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# Introduction to German and European Environmental Policy

***R. Andreas Kraemer – Director – Ecologic.eu  
Berlin – Brussels – Vienna | Washington DC***



## Preview of Content

- ▶ Environment in the EU Context: Objectives, Principles, Conditions
  - ▶ Evolutions of Regimes
    - ▶ **Internal Market** and Approximation of Law (Reducing Policy Scope)
    - ▶ **Environmental Protection** and **Capacity Building** (Addressing the Issues)
    - ▶ **Integrating Environment into other Policies** (Coherence and Consistency)
    - ▶ **Sustainable Development** (Finding the Balance while Respecting Limits)
  - ▶ Exchange & Cooperation between the EU & Member States
    - ▶ Policy Learning in the EU and Germany (Looking at the Evidence)
    - ▶ Ideas for Linking around the World, ... (Designing the Future)
  - ▶ Discussion with you
-



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[www.ecologic.eu](http://www.ecologic.eu)

**1995 - 2011**

- ▶ Private, independent, mission-based, non-profit research organisation
  - ▶ **Policy Think Tank:** Policy-relevant research, science-based advice
  - ▶ Independent and competent **Voice** for
    - ▶ Environment and Sustainability in International and European Affairs
    - ▶ International and European Dimension in Environmental Policy
    - ▶ **Integrating Environment into All Relevant Policies**
    - ▶ Sustainable Development and Policy Transformation
  - ▶ 6 Founders, 120,000 Euros Core Capital, Company Law (Business)
  - ▶ 120 Staff, 95 full-time equivalents (2011), revenue 6.5 m Euros (2010)
  - ▶ **Project-driven, problem-oriented, transdisciplinary, practical advisory**
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**1995 - 2011**

- ▶ 1995 Ecologic Institute Berlin, Germany
- ▶ 2000 Ecologic Legal (15 staff lawyers, 2011)
- ▶ 2001 Ecologic Institute Brussels, EU Office
- ▶ **2001 Transatlantic Program**
- ▶ 2002 Ecologic Events
- ▶ **2005 Konrad von Moltke Fund (DE chapter 75K Euro, 2010)**
- ▶ 2006 Relaw, Clearing House for renewable energy
- ▶ 2007 Ecologic Institute Vienna, Austria
- ▶ **2008 Ecologic Institute Washington, DC**
- ▶ **2009 Konrad von Moltke Fund (US chapter 4K US\$, 2010)**
- ▶ 2010 ...



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est. Earth Day 2008

- ▶ Legally and financially independent **Public Charity** (law of D.C.)
- ▶ Qualified under US IRC Sections 170(b)(10)(A)(vi), **501(c)(3)**, [509(a)(1)]
- ▶ Small team near Dupont Circle in D.C. (4 + 1 at end 2010)
- ▶ Policy-relevant work but no lobbying, with six core areas (**Programs**):
  - ▶ **Explaining the European Union** (and changing the Washington debate)
  - ▶ **Climate and Energy** (e.g. carbon trading & international negotiations)
  - ▶ **Infrastructure Finance & Economics of Transition** (e.g. crisis & stimulus)
  - ▶ **Transatlantic Dialogues & Exchanges** (e.g. farmers, journalists)
  - ▶ **US & EU as Partners in the World** (e.g. Arctic policy, UN reform)
  - ▶ **Biodiversity and Conservation** (e.g. access and benefit sharing)
- ▶ Focused on Washington DC (for now), but with outreach



