

Coping with accession. The application of new modes of governance  
in the adoption of and adaptation to EU environmental  
policies in Greece, Spain and Portugal  
reference number: 12/D02

Paper prepared for the ECPR Standing Group on EU Politics  
Third Pan-European Conference Bilgi University, Istanbul, 21-23 September 2006

**Charalampos Koutalakis,**  
**University of Athens**

**Nuria Font**  
**Autonomous University of Barcelona**

## Summary

This paper explores the extent to which compliance performance of Greece, Spain and Portugal with EU environmental law can be attributed to developments in domestic modes of environmental governance. We assume that the immense challenges emanating from the adoption of and adaptation to the environmental *acquis* cannot simply be coped with in the “shadow of hierarchy” (command and control) since Greece, Spain and Portugal have often lacked the capacity (resources) rather than the willingness to effectively implement EU policies. Given their weak absorption capacity, we would expect the three countries to have resorted to new modes of governance in order to cope with the challenge of accession.

Therefore, the paper provides an initial appraisal of the emerging patterns of non-state actor’s involvement in environmental policy making and non-hierarchical conflict resolution mechanisms in Greece, Spain and Portugal. Our empirical investigation focuses on two sets of policy areas: a) traditional command-and-control policies, such as early water, waste and air pollution directives. These policies impose considerable costs of domestic adaptation upon public and private actors, especially firms that have to internalise compliance costs to their production and raise a number of pertinent questions regarding the extent to which domestic actors adopt co-operative strategies in order to mitigate high adaptation costs; b) legislation that provides directly for private actors’ participation such as Natura 2000, Environmental Impact Assessment and the Water Framework Directive. The application of these directives raises a number of compelling questions related to the ways in which southern states accommodate these procedural requirements to their pre-existing regulatory traditions and patterns of non-state actors’ participation that emerge as the outcome of external pressure for legal and policy internalisation.

Although we identify considerable variations both across countries and policies, patterns of non-state actors’ involvement display some commonalities in Spain, Greece and Portugal. Most importantly, the emergence of new modes of governance is not endogenously driven. Governments do not resort to the cooperation with non-state actors to share the burden of compliance and increase the effectiveness of implementation. Rather, the participation of non-state actors in the policy process is largely stimulated by EU legislative requirements. But even in these cases, non-state actors’ involvement is fragmented with the state retaining a dominant role in the process. However, our preliminary findings indicate a tentative trend towards increased effectiveness in the domestic application of EU rules though participatory non-hierarchical modes of conflict resolution.

