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European Integration and the Response of British Conservation Agencies

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Abstract

Conservation agencies have traditionally played a distinctive role in environmental management in the UK, combining a broad range of functions including: specialist policy advice to government, regulatory and management responsibilities in implementing conservation policy, as well as a more general advocacy and promotional role encouraging environmental activity and awareness. Over the last decade, however, European integration has presented challenges to such agencies and their style of operation. With 80% of domestic environmental legislation originating from the EU the need to engage in a European framework is crucial. The article indicates that Government suspicions, the lack of an independent legitimate European mandate and the peculiarly British structure and ethos of the agencies has meant that they have a relatively weak presence in Europe. Such problems have led to important shifts in the role and importance of agencies in terms of domestic environmental management. European integration has tended to divorce agencies' policy advice and promotional roles from their regulatory and executive functions. Their implementation, regulation and management activities have increased as a result of European legislation but the policy advice and agenda setting roles have shrunk, leading to their increasing marginalisation in the conservation policy field.

Introduction

European integration in the environmental policy field is well advanced. This has necessitated, and continues to necessitate, considerable adaptation to the roles and functions of domestic institutions. There is a gathering literature on the consequences of European integration for national environmental politics and policy making, but the focus is largely on the style and substance of policy. The impact on national institutions has been given less attention, but it is here that we are likely to discern the more fundamental consequences.

A traditional feature of UK environmental politics has been the role of non-departmental bodies, or agencies.¹ Increasingly these conservation agencies have had to operate in an EU context. Some 80% of environmental legislation now emanates from the EU (Gummer, 1994, 2). There have also been moves, following the establishment of the European Environment Agency and within the EU's Fifth Environmental Action Programme, to co-ordinate national responsibilities for environmental implementation and monitoring across Europe.

Variably, British conservation agencies have begun to adapt to these developments, and this paper examines the impact of European integration on these key organisations. Their reactions reveal some of the difficulties and opportunities that the process poses for domestic institutions and the differential consequences for their position in national politics.

¹ These agencies are commonly referred to as Quangos (Quasi autonomous, non governmental organisations), internationally they would be termed para-statal organisations.

The agencies covered are those active in various aspects of conservation policy: English Nature (EN), Scottish Natural Heritage (SNH), the Countryside Council for Wales (CCW) and the Countryside Commission (CC) who mainly deal with wildlife, landscape and countryside management issues; the Joint Nature Conservation Committee (JNCC) which acts as a co-ordinating committee for SNH, CCW and EN, with specific reference to international issues; the National Rivers Authority (NRA), which has responsibility for protecting and managing the water environment.² Before proceeding to review their changing role and relations within the EU, it is important to characterise their traditional role in domestic politics.

Conservation Agencies: Their Traditional Role and Rational in the Domestic Arena

Trying to define what a public agency is can be difficult, since there is no general guiding definition or purpose (Greenwood and Wilson 1989). All such bodies have different remits and statutory provisions. Amongst the conservation agencies, though, there are certain types of roles which they share.

Advisory - All of the agencies under consideration here have a statutory duty to advise government on specified areas of policy concern based largely on their specialist expertise. Linked to this they have varying capacities to conduct or sponsor relevant research, monitoring and experimentation.

Executive and Management - Most of the agencies have responsibility for managing environmental resources which are under their direct control, for

² The NRA is due to be subsumed within a new Environmental Protection Agency in 1996.

example the water in rivers or the plant and animal communities in National Nature Reserves (NNRs), and for providing various service functions such as fisheries or wildlife management.

Regulatory - All the agencies have specific regulatory or designatory powers spelt out in legislation. These enable them to protect particular environmental features e.g. Sites of Specific Interest (SSSIs), or to moderate environmental pressures, such as the impact of pollution on the river environment.

Promotional - Within their field of policy concern statutory agencies have an advocacy role in promoting environmental activity and awareness, often through the provision of environmental information, advice or grant aid to local authorities, voluntary organisations and the private sector.

The position and importance of the agencies in British environmental policy has rested on a balance between these different rationales. They differ in the extent to which they combine these functions. The NRA for example, has the strongest focus on regulation; English nature, Scottish Natural Heritage and the Countryside Commission on promotional functions; and the JNCC is essentially an advisory body.

