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# **The EU Presidency: 'Honest broker' or driving seat?**

**Rüdiger K.W. Wurzel**

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**An Anglo-German comparison in the  
environmental policy field**

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**Rüdiger K. W. Wurzel**

**Department of Politics and International Studies,  
University of Hull**

**Anglo-German Foundation  
for the Study of Industrial Society**

## THE EU PRESIDENCY: 'HONEST BROKER' OR DRIVING SEAT?

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Deutsch-Britische Stiftung für das Studium der Industriegesellschaft  
34 Belgrave Square, London SW1X 8DZ  
Tel: +44 (0)20 7823 1123 Fax: + 44 (0)20 7823 2324  
Website: [www.agf.org.uk](http://www.agf.org.uk)**

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<sup>1</sup> 1043 'Britain and Germany and the role of the EC Presidency in the environmental field', and 1258 'The EU Presidency in the environmental, agricultural and transport fields. An Anglo-German comparison'.

## Executive summary

This report analyses and compares the British 1992 and 1998 and the German 1994 and 1999 EU Presidencies. It focuses mainly on the Environmental Council. However, because environmental policy is a cross-cutting policy, technical Council of Ministers formations other than the European Council and the General Affairs Council are also assessed. The report concludes that Anglo-German differences in holding the Presidency were overall surprisingly small for the Environmental Council, when considering the differences in national attitudes towards the EU and environmental policy as well as the diverse EU policy co-ordination structures and national environmental regulatory styles in Britain and Germany.

The number and timing of formal Environmental Council meetings were similar, while the common positions adopted on legally binding dossiers during each of the four Presidencies ranged between six and nine. There was more variation in terms of the informal Environmental Council meetings. The British 1998 Presidency was alone in organising (Environmental/Transport) Joint Council meetings which, however, produced little more than vague statements.

The workload for the Presidency in the Environmental Council has increased significantly over time. Moreover, as EU environmental policy has matured, some dossiers have become more complex. As a consequence, there has been an increase in the number of meetings by the Committee of Permanent Representatives (COREPER) and the Council Environmental Working Group whose preparatory work is crucial for the Environmental Council. The changes to the decision-making process, growing complexity of dossiers and the principle of subsidiarity did not, however, lead to a slowing down of the adoption of EU environmental laws under British and German Presidencies.

Overall, member states are more likely to accept compromises on dossiers of national interest when holding the Presidency than when not in office. Blatant violations of Presidency norms are rare. Only the German 1999 Presidency openly flouted the 'honest broker' rule when, after heavy lobbying by the automobile industry, Chancellor Schröder intervened on the end-of-life vehicles (ELV) directive by instructing his Environmental Minister, Jürgen Trittin, to revoke Germany's support for this directive. By offering a package deal, Chancellor Schröder successfully lobbied the British Prime Minister, Tony Blair, and the Spanish Prime Minister, José Maria Aznar, to form with Germany a blocking minority on the ELV dossier. The German government's conduct on the ELV directive was widely considered as an abuse of the office of the Presidency. However, it was the exception to the rule and not representative of the German 1999 Presidency which was highly successful overall.

Clearly, the office holder must juggle conflicting Presidency norms and domestic political demands. Holding the Presidency usually grants member states agenda-*shaping* rather than agenda-*setting* powers.

# 1 Introduction

The office of the Presidency attracts great media and academic interest in the member state which holds the Presidency. However, it has remained an under-researched area because most assessments focus on a single Presidency and on issues of 'high politics' which are usually dealt with by the European Council. Little attention has so far been paid to 'low politics' issues in the Council of Ministers although they constitute the bread and butter issues of EU decision-making. Very few studies take a longitudinal and cross-comparative perspective by comparing either different Presidencies held by the same member state over time or Presidencies by different member states, although there are some notable exceptions (de Bassompierre, 1988; Elgström, 2003; Kirchner, 1992; Schout, 1998; Wurzel, 1995, 1996a, 1996b, 2001; Sherrington, 2000).

This report focuses on the following four Presidencies: the UK 1992 and 1998, and the German 1994 and 1999. It deals mainly with the Environmental Council. However, because environmental policy is a cross-cutting policy whose requirements must be integrated into other policy sectors, technical Council of Ministers formations other than the Environmental Council (eg the Agriculture and Transport Councils), as well as the European Council and the General Affairs Council, will also be assessed whenever relevant.

The choice of Britain and Germany offers a particularly interesting comparison for the following three reasons. First, Britain and Germany are conventionally portrayed as being at opposite ends of the federalist-intergovernmentalist divide. Britain has a reputation for being an 'awkward partner' (George, 1998) which does not shy away from defending its national interests. Germany is widely seen as a pro-integrationist member state which supports both the deepening and widening of the EU despite the recent national interest rhetoric (Wurzel, 2002b, 2003, 2004).

Second, Britain and Germany are often portrayed as attributing different priorities to environmental policy while exhibiting mutually exclusive national environmental policy styles. For much of the 1980s, Britain was conventionally portrayed as the 'dirty man of Europe' while Germany was seen as an environmental leader state (eg Weale et al., 2000). British governments have traditionally expressed a preference for procedural measures and flexible environmental quality objectives (EQOs) which are based on the principles of the best practicable environmental option (BPEO) and the best available techniques not entailing excessive costs (BATNEEC) which require cost-effectiveness assessments. German governments have often insisted on stringent substantive measures and detailed (uniform) emission standards which are derived from the best available technology (BAT) principle. These differences in national priorities and styles have triggered repeated Anglo-German disputes on the EU level about the common environmental policy (Weale et al., 2000; Wurzel, 2002a). Since the early 1990s, British governments have attributed more importance to environmental issues while post-unification Germany has lost some of its environmental credentials (Wurzel, 2004). However, the differences in environmental regulatory styles have waned only marginally (Héritier et al., 1996; Knill, 2001; Weale et al., 2000; Wurzel, 2002a).



Third, the British and German political and administrative systems have dealt differently with EU policies. The UK has a reputation for having in place well coordinated and highly centralised structures which ensure that national interests are clearly defined at the start of EU negotiations (Humphreys, 1996; Jordan, 2002a; Jordan and Liefferink, 2004). Germany's EU policy has been portrayed as 'sectorally disaggregated, weakly co-ordinated and, at times, highly disorganised' (Hyde-Price and Jeffery, 2001: 707).

## **1.1 Main research focus**

This report assesses whether the Anglo-German differences, in terms of (1) attitudes towards the EU, (2) national priorities and styles in environmental policy, and (3) the coordination of EU policies, have significantly influenced British and German Presidencies. The following four main research questions guide the empirical research. First, what are the main roles and functions of the Presidency? Second, were there marked national differences in the way Britain and Germany ran their respective Presidencies? Third, is the office of the Presidency able to ensure the integration of environmental policy requirements into other policy sectors? Finally, does the Presidency allow for the 'uploading' of national preferences, or lead to the 'Europeanisation' of national environmental policies?

The remainder of this report proceeds as follows. Chapter 2 explains the main roles and functions of the EU Presidency. Chapter 3 compares the British 1992 Presidency with the German 1994 Presidency, and the British 1998 with the German 1999. Chapter 4 compares the four Presidencies over time, while trying to explain the differences and similarities by making reference to domestic politics demands and Presidency norms. Finally, the conclusion argues that Britain and Germany showed a surprising degree of similarity in the way they tried to juggle the conflicting Presidency norms and national interests with a few notable exceptions.

## 2 The EU Presidency

### 2.1 Term of office

The Presidency rotates between member states every six months (January to June or July to December). The rotation order was strictly alphabetic until 1986 when a split rotation was introduced with a first normal alphabetic cycle and a second alternating cycle. The main reason for this change was due to differences in the workload between the first and second semesters (Hayes-Renshaw and Wallace, 1997: 137). The second half of the year is 'shorter' due to the summer and Christmas holiday breaks (Wurzel, 1995: 4).

When Austria, Finland and Sweden joined in 1995, the rotation cycle was altered again so that at least one large member state formed part of the Council's so-called 'troika' which is made up of the previous, current and next Presidencies. The troika is an informal cooperation procedure which is not mentioned in the treaties. It was formed to bring about greater continuity between different Presidencies as well as better representation of the EU in external relations. In the Environmental Council the troika has rarely been activated (Wurzel, 1996a, 1996b, 2000). In external relations the troika constitutes of 'the current Presidency, assisted by the Secretary General of the Council and, if need be, by the next Presidency, and in full association with the Commission' (interview, 2004) since the Amsterdam Treaty which came into force in May 1999.

### 2.2 The Council and European Council decision-making machinery

#### 2.2.1 European Council

The heads of state and government meet in the European Council whose summits were only institutionalised in 1974. The political leaders try to agree on the overall direction of the EU (Nugent, 2003: 178–96). In the past, European Councils rarely dealt with environmental issues (Wurzel, 2002a: 59). Since the 1990s, environmental issues have featured more prominently on the agenda of the European Council.

The European Council does not discuss detailed legislative environmental proposals but focuses on broader policy initiatives. However, it can try to resolve stumbling blocks that have occurred in the Environmental Council which adopts EU environmental laws together with the European Parliament (EP).

