EC/EU Environmental Policy, 1980–2000 (ELEMENT) investigates the rise of the European Union (EU) and its predecessors to become a highly influential actor on environmental issues.

To do so, ELEMENT addresses three specific issues: (1) how and why the European Communities (EC) and later the EU became more important in shaping environmental policies than its individual

member states; (2) how European governance techniques changed with regard to (national) implementation and the monitoring of compliance and if the field saw a shift towards a more “neoliberal” approach, more lenient with polluters such as firms; (3) if the EC/EU indeed managed to acquire a globally leading role both in relation to other international organizations (IOs) and the United States, the long-time leader in this field.

With these goals, ELEMENT seeks to overcome the separation between three research fields: (1) European integration history, (2) environmental history and (3) social science research on EC/EU environmental policy. These fields are hardly ever analyzed together, especially for the crucial period from 1980 to 2000. ELEMENT connects them through a series of case studies and conceptual innovation. It investigates the rising importance of EC/EU environmental policy through fresh multi-national research based on primary material.

To do so, a Franco-German team of seven persons will be constituted. The two PIs have an extensive track-record in research on the history of EC/EU economic, social and to some extent of environmental policies and in international research cooperation. Four PhD researchers will work on projects covering complementary case studies (carbon tax & another project to be defined in Paris; water pollution & the “greening” of the CAP in Munich). The team will also include C. Bonneuil, an expert in the history of science, technology and the environment. The advisory board is composed of specialists of European environmental policies (from history and the social sciences) and on other European states, complementing the PIs’ expertise.

Descriptif détaillé en anglais

Objectives

Between 1980 and 2000, the EC/EU developed one of the world’s most stringent sets of environmental policies, even though its impact remained mixed. ELEMENT contributes to a better understanding of how and why this was possible, and what precise effects it had. To do so, ELEMENT examines **all stages of the public policy process**, from policy formulation over official decision-making to implementation. Beyond that, it also analyzes **the public debate about this issue**.

In doing so, it addresses **three more specific questions**: ELEMENT will analyze (1) how and why the EC/EU started to **supersede the role of the individual member states**, leading to a situation in which today, substantial parts of national environmental legislation are about implementing EU law. Hence, ELEMENT will focus on the role of EC/EU environmental law and policies. It will conduct a multi-dimensional analysis, factoring in top-down (EU to national actors), bottom-up (national actors/NGOs/companies to EU), international contexts (other IOs) and comparative perspectives (US).

To gain further insights into these dynamics, ELEMENT will assess (2) the **change in European governance techniques** and examine the extent to which there was a shift from “hard” to “soft” law, which was supposed to be an improvement as it facilitated the involvement of many stakeholders, from local communities and authorities to NGOs. ELEMENT will also test alternative arguments, i.e. that this change manifested the rise of neoliberalism through the upsurge of new public management or e.g. market-based tools (such as a carbon price) (Stewart 2020; Graf 2019; Ther 2014). The period also led to an increasing recourse to experts and agencies, both for policy conception and for the monitoring of its implementation (e.g. through compliance agencies funded by companies). These experts and agencies are deemed independent in theory but are not immune to regulatory capture and to company lobbying in practice (see, e.g., Oreskes/Conway 2012). Parts of the literature argue that the more intense recourse to soft law from the 1990s onwards and the empowerment of stakeholders has not added further legitimacy to the process and has not made implementation more effective (Knill/Lenschow 2000). This claim will be tested, also because we detect countertendencies: parallel to shifts from “hard” to “soft” law, some segments of

environmental policy-making saw the opposite trend which begs further analysis and interpretation. As part of the research, the role of lobbying will be considered, along with contemporary scientific debates and their role in justifying or challenging environmental policies (see 3.2.). In this context, ELEMENT also analyzes the public and expert discourse and representations of these effects by examining how stakeholders (institutional actors, NGOs) discussed this issue at the time and by paying particular attention to contemporary criticism of the EC/EU's effects.

(3) ELEMENT will also explore why and to what extent the **EC/EU became a powerful global actor** which according to some studies overtook the United States as global regulatory leader in environmental policies, and why it outpaced other international forums such as the OECD and the UN. This comparative dimension will help to avoid a narrow EU/Eurocentric interpretation, while also challenging the idea of the EU as the obvious global leader in the field.

Research Focus with Chronology and Actors

To address these three research questions, ELEMENT covers the period from **roughly 1980 to 2000**. Major disasters occurring in the 1980s, most importantly the 1986 explosion at Chernobyl, led to a growing debate about environmental policies across Western Europe and strengthened green parties in some societies. This development also impacted legislation in the framework of the EC's Single Market Program (SMP). Launched in 1987, the SMP aimed at opening internal borders within the EC to facilitate the movement of goods and people. Hence, it required the harmonization of technical regulations. A significant number of these legal acts focused on the environment (Warlouzet 2020). In due course, the EC/EU challenged the United States as the world leader in environmental issues between the end of the 1980s and the mid-1990s and according to some overtook it (Bradford 2020; Vogel 2003), with the Kyoto conference of 1997 being a major steppingstone in the assertion of Europe (also because the US did not sign the protocol). Lastly, the period from 1980 to 2000 is interesting as it transcends the Cold War divide. A particular case in point is German unification, with which the former GDR became part of the EC in 1990. Given the depth of environmental challenges in East Germany, this policy field played an important role at the time also in view of the perspective to future enlargements further East. The period under study thus ends roughly around 2000, with the Kyoto protocol (1997) and important changes in EU water policies (see below) which epitomize a shift from "hard" to "soft" law.

