European Environmental Governance, and Options for Cooperation

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Preview of Content

- Environment in the EU Context: Objectives, Principles, Conditions

- Evolutions of Regimes
  - Internal Market and Approximation of Law
  - Environmental Protection and Capacity Building
  - Integrating Environment into other Policies (Coherence and Consistency)
  - Sustainable Development (Finding the Balance while Respecting Limits)

- Exchange & Cooperation between Canada, the EU & Member States
  - Policy Learning in the EU and Germany
  - Ideas for Linking across the Atlantic

- Discussion
www.ecologic.eu

- Private, independent, mission-based, non-profit research organisation
- **Policy Think Tank**: Policy-relevant research, science-based advice
- Independent and competent **Voice** for
  - Environment in International and European Affairs
  - International and European Dimension in Environmental Policy
  - Integrating Environment into All Relevant Policies
  - Sustainable Development
- 6 Founders, 120,000 Euros Core Capital, Company Law (Business)
- 92 Staff, 65 full-time equivalents, revenue 4.6 m Euros (2008)
- **Project-driven, problem-oriented, transdisciplinary, practical advisory**
http://www.ecologic.eu/

1995 - 2010

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

- 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 2009)
- 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
2000s >  
late 90s  
80s/90s  
1970s >  
1950s >

Protection of the Environment
Human Health

Regional Differences
Cost of Action
Polluter Pays
Precaution
Balanced Development
Safeguard Clause

Natural Resources
Effectiveness
Pollution Cooperation
Reduction at Source
Proportionality
Science-based

Integration of Environment > Policies
Sustainable Development

Environment (high protection level, variation)

Internal Market (trade, competition, approximation of law)

Cost of Policy Inaction (COPI)
No Barriers to Trade
No Distortions to Competition
Prevention
Efficiency

"High level" of Protection
"Safeguard Clause"

Derogations
User Pays
Cohesion Funds

Subsidiarity
Transboundary Effects
Ubiquity
Capacity Building

Experience I – **Germany** and the EU

- Ministers of Environment (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

Kraemer, R. Andreas 2007: “Federalism and Environmental Regulation in Germany and the EU,” AICGS Policy Report, No. 31
Federalism and Environmentalism in the United States and Germany, 7-32. [http://ecologic.eu/2095](http://ecologic.eu/2095)
Experience II – Germany and the EU

- Treaty Infringements Procedures (> before the EU’s Court of Justice)
- Directives Establish Rational Policy Management Systems:
  - MS report on Transposition, administrative Implementation, and Success
  - Commission reports in EU, makes recommendations, proposes new law
  - Council and Parliament decides 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.
Experience III – Evaluation of EU Experience [J. Zeitlin]

- **Cooperation, Coordination, and Policy Learning:**
  - 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

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Functions and Benefits of Policy Learning

- Identify 'Low-Hanging Fruit' and Widen the Range of Policy Choices
- Provide 'Peer' Recognition for Pioneers, Innovators, ...
- 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!
Experience IV – Trans-Atlantic 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 (some grants available)
- Reporting of Activities, Lessons Learned, Impacts, Analysis

Experience IV – Trans-Atlantic 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

- **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)

- **Link Existing Sub-National Bilateral Partnerships**
  - Such as Province 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, OECD, CSD, UN/ECE, World Bank, G20
  - Make them more Relevant for Practice

- **Open Existing Trans-Atlantic Fora for Provinces and States**
  - Summits, Research Cooperation, "trilateralise" Canada–US–Europe
  - Transatlantic Economic Council (TEC); Establish NGO "TEC Watch"
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