**Contents**

**1. INTRODUCTION.....6**

**2. ENTERING THE ‘CLUB’. SOUTHERN ENLARGEMENT AND THE ENVIRONMENT .....7**

**3. COPING WITH POLICY MISFIT.....10**

**4. MAPPING THE APPLICATION OF NMG ACROSS DIFFERENT POLICY AREAS .....13**

    4.1 GREECE.....14

        4.1.1 ‘Naturalising’ Natura 2000 in Greece. ....16

        4.1.2 Water .....20

        4.1.3 Air Pollution.....23

    4.2 SPAIN .....25

        4.2.1 Wild Birds and Habitats .....28

        4.2.2 Water .....30

        4.2.3 Environmental Impact Assessment .....31

        4.2.4 Toxic and hazardous waste.....31

        4.2.5 Access to Information.....32

    4.3 PORTUGAL.....32

        4.3.1 Wild Birds and Habitats .....33

        4.3.2 Environmental Impact Assessment .....33

        4.3.3 Drinking Water.....34

**5. CONCLUDING REMARKS.....34**

**LITERATURE .....37**

**Table of Figures and Graphs**

TABLE 1: BROAD CATEGORIES OF NMG ON ENVIRONMENTAL POLICY .....28

## Abbreviations

CEEC	Central and Eastern European countries
CH <sub>4</sub>	Methane
CO	Carbon Monoxide
CO <sub>2</sub>	Carbon Dioxide
COREPER	Permanent Representatives Committee
DEH	Public Electricity Corporation (Greece)
EAPs	Environment Action Programs
ECJ	European Court of Justice
ECT	Treaty Establishing the European Community
EEC	European Economic Community
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EMAS	Eco-Management and Audit Scheme
EMU	European Monetary Union
ENAE	Union of Local Prefectures (Greece)
ENGO	Environmental Non-Governmental Organisation
EU	European Union
GDP	Gross Domestic Product
HC	Hydrographical Confederations
IMS	Integrated Management Systems
KEDKE	Central Union of Municipalities and Communities of Greece
KKE	Greek Communist Party
LCP	Large Combustion Plants
LIFE	Financial instrument of the Environment Directorate-General of the European Union for the Environment
MoE	Ministry of Environment
ND	Greek Conservative Party
NGO	Non-Governmental Organisation
NMG	New Modes of Governance
NO <sub>2</sub>	Nitrous Oxide
O <sub>3</sub>	Ozone
PASOK	Greek Socialist Party
PERPA	Political / Economic Relations and Public Affairs program
POLIS	Cities and Regions Network
RD	Government Decree
RDL	Government Decree
SEM	Sound and Efficient Management
SMP	Single Market Program
SO <sub>2</sub>	Sulfur Dioxide
SPA	Special Protection Areas

TEU	Treaty on European Union
US	United States
WFD	Water Framework Directive
WHO	World Health Organisation
YAs	Hydrocarbons Agents
YPEXODE	Ministry of Environment, Urban Planning and Public Works (Greece)

## 1. Introduction

The southern enlargement took place in two stages embracing Greece in 1981 and Spain and Portugal in 1986. For all three countries EU membership had a rather symbolic connotation. It accentuated their efforts to consolidate newly established democratic institutions, attain economic progress, escape isolationism and regain international acknowledgement after the collapse of authoritarian regimes in the mid-1970s. Despite the immense progress made by these three countries in democratic consolidation, EU membership challenged their domestic institutional and administrative traditions. This is particularly true for regulatory areas in which the three new member states had relatively weak economic and administrative capacities to embark upon effective harmonization with EU standards. Environmental policies belong to those areas of the *acquis communautaire* where southern member states had considerable problems to adjust to the underlying logic and the precise policy requirement attached to the application of several legal acts. Administrative fragmentation, lack of technical expertise, weak investment potential and relatively low levels of civic involvement in environmental policies were believed to hinder effective adoption of and adaptation to the *acquis communautaire* (Börzel 2003, Aguilar Fernandez, 1994; Pridham and Cini, 1994). It was not until the mid-1990s that these three countries' compliance record progressively improved.

This paper explores the extent to which the increasing effectiveness in the adoption of and adaptation to the *acquis* can be attributed to changes in the modes of environmental governance. In line with the theoretical framework of our project (COPA, first deliverable, Börzel et al. 2005), we assume that the immense challenges emanating from the adoption of and adaptation to the environmental *acquis* cannot simply be coped with in the “shadow of hierarchy” (command and control) since Greece, Spain and Portugal have often lacked the capacity (resources) rather than the willingness to effectively implement EU policies. Given their weak absorption capacity, we would expect the three countries to have resorted to new modes of governance in order to cope with the challenge of accession.<sup>1</sup>

The paper seeks to provide an initial appraisal of the emerging patterns of non-state actor's involvement in environmental policy making and non-hierarchical conflict resolution mechanisms in Greece, Spain and Portugal<sup>2</sup>. Under which conditions do non-state actors (business, interest groups, NGOs) facilitate or impair compliance with these policies? How significant are non-hierarchical compliance mechanisms, such as learning and persuasion or economic incentives? Which role do public-private partnerships play in the process of legal and policy harmonization in southern member states?

The paper is organised in five parts. The next part (part 2 two) gives an overview of southern enlargement focusing on pre-accession negotiations and the initial period of membership. Part three provides an account of the challenges of accession to domestic regulatory regimes in Greece, Spain and Portugal with the aim at identifying the fundamental preconditions that enable or hinder the systematic involvement of private actors and alternative modes of conflict resolution in environmental policies. Despite apparent differences in their political and admin-

---

<sup>1</sup> We define new modes of governance as process of formulation and implementation of collectively binding decisions (based or not based on legislation) that: a) are not hierarchically imposed, i.e. each actor involved has a formal or de facto veto in policy-making and voluntarily complies with the decisions made, and b) systematically involve private actors, for profit (e.g. firms) and not for profit (e.g. non-governmental organizations) in policy formulation and/or implementation (COPA, first deliverable, Börzel et al. 2005).