#### 2.2.2 Council of Ministers

The legal fiction of a single Council of Ministers has long given way to a 'hydra-headed conglomerate of a dozen or more functional Councils' (Pinder, 1991: 25). The sectoral and functional division of the Council of Ministers into several technical Councils (eg Agricultural, Environmental and Transport Councils) helps to depoliticize potentially

divisive issues and avoids grand-scale zero-sum games where the winner takes all. However, sectoral differentiation can lead to disjointed decision-making which is unable to take into account the holistic requirements of a cross-cutting policy such as environmental policy.

### *Ministerial meetings*

Until the late 1990s, there was a significant increase in the total number of Council meetings as well as the different types of Council formations. In 1967 there were 20 Council meetings, while five years later there were more than twice as many. The 1999 Helsinki European Council put an end to the proliferation of the Council of Ministers formations by curtailing them to 16. The 2002 Seville European Council went even further by reducing them to only nine (Nugent, 2003: 153–4). As a result the total number of Council of Minister meetings fell from 94 in 1998 to 79 in 2003. Moreover, the Seville reforms gave the new General Affairs Council an enhanced coordination role while streamlining and simplifying the agendas of the European Council (IEEP, 2002: 6).

The Environmental Council was largely unaffected by the streamlining of the Council formations. Its inaugural meeting was held in 1973. Between 1973 and 1982, only one meeting took place per year. Between 1982 and 1989 there were at least two Environmental Council meetings per year which meant that every Presidency usually held one meeting. Since 1989, there have regularly been two Environmental Council meetings per Presidency although some Presidencies have organised three meetings.

Environmental Council meetings are attended by the Ministers who are assisted by national officials. German Council delegations have a reputation for occasionally reaching almost the size a football team. This can be explained by strong Ministerial independence in the face of a loosely coordinated German national position on EU policies which encourages other Ministries to send 'observers' (*Aufpasser*) who will report to their own Minister what the Environmental Minister has said (interview, 1995). Moreover, the federal system requires that the *Länder* (states) are represented. Until the late 1980s, British Secretaries of States were reluctant to attend Environmental Council meetings and instead sent junior Ministers. This was widely interpreted as symbolizing the low priority given to environmental issues in general and EU environmental policy in particular (Jordan, 2002a; Wurzel, 1996a: 274; 1999: 19).

The member state holding the Presidency 'wears two hats' (interview, 2000) because it is represented by two representatives during Council meetings. The more senior representative usually chairs the Council meeting while the other heads the national delegation.

### *Informal Councils*

There are also informal Council meetings which are 'designed to permit the pooling of ideas and the freest possible exchange of views on general topics; they cannot take the place of normal Council business' (Council handbook, 1988 with updates). Informal Council meetings usually take place in scenic locations and aim to establish good personal and working relations between Ministers as well as between senior officials who are also invited.

Informal Councils can be used to launch new initiatives and to discuss informally major stumbling blocks that have occurred during formal Environmental Council meetings. It is during informal Council meetings that the Presidency is most likely to be in a position to push for national priorities. Informal Councils cannot, however, adopt legislation although incumbents may try to adopt Presidency conclusions with the aim of committing the Council to take certain actions in future (Humphreys, 1996: 11).

Most Presidencies have organised one informal Environmental Council since the 1980s. In 1988, the number of informal Councils per Presidency was limited to seven for budgetary reasons but also because the Commission and EP wanted to keep in check centrifugal forces that can result in decision-making away from Brussels. However, in practice the limit is often exceeded although additional informal Council meetings have to be financed by the Presidency.

### *Joint Councils*

There are also Joint Councils in which, for example, the Environmental Ministers meet with their colleagues from another technical Council. Joint Environmental Councils briefly flourished during the early 1990s. Between 1990 and 1994, there were three Environmental/Energy, two Environmental/Transport and one Environmental/Development Joint Councils (Wurzel, 1995: 9).

Joint Councils can break down sectoral barriers which is important for a typical cross-cutting policy like environmental policy whose requirements have to be integrated into other EU policy sectors. However, it can be an organisational nightmare to find time slots for so many busy Ministers. Within the EU-15 a Joint Council *tour de table* which allowed for speeches of five minutes per Minister could last up to two and a half hours. Joint Councils, though theoretically a step in the right direction, are in practice difficult to orchestrate, tend to produce general policy statements rather than specific environmental measures and often slow down decision-making (Wurzel, 1996a, 275).

### *COREPER and Council Working Groups*

The meetings of the Ministers in the Council are prepared by COREPER and Council Working Groups. COREPER meetings are made up of officials from the Brussels-based Permanent Representation whose staff increases significantly approximately six to eight months before the start of the Presidency. Britain and Germany almost doubled their overall Permanent Representation staff for the Presidency. Permanent Representation staff dealing with environmental issues increased from one to two environmental attachés for the British 1992 and the German 1994 Presidencies. It then went from two to three for British 1998 and the German 1999 Presidencies. Importantly, these increases were retained after the Presidencies. The rise in the number of environmental attachés can be explained with the increased workload of the Council Environmental Working Group which negotiates the environmental dossiers before they are passed on to COREPER which prepares them for the Ministers.

Germany's Permanent Representation largely mirrors the ministerial structure on the domestic level (Demmke and Unfried, 2000). The administrative set up of the British Permanent Representation is more geared towards facilitating close relations with different EU institutions (Wurzel, 1995). One German official argued that the British set up was more effective in helping to push for national interests (interview, 1995).

The interface between the Permanent Representation and the Environmental Ministry is crucial for the Presidency. The British government set up a special President Unit within the Department of the Environment (DoE) during its 1992 Presidency. No similar unit was created within the newly established Department of Environment, Transport and the Regions (DETR) for the British 1998 Presidency. The unit dealing with EU environmental policy was initially part of the international division within the DoE. It became a separate unit only in the early 1990s. The German Environmental Ministry (BMU), which was set up in 1986, always had an EU unit that has remained relatively small. Prior to 1986, the Interior Ministry (BMI), which also hosted an EU unit, was responsible for environmental issues.

### *Council Secretariat*

The Council Secretariat functions as a clearing house, conference centre, collective memory and adviser to the Presidency (Kirchner, 1992: 77). It is relatively small with about 250 A-grade administrative staff (Hayes-Renshaw and Wallace, 1997: 105). During much of the 1990s, six A-grade officials dealt with environmental issues. The Council Secretariat is, due to its lack of national bias and continuity in terms of staff, often quick in spotting compromise formulations that are acceptable to reluctant member governments. The underrated role of the Council Secretariat is due to the low profile which it tries to keep but also the result of the fact that its work, if undertaken successfully, does not usually become known to the general public.

Large member states tend to rely less on the Council Secretariat compared to small member states. However, the degree to which a member state leans on the Council Secretariat may vary from dossier to dossier. Britain has acquired a reputation for 'running the show' using mainly its own civil service. One Council Secretariat official interviewed commented admiringly that '[t]hey could probably run the Presidency even without our support' (interview, 1995). This is no mean achievement especially when considering the Eurosceptic attitude of many British governments. The British 1998 Presidency has relied somewhat more on the Council Secretariat, at least in the Environmental Council.

## **2.3 The roles and functions of the Presidency**

The literature attributes different roles and functions to the EU Presidency (de Bassompierre, 1988; Elgström, 2003; Kirchner, 1992; Kollmann, 2003; Sherrington, 2000; Wurzel, 1995, 1996a, 1996b, 2001). However, there is broad agreement that the following five roles are essential:

1. Management and administration;
2. Point of contact;
3. Mediator;
4. Initiator;
5. Representative functions.

Since the late 1980s, the EU Presidency has also acquired the task of ensuring the integration of environmental requirements into other policy sectors.

### **Management and administration**

The management and administrative role is the most resource-consuming task. The Presidency must decide on the number and timing of the formal and informal meetings of the European Council, the General Affairs Council and the various Council of Ministers formations (including the meetings of COREPER and Council working groups). Until the 2002 Seville reforms, each Presidency had to chair all of these meetings.

The Council Secretariat supports the Presidency in its management functions. There are peaks of hectic activism around the Council of Minister meetings although the workload rarely dies down completely.

### **Point of contact**

The Presidency acts as a point of contact for member states and other EU institutions. A sound knowledge of the position taken by other member governments is important for the smooth functioning of the Presidency. Many Presidencies therefore undertake a tour through the capitals in order to get to know better the Ministers who will attend the Council meetings.

Britain's Michael Howard (Conservatives) and Michael Meacher (Labour) as well as Germany's Klaus Töpfer (CDU) and Jürgen Trittin (Greens) undertook such a tour at the beginning of their Presidencies. A tour through the capitals is not carried out by all Presidencies and, given the recent enlargement to 25 member states, will have to be limited only to what is considered the most important member states by future Presidencies. Already the British 1998 and German 1999 Presidencies did not manage to visit the capitals of all member states. Ministers who are keen on this exercise want to establish a good rapport with other Environmental Ministers early on in the Presidency. Civil servants often downplay the importance of these meetings but appreciate that a flight with the Minister to another member state often creates a rare opportunity for discuss important dossiers in person.