In order to gauge the importance of the dynamics during the period under study, ELEMENT will examine a **wide range of actors**. **Four major governments** (Britain, France, Germany and the Netherlands) will be scrutinized. These countries were selected among 27 states (15 belonged to the EU and 12 were candidates at the time of the study) because a) their archives are accessible and known to the PIs (unlike e.g. Italian and Greek archives which are not accessible for the period covered by ELEMENT) and b) they played major yet divergent roles in EC environmental policy. Germany and the Netherlands are usually considered as leaders, whereas France and the UK are often portrayed as both leading opponents on some issues and as leaders on others. ELEMENT will test these standard views across four case studies. Beyond the four national perspectives we highlight, ELEMENT will also assess the role of other member states through the many traces they have left in printed primary sources, archival material from the European and national levels, as well as the secondary literature.

On the four national perspectives more specifically: Germany was an environmental leader in the 1980s and became more reluctant in the 1990s not least due to the challenges of unification (Zito 2000). France has been depicted as a "light green" country, where environmental concerns developed progressively over time (Bess 2003). Even if this interpretation has been criticized (Massard-Guilbaud 2012), France was neither a leader nor a real laggard in environmental policies during those decades. The United Kingdom has excellent and easily accessible archival records that are often very informative on other actors involved in negotiations. In terms of environmental legislation, it held a paradoxical position: extremely reluctant to adopt legislation, while also highly reliable in terms of compliance (Baziadoly 1996). It also had a vibrant civil society with a particular interest

in bird protection and air pollution (Jackson 2018; Meyer 2010). While being part of the short-lived “Greenrush” of 1988-90 (Mouhot/McKay/Hilton 2012), the government often resorted to a neoliberal position by refusing any constraining legislation for business. The Dutch government and Dutch experts, finally, played a leading role in promoting environmental protection in European and international forums (e.g. Zito 2000; Meyer 2019; Haigh 2016). For instance, the National Environmental Policy Plan of 1989 did not just propagate a proactive environmental policy at the national level, but also pushed for corresponding changes in the EU and other international forums.

The European institutions will also be examined, most importantly the European Commission and the European Parliament. The European Commission is a major actor as 1) it has the monopoly to initiate legislation, 2) it is an international bureaucracy, in which many different national visions come together, and 3) it is in charge of monitoring the compliance of member states, both in terms of effects on the ground as well as implementation of EU legislation. This latter dimension gained relevance precisely during the late 1980s, when the number of infringement actions against member states rose steadily (Baziadoly 1996). The European Parliament acquired a co-legislative role in environmental issues in 1987 and quite generally, it gained important powers during the period and was a forum for “green” ideas, also because it was more open to pro-environmental NGOs than other EC/EU institutions (Patel/Salm 2021, *forthc.*). For specific issues, the role of the European Court of Justice and its rulings will also be considered.

Moreover, several non-state actors, a small number of companies and NGOs, will be examined, mainly through their correspondence with national administrations and EC/EU actors, and through a few available archives, to assess their impact on policy-making. Contemporary published and public sources come on top to examine the contemporary debate and the environmental impact of EC/EU policies. Finally, a selected group of interviews will complete our source base.

Environmental policy covers a wide array of legislation and has diverse effects. **Four complementary case studies** will be addressed

Case study (CS) 1: carbon tax (PhD thesis, Paris)

The regulation of carbon emissions was accepted internationally at the UN Kyoto Conference in 1997, which eventually led to the setting up of the European Trading Scheme (ETS) of emission allowances in 2005. The PhD thesis will investigate the origins of this dual system of EU and international regulation which is considered a major turning point as it marks the first genuine step in an international action to tackle climate change, the advent of a “neoliberal grammar” (because of market-based tools) and the retreat of the US (Dahan Dalmedico/Ayikut 2015). While the role of the UN in this debate is well known, with the Intergovernmental Panel on Climate Change being established in 1988, the European Community played a role in this issue early on, too, including a European program on global warming as soon as 1979, EP reports in 1986 and a Commission project of carbon tax in 1992 that was subsequently discussed by national governments. For this reason, the PhD will focus on European debates during the period ranging from 1979 to 1997.

The carbon tax has been examined by the literature in political science but not in great detail over the whole 1979-97 period, and mostly for the US (Dahan Dalmedico/Ayikut 2015; Zito 2000; Jachtenfuchs 1996; Wynne 1993). The role of “merchants of doubts”, experts and companies sowing doubt on the human cause of global warming and on the possibility to act effectively, in the debate on the Kyoto Protocol has been examined regarding the United States (Boon 2019; Oreskes/Conway 2012), but less for Europe.

The carbon tax case addresses all three overall research questions, because the first European commitment to stabilize CO₂ dates back from 1990, so it is possible to evaluate its implementation in the 1990s. The negotiations of the 1990s brought together the national, the European and the international dimension, as EU negotiations were intertwined with UN conferences, particularly Rio 1992 and Kyoto 1997. For example, in 1992, EU commissioner Ripa di Meana, who had called

for a European carbon tax as a bid for global leadership in 1990, decided to boycott the UN Rio Summit because member states had rejected his project of a carbon tax. The salience of the debate increased over time: the lobbying from industry actors was intense (a dynamic that the co-supervisor, C. Bonneuil, is currently researching), notably to get exemptions and a low carbon price, while Germany became more and more reluctant as the costs of reunification soared. The shift to “soft law” is exemplified by the recourse to market-based tools, such as a price to carbon and a market of tradable exchange rights, rather than to a direct taxation of companies.

Case study 2: to be defined (PhD thesis, Paris)

Case study 3: water pollution (PhD thesis, Munich)

Case study 4: “Greening” the Common Agricultural Policy (PhD thesis, Munich)