<sup>2</sup> Due to personnel problems, we can only provide preliminary findings on Portugal (the researcher in charge of the case study decided to quit the project in December 2005). A more thorough analysis of this country will be included in a future deliverable.

istrative systems, the three countries have shared a number of meso-level similarities regarding the predominance of command-and-control policy instruments, low levels of institutionalised societal involvement in environmental policies and the absence of effective conflict resolution mechanisms. Authoritative traditions and low prioritisation of environmental policies stimulated high levels of confrontational social mobilisations that exacerbated generalised mistrust between the state and environmental organisations (Kousis, 2003; Jiménez, 2003; Matias, 2004). During the 1990s, the three countries show a clear tendency to depart from their domestic regulatory traditions and open up the policy area to non-state actors as well as start to introduce institutionalised structures of conflict resolution. Part four traces the emergence of this transformation in Greece, Spain and Portugal. Our initial findings suggested that emerging patterns of non-state actors' involvement into the policy process is fragmented and not endogenously driven but largely stimulated by EU legislative requirements. In order to explore the EU's impact on the emergence of new modes of governance, our empirical investigation has selected two different types of EU environmental policies: a) traditional command-and-control policies, such as early water, waste and air pollution directives. These directives impose considerable costs of domestic adaptation upon public and private actors, especially firms that have to internalise compliance costs to their production. These policies raise a number of pertinent questions regarding the extent to which domestic actors adopt cooperative strategies in order to mitigate high adaptation costs; b) legislation that provides directly for private actors' participation such as Natura 2000, Environmental Impact Assessment and Water Framework Directive. The application of these directives raises a number of compelling questions related to the ways in which southern states accommodate these procedural requirements to their pre-existing regulatory traditions and patterns of non-state actors' participation that emerge as the outcome of external pressure for legal and policy internalisation.

## 2. Entering the 'Club'. Southern enlargement and the environment

Like the CEECs, of southern member states based their European aspirations on cognitive, political and legal elements essential for their transitional phase of development. Their 'return to Europe' provided an indispensable frame of reference and source of cognitive ideas which helped newcomers to define their position and rights. It offered the political language with the necessary concepts and ideas and functioned as a frame of reference and basis of evaluating the national internal state of affairs in their path to social, political and economic modernization. But as in the case of the current enlargement the southern enlargement was a risky enterprise. The three southern member states were economically in a similar position as the current eastern accession countries with a GDP per capita at around 50% of the EU average. Macroeconomic limitations and profound political, institutional and administrative weaknesses were at odds with the process of economic and legal harmonization with their EU counterparts. However, as in the case of the eastern enlargement, political considerations prevailed over technocratic ones (Curzon Price, 1999). In the case of the southern enlargement, this is imprinted in the very general and purely political criteria set by the EU for accession. These criteria included respect for and maintenance of representative democracy and human rights in each member state as essential elements of membership.<sup>3</sup>

Yet, unlike in previous accession negotiations, where the adoption of the *acquis* was just a condition of accession, in the current enlargement the implementation of the *acquis* by the

---

<sup>3</sup> These conditions were specified with reference to genuinely free elections, predominance of democratic parties, a reasonably stable government and a liberal democratic constitution.

prospective member states is a matter to be verified before accession. Moreover, accession negotiations for the three southern European candidates focused on a number of sensitive areas of interest of both sides. In the case of Greece, negotiations were mostly about agriculture and the free movement of labour, an issue of particular interest to Germany.<sup>4</sup> Greece sought to secure a number of transitional arrangements to protect local industry from competitive pressures such as customs union, state aid and regional policy, social affairs and capital movement.<sup>5</sup> Negotiations on the Spanish and Portuguese accession centred around issues similar to those of Greece, mainly on agriculture due to the scale of agricultural output which was to exacerbate competitive pressures on existing member states, such as France, Greece and Italy, especially regarding products such as wine and olive oil. Fisheries was also a difficult issue in the negotiation agenda in Spain. Moreover, both countries were awarded transitional periods of seven years for the establishment of common market in industrial (textile) and agricultural products (Iankova and Katzenstein, 2003; Roy and Kanner, 2001; Maraveyas, 1994).