Good working relations with the Commission and EP are also important. It is not unusual for the incoming Presidency to contact Commission officials up to one year in advance in order to signal certain priorities. The Commission is unlikely to spend scarce resources on a proposal if forthcoming Presidencies signal that they will attribute only a low priority to particular dossiers (Wurzel, 1996a: 277). However, Presidencies find it much harder to persuade the Commission to publish a particular proposal on time than to keep a certain dossier off the Council agenda. Moreover, no Presidency starts with a clean slate. Its priorities will partly depend on what progress the preceding Presidency has made. Jonas Talberg (2003) has therefore argued that the Presidency has agenda-*shaping* (rather than agenda-*setting*) powers.

The EP's powers have increased significantly since the introduction of the cooperation procedure and the co-decision procedure in particular. Its importance for the Presidency has increased accordingly. Relations between the Presidency and the EP are most intense towards the end of the legislative cycle, although the Presidency outlines its priorities to the EP at the beginning of its term in office.

## **Mediator**

The broker and mediator role is of central importance for any Presidency which wants to see its priority dossiers adopted. One Council Secretariat official explained: 'All Presidencies want to have a fantastic adoption record because this is what the media will focus on' (interview, 2000). However, it would be wrong to judge the success or failure of a particular Presidency solely on the number of dossiers for which (first or second reading) common positions are adopted during its term in office. Some Presidencies will make good progress on resolving stumbling blocks for dossiers which have been held up in the Environmental Council for years. And often it will take several skilled Presidencies to broker an agreement on hotly disputed dossiers which are of great national interest to some member states.

The Presidency's broker role has grown in recent years for the following four main reasons. First, the total number of Council meetings which have to be chaired by the Presidency steadily rose until the Helsinki reforms mentioned earlier. Second, the increase from originally six to currently 25 member states has complicated EU negotiations. Third, although the use of qualified majority voting (QMV) has been extended since the 1986 Single European Act (SEA), the Council in general and the Environmental Council in particular still aim to reach as broad a consensus as possible. It is the Presidency which has to come up with compromise proposals that are acceptable to reluctant member governments. Finally, the cooperation and co-decision procedures have made it necessary for the Presidency to develop closer relations with the EP and to broker compromises that are acceptable to the Council and the EP.

Adrian Schout (1998) has argued that the Presidency's broker role has also increased because over the years the Commission has lost some of its initiator role while differences about European integration have deepened among member governments.

## **Initiator**

The Presidency's initiator role is controversial. While some observers have attributed only very limited initiator powers to the Presidency (eg de Bassompierre, 1988; Hayes-Renshaw and Wallace, 1997), others have argued that it has 'agenda-shaping powers' (Talberg, 2003; see also Elgström, 2003) or even the duty to defend its national interests (Schout, 1998). Practitioners are also divided on this issue. Council Secretariat officials usually downplay the initiator role while emphasising the mediator role instead. Overall, British officials seem to be more convinced about the Presidency's need for taking on an initiator role compared to their German colleagues, although one German official argued that 'you can hold a creative Presidency. However, you cannot pull member states over the negotiating table.... You must give them the feeling that you want to help them. There is a lot of psychology involved' (interview, 2000).

## **Representative functions**

The Presidency (together with the Commission) represents the EU in the international arena. Over the years the EU's role has grown significantly in international environmental diplomacy. Important international treaties which were negotiated during the British 1992/1998 and German 1994/1999 Presidencies include a convention on controls on trade in endangered species (CITES), the Basle convention on the transboundary movement of hazardous waste and ongoing negotiations about climate change. In the 1990s, climate

change became the most important issue in international environmental diplomacy because the EU was trying to take on an environmental leader role.

### **Environmental policy integration**

The 1986 SEA stated already that 'environmental protection requirements shall be a component of the Community's other policies'. However, the Council of Ministers and European Council initially failed to take this provision seriously. The importance of the environmental policy integration (EPI) principle was reinforced by the Amsterdam Treaty which highlighted it in its Preamble, while also moving it from the environmental chapter into a separate article (Article 6) at the beginning of the Treaty.

Britain has been one of the pioneers of the EPI principle (Jordan, 2002b). It is therefore no surprise that the British government used its Presidency to 'upload' the EPI principle to the EU level when it launched the Cardiff process in 1992. Germany, on the other hand, has largely remained sceptical about relying on procedural measures to control pollution, although it has formally supported the EPI principle (Lenschow, 2002).



## 3 Cross-country comparison

### 3.1 Frequency and timing of meetings

The British 1992/1998 and German 1994/1999 Presidencies all staged two formal and one informal Environmental Councils. The formal Environmental Councils took place at around the same time in the Presidency, while there was more variation as regards the timing of the informal meetings (see Table 1). The first semester Presidencies staged their informal Environmental Council before the first formal Environmental Council, while for second semester British Presidencies they were held after the first formal Environmental Council.

**Table 1**  
**Environmental Council and European Council meetings**

<b>1992 UK Presidency</b>		<b>1994 German Presidency</b>	
19 September	Informal Environmental Council (Gleneagles)	17 July	Informal Environmental Council (Dresden)
20 October	First Environmental Council (Brussels)	4 October	First Environmental Council (Luxembourg)
15/16 December	Second Environmental Council (Brussels)	15/16 December	Second Environmental Council (Brussels)
16 October	European Council (Birmingham)	9/10 December	European Council (Essen)
11/12 December	European Council (Edinburgh)	—	—
<b>1998 UK Presidency</b>		<b>1999 German Presidency</b>	
23 March	First Environmental Council (Brussels)	11/12 March	First Environmental Council (Brussels)
25/26 April	Informal Environmental Council (Chester)	7/9 May	Informal Environmental Council (Weimar)
26 April	Informal Joint Environmental/Transport Council (Chester)	24/25 June	Second Environmental Council (Brussels)
16/17 June	Second Environmental Council (Luxembourg)	26 February	Informal European Council (Bonn)
15/16 June	Formal Joint Environmental/Transport Council	3/4 June	European Council (Cologne)
17 June	European Council (Cardiff)	24/25 June	European Council (Berlin)

The British 1998 Presidency was alone in staging Joint Council meetings. It staged one formal and one informal Joint Environmental/Transport Council. There was more variation for the European Council. Events that demand a reaction from the EU, although they cannot be controlled by the Presidency, generally have a greater impact on the European Council than the Environmental Council. The German 1994 and the British 1998 Presidencies organised one formal European Council meeting each. The British 1992 and the German 1999 Presidencies staged two European Council meetings each, while the German 1999 Presidency also organised one informal European Council meeting.

The British 1992 Presidency had to deal with the political fall out of the 'No' vote in the first Danish referendum on the Maastricht Treaty while the German 1999 Presidency had to cope with the Kosovo war and the Commission's collective resignation under President Santer, as well as the complex Agenda 2000 negotiations which paved the way for the enlargement by the Central and Eastern European Countries (CEEC) (Wurzel, 2000).

The troika was barely activated in the Environmental Council by the British and German Presidencies. The British Presidencies failed to establish close relationships with either Portugal (from which it took over in 1992) or Luxembourg (from which it took over in 1998). In 1992 the British (Conservative) government toyed with the idea of trying to achieve some cooperation with Denmark because of its Eurosceptic stance. However, these efforts were abandoned because they raised the suspicions of other member states (interview, 1994).

Similarly, the German 1994/1999 Presidencies did not cooperate closely with their preceding Presidencies (ie Greece in 1994 and Austria in 1998). Germany's relationship with Finland, which took over the Presidency in the second semester in 1999, actually became strained for two reasons. First, Chancellor Schröder insisted that European Council and Council documents should to be made available also in German, which is one of three official EU negotiating languages. However, the Finnish Presidency refused to comply with this demand for some meetings. Second, the German Environmental Minister, Jürgen Trittin, and his Finnish counterpart, Satu Hassi, failed to establish a good rapport although both belonged to Green parties (Wurzel, 2000: 28). However, the political differences did not prevent Germany and Finland from reaching an unprecedented agreement to swap their next Presidencies.

### **3.2 The British 1992 and German 1994 Presidency dossiers compared**

Table 2 overleaf lists the dossiers on the agenda for the (formal) Environmental Council meetings under the British 1992 and German 1994 Presidencies.

#### **3.2.1 Formal Environmental Council meetings**

The British government identified the following eight dossiers as Presidency priorities: 1) climate change; 2) convention on trade in endangered species (CITES); 3) ozone depleting chlorofluorocarbons (CFCs); 4) light van emissions; 5) Basle convention on transborder hazardous waste shipment; 6) eco-auditing; 7) hazardous waste incineration; and 8) Fifth Environmental Action Programme (EAP). It achieved agreement on six out of its eight priority dossiers and also succeeded in getting adopted a directive on waste from titanium dioxide which had not been a Presidency priority. Moreover, the British 1992 Presidency also pushed a legally non-binding initiative to bring about better integration of environmental concerns into other policy sectors.