Nevertheless, their source of authority is seen to reside in the way in which they combine advisory or promotional functions with regulatory or executive functions. This usually means that they can bring considerable expertise and practical experience to bear on matters of environmental management (Ashby and Anderson 1981, Lowe and Goyder 1983). All of the agencies have particular powers and responsibilities and limited resources and within these constraints they have generally been given wide scope to determine

environmental objectives and considerable latitude in implementation and enforcement. This discretion, along with their arm's length relationship to Whitehall, have made them minor policy actors in their own right. In addition their semi detached position allows them to collaborate with external groups and interests, such as voluntary conservation groups and farming and landowning interests (Cox et al 1986).

Being on the margins of government and able to draw upon their own implementary expertise but also able to work closely with external interests has sometimes placed them in a special position with regard to policy making, well placed to help set policy agendas, but often excluded from the inner circles of high policy making. Arguably their agenda setting function was much more prominent before the emergence of the contemporary environmental movement, but pressure groups have not entirely eclipsed the agencies in this regard. From their practical work and in-house research and monitoring, agencies have been able to furnish information and analysis which have allowed them to play a leading role in policy development, for example the CC in promoting Environmentally Sensitive Areas (ESAs) (Lowe, et al 1986), and the NRA in highlighting issues concerning agricultural pollution (Ward and Lowe 1992). Through their close links with external groups, moreover, agencies have often been able to co-ordinate with them a twin track approach of insider and outsider lobbying (Phillips 1993).

The devolution of portions of environmental policy to the specialist agencies has traditionally been part of a pattern in Britain wherein environmental issues have been managed by a number of discrete policy communities, usually somewhat removed from central government machinery, thus giving rise to a policy style frequently characterised as fragmented, piecemeal, informal and pragmatic

(Vogel 1986, Richardson and Watts 1985, Cox, Lowe and Winter 1986, and McCormick 1991). This style of policy making has been challenged by European integration.

The following sections outline the relations and outlook of conservation agencies towards EU policy and structures. The major factors behind the different approaches that agencies adopt are examined. Then, an assessment is offered of how the role and rationale of British agencies has been influenced by the EU.

Contacts and Influence: The European Challenge

Increased EU involvement in the environmental sector has generally posed two different types of challenge for the agencies. Firstly, new information flows and responses to European initiatives require organisations to make internal administrative and organisational adaptations to deal with them. Secondly, the increased importance of the EU in environmental policy making requires the agencies to respond to new policy arenas and supra-national policy making.

Administrative Adaptation

All agencies have designated an officer responsible for European matters, though for most this forms only a part of a wider international role. Normally such officers act as information conduits or as facilitators, assisting colleagues to develop their own European links. Generally they are not themselves responsible for developing European policies for their agency.

None of the agencies currently possesses its own office in Brussels, but there is debate over whether they should. SNH and CCW have contacts in Scotland Europa and the Wales European Centre (WEC), which act as general European offices for a range of Scottish and Welsh organisations rather than having any specific policy concerns.

Opinion amongst the majority of agencies was that a Brussels office would not add much to the understanding of European policies or procedures within their organisation but could be a costly and under used outpost. The NRA alone saw that such an office could be advantageous. This is partly a reflection of its more pro-active stance towards Europe and of its direct responsibilities for a variety of EU water pollution directives.

The CC had seconded staff to Brussels and SNH was formulating a secondment scheme. However, while secondments were seen as valuable for the individuals concerned and provide unrivalled contact points during their stay in Brussels, the agencies admitted that they had not yet learnt how to make the best use of secondees when they returned.

Despite these internal administrative reforms and the creation of independent European information flows, for the majority of environmental agencies their parent department³ is still a key information route. All to some degree are dependent on their sponsoring departments to keep them informed on EU legislative proposals in their particular area. Some of the agencies noted that their reliance on central government was at times unsatisfactory, since lines of communication tended to be rather ad hoc, partial, and slow. Agency officials

³

The sponsoring departments are: DoE - NRA, JNCC, EN and the CC. Welsh Office - CCW. Scottish Office - SNH.

thought that it was not simply a case of central government deliberately acting as a gatekeeper with European information, but also of department officials not necessarily knowing what is going on in the Commission. This was linked to a reactive tendency to wait for proposals to come down from the Commission. There are additional concerns about the ability of central government departments to communicate either with each other or internally between various divisions of the DoE.

Consequently, all agencies, while accepting government as a source of information, express the need to continue developing their own information gathering activities. A dependency on central government sources of intelligence is seen to put the agencies at a disadvantage. The commonest way to overcome the difficulty has been through the use of a specialist information service. A number of agencies employ the Institute of European Environment Policy (IEEP) to gather and sift European information for them on a consultancy basis.