**Michael Mehling**  
Director, Ecologic Washington



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**Subsidiarity**

**Transboundary  
Effects**

**Ubiquity**

**No Barriers  
to Trade**

**No Distortions  
to Competition**

**Proportionality**





**Protecting the Environment**

**Human Health**

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**Natural Resources**

**Subsidiarity**

**International Cooperation**

**Transboundary Effects**

**No Barriers to Trade**

**Ubiquity**

**No Distortions to Competition**

**Proportionality**



**Protecting the Environment**

**Human Health**

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**Regional Differences**

**Natural Resources**

**Subsidiarity**

**No Barriers to Trade**

**Polluter Pays**

**International Cooperation**

**User Pays**

**Transboundary Effects**

**No Distortions to Competition**

**Precaution**

**Reduction at Source**

**"High level" of Protection**

**Ubiquity**

**Prevention**

**Proportionality**

**"Safeguard Clause"**





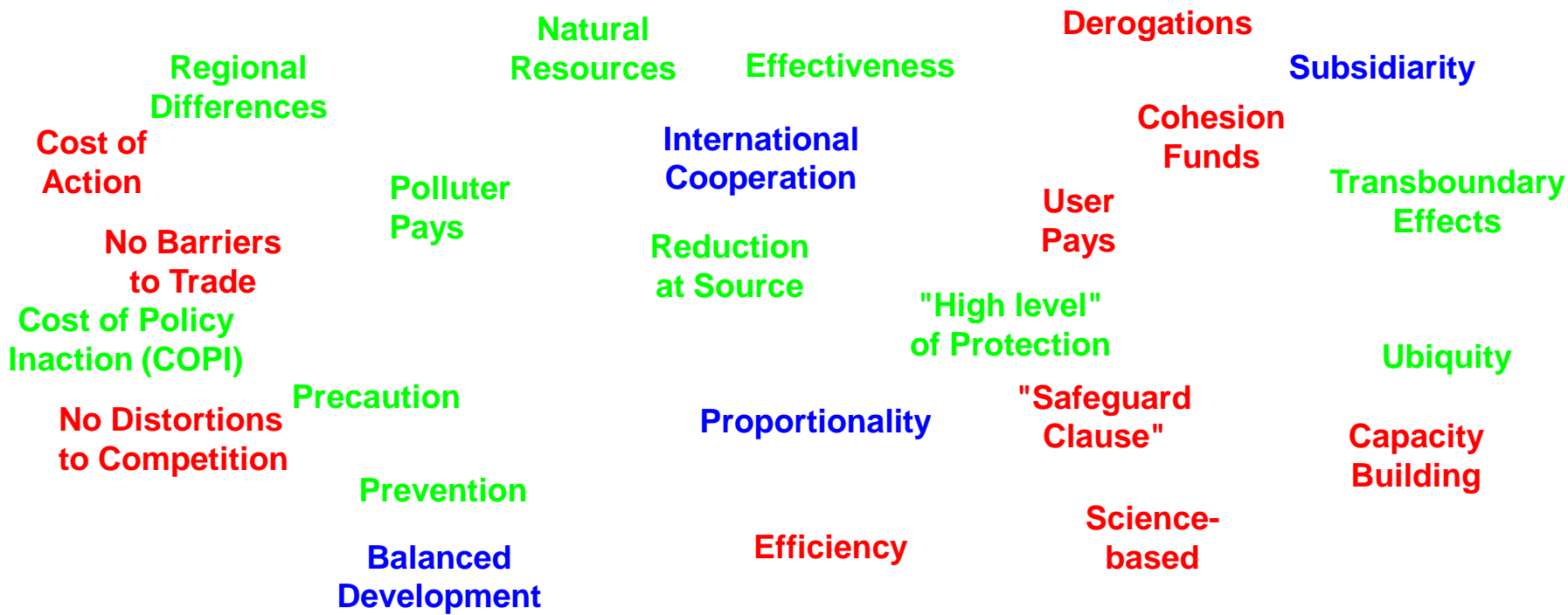
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**Protecting the Environment**