However, no agreement was achieved on the dossiers on eco-auditing, which was opposed by the German government, and hazardous waste incineration. Moreover, the British government dropped at an early stage two dossiers which had initially been identified as Presidency priorities (ie the revision of the bathing water directive and a

**Table 2**  
**Dossiers of the British 1992 and German 1994 Presidencies**

<b>Dossiers of the 1992 UK Presidency</b>	<b>Outcome</b>	<b>Dossiers of the 1994 German Presidency</b>	<b>Outcome</b>
<b>1. Legally binding policy measures</b>			
Climate change strategy	Council conclusions	Climate change strategy	Council conclusions
CITIES (trade of endangered species)	No agreement but general statement	CITIES (trade of endangered species)	Council conclusions
Phasing out of CFCs/ozone depleting substances	Regulation adopted	Phasing out CFCs/ozone depleting substances	List of substances adopted
Light van emissions	Common position adopted	Polychlorinated biphenyls (PCBs) and triphenyls (PCTs)	Common position adopted
Waste from titanium dioxide	Directive adopted	Directive on biocidal products	No agreement
Basle Convention on transboundary movement of waste	Decision adopted	Directive on packaging and packaging waste	Directive adopted
Eco-auditing	No agreement	Directive on certain emissions from large combustion plants	Directive adopted
Hazardous waste incineration	No agreement	Volatile organic compounds (VOCs) emissions	Directive adopted
—	—	Incineration of hazardous chemicals	Directive adopted
—	—	Convention on the protection of the Alps	Political agreement to sign the Convention adopted
—	—	List on the export/import of certain dangerous chemicals	Agreed
—	—	Directive on integrated pollution prevention and control (IPPC)	Common position agreed
—	—	Measures on environmental statistics	Statement
<b>2. Non-binding political initiatives</b>			
5th Environmental Action Programme (non-binding)	Resolution	Environmental aspects of transport	Statement
Integration of environmental concerns into other policy sectors	Statement	Ground water action programme	Statement
—	—	Central and Eastern European countries (CEEC): structured dialogue	Invitation of CEEC ministers
<b>3. Presidency priorities which were later dropped</b>			
Bathing water directive revision	Dropped	Bathing water directive	Dropped
Zoos directive	Dropped	—	—

zoos directive). Months before the start of its Presidency, the British government lobbied the Commission to come up with a proposal for a directive on the protection of animals in zoos. However, the zoos directive was dropped by the British Presidency when the debate about the principle of subsidiarity erupted, during which the British (Conservative) government accused the Commission of getting involved in the 'nooks and crannies' of member states.

The German 1994 Presidency identified the following list of 13 priorities: 1) climate change; 2) CITIES; 3) CFCs; 4) ban on polychlorinated biphenyls (PCBs) and triphenyls (PCTs); 5) biocidal products; 6) packaging and packaging waste; 7) emissions from large combustion plants; 8) volatile organic compounds (VOCs); 9) convention on the protection of the Alps; 10) integrated pollution and prevention control (IPPC); 11) measures on environmental statistics; 12) a statement on environmental aspects of transport; and 13) a non-binding ground water action programme. All these dossiers (ie eight legally binding measures and four non-binding Council statements) were adopted apart from the proposal for a directive on biocidal products. German Permanent Representation officials warned the Environmental Minister, Klaus Töpfer, that negotiations on the biocidal dossier had not yet advanced sufficiently in the Environmental Council Working Group for it to be placed on the Council's agenda. Töpfer, however, chose to ignore the advice from his officials and promptly failed to get an agreement.

The German 1994 Presidency kept off the Environmental Council's agenda the Commission's proposal for a revised bathing water directive which had already been dropped by the British 1992 Presidency. On the other hand, the German 1994 Presidency brokered agreements for two legally binding directives (on the incineration of hazardous chemicals and on a list of dangerous chemicals for export and import) which it had not identified as Presidency priorities.

The German Presidency's list of priorities was more ambitious than the British one. However, there is little evidence that Britain's Eurosceptic attitude and/or its lower priority regarding environmental issues influenced its Presidency performance in the Environmental Council.

Three dossiers (on climate change, CFCs and CITIES) were priorities for both the British 1992 and the German 1994 Presidencies. This illustrates that some EU environmental issues are dealt with by Ministers during more than one Presidency. The fact that several dossiers were kept off the agenda by both Presidencies confirms the claim that a Presidency has agenda shaping powers (Talberg, 2003).

One British official accused the German 1994 Presidency in the Environmental Council of having staged 'one of the most biased Presidencies in recent years' (interview, 1995). This claim could be substantiated by the fact that the German Presidency, halfway through its term in office, issued a Presidency compromise on the IPPC dossier which was very close to existing German national legislation (ie it stipulated the BAT principle). The German Presidency's compromise changed significantly the Commission's initial proposal which the German government regarded as incompatible with existing domestic regulations while failing to take into account the core demands of the majority member governments. The Presidency compromise was withdrawn for the second Environmental Council after Germany met with stern opposition in the first Environmental Council. However, some provisions of the German Presidency compromise nevertheless later found their way into a re-issued Commission proposal for the IPPC directive (Wurzel, 1996a, 285).

The German Presidency's handling of the packaging and packaging waste directive constitutes evidence for the claim that 'holding a Presidency can put increased pressure on a country to give way in the interest of securing agreement when its national position is at the edge of the negotiating spectrum' (Garel-Jones, 1993: 262). For one British official it was 'the highlight of the German Presidency' (interview, 1995). The packaging and packaging waste directive became (together with the VOCs directive) the first item of EU environmental legislation which ended up in the conciliation committee. The national German delegation opposed the Commission's proposal as not stringent enough, and the German 1994 Presidency had to negotiate a compromise deal. The German State Secretary (*Staatssekretär*), Clemens Stroetmann, headed the German national delegation during the Environmental Council meeting where he opposed the proposal. Ironically, Stroetmann also chaired the conciliation committee meetings (owing to other engagements by the German Environment Minister) where he had the difficult job of negotiating a compromise proposal that was acceptable to both the EP and the majority of member governments but not his own government. Stroetmann's job was made easier by the fact that the EP (like the German government) demanded more stringent rules.

Halfway through the Germany 1994 Presidency, Environmental Minister, Klaus Töpfer (CDU) was replaced by Angela Merkel (CDU) following national elections. Töpfer chaired the informal Environmental Council in July and the first formal Environmental Council in October, while Merkel took over the chair for the second formal Environmental Council in December. Merkel had little choice but to accept the (ambitious) list of priorities which her predecessor had identified as German Presidency priorities.

### **3.2.2 Informal Environmental Council meetings**

The British Presidency staged one informal Environmental Council which took place in scenic Gleneagles in Scotland in September 1992. It used the meeting to set up the Chester network (later renamed IMPEL) which created an informal forum in which practitioners could discuss national implementation problems and enforcement practices. One of the reasons for this initiative was that the British government had come under increasing pressure from domestic environmental groups for failing to implement correctly a number of EU environmental laws (including the bathing water directive). However, the British government suspected that some member states had a worse record without being branded the 'dirty man of Europe'.

The British 1992 Presidency used its informal Environmental Council to discuss the EPI principle which had become enshrined already in the 1986 SEA. The DoE commissioned a report on the implementation of the EPI principle for the British 1992 Presidency from the Institute for European Environmental Policy (IEEP, 1992) which concluded that 'progress towards the integration of environmental requirements has been modest over the last decade'. The Presidency conclusions of the informal Environmental Council singled out 'transport, energy, agriculture, trade, industry, regional policy, fisheries and overseas aid' as important sectors in which environmental requirements should be taken more seriously, while admitting 'that there had in the past been many instances where Community actions in these areas had been developed with insufficient regard for effects on the environment, and in some cases in direct conflict with established Community environmental aims and policies' (UK Presidency, 1992).

The EPI principle had 'already been taken seriously by the British government on the domestic level' (interview, 1994) where, for example, a network of 'Green Ministers' from

all important government departments had been set up (Jordan, 2002b). In putting the EPI principle onto the agenda of the informal Environmental Council, the British government pushed for an initiative on which it perceived itself as a leader.

The German 1994 Presidency staged its informal Environmental Council during its third week in office. It chose as its venue the city of Dresden which is located in the former East Germany and colloquially known as the 'Elbe Florence'. The main themes of the informal Environmental Council were environment and economic development as well as ecological modernisation (which is the idea that stringent environmental policy measures can lead to both improved environmental conditions and greater economic competitiveness). Minister Töpfer linked the Ministerial discussions on these themes to the Commission's *White Paper on Growth, Competitiveness and Employment* (CEC, 1994b).

The German 1994 Presidency also discussed the EPI principle during its informal Environmental Council meeting. However, the discussions were subsumed under the broader ecological modernisation theme. There was little emphasis on the need for procedural changes which had figured prominently during the discussions at the informal Environmental Council under the British 1992 Presidency. Overall, the German 1994 Presidency remained fairly unenthusiastic about the EPI principle.

### **3.2.3 European Council meetings**

The European Council negotiations under the British 1992 Presidency did not explicitly focus on environmental issues. However, the Edinburgh European Council issued a declaration on the principle of subsidiarity which aimed to curtail the legislative activism of the Commission and the Council. Shortly after the Edinburgh European Council the British and French governments drew up an unofficial hit-list of 24 items of EU legislation earmarked for repatriation, seven of which were environmental policy measures. However, not a single item of EU environmental legislation listed was later scrapped although the British 1992 Presidency dropped the zoos directive from its list of Presidency priorities.