European Policy Involvement

Environmental agencies have, in rhetorical terms at least, noted the importance of the EU in the environmental policy sector and recognised the need to make their ideas known to the Commission. Indeed a number of the agencies claim to be at the forefront of European policy debate (Talbot 1993). Yet, the reality seems somewhat different.

Their European contacts tend to be narrowly focused on the Commission, in particular DGXI (Environment Directorate), although the CC has centred its business around DGVI (the Agriculture Directorate) also. While contacts have

also been made with other DGs including XII (R&D), and XVII (Energy), reflecting the broad range of environmental concerns, the majority of agencies are familiar only with one or two DGs and tend initially to be dependent on DGXI for openings into the Commission (Talbot 1993).

Direct contact between the EU and agencies is variable. Some have practically no direct contact; others have fitful, ad hoc links. Agencies rarely initiate contact or attempt directly to sell policy ideas. They are seldom involved in the primary agenda setting stages of European legislation which have been portrayed by one DGXI official as the key ones in determining policy direction and substance.

Lobbying at this very early stage therefore offers the greatest opportunity to shape thinking and ultimately to shape policy... Once the Commission itself has agreed a proposal and sent it to Parliament and Council, scope for changing the proposal exits only at the margin, involving about 20 per cent of the total proposal (Hull 1992:83).

Officials in the Commission consider the agencies to be marginal to the European policy process. One senior DGXI official summarised a common view: "We don't make much use of [the UK conservation agencies] or have much contact with them....they are not pushing a policy role" (Interview 25/10/94). Another in DGXVI responsible for environmental aspects of regional policy, stated that he had heard nothing from the agencies apart from a couple of letters inviting him to conferences; his overall assessment was that "voluntary organisations are streets ahead" (Interview 26/10/94). Even where there have been efforts to be involved in the discussions framing directives the results have often not been entirely satisfactory on either side. An official in

DGXI dealing with current water pollution directives: "we're happy to contact the NRA directly, but the DoE thinks it should be in control....the NRA is quite willing to talk to us but it wants nothing on paper" (Interview 25/10/94). Conversely, the open nature of the Commission does not lead necessarily to a better grasp over the direction policy is taking. One agency official commented that, "they are very open, there is no problem setting up meetings, but we don't get out of them forthcoming proposals, or a text [of a directive] to look at....You can only have a general chat" (Interview 16/3/94). Agencies, therefore, often find themselves reacting when formal proposals have been drafted but at this stage they are expected to channel their responses through central government departments and tend to be excluded from the formal negotiating machinery in Brussels. As NRA officials have explained, they brief civil servants from the DoE extensively, but are not involved directly in the specialist Adaptation Committees of the EU, nor are they to the fore in the initial debate framing the directives. Input here is tightly under the control of the DoE (House of Lords Select Committee of the European Community, 1992: 81-82).

Similarly, in the case of the Habitats Directive, whilst latterly the British nature conservation agencies have been extensively involved in the technical problems of implementation and through JNCC have represented the UK on a number of Commission committees, they were not involved in the primary stages of discussion of the directive or in the related development of CORINE the ecological database on which the Directive was based. As one official commented, "I think it's safe to say that there was no direct contact between Brussels and English Nature, or our predecessors NCC. It was all done through government departments" (Interview 18/4/95).

JNCC has argued that the EU's adaptation committees "are often comprised of inappropriately qualified people often more interested in defending the actions of their own Member State than seeking to improve the legislation overall" (House of Lords Select Committee on the EC 1992: 224). One countryside agency argued with regard to the CORINE programme that "It very much reflects the view of the ecology of Europe. It doesn't, as far as I understand it, reflect the diversity that we have in England. It's not easy to relate some of the classifications to what we have [here]" (Interview 18/4/94).

If contact with the Commission is patchy, then involvement with other institutions of the EU is even more spasmodic. Whilst the agencies acknowledge the developing importance of the European Parliament and express a wish to build closer links, very little is done practically. They are held back in part through a wariness of its political nature - agencies are concerned about appearing politically partisan - but also because of a perception of its marginal role in policy making. In contrast, environmental groups are not so inhibited and the very active lobbyists consider that "The European Parliament remains the institution most receptive and friendly to conservation" (Birdlife International, Brussels Briefing, April 1994). Most of the agencies though are too preoccupied with trying to come to terms with the Commission. As a JNCC official commented, "we've got to walk before we can run. We need to sort out the Commission before we address the Parliament" (Interview 18/3/94).