**Human Health**

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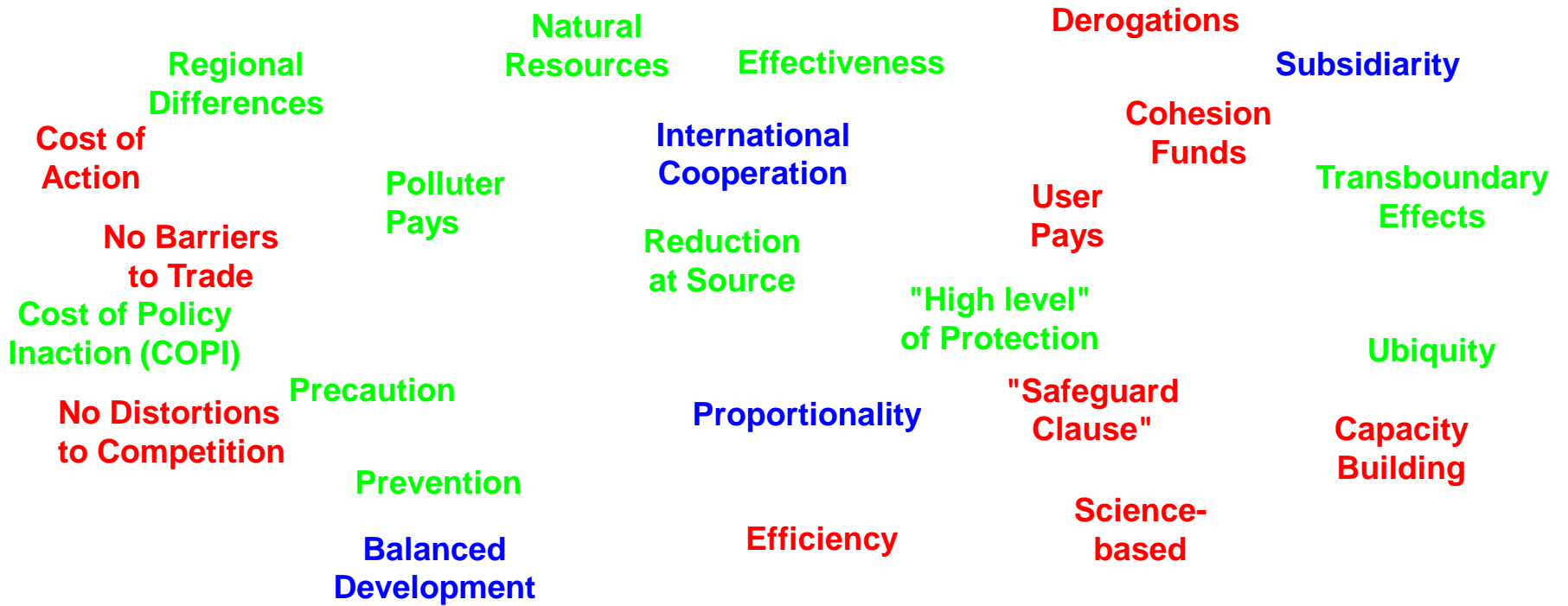


Protecting the Environment

Human Health

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2000s >	"Green Economy"
late 90s	Sustainable Development
80s/90s	Integration of Environment > Policies
1970s >	Environment (high protection level, variation)
1950s >	Internal Market (trade, competition, approximation of law)



## Policy Learning Experience I – **Germany** and the EU

- ▶ **Ministers of Environment of Bund and Länder (16+1) Meet Biannually**
  - ▶ Meetings are Prepared by **Meetings of the Chiefs of Staff**
  - ▶ Ministers: Steering Committee for **Working Groups**
    - ▶ **Water** 1965, Länder Initiative
    - ▶ **Waste** 1963
    - ▶ **Air Pollution** 1964
    - ▶ **Nature, Landscape, Recreation** 1971
    - ▶ **Soil Protection** 1971
    - ▶ **Genetic Technology** 1991
    - ▶ **Chemical Safety** 1996
    - ▶ **Sustainable Development** 2001
- ▶ Separate **Bio-Regional Structures, e.g. River Basin Organisations**



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- **Länder Directors**
- **Work Programs**
- **Sub-Groups**
- **Focal Points**
- **Web Sites**
- **Rotating Chairs (2y)**
- **Federal Involvement**
- **EU Relevance**



## Policy Learning Experience II – Germany and the EU

- ▶ **Treaty Infringements Procedures** (> before the EU Court of Justice)
- ▶ **Directives Establish Rational Policy Management Systems:**
  - ▶ MS report on Transposition, administrative Implementation, and Success
  - ▶ Commission reports EU-wide, makes recommendations, proposes new law
  - ▶ Council of Ministers and Parliament decide on new law or amendments
- ▶ **Vertical Policy Learning** by Going Around the Policy Cycle (Spiral?)
- ▶ **Horizontal Policy Learning** through Council Working Groups etc.
- ▶ **Many Entry Points** for New Data, Information, Technologies etc.



## Policy Learning Experience II – Germany and the EU

- ▶ **Treaty Infringements Procedure** (before the EU's Court of Justice)
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**Cyclical  
Policy Management  
System**



## Experience III – Evaluation of EU Experience [J. Zeitlin]

- ▶ Cooperation, Coordination, and Policy Learning in the EU are:
  - ▶ Are Genuinely **Joint and Multi-Level** in their Operation
  - ▶ **Advance Common Concerns** and Interests of Member States
    - ▶ While Respecting their **Autonomy and Diversity**
  - ▶ Are Useful, Efficient and Flexible; Provide **Benefits for all Parties**
  - ▶ Lead to **Shared Information, Comparison and Re-Assessments of Policy**, and **Convergence** of Objectives, Performance, and Policy
  - ▶ Are **Good for Complex and Sensitive Areas** where
    - ▶ **Diversity** Precludes Harmonisation
    - ▶ **Inaction** is Politically Unacceptable
    - ▶ **Strategic Uncertainty** Recommends Mutual Learning