The European Council, which took place in Essen under the German 1994 Presidency, barely focused on environmental issues although it adopted a statement which was widely seen as the death knell for the Commission's proposal for a common carbon dioxide/energy tax. This 'unilateral' European Council statement by the European Council took the Environmental Ministers by surprise. The Environmental Council later tried to shift the goal posts again when it issued its own recommendations to the Economic and Finance Minister (ECOFIN) Council, which is responsible for negotiating proposals for a common carbon dioxide/energy directive, and published a request for a new carbon dioxide/energy tax proposal from the Commission (Wurzel, 1996a: 287).

### **3.3 The British 1998 and German 1999 Presidency dossiers compared**

Both the British 1998 and German 1999 Presidencies took place during the 'shorter' second semester.

### 3.3.1 Formal Environmental Council meetings

#### *Formal Environmental Councils under the British 1998 Presidency*

After 18 years in opposition the Labour party was elected into government in Britain in 1997. The British Prime Minister, Tony Blair, declared that he wanted Britain to be at the heart of Europe. Holding the Presidency in early 1998 constituted an important opportunity for 'new' Labour to show its European credentials and to convince a largely Eurosceptic British public of the merits of EU membership. 'Returning the EU to its people' became the main overall theme for the British 1998 Presidency which made the environment one of its main Presidency priorities. Environmental policy became a Presidency priority because the British government saw it as 'an opportunity to fulfil its aim of "reconnecting the EU with people"' (ENDS Daily, 7 January 1998).

Table 3 shows that the British 1998 Presidency managed to obtain agreement on (first or second reading) common positions for the following legally binding dossiers: 1) landfill of waste; 2) light commercial vehicles; 3) VOCs; 4) air quality daughter directives on sulphur dioxide, oxides of nitrogen, particulate matter and lead in ambient air; 5) sulphur content of certain liquid fuels; 6) zoos, and 7) the Auto-Oil I Programme.

**Table 3**  
**Dossiers of the British 1998 and German 1999 Presidencies**

<b>Measures of the British 1998 Presidency</b>	<b>Outcome</b>	<b>Measures of the German 1999 Presidency</b>	<b>Outcome</b>
<b>1. Legally binding policy measures</b>			
Directive on the landfill of waste	Adopted*	Water framework directive	Adopted*
Directive on pollution from light commercial vehicles	Adopted*	Incineration of waste	Adopted*
Directive on VOC emissions	Adopted*	Deliberate release of genetically modified organisms (GMOs)	Adopted*
Air quality daughter directives on sulphur dioxide, nitrogen, particulate matter and lead	Adopted*	Regulation on the revision of the EU eco-label	Adopted*
Directive on reduction of sulphur content of certain liquid fuels	Adopted*	Regulation on the review of the eco-management and audit system (EMAS)	Adopted*
Directive on zoos	Adopted*	Regulation on the extension of the financial instrument of the environment (LIFE)	Adopted*
Auto-Oil I Programme (directives on fuels, car emissions, and maintenance requirements)	Conciliation committee agreement adopted*	Noise emissions by outdoor equipment	Adopted*
—	—	Tractor emissions	Adopted*
—	—	Harmonisation of energy taxation	No agreement
<b>2. Non-binding measures</b>			
Cardiff process (ie integration of environmental requirements into other policy sectors)	Initiative launched	Increased transparency and NGO involvement	No
—	—	Integration of environmental concerns into other policy sectors (Cardiff process)	Initiative carried on half-heartedly

\*The term adopted refers to common positions in the first or second reading.

The greatest success for the British 1998 Presidency was arguably the Auto-Oil I Programme which, at the time, was made up of directives on 1) car emission limits, 2) fuel standards, and 3) inspection and maintenance requirements. The controversial Auto-Oil I Programme had not initially been a British Presidency priority because the EP's second reading was scheduled only for February 1998. However, several member governments and MEPs encouraged the British government to take on the Auto-Oil I Programme for the following two main reasons. First, some actors thought that a large member state with sufficient administrative resources could better handle such a technically complex programme. Second, some member governments and MEPs were hopeful that Britain would be more readily prepared to accept a compromise that was closer to the views of the environmental leader states and the EP when holding the Presidency.

In the early 1990s, the British (Conservative) government had strongly supported the Commission's cost-effectiveness approach for reducing vehicle emissions, although it was rejected by the German government and the EP (Friedrich et al, 2000). However, the British 1998 Presidency brokered a deal which accepted many of the more than 100 second reading amendments put forward by the EP. In practice this led to the rejection of the Commission's cost-effectiveness approach. One British official explained that 'no conscious decision was ever taken [by the British Labour government] to abandon the approach put forward by the Commission under its Auto-Oil Programme. It is just the way in which the negotiations developed that made necessary the shift in the British position' (interview, 2000).

The successful adoption of the Auto-Oil I Programme dossier won the British 1998 Presidency much praise as a competent manager, skilful negotiator and honest broker. The same cannot be said about its handling of the zoos directive. The proposal for a zoos directive had originally been published by the Commission in 1991 after lobbying by the (Conservative) British government which made it a priority for its Presidency in 1992. However, the zoos dossier was quickly dropped as a Presidency priority when the debate about the principle of subsidiarity erupted. The Commission subsequently reissued its proposal in revised form while changing the legal base from a legally binding directive to a non-binding recommendation. In 1998, the British (Labour) government put the revised zoos dossier onto the list of priorities for the British Presidency while insisting that the legal base should be changed back to a legally binding directive. This decision, which baffled German and British officials, was taken on the political level by the Deputy Prime Minister, John Prescott, and Environmental Minister, Michael Meacher, who had close consultations with the EP's environment committee chairperson, Ken Collins, who was a Labour MEP.

The move by the British 1998 Presidency to change the recommendation on zoos to a legally binding directive infuriated the Commission President, Jacques Santer, who unsuccessfully pleaded with the British Prime Minister, Tony Blair, to leave unchanged the legal base of the Commission's proposal. Ironically, the German government abstained from the vote in the Environmental Council on the zoos directive because it argued that a legally binding directive on zoos constituted a breach of the principle of subsidiarity as enshrined (all but in name) in the German constitution.

The British 1998 Presidency's overall performance in the Environmental Council was widely praised. The adoption of the Auto-Oil I Programme was a particularly remarkable



success which, in the words of one British official, was due to 'hard work, good people and a portion of luck' (interview, 2000). However, the British (Labour) government's newly won European and environmental credentials were soon put to the test by the German 1999 Presidency.

### *Formal Environmental Council meetings under the German 1999 Presidency*

Following national elections in September 1998, an SPD-Green Party (Red-Green) coalition government came to power a few months before it was Germany's turn to take over the Presidency. Many observers expected an easy ride for the German 1999 Presidency in the Environmental Council. However, although the German 1999 Presidency earned wide praise for its handling of the 'high politics' issues, it ended up being very severely criticised for the way it dealt with some Environmental Council business (Wurzel, 2000).

The atmosphere of the first Environmental Council meeting under the German 1999 Presidency was poisoned following the German government's announcement that it wanted to take off the agenda the ELV directive which stipulated take back and recycling duties for the automobile industry. All 15 member states (including Germany) had already agreed in principle on the ELV directive at the Environmental Council meeting which had taken place under the Austrian Presidency in December 1998. However, in early 1999, Chancellor Gerhard Schröder (SPD) instructed the German Environmental Minister, Jürgen Trittin (Greens), to revoke Germany's support.

The Chancellor's late intervention was triggered by lobbying from the automobile industry. The chairman of Volkswagen, Ferdinand Piëch, used his term of office as the President of the European Automobile Manufacturers Association (ACEA), to write to Chancellor Schröder complaining about the cost implications of the proposed ELV directive (Wurzel, 2000: 30, 2003). The German car industry accounted for approximately 40 per cent of the 160 million cars affected by the proposed ELV directive. Volkswagen, which is Germany's largest volume producer, would have been hit hardest. Piëch knew Schröder well because the latter had served on Volkswagen's supervisory board during his time as Prime Minister of Lower Saxony (where Volkswagen's headquarters are based). It nevertheless 'shocked many observers' (*Financial Times*, 1999) that Schröder would risk Germany's image as a pro-European and environmental leader state by instructing his Environmental Minister to keep the ELV directive off the Environmental Council's agenda during a German 1999 Presidency. One experienced British official commented: 'It was the most extraordinary thing I have ever seen' (interview, 2000).

The German 1999 Presidency kept the ELV dossier off the agenda of the first Environmental Council in March in the face of protests from other member states. The second Environmental Council in June 1999 discussed the ELV dossier but only during a closed session although the rest of the meeting was conducted in public. Trittin, who personally favoured the adoption of the ELV directive, asked all officials and journalists to leave the room. However, because one camera was still recording sound, the *European Voice* (1999) reported the 'highlights' of exchanges between the Ministers as follows:

"What are you doing trying to talk *us* into a compromise when you are the problem?" asked the Austrian Environment Minister, Martin Bartenstein. Denmark's Sven Auken was almost screaming with anger and France's Dominique Voynet boomed: "We cannot leave this room to tell the press and the public that we have dropped our trousers for the car industry."