Caution and Constraints: Factors Shaping The Development of EU-Agency Relations

There are significant variations between the British agencies in their responsiveness to and involvement with the EU. These differences in approach revolve around the interpretation of opportunities that the EU presents, but equally reflect the ability of individual agencies to overcome the difficulties that European integration poses for their domestic position, in particular the strains it places on relations between them and British government departments. The main factors which shape agency-EU relations and explain some of the differences between the agencies are to be found largely in the remit and responsibility of a particular agency, its relations with its parent department, the distinctive nature of the agencies, and their networking capabilities.

Remits and Responsibilities

An agency's level of pro-action in Europe is related partly to the formal remit and responsibilities within which it operates. For each one this is different. The NRA has direct European responsibilities as the competent authority for various directives. Indeed most of the legal framework for water pollution is now European. Consequently, its motivation to interact with Europe is clearly greater than agencies in the nature conservation field where the legal framework has not been so extensively Europeanised. One agency, the CC, stands out from this pattern. Its very lack of direct European monitoring or legislative responsibilities seems to have allowed it the latitude to devise and pursue its own European policy agenda. A CC official explained:

We are not driven by any statutory responsibility or need to service any particular piece of European legislation. We are more interested in influencing policy... In a sense it's been quite helpful that we haven't been driven by those sort of official functions... I would question whether it would be a good use of our resources to get involved in that sort of thing because it very easily bogs you down... There's a down side to having legislative function. You're better off being able to pick your own agenda and objectives (Interview 25/3/94).

This freedom from implementation has given the CC greater scope to pursue a lobbying role, particularly in seeking the environmental reform of the CAP, (Lowe et al 1986).

The JNCC has formal responsibility (set out in the Environmental Protection Act 1990) to give policy advice to ministers and to inform anyone else on "nature conservation for Great Britain as a whole or nature conservation outside Great Britain" (Environmental Protection Act, 1990, section 133). Its constitution, though, is essentially that of a loose co-ordinating structure between the country conservation agencies. It is evident, however, that they are unwilling to channel all of their interests in Europe through JNCC which thus diminishes its authority and leads to confusion over their respective roles.

None of the other agencies has any explicit international role spelt out in legislation, despite the fact that all of them have recently been created or reorganised. Hence the key factor is the way in which they interpret their statutory remits to advise the British government and promote their areas of concern. As an official of the NRA pointed out:

It's in the Water Resources Act that we act as a scientific advisory body to the Minister for matters relating to EC legislation. It doesn't say that 'thou shalt talk directly to the Commission'. That

was something which we had to develop. We actually had to commission a study to show how the NRA should become involved (Interview 16/3/94).

With UK legislation increasingly originating from Brussels, the more adventurous agencies thus interpret this as giving them latitude to involve themselves in European debates and see this as a logical and quite proper extension of their domestic role. More cautious agencies only become involved in European matters on a reactive basis, as and when requested to do so by their sponsoring department. Moreover, without a formal advisory status at the European level, the agencies are themselves wary of being seen as lobbyists pushing issues directly to Brussels. As one agency official put it, "we can make our policies known to them, but we're not a lobby group, we're advisers really and there is a difference" (Interview 25/3/94).

Relations with Parent Departments

Interrelated to the idea of role interpretation is an agency's perception of its relations with its parent department. When developing links with the EU, allegiances have to be sensitive to the effects this may have on their domestic situation. Again what is involved is the recognition of implicit boundaries. All the agencies see it as important to maintain a good relationship with their parent department by keeping it regularly informed of what they are doing with regard to the EU.

All the agencies agree that covertly pushing a policy line in the EU at odds with that of the department would self defeating. There are variations between them, though, over whether policy stances can or should be taken in advance of the government's and sold directly to the Commission. The most reactive agencies

take a strictly formal line that any policy objectives with regard to Europe should be channelled through the Department. This is based partly on a fear that the Department could restrict the European activities of an agency seen to be stepping out of line, but also on the premise that ideas which were first sold to the British government have a greater chance of success when the issue eventually comes before the Council of Ministers. An official from one of the nature conservation agencies concluded:

We would want to be convinced that there would be some net benefit from dealings with the Commission. Clearly if we take the department with us, by advocating a line with which the department agrees, its going to go much further... Where we've been successful is where we've worked with the department... The problems caused and the damage to our relations which would result from a tactless approach to the Commission would outweigh any good that contact would do... We've got more to lose from harming relations with the department, then we have to gain from unilateral action in Brussels (Interview 18/4/94).