For all three countries, the issue of domestic institutional capacities to implement the *acquis* was not thoroughly evaluated prior to accession. This is very different from the pre-accession negotiations between the CEECs and the Commission. Next to the four political and economic criteria for accession adopted by the 1993 Copenhagen European Council, a fifth criterion has emerged that puts the capacity of prospective member states to adopt the *acquis* under meticulous scrutiny. Applicants do not only have to demonstrate the capacity to implement the *acquis* but also make sufficient progress in implementing it. In its reinforced pre-accession strategy, the European Commission has undertaken assessments of the negotiation position prepared by candidate countries on every of the thirty one negotiation chapters which consist of the legal instruments for approximation.<sup>6</sup> These documents include precise issues of co-operation and obligations of both parts. Although the Agenda 2000's provisions rule out the partial adoption of the *acquis communautaire* by prospective member states, the negotiation process leaves considerable space for bargaining and persuasion to candidate countries for the granting of transition periods due to the lack of clearly defined criteria by the Commission to assess domestic implementing capacities.

The differentiated approach by the Commission can be explained by a number of factors related to the scale and the potential implications of Eastern enlargement for the *modus operandi* of EU institutions, timing and the lessons from past enlargements. Eastern enlargement takes place in a period of imminent economic recession when fundamental policy instruments used in previous enlargements to foster harmonization such as the common agricultural and regional policies are under reform in order to strengthen the global competitiveness of the EU. Moreover, the postulation that generous assistance through the structural funds would narrow economic disparities and gradually reinforce institutional and administrative convergence proved to be a fallacy since it underestimated the enduring nature of structural inadequacies of southern member states. Almost two decades after their accession and taking into account the

---

<sup>4</sup> What is actually striking considering the relevant practices followed during the recent accession negotiations is that in the case of Greece only three ministries participated in the process, the Ministry of Foreign Affairs, the Ministry of National Economy and the Ministry of Agriculture.

<sup>5</sup> The accession Treaty, that was concluded in May 1979, provided for a transitional period of five years for agricultural products and seven years for the free movement of labour (Iankova and Katzenstein, 2003: 20).

<sup>6</sup> In this context the Commission evaluates the administrative capacities of accession countries according to indicators such as available resources in personnel and finance, procedures applied to enforcement and monitoring as well as the overall compatibility of pre-existing policy traditions in each policy area. Detailed scrutiny by the Commission is based on the *differentiation principle* that entails a variable negotiation pace with each applicant.

experience from the implementation of three programming periods of structural fund interventions directed mainly to the southern member states, initial expectations of their potential have faded. All relevant evidence manifests that despite subsequent increases in financial commitments and considerable institutional innovations attached to their implementation social, economic and institutional disparities persist.<sup>7</sup>

Southern enlargement did not challenge the modes of intergovernmental governance of the EU itself in the manner that the accession of 10 new member states does. The inclusion of southern member states was accommodated in the already existing structures of intergovernmental governance in the EU. Timing also plays a role in explaining the differential approach pursued by the Commission to accession negotiations. Southern enlargement took place in a period when fundamental decisions that dominate the current EU agenda had not yet materialized. The adoption of Single Market Program and the European Monetary Union has fundamentally altered the scope and the pace of European integration posing unprecedented obligations to member states. While the EMU is the most remarkable example, other sectoral policies place demands on member states to harmonize not only substantial policy measures and action but also procedures such as access to information and participation of certain actors in the policy process.

During the initial period of their membership, compliance problems of the three southern member states, especially with regards to the transposition stage, can be simply understood as start up effect in the process of establishing the necessary institutional framework to facilitate monitoring and enforcement. The three new member states were slow in adjusting their domestic institutional framework to the requirements of EU membership. Spain adopted its strategy after its accession demanding temporary exemptions in the application of certain measures and pressing for the weakening of certain standards as well as requesting additional financial support (Aguilar Fernandez, 1997). This is in sharp contrast with the current enlargement where CEECs have undertaken subsequent reforms on the institutional structures dedicated to accession negotiations.

Besides technical and administrative weaknesses political problems also impeded compliance in the 1980s. EU membership was not a consensual issue in all southern member states. This is particularly true for the cases of Greece and Portugal and less the case of Spain where only the communist party explicitly opposed membership (Roy and Kanner, 2001; Barbé, 1999). In Portugal, political parties were initially divided between the radical left which opposed EU membership and the moderates and conservatives who were pro-European (Fishman, 2003). In Greece, negotiations and the final accession agreement were undertaken by the conservative party (ND). However, the first year of Greek membership coincided with a major change in government with the rise of the socialist party (PASOK). PASOK in its first period in office adhering to a hybrid thesis involving neo-Marxist analysis of Greece as a peripheral and dependent Mediterranean state attached to the monopolist European core, adopted a mixed strategy for Greek integration into the EU summarized under the catchphrase 'independence of development within integration'. Only at the end of 1980s, EU membership became a consensual issue between major political parties, with the exemption of the Greek Communist Party (KKE).