## Functions and Benefits of Policy Learning

- ▶ Identify '**Low-Hanging Fruit**' and Widen the Range of Policy Choices
  - ▶ Provide 'Peer' **Recognition** for Pioneers, Innovators, Problem-Solvers ...
  - ▶ Allow for **Initiation**, Inter-Generational Teaching and Learning
    - ▶ Establish a **Shared Memory** of Policies (History, Background, ...)
    - ▶ Allow for Connectivity to the Past, Strengthening **Continuity of Policy**
  - ▶ Facilitate the **Integration of Policy Fields** (Expertise, Roles, Values, ...)
    - ▶ Policy-Makers (including Legislators), Administrators, Evaluators, Business, Media, Public Interests, Academia, Think Tanks, ...
    - ▶ Integration of Environmental Protection Requirements into other Policies
  - ▶ **Replicating and Multiplying Success**, but also **Avoiding Mistakes !**
-





## Policy Learning Experience IV – International Partnerships

- ▶ Knigge & Collins (2005) Find that [US-EU] **Partnerships Build on:**
  - ▶ Dedicated **Individuals**, Reciprocal Visits, Friendships
  - ▶ **Agreed Objectives**; Environment adding Legitimacy to the Partnership Effort
  - ▶ **Workshops** and **Conferences**, Exchange of Case Studies (**Practicalities!**)
  - ▶ Telecommunication, Internet, Video-Conferences
  - ▶ Relationships with '**Like People**', not integrated across policy communities
  - ▶ Weak Finances, Support from **Foundations** and **Businesses**
- ▶ **Underused are:**
  - ▶ Fellowships, Secondments (but some grants are available)
  - ▶ Reporting of Activities, Lessons Learned, Impacts, Analysis



## Policy Learning Experience IV – International Partnerships

- ▶ Knigge & Collins (2005) Report **Challenges** ...
  - ▶ **Funding**, easy for Business, difficult for civil society and public officials
  - ▶ Unbalanced **Resources** (more in EU Member States)
  - ▶ Language Barrier; **Suspicion** that Visits are chiefly for Pleasure
  - ▶ Staff **Fluctuation** and Succession (weak Institutionalisation)
  - ▶ Elections and **Changes in the Orientation** of Government
- ▶ ... and Opportunities:
  - ▶ **Monitoring & Reporting, Evaluations** (for Impact Analysis, and **Justification**)
  - ▶ **Documenting Impacts**, Costs Saved, and **Mistakes Avoided !**
  - ▶ **Follow-up**, and Mutual Assistance, **Secondments**
  - ▶ Use of **Existing Programs** (e.g. Sister City Programs)



## Design Criteria and Elements for Policy Learning

- ▶ **Environmental Policy is Young and Dynamic** (Need for **Flexibility**)
- ▶ Policies on Environment and Sustainability Need:
  - ▶ **Linkages** (horizontal, vertical, diagonal, cross-policy)
  - ▶ **Connection to Innovation** and Knowledge Systems
- ▶ Policy Learning Systems Need:
  - ▶ **Support from the Top**; a **Core Group**, and **Dedication**
  - ▶ **Focus, Vision, Mission, Myths & Memories, Rhythm**
- ▶ **'Likes'** lead to Coordination | **'Variants'** lead to Contestation (both good)
- ▶ **Facilitation**, Resources, and secure, mid-term **Funding**
- ▶ **Evaluation** (Indicators), **Openness** and **Transparency**, **Visibility**



## Linking Sub-National Systems and Policy Learning

- ▶ **Link Existing Sub-National Systems**
  - ▶ Start with Non-Critical Areas (e.g. Planning (in the European sense))
- ▶ **Link Existing Sub-National Bilateral Partnerships**
  - ▶ Such as State to State Exchanges, Sister City Programs
  - ▶ Disseminate Results and Benefits, Create Platforms (Social Media?)
- ▶ **Open/Use Existing International Fora for Provinces or States**
  - ▶ Such as UNEP, UNDP, Habitat, OECD, CSD, UN/ECE, World Bank, G20
  - ▶ Make them more Relevant for Practice
- ▶ **Open Existing International Fora for Provinces and States**
  - ▶ Summits, Research Cooperation,
  - ▶ "Trilateralise" China–Europe–US



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