Other agencies believe that they can twin track their ideas both through government and via other routes to influence the EC. They argue that this is recognised as a benefit by the Department, providing the issue is not widely at odds with government policy. For the CC, for example, there are not fundamental differences between its outlook and that of the department on changes needed to the CAP. Thus there is potential for it to supplement the official line by playing the role of the independent expert and advocate in discussion with Commission officials. Its more detached, forward looking stance is likely to carry greater intellectual weight in not being tied to the political machinery and machinations of the Council of Ministers.

Agencies also referred to perceived differences in attitudes of the various sponsoring departments, which some suggested affected the ability to relate

successfully to the EU. The DoE is regarded generally as being cautious and mildly suspicious of the European activities of agencies within its field. It is understandably concerned to make sure that the government's official stance is not undermined and to see no erosion of its own gatekeeper position in the promotion of a European policy. The NRA noted that the DoE was nervous about possible alliances between the Commission and agencies: "They are more worried about the Commission dividing and ruling and I think it's fair to say they've got a point. The Commission will use the NRA to defend its position vis a vis the DoE, if it can" (Interview 16/3/94).

Other sponsor departments are perceived as being less nervous than the DoE. English agencies remarked that it was easier for the Scottish and Welsh agencies because the Scottish and Welsh Offices were more relaxed about the relationship and keen to see the agencies helping promote a regional presence in Europe. This outlook is related to the links that have developed over the extensive amounts of European structural funds channelled into Scotland and Wales. However, several interviewees reported that during the tenure of the Euro-sceptic John Redwood as Secretary of State for Wales (1993-1995), all the Welsh agencies had become wary of involving themselves in anything other than simply seeking European funding.

It should be borne in mind that the DoE is the prime negotiator on environmental policy, and in this respect the Scottish and Welsh Offices are of marginal importance (Mazey and Mitchell 1993, Bomberg 1994). Hence whilst relationships for the regional environmental agencies may be more accommodating they are not necessarily any more influential. CCW has complained: "Wales does not exist in administrative isolation. Its immediate eastern neighbours shares most of the relevant legislation so far, and dominates

the European connection" (CCW 1993, 1). A sponsoring department, though, is likely to take a more relaxed attitude where agencies are being proactive in another department's area of responsibility. Consequently, the DoE appears less cautious when agencies are active in other fields such as the European agricultural debate.

Uniquely British?

One of the features of the agencies which might be expected to restrict a successful relationship with the EU is their peculiarly British nature. This is problematic for them in four respects. Firstly, it is widely agreed that the Commission does not understand the intricacies of the British system or the distinction between agencies and government departments or how they function, partly because they have few counterparts in continental Europe where conservation is more usually the responsibility of regional and local authorities.

Secondly, the plethora of British agencies and inconsistencies between their responsibilities and structures are another source of confusion. For example, whereas in Scotland and Wales there is one conservation body (SNH and CCW), in England there are two (CC and EN). Likewise, in the case of water regulation the NRA operates in England and Wales, but in Scotland there are regional water purification boards.⁴ Although representatives feel that this makes sense domestically it does lead to difficulties in representing conservation issues coherently on a UK basis.

⁴ These separate arrangements are to be absorbed into the Environmental Agency for England and Wales and the Scottish Environmental Agency respectively.

Thirdly, the agencies face separate challenges in rethinking their objectives within a European frame. For example, many of the species that are uncommon in Britain are not so on the European mainland, which challenges nature conservation priorities. But a European frame also demands much greater attention to transnational effects. In this regard, European integration challenges an insular mentality in the UK which, through exploiting the capacities of prevailing winds, fast flowing rivers and surrounding seas, has traditionally pursued a 'dilute and disperse' approach to solve, or at least dispel, major pollution problems.

Fourthly, established British practices and concepts of environmental management have had to confront other approaches. Traditional concerns with rural preservation and landscape aesthetics, for example, do not easily mesh with DGXI's much more scientifically oriented agenda. Similarly, a typically relative approach to the costs and benefits of pollution had had to contend with continental, particularly Germanic, notions of absolute standards and a precautionary approach to risk.