---

<sup>7</sup> Both the 1994 and the 1999 revisions of the structural fund regulations were based on rather sceptical evaluations of the effectiveness of structural fund operations presented in the *First Cohesion Report on Economic and Social Cohesion* published at the end of 1996 (CEC 1996). According to this report, despite the positive impact of EU cohesion policies on national and regional economies, the general view is that regional disparities persist.

In all three countries, compliance problems were particularly acute in policy sectors where EU approaches were at odds with domestic policy traditions. The following section will take a closer look at the implementation of EU environmental policy.

### 3. Coping with policy misfit

Since 1972, the evolution of EU environmental policies has not followed a coherent set of principles but was rather the outcome of a dynamic process involving issue linkages and consequent spillover effects with the establishment of a common market. However, this is not simply the accumulation of individual regulations and directives. Over the years, EU environmental policy has gained considerable autonomy as a distinctive policy field involving a set of intergovernmental bargains and a coherent set of principles imprinted in the various multi-annual programming statements the so-called Environment Action Programs (EAP) made by the European Commission (Weale, *et al.*, 2000).

To date the European Commission has issued six EAPs. Although they are not legally binding they represent the conceptualization of policy and the fundamental principles that underpin legislative initiatives. These programs provide undeniable evidence of the evolution of EU environmental policies from a set of diverse legislative initiatives to the gradual emergence of a distinctive policy paradigm. Southern member states in the period of their accession had to face a rather embryonic set of policy principles that hardly reflected their distinctive environmental concerns. The first and second EAPs that amount for the *acquis* of the period were tailored to the needs of advanced industrialized economies and the realization that the model of economic growth had reached its environmental limits. Environmental movements advocating quality-of-life measures and industrial actors seeking to secure a minimum playing field for EU firms through the establishment of product standards coincidentally converged on the necessity to establish a common environmental regulatory framework (Weale, *et al.*, 2000). This convergence by no means implies that this was the product of a consensual process. However, even this minimum convergence regarding the ‘means’ and not the ‘ends’ would indeed be a luxury for southern member states considering their struggle to narrow the real economic gap with their northern counterparts in infrastructure and industrial investment. Declarative statements emphasized the need to improve quality of life and living standards, the commitment to a harmonious development of economic activities and a continued and balanced expansion. In this context, legislative initiatives of that period included measures primarily concerned with the harmonization of product standards such as the directives on vehicle emissions, packaging, the labelling of dangerous substances and standard setting for an extensive number of dangerous substances and the reduction of air pollution and nuisances. These initiatives posed economic rather than institutional challenges to southern accession countries. The major concern during that period was to minimize the negative effects of competitive pressures to local industry stemming from high quality standards of European products. These concerns were addressed through channels offered by other policy areas such as state aid while environmental issues had a rather insignificant role in their accession strategies.

Even the third EAP (1983-1987) that represented the first attempt to establish a more coherent list of priorities and broader environmental objectives did not break with the dominant approach of environmental policy as closely associated to imperatives of economic development. This period witnesses a significant expansion of substantive policies pursued at the EU level. Legislation included not only standard setting measures but also air quality regulations, noise pollution, waste disposal, the prevention of accidents, safety requirements for the chemical industry, wildlife protection as well as the introduction of environmental impact assessments. For the first time, particular interest was given to policy areas directed to the spe-

cific environmental conditions of the Mediterranean region. However, environmental policies continued to be justified along economic and competitive lines such as the need to strengthen competitiveness of the European car industry on the Japanese and US markets. As a result, it failed to challenge the then dominant perception in southern member states that environmental protection is incompatible with economic growth. In this context, catching up with environmental regulations was conceptualized as the inevitable result of reducing economic disparities and economic modernization rather than of a genuine re-direction of emphasis to environmental protection.