... The only support for Trittin's trousers came from the UK's Michael Meacher, who announced he was not performing a U-turn but had been told to reverse his stance by Premier Tony Blair under pressure from Schröder.'

Prior to the second Environmental Council, Chancellor Schröder lobbied the British Prime Minister, Tony Blair, and the Spanish Prime Minister, José María Aznar, to join Germany in forming a blocking minority on the ELV dossier. Formal votes in the Environmental Council are rare (see earlier). However, Germany would have almost definitely been outvoted because most member governments perceived the German government's conduct as an abuse of the office of the Presidency. Germany offered Britain and Spain package deals, although such deals are rarely struck with the participation of the Environmental Council. In exchange for support on the ELV directive, Schröder promised to back the British government on a dossier on auctioning houses (which was negotiated in the Internal Market at around the same time), and the Spanish government on a dossier which affected companies in Gibraltar.

The British Prime Minister, Tony Blair, therefore found himself in the curious position of having to consider whether he should risk Britain's newly won environmental and European credentials by supporting Germany, a country that was traditionally seen as one of the most pro-integrationist and environmentally concerned member states. Aznar, who showed little concern about environmental policy during his Premiership, had no such thoughts to ponder.

Some observers blamed the Chancellor's lack of feeling (*Fingerspitzengefühl*) for EU affairs and his naivety in playing the negotiating game at the EU level for the embarrassing ELV episode. Others have argued that Chancellor Schröder wanted to provoke the resignation of Trittin, or at least damage his reputation (interviews, 2000). This would fit Schröder's often quoted comment of 'more Fischer and less Trittin' which was a reference to Fischer's more compromising stance within the Red-Green coalition government.

The dossier on the release of genetically modified organisms (GMOs) is a good example of where the German 1999 Presidency took up a highly controversial dossier and skilfully negotiated a compromise at the second Environmental Council. Member states fell into the following three groups at the start of the German 1999 Presidency. First, Denmark, France, Greece, Italy and Luxembourg demanded more stringent standards. Second, Austria, Belgium, Finland, Germany, the Netherlands and Sweden insisted on a tightening up of existing rules but opposed an EU-wide moratorium. Third, the UK and the remaining member states did not issue any formal statement although they let it be known that they regarded an EU-wide ban as contrary to World Trade Organisation (WTO) rules.

There were also splits within the German government. The BMU and the Health Ministries, which were both headed by Ministers from the Green Party, took a significantly more precautionary view than the BMWi (*Bundesministerium für Wirtschaft und Arbeit* (Federal Economics and Labour Ministry) and Research Ministry which were both headed by SPD Ministers. During the first Environmental Council meeting in March, it looked like the views of the BMWi and Research Ministry would prevail. However, the BMU and Health Ministry had won the upper hand by the time the second Environmental Council took place. One official argued that the ELV episode put the Green party under

pressure to prove with the GMO dossier that the German 1999 Presidency had a 'green signature' (interview, 2000).

At the second Environmental Council, the German 1999 Presidency put forward a relatively stringent Presidency compromise which, however, was initially unacceptable to the French Environmental Minister who, under instructions from the French President, proposed instead an EU-wide moratorium on GMOs. The second Environmental Council held marathon negotiations before a common position was finally adopted.

The German 1999 Presidency had to work very hard to make a success out of the second Environmental Council meeting, and not only because the ELV episode threatened to overshadow the German Presidency. The highly regarded *EWWE* (June 1999: 3) was scathing in its assessment of the first Environmental Council meeting:

"'Embarrassing.'" "A shambles.'" "A disaster.'" Participants' comments indicate that the first quarterly meeting of the EU environment ministers held under Germany's current six-month presidency of the Union will not go down in the history books as a resounding success.'

The first Environmental Council under the German 1999 Presidency was poorly chaired by the ill-prepared Environmental Minister, Jürgen Trittin, who proceeded to spend long periods of time on his mobile phone. Halfway through the meeting, Trittin abandoned his chair and left for Berlin after having been informed that the Finance Minister, Oskar Lafontaine (SPD), one of the architects of the Red-Green coalition government, had unexpectedly resigned. The Parliamentary State Secretary, Simone Probst, then took over the chair. Probst's inexperience and unfamiliarity with the climate change dossier proved instrumental in the German Presidency's failure to reach agreement on whether member states ought to achieve at least 50 per cent of their reductions in climate change gases through domestic efforts, or whether they should be allowed to make greater use of flexible mechanisms (such as emission trading). The German Presidency announced that it would hold a special Environmental Council meeting to resolve the climate change dossier on 18 May 1999 due to pressing international deadlines. However, the special meeting was later cancelled because the national differences were resolved in the relaxed atmosphere of the informal Environmental Council in Weimar during 7–9 May 1999.

Because of a very successful second Environmental Council, the German 1999 Presidency achieved common positions on the following eight dossiers: 1) water framework directive; 2) waste incineration; 3) GMOs; 4) revised eco-label scheme; 5) eco-management and audit scheme (EMAS); 6) extension of the financial instrument for the environment (LIFE); 7) noise emissions from outdoor equipment; and 8) tractor emissions. This is an impressive list especially considering the political fall out over the ELV directive and the poorly chaired first Environmental Council meeting.

There are two main reasons for the change in fortunes of the German 1999 Presidency after the chaotic first Environmental Council. First, the successful informal Environmental Council led to a better understanding between Environmental Ministers (and officials). Second, Schröder's intervention on the ELV dossier did not have any detrimental effects on good working relations at COREPER level (including the Council Environmental Working Group) where officials worked long hours at relentless pace.

### **3.3.2 Informal Environmental Council meetings**

The British 1998 Presidency staged its informal Environmental Council in Chester during 25–26 April where the following three main themes were discussed: 1) chemicals policy; 2) environmental and transport; and 3) the EPI principle. The EU's chemical policy has long been considered in need of reform. Britain is an important producer of chemicals. It therefore wanted to use the informal Environmental Council to help frame the Commission's ideas for the forthcoming reform of the EU's chemical policy.

Environmental and transport were an obvious theme for the British 1998 Presidency because the Deputy Prime Minister, John Prescott, was responsible for the environmental and transport portfolios as Secretary of State for the newly formed DETR.

The British 1998 Presidency undertook a more determined and coordinated effort to push for the implementation of the EPI principle when it made this a major agenda item at the European Council in Cardiff, rather than discussing it merely within a selected number of technical Council formations as the British 1992 Presidency had done.

The informal Environmental Council under the German 1999 Presidency took place in Weimar during 7–9 May 1999. It discussed the following four main issues: 1) integrated product policy; 2) chemicals policy; 3) environmental laws in the CEEC accession countries; and 4) ecological consequences of the Kosovo war. Unlike the British 1998 Presidency, the German 1999 Presidency did not make the EPI principle one of its main agenda items at the informal Environmental Council, although it was taken up by the European Council in Cologne.

As mentioned earlier, the relaxed atmosphere of the informal Environmental Council in Weimar was used by the German 1999 Presidency to resolve the dispute about the climate change dossier.

The discussions on integrated product policy centred primarily on questions of how to increase the 'eco-efficiency' of production, distribution, consumption and disposal of products (interview, 2000). The German 1999 Presidency made suggestions as to how the EU's integrated product policy could be revived.

The EU's chemicals policy had already been on the agenda of the informal Environmental Council under the British 1998 Presidency. Germany, which has the largest chemical industry of all member states, was keen to use its informal Environmental Council to discuss again the reform of the EU's chemical policy at a time when the Commission was finalising its formal proposal. One German official argued that it was important to open up another discussion forum in order to put pressure on the Commission and to signal support for the Commission's Directorate General (DG) Environment which had come under pressure from DG Industry (interview, 2000). However, the informal Environmental Council's support for DG Environment's ideas did not extend to the highest political level in Britain and Germany. When the Commission later published its (so-called REACH) reform proposal, it was harshly criticised by the British Prime Minister, Tony Blair, and the German Chancellor, Gerhard Schröder, (as well as the French President, Jacques Chirac) for imposing costly environmental rules on Europe's chemical industry.

### 3.3.3 European Council meetings

The British 1998 Presidency can be credited with launching the Cardiff process which aims to bring about the implementation of the EPI principle for all technical Council formations. The Cardiff process demanded all relevant Council formations to establish their own strategies for giving effect to environmental integration and sustainable development within their respective policy areas. The Agriculture, Energy and Transport Councils were asked by the Cardiff European Council to draw up integration reports for the Vienna European Council in 1998. Austria, Germany and Finland, which were due to hold the next Presidencies, agreed to use their terms in office to request integration reports from additional Council formations. One British official explained that 'the idea was that the Presidency should hand over a kind of environmental baton so that it would become an ongoing process' (interview, 2000). Importantly, the Cardiff European Council called not only for reports but also for targets, indicators and timetables which, however, the relevant technical Council formations were free to determine.