Problems of adaptation may be exacerbated by notions of British superiority. One agency official was concerned that Britain had not properly learned to play the European game, arguing that:

[The agencies] go there with the view that we do it right in this country and we're best. [The Commission] don't particularly like that. There's ways of doing things. It's a matter of European diplomacy, nous. You don't go there and say we're the best thing since sliced bread and you foreigners don't know how to manage nature conservation. That's the attitude one or two of them have, and that's why it [the EU-agency relationship] hasn't developed (Interview 18/3/94).

The nature conservation agencies, in particular, seem to have experienced some difficulty in shifting their style of activity from the scientifically oriented diplomacy that used to characterise international nature conservation in fora such as the Council for Europe or the IUCN, to the rough and tumble of EU policy making with its requirements for political compromise and networking.

European Networking

Mazey and Richardson (1992) in their study of environmental group activity in the EU have commented on the Commission's aspiration to deal with expert, representative Euro networks and on the success of environmental organisations in forming such coalitions. Superficially, therefore, it might appear that agencies would be in a strong position, given their specialist, independent expertise. Yet environmental agencies have found networking considerably more difficult than the NGO sector, partly because of the lack of analogues in other European countries, but also because agencies feel uncomfortable about forming alliances which may seek to lobby not only the Commission but also other member states governments. As one interviewee explained:

There is something a bit dodgy about us as a government agency trying to influence other member states... It's really for them, their administrations to deal with that, or for the voluntary sector, because they are freer than us... We are constrained about what we can do vis a vis other member states (Interview 25/3/94).

In the domestic arena agencies have commonly networked extensively with environmental groups over policy initiatives and common concerns, but this does not appear to be a major feature in terms of European policy debates. None of the major environmental groups reported any significant joint initiatives or contacts with environmental agencies in terms of involvement in European

policy making. Whereas environmental groups have traditionally used the agencies in access points to government, they are in no way dependent on them in gaining access to the Commission (Ward 1995). Environmental groups have clearly developed their own independent routes to Brussels which by-pass the established domestic channels in which the agencies are deeply involved. Conversely, though, where agencies may feel that what they would want to achieve would not find favour with central government they may be dependent on the surrogate lobbying of environmental groups. As one agency official explained:

We're small, we look for allies, look for other institutions in a way that will magnify our views, that's the way we operate... [for example] perhaps it would be a nice idea if someone promoted an EC Landscape Directive as well as a Habitats Directive. We might have said this to the DoE and they might have been lukewarm about it... so it's not going to happen via that route, so we find an outfit [a pressure group or network] that will take an interest and clutch it to its bosom and spread the word (Interview 25/3/94).

This is not to say that the agencies themselves are not involved in any European networks. A potentially significant one is the recently formed European Community Network for the Implementation and Enforcement of Environmental Law, the so called IMPEL Network, which involves the NRA (and Her Majesty's Inspectorate of Pollution) from the UK (Review of European Courts and International Environmental Law 1994, 3 (1): 49, ENDS November 1992: 38). The network originated in 1992 largely from concerns over compliance problems with pollution regulations in the member states. It has developed over the past two years with regular plenary meetings and a system of working

groups.⁵ The potential scope for the network appears large, not least in "assuring closer contacts between regulators and policy-makers and those concerned with day to day implementation" (CEC, 1994, 4). However, the network suffers a number of deficiencies which are symptomatic of the problems faced by the British agencies when dealing with European affairs.

Firstly, there was initial confusion about what the role and function of the network should be, and more specifically about how it should interact with the Commission. Member states appeared to have different ideas about the direction of the network. Britain initially wanted the network to develop as an inspector of member state inspectorates, whilst the Dutch are reported to have seen it as a means to transfer implementation expertise to Spain, Greece, and Portugal. Some member states were worried that the network would be used to convey information on non compliance to the Commission and were therefore reluctant to see any role within it for the Commission. If it was to become an effective means of transnational liaison then it must not become a creature of the Commission. For its part, DGXI was also sceptical but for different reasons. One senior Commission official related that when they first attended, "[they] were appalled that the network seemed to be a cosy club and a means of sending inspectors on foreign jaunts. They had no sense of what they were trying to achieve" (Interview 25/10/94).

The second difficulty relates to the problems of the representativeness of the network. The network has faced problems in obtaining the involvement of all member states. This is partly due to the different administrative structures of

⁵ The working groups deal with: 1. Technical Aspects of Permitting, 2. Legal and Procedural Aspects of Permitting, Compliance, 3. Monitoring, Inspection and Enforcement of Permitted Installation, 4. Managing the Enforcement Process.

member states. In many EU countries environmental regulatory functions are carried out at the local or regional level and as yet the network had no input from local government professionals, and indeed not all member states are yet involved in the network.