The EPI principle and Cardiff process fitted well the Labour government's idea of 'joined up government' which tried to coordinate closely the policies of different government departments under 'strong central control from Number 10 and the Cabinet office' (Richards and Smith, 2002: 7).

The Cologne European Council under the German 1999 Presidency invited the General Affairs, ECOFIN and Fisheries Councils to submit integration reports. In making its selection, the German 1999 Presidency chose three formations which are generally regarded as very challenging because 'the interaction between environment and [their] sector policies is more indirect and needs closer analysis and understanding' (interview, 2000). According to one interviewee, 'the officials in the Fisheries Council are pig-headed (*Betonköpfe*). They guard their meetings better from outsiders than the European Central Bank' (interview, 2000). The ECOFIN's past experience with environmental issues had been mainly limited to fruitless negotiations about EU-wide eco-taxes while the Foreign Ministers had gained experience in the General Affairs Council which holds certain coordination functions for the technical Council.

The German 1999 Presidency successfully completed the Agenda 2000 negotiations which paved the way for the accession of the CEEC and Mediterranean states. The EU's future Common Agricultural Policy (CAP) and regional policy, and who should pay for them, were at the centre of the Agenda 2000 negotiations. The Agricultural Council had been asked by the British 1998 Presidency to produce an integration report for the Cologne European Council under the 1999 Presidency. This report was perceived as moderately progressive although BMU officials complained that the ongoing Agenda 2000 negotiations were used by the Agricultural Council to defend its inaction on a number of critical issues.

The German 1999 Presidency formally fully endorsed the Cardiff process while adopting a range of measures which were aimed at ensuring implementation of the EPI principle. However, BMU officials were sceptical about the bottom-up strategy behind what was essentially an open-ended process. The Helsinki European Council in 1999 was initially supposed to take stock of the Cardiff process, but this exercise had to be postponed until the Göteborg European Council in 2001. However, by then, the Cardiff process had become intermingled with and partly superseded by the EU's Sustainable Development

Strategy (SDS) and the Sixth EAP without any clear guidance from the European Council about what goals should be achieved by which process, strategy or programme.

### **3.3.4 Joint Council meetings**

The British 1998 Presidency organised one informal and one formal Joint Environmental/Transport Council meeting which addressed the integration of environmental requirements into transport. The British Deputy Prime Minister, John Prescott, wanted to showcase the integration of these two portfolios while pushing for their integration on the EU level. However, while DETR officials responsible for environmental policy were generally enthusiastic about the integration of environmental requirements into transport policy, their colleagues from the transport division were more sceptical (interviews, 2000). German officials regarded the Joint Environmental/Transport Council meetings as extremely boring because they consisted mainly of the reading out of prepared statements by the Ministers who failed to adopt any specific policy measures or goals (interviews, 2000).

For the informal Environmental/Transport Joint Council in Chester, the Environmental Ministers were joined on the second day of their meeting by colleagues from the Transport Council. The meeting was 'an organisational nightmare' for the British Presidency because it was attended by 'between 160 to 170 people' (interview, 2000). However, the informal Joint Council 'saw no real debate, but rather took the form of a round of statements from Transport and Environment Ministers in response to key questions raised in a discussion paper submitted by the UK' (*EWWE*, 1 May 1998).

At the second Environmental Council on 16/17 June 1998, negotiations between Ministers on the climate change dossier went on for such a long time that the formal Joint Council meeting with their colleagues from the Transport Council 'had to be squeezed into just 45 minutes ... and its results fell short of meeting the expectations generated by the UK's advance hype' (*EWWE*, 19 June 1998).

Despite this negative experience, the German government planned an Environmental/Energy Joint Council for its Presidency in 1999. The BMU had even reached agreement on staging such a Joint Council with the BMWi, which, at the time, was responsible for energy policy on the domestic level. However, the plans were shelved when a crucial Commission dossier on the liberalisation of the EU's energy market failed to materialise on time.

## 4 Explaining Anglo-German differences and similarities

Before revisiting the main research questions and drawing conclusions from the empirical findings, it is worth highlighting two competing theoretical explanations for the way member governments behave during the EU decision-making process.

One important school of thought argues that member states will 'upload' their national preferences and policy styles to the EU level (eg Héritier et al., 1994). This view is countered by analysts who argue the EU integration process has brought about the 'Europeanisation' of member state environmental (and other) policies (eg Jordan, 2002a; Jordan and Liefferink, 2004). Neither of these two competing schools of thought argues that EU decision-making allows only for a one-way process (ie uploading or downloading), although member states are clearly in the driving seat according to the uploading school of thought and often at the receiving end according to the Europeanisation school of thought.

Elgström and Talberg's (2003) important contribution to the role of the Presidency identified a similar analytical dichotomy which they have labelled 'rationalist account' and 'sociological account'. The rationalist account assumes that Presidency priorities typically satisfy the following requirements. First, they constitute national interests which are arrived at via a process of domestic preference aggregation. Second, national interests are strategically framed by the Presidency holder in terms of their European dimensions. Third, the Presidency will select as its priorities those dossiers for which it has a good chance of making significant progress during its term in office (Elgström and Talberg, 2003: 193). According to the rationalist account, office holders will mostly comply with Presidency norms (ie management, point of contact, broker, initiator, representative and coordination roles) because non-compliance could provoke non-cooperation from other member governments (Elgström and Talberg, 2003: 197). The rotating Presidency creates a 'shadow of the future' which usually ensures that no Presidency abuses its term in office (Kollmann, 2003).

From a sociological perspective, 'Presidency behaviour is guided by the logic of appropriateness' (Elgström and Talberg, 2003: 198) rather than the maximisation of national interests as the rationalist account assumes. The office holder will be constrained not only by Presidency norms but also by its self-image, as well as external expectations. External expectations and self-image can be mutually reinforcing. According to Elgström and Talberg (2003: 200), in 1998 'the UK[']s external expectations of exemplary efficiency coincided with self-images and strengthened the resolve to live up to this positive reputation'. Clearly, Britain has established a reputation as an extremely competent Presidency manager. Senior British officials have cultivated the self-image that Britain's administration works as smoothly as a 'Rolls Royce' (Humphreys, 1996). Germany, on the other hand, has a reputation for coordinating its EU policies only very loosely (due to domestic political constraints), although this rarely leads to uncooperative behaviour during the EU decision-making process due to generally strong pro-integrationist views among German politicians and officials.

From a sociological perspective, the honest broker norm severely constrains the behaviour of the Presidency. Being exposed as having acted in a partial manner is considered to be "the supreme insult" (Elgström and Talberg, 2003: 201). The sociological perspective explains well why Germany's behaviour during the ELV episode was greeted with outrage by most member states.

Importantly, Elgström and Talberg (2003: 203–5) argue that the rationalist and sociological accounts are not mutually exclusive but have different analytical strengths and weaknesses. The rationalist perspective (as well as the uploading school of thought) explains well short-term shifts and variations in member state behaviour by pointing to changes in the domestic power relations, while the sociological (as well as the Europeanisation school of thought) is more useful in detecting long-term trends and change-resistant images and roles.

#### **4.1 Domestic politics demands and policy styles as constraints: the uploading of national preferences?**

According to the rationalist perspective, member states act rationally when trying to upload their national interests and policy styles to the EU level for two main reasons (eg Héritier et al., 1996). First, governments are elected at the member state level and must therefore be responsive to domestic politics demands. Second, member states have developed certain policy (or regulatory) styles which they will try to export to the EU in order to avoid costly adaptation pressures.

Clearly both Britain and Germany selected as Presidency priorities some dossiers which were close to their national interests and/or compatible with their traditional regulatory style. Britain pushed several EQO-centred and procedural measures (such as eco-audits and the Cardiff process), while Germany tried to get agreement on several dossiers which stipulated stringent emission limits derived from the BAT principle (eg on PCBs and PCTs, VOCs and the incineration of waste). In 1994, Germany even put forward a Presidency compromise which inserted the BAT principle into an EQO-centred procedural measure (ie the IPPC directive).

Moreover, Britain and Germany kept off their Presidency agenda several dossiers which ran counter to their national interests and/or were incompatible with the national regulatory style. British examples include the bathing water directive and the revision of the eco-label scheme. German examples include the bathing water directive and, at least at the European Council in 1994, the EPI principle.

However, both the British and German Presidencies also had to accept a wide range of dossiers which were not close to their national interests and/or deviated from the national regulatory style. Moreover, empirical findings put forward in this report support the argument that a member state is more likely to accept compromises on dossiers of national interest while acting as Presidency holder than when not in office. The Auto-Oil I Programme is a good example for this in relation to Britain, while the waste and packaging waste directive is a good example in relation to Germany.



## **4.2 Presidency norms as constraints: the Europeanisation of member state environmental policy?**

The Europeanisation school of thought argues that, at least in the long run, member states are significantly affected by EU membership which will trigger important changes at the domestic level (Jordan, 2002a, Jordan and Liefferink, 2004; Knill, 2001). Seen from this perspective, the EU exerts considerable adaptation pressures. This perspective is compatible in principle with the sociological account's assumption that the Presidency imposes severe constraints on the behaviour norms of the holder.