Despite these difficulties, there are moves to enhance the future role of the IMPEL Network, possibly linking it to the new European Environment Agency and giving it an official status with the review of the Fifth Environmental Action Programme, but the development of the network has been slow and illustrates the problems of obtaining workable compliance and implementation structures on a trans-national basis. The focus of the network is very much on pollution and industrial hazards. There is no equivalent network for nature conservation and this must be seen as a serious deficiency. Indeed, it was proving an arduous task focusing the network and getting it "to develop as the kind of product which the Commission could use" (Interview 25/10/94).

Overall, therefore, few of the agencies are involved in formal networking. Much of the contacts between the agencies and the EU on environmental matters remains on an informal basis, dependent upon individual officers and not institutionalised into agency structures. Although such personal links are important for ad hoc, liaison, the potential danger is that valuable information networks disappear when individuals leave or change responsibilities.

Continual Re-organisation

One of the common features in the recent history of agency development in Britain has been repeated reforms of their structure, initiated by governments. The latest reorganisation is the proposed creation of an environment agency for

England and Wales by merging the NRA and HMIP and adding some of the local authorities' waste regulatory functions (a separate agency is planned for Scotland). Officials from NRA suggested that an integrated pollution agency with an even larger degree of technical expertise under one roof would make it difficult for the DoE to insist that policy development rested solely within the department, and thus would strengthen contacts with the EU in the medium term (Interview 24/5/94). However, in the short term the reorganisation of the agencies may not enhance their European relations. The bill itself does not prescribe any explicit European role for the new environmental agency: indeed it is specifically debarred from advising anyone outside the UK without written permission of the Secretary of State for the Environment. Moreover, the experiences of the nature conservation agencies following their re-organisation in the early 1990s suggest that structural and administrative upheaval may disrupt strategic thinking by making agencies too introspective and preoccupied with internal administrative and domestic matters. One nature conservation agency official indicated that reorganisation had meant:

We've been bundled ad hoc into a variety of European schemes. Something is coming along day by day, week by week and it's all new, but the big question of how or whether we should deal with Europe systematically has not yet been dealt with (Interview 25/5/94).

None of them had developed any explicit strategy of what their mission should be with regard to Europe.

Agency Functions Revisited

In the past, conservation agencies have typified a national environmental policy style that has been characterised as fragmented, piecemeal, informal and pragmatic. Central to their role has been a combination of advisory functions with executive or regulatory functions. But the effect of European integration is to drive a wedge between these functions. The expanding environmental programme of the EU raises a number of dilemmas for such agencies, especially concerning their role within and adaptability towards new European frameworks. They are rooted in particular national conceptions of the environment and traditions of devolved administration. They lack exact counterparts in the rest of the European Union (Baldock et al 1987) and this poses problems for them in terms of both transnational action and acceptance within Brussels. The shift in the locus of policy making towards Brussels marginalises their roles as policy advisers formally oriented towards national government. In consequence, most of the agencies are struggling to develop a European role but are making rather limited progress in the face of civil service obstruction and ministerial indifference.

Although the agencies' involvement in European policy making is limited, the implementation of European directives forms a growing part of their work. Most of the legislative framework for water pollution and much of that for nature conservation stems from Brussels. In implementing it, central government has tended to prefer the agencies to local authorities, as offering an efficient and direct means of delivering compliance with directives. As more and more domestic legislation emanates from Brussels, so the agencies find their policy making roles diminished and their implementation roles expanded.

The weakness of the agencies in agenda setting means that British issues and initiatives are not shaping the development of EU environmental policy as much as they might. Bodies such as the NRA, the Countryside Commission and English Nature are by far the largest of their kind in Europe and contain considerable policy expertise and experience often not present in governmental institutions. The fact that this expertise is under utilised is a loss to European policy as well as to British influence in Europe. Conversely, their declining role in policy making but expanding role in domestic implementation represents a severing of the link between technical and implementary expertise and policy development, which was once considered a hallmark of the pragmatic British approach to policy. Paradoxically, it is the lack of attention to the practicalities of implementation that is a recurring complaint of British politicians and civil servants against European directives.

As Britain moves towards a new environmental policy style, partly under the influence of European regulation, then inevitably, the traditional conservation agencies find their role squeezed. Significantly, perhaps, it is the two agencies which least epitomise an intimate feedback between policy development and implementation that have flourished best in European fora. One the one had, the NRA has a clear regulatory role and relates effectively to a legally oriented process of integration in the well established field of European water policy. One the other hand the CC is largely a promotional body little encumbered by executive functions, which can extend its role in Europe in newly developing policy fields, such as agri-environment, that are as yet weakly institutionalised. The nature conservation agencies that have much experience of the practical application of conservation expertise to the management of wildlife are the ones that are finding it most difficult to adapt to the more legalistic and political

context of Europe and the resultant eclipse of their role as significant actors in policy advice and agenda setting.

Notes

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References

- Ashby, E. and Anderson, M. (1981), *The Politics of Clean Air*, Oxford: Clarendon Press.
- Baldock, D., Holzner, J. and Bennett, G. (1987), *The Organisation of Nature Conservation in Selected EC Countries*, London: IEEP.
- Bomberg, E. (1994), 'Policy Networks on the Periphery: EU Environmental Policy and Scotland', in Baker, S., Milton, K. and Yearley, S. (eds) *Protecting the Periphery: Environmental Policy in Peripheral Regions of the European Union*, Ilford: Frank Cass.

- Cox, G., Lowe, P. and Winter, M. (1986), *Agriculture: People and Policies*, London: Allen Unwin.
- Grant, W. (1978), *Insider Groups, Outsider Groups and Interest Group Strategies*, University of Warwick, Department of Politics Working Paper No.19.
- Greenwood, J. and Wilson, D. (1989), *Public Administration in Britain Today*, London: Unwin Hyman.
- Gummer, J. (1994), *Europe, What Next? Environment, Policy and the Community*, Speech by John Gummer Secretary of State for the Environment, to the ERM forum, 20/12/94, London: Green Alliance.
- Hawkins, K. (1984), *Environment and Enforcement*, Oxford: Clarendon Press.
- Hornsby, T. (1990), 'Watchdog or Lapdog? The Role of the Statutory Environmental Agencies', Royal Institute of Public Administration Conference, Greening the Way We Govern, London.
- House of Lords Select Committee of the European Communities. (1992), *The Implementation of EC Environmental Legislation*, London: HMSO.
- Hull, R. (1993), 'Lobbying in Brussels: A View from Within', in Mazey, S. and Richardson, J.J. (eds), *Lobbying in the European Community*, Oxford: Oxford University Press, pp.82-92.

- Liefferink, J.D., Lowe, P.D. and Mol, A.P. (eds) (1994), *European Integration and Environment Policy*, London: Belhaven Press.
- Lowe, P. and Goyder, J. (1983), *Environmental Groups in Politics*, London: George Allan Unwin.
- Lowe, P., Cox, G., MacEwan, M., O'Riordan, T. and Winter, M. (1986), *Countryside Conflicts: The Politics of Farming, Forestry, and Conservation*, Aldershot: Gower.
- Mazey, S. and Mitchell, J. (1993), 'Europe of the Regions? Territorial Interest and European Integration: the Scottish Experience', in Mazey, S. and Richardson J.J. (eds), *Lobbying in the European Community*, Oxford: Oxford University Press, pp.95-121.
- Mazey, S. and Richardson, J.J. (1992), 'Environmental Groups and the EC: Challenges and Opportunities', *Environmental Politics*, 1 (4): pp.109-127.
- McCormick, J. (1991), *British Politics and the Environment*, London: Earthscan.
- Morphet, J. (1994), 'Environmental Policy and the EU'. *Local Government Policy Making*, 21 (1): pp.26-29.
- Phillips, A. (1993), 'The Countryside Commission and the Thatcher Years', in Gilg, A. (ed), *Progress in Rural Policy and Planning*, Volume 3, London: Belhaven, pp.63-90.

Richardson, J.J. and Watts, N.S.J. (1985), *National Policy Styles and the Environment: Britain and West Germany Compared*, Berlin: IIUG

Talbot, H. (1993), 'Good Europeans? The CRN Agencies Investigated', *Countryside Recreation Network News*, 2, p.15.

Vogel, D. (1986), *National Styles of Regulation*, Ithaca: Cornell University Press.

Ward, N. and Lowe, P.D. (1994), *Adaptation, Participation, and Reaction: British Local Government - EU Environmental Relations*, Centre for Rural Economy Research Report, University of Newcastle upon Tyne.

Weale, A., O'Riordan, T. and Kramme, L. (1991), *Controlling Pollution in the Round: Change and Choice in Environmental Regulation in Britain and Germany*, London: Anglo-German Foundation.