During their four terms in office, neither Britain nor Germany openly violated Presidency norms with two exceptions. The German 1999 Presidency did not comply with the competent manager norm during the chaotic first Environmental Council meeting, and failed to act as honest broker during the ELV episode. The German 1994 Presidency attempted to insert the BAT principle into the IPPC directive against the wishes of the majority of member states but aborted this attempt for the second Environmental Council.

Britain and Germany were able to keep off the Environmental Council's agenda only a small number of dossiers. No British or German Presidency refused to carry on with negotiations on dossiers that had already been discussed on the Ministerial level by the preceding Presidency with the exception of the German 1999 Presidency which tried to keep the ELV dossier off the Environmental Council agenda. Moreover, during their term in office all Presidencies accepted compromise solutions.

Kenneth Dyson and Klaus Goetz have pointed out that EU membership imposes constraints which may actually act as 'enabling constraints' (Dyson and Goetz, 2003). In other words, EU membership may be used as a lever for bringing about changes on the domestic level which would otherwise be vetoed by powerful domestic actors (Weale et al., 2000). The water framework directive (and the strategic environmental impact assessment directive) constitute good examples for the German Presidencies, while the titanium dioxide waste directive and the tightening of the Auto-Oil I Programme dossiers provide good examples in relation to the British Presidencies.

## 5 Conclusion

The following main empirical findings stand out when the four Presidencies are compared. First, there were strong Anglo-German similarities as regards the number and timing of the Environmental Council meetings. The British and German second semester Presidencies both staged one informal Environmental Council which was held before the first formal Environmental Council while for both first semester Presidencies the informal Environmental Council took place after the first formal meeting.

Second, there was more variation for the European Council. Additional European Council meetings were staged in order to react to events which were beyond the control of the Presidency.

Third, all four Presidencies managed to get adopted common positions on between six and nine legally binding dossiers. In purely numerical terms, the British 1992 Presidency was least successful with six common positions, while the 1998 Presidency reached agreement on nine dossiers (if the Auto-Oil I Programme is counted as three legally binding measures). However, it would be wrong to judge the performance of a particular Presidency merely on the basis of the number of common positions adopted. Not all Presidencies which are successful in overcoming difficult stumbling blocks will see the dossier adopted during their term in office. However, the British 1998 Presidency was very successful even when this caveat is taken into account.

The high number of common positions achieved by the British 1998 and German 1994/1999 Presidencies is surprising when one considers that the EU decision-making process became more complex after the introduction of the co-decision procedure in 1993. The principle of subsidiarity did not diminish the British and German Presidencies' appetite for the adoption of a high number of EU environmental laws.

Fourth, Anglo-German differences in national environmental regulatory styles and environmental priorities have influenced the choice of Presidency priorities, although to a lesser degree than one might have expected. Britain pushed for certain procedural measures (such as the eco-audit directive and the Cardiff process) during its Presidencies, while Germany emphasised stringent product standards and the importance of the BAT principle (eg for the IPPC directive). However, there is no evidence that Britain showed a clear bias for EQO-centred dossiers and Germany for BAT-centred measures. National differences in style and priorities became more apparent during informal Environmental Council meetings which, however, cannot take legally binding decisions.

Fifth, party political differences did matter. The changes in government from a Conservative to a Labour government in Britain in 1997 and a Centre-Right (CDU/CSU/FDP) to a Red-Green (SPD/Greens) coalition government in Germany in 1998 influenced the respective Presidencies, although this became more apparent at the highest political level (ie the European Council) than the Environmental Council. In 1998, the British Prime Minister, Tony Blair (Labour), showed greater political commitment to playing a constructive role within the EU and gave greater priority to environmental issues than John Major (Conservatives) who was Prime Minister in 1992. On the other

hand, the German Chancellor, Helmut Kohl (CDU), who chaired the European Council meetings under the German 1994 Presidency, was more committed to deeper European integration than his successor Gerhard Schröder (SPD) whose moderately pro-integrationist and pro-environmental views were tamed by his concerns for the fate of the German automobile industry and his dislike for the Environmental Minister Jürgen Trittin (Greens).

The change in party political attitudes among British Prime Ministers/German Chancellors does not seem to have translated directly in changes in the number of common positions adopted in the Environmental Council. However, it changed the general negotiating climate and probably led to different outcomes. The Auto-Oil I Programme, which was negotiated under the British 1998 Presidency, is a good example of a member government making significant concessions while holding the Presidency. However, it is difficult to gauge how much of the change in the British position was due to the constraints which the holder of the Presidency found itself under, and how much was triggered by party political differences on the environment and EU between the (old) Conservative and the (new) Labour government.

The zoos directive is a more clear-cut example of how political parties can make a difference to a member state's Presidency. It is highly unlikely that a Conservative British government would have re-selected the zoos dossier for the British 1998 Presidency and pushed for (the change of its legal base from a non-binding recommendation to) a legally binding directive.

The German 1994/1999 Presidencies also offer support for the argument that political parties matter. In 1999, the Red-Green coalition government arguably adopted a more precautionary position on the GMO dossier than a Centre-Right government would have done. Trittin's defeat on the ELV directive put the Green Party under pressure to come up with some successes during the German 1999 Presidency. The poorly chaired first Environmental Council meeting and the embarrassing ELV episode can be better explained by the inexperience of the new coalition government and a lack of feeling (*Fingerspitzengefühl*) for EU affairs than by a marked decline in pro-European attitudes among German government leaders. However, Chancellor Schröder's support for the German automobile industry and Environmental Minister Trittin's unprofessional handling of the first Environmental Council could have seriously damaged the German 1999 Presidency. As it turned out, these episodes were not representative of an otherwise very successful Presidency.

Returning to the four main research questions (see Chapter 1), we can draw the following summary conclusions.

First, the Presidency has the following five main roles: 1) manager; 2) point of contact; 3) mediator; 4) initiator; 5) representative. More recently, the integration of environmental requirements into other policies has been added. All four Presidencies tried to comply with these roles although, at times, it meant that they had to juggle conflicting demands (Schout, 1998).

Second, Anglo-German differences in handling the Presidency were surprisingly small overall, especially when considering the national differences in environmental priorities and styles as well as in attitudes towards the EU and the different EU policy coordination structures. As pointed out earlier, the British and German Presidencies exhibited a

surprising degree of similarity in terms of the number and timing of Environmental Council meetings as well as the number of dossiers adopted. Britain was keen to preserve its self-image and external reputation as a competent manager without giving up its red lines. Germany was, overall, more concerned about fulfilling its environmental leader role without violating Presidency norms. As the Auto-Oil I Programme showed in the British case and the ELV directive in the German case, neither member state was able fully to comply with their objectives and external reputations.

Third, Britain attached greater priority to the EPI principle than Germany overall. The British government was able to use its Presidency to set in motion the Cardiff process while Germany helped to sustain this process. However, the office of the Presidency is ill equipped for the task of ensuring the implementation of the EPI principle.

Fourth, member states can use the Presidency only to a limited degree to upload their national interests and policy styles. On balance, Britain and Germany were more likely to give way when holding the Presidency than when not in office, although there are some important exceptions to this rule. As one practitioner has pointed out, 'it is not axiomatic that a presidency is compelled to give way when defending a position which other Member States do not accept' (Garel-Jones, 1993: 262).

The Presidency holder must find a balance between acting as an honest broker while also showing some initiative in driving forward the negotiation process. The Presidency therefore has agenda-*shaping* rather than agenda-*setting* powers.

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# Appendix 1

## List of acronyms

ACEA – European Automobile Manufacturers Association  
BAT – best available technology  
BATNEEC – best available techniques not entailing excessive costs  
BMU – German Environmental Ministry  
BMI – Interior Ministry  
BMW<sub>i</sub> – *Bundesministerium für Wirtschaft und Arbeit* (Federal Economics and Labour Ministry)  
BPEO – best practicable environmental option  
CAP – Common Agricultural Policy  
CDU – *Christlich Demokratische Union* (Christian Democratic Union)  
CEEC – Central and Eastern European Countries  
CFC – chlorofluorocarbon  
CITIES – convention on trade in endangered species  
COREPER – Committee of Permanent Representatives  
CSU – *Christlich Soziale Union* (Christian Social Union)  
DoE – Department of the Environment  
DETR – Department of Environment, Transport and the Regions  
DG – Directorate General  
EAP – Environmental Action Programme  
ECOFIN – Economic and Finance Minister Council  
ELV – end-of-life vehicle  
EMAS – eco-management and audit scheme  
EP – European Parliament  
EPI – environmental policy integration  
EQO – environmental quality objective  
*EWWE* – *Environment Watch: Western Europe*  
FDP – *Freie Demokratische Partei* (Liberals)  
GMO – genetically modified organism  
IPPC – integrated pollution and prevention control  
LIFE – financial instrument for the environment  
PCBs – polychlorinated biphenyls  
PCTs – polychlorinated triphenyls  
QMV – qualified majority voting  
SDS – Sustainable Development Strategy  
SEA – Single European Act  
SPD – *Sozialdemokratische Partei Deutschlands* (Social Democratic Party)  
VOC – volatile organic compound  
WTO – World Trade Organisation