The first attempts of a clear path break in the evolution of environmental policies were undertaken by the adoption of the fourth EAP (1987-1992) that coincided with significant institutional innovations adopted by the Single European Act such as the introduction of an explicit Treaty mandate over environmental policies (Title VII, Articles 130r-130t). The program signified the first steps towards a fundamental re-orientation of EU environmental policies from 'incidental measures to an international regime' (Hildebrand, 1992). The fourth EAP included principles such as preventive action, environmental damage rectified at source and the polluter pays principle. Alongside these principles, emphasis was placed on the need to ensure effective implementation, the integration of environmental concerns in all EU policies especially at the stage of policy formulation and the commitment to high level of environmental protection. Legislative initiatives of the period include a wide range of directives on ecosystem research, afforestation, protection of wildlife, biotechnology, animal experiments, water protection, the dumping of wastes and sewage sludge in farming. Principles and substantive policies pursued by the fourth EAP denote a change in the rationale behind EU environmental policy from a policy justified along economic and competitive concerns about market distortions caused by national environmental regulations and quality of life to a more genuine rationale connected to environmental protection *per se*. For the first time, emphasis shifted from merely reactionary measures to a more anticipatory and preventive action towards environmental protection. This was accompanied with an explicit reference to technological managerial and administrative requirements to ensure monitoring of high level of standards in air pollution and dangerous substances.

Undoubtedly, southern member states considering their weak macro-economic situation and endemic weakness of domestic industrial base in productivity and competitiveness faced considerable challenges to combine a high level of environmental protection and with economic and employment gains. Domestic policy traditions and institutional and administrative conditions exacerbated these challenges. Southern member states as new-comers in the club faced considerable problems to adjust not only to the precise administrative requirements attached to the implementation of EU environmental policies but also, and most importantly, to the internal logic and philosophy of the policy area. The lack of prior experience with pro-active environmental policies was a fundamental handicap of southern member states. Integrated environmental planning was an unfamiliar concept to domestic bureaucracies prior to their accession. During the 1980s, environmental policies in these member states were in a rather embryonic stage. They consisted of primarily reactionary, legalistic and command-and-control driven regulations responding to occasionally alarming environmental problems (Weale, et al., 2000).

It is difficult to identify the effect of these factors on the overall compliance problem in the EU. Delays often occurred at the transposition stage due to the lack of prior experience and sufficient resources. This is particularly the case of directives that require significant institutional adjustments such as the establishment of new structures to facilitate inter-ministerial co-ordination as well as cooperation between different levels of government (Börzel, 2003).

Broadly speaking, two fundamental problems impeded compliance in those southern member states: 1) the lack of well-established structures of inter-ministerial co-operation to facilitate long term integrated environmental planning. The frequent changes of political personnel in key ministries hinders continuity in policy planning; 2) problems of vertical co-ordination and division of responsibilities between central, regional and local governments in the policy process. EU legislation does not directly prescribe the scale of the institution which should be responsible for the implementation of different pieces of the environmental *acquis* leaving the matter to be defined by each member state according to national institutional and policy traditions. Still, by requiring certain procedures, EU legislation might expose certain domestic administrative structures to serious problems related to their capacity to accomplish certain tasks. For example, the Integrated Pollution Prevention Control Directive (96/91) requires an anticipatory approach to the regulatory system and technical competencies and wide discretion to implementing authorities at the lowest possible level to administer the implementation of standards for environmental pollution that are beyond the administrative traditions of southern member states.

EU environmental policy of that period has had a decisive influence in shaping the domestic environmental policy agenda of the Southern member states (Fousekis and Lekakis, 1997; Ribeiro and Rodrigues, 1997; Weale, et al., 2000). However, importing concepts and policy practices from their EU counterparts has created frictions with domestic institutional structures and patterns of policy making. A number of authors and policy makers argue that the fundamental condition that generates compliance problems in southern member states has been the poor level of compatibility between the specific environmental concerns of these countries with substantive policies pursued at the EU level. The later increasingly address the problems of advanced industrialized societies such as air pollution and acidification fail to effectively focus on salient issues in southern Europe such as tourist driven environmental damage and shortage of water resources (Pridham, 2001). To the extent that this is actually the case, it rather reveals that limited capacity of southern member states to influence EU policy developments than a systematic negligence of southern problems by EU institutions (Spanou, 2000; 2001; Molina, 2000; Magone, 2000; Roy and Kanner, 2001; cf. Börzel, 2003).

The subsequent EAPs and the accompanied reforms of the decision making procedures with the shift from unanimity to qualified majority voting have exaggerated these trends and have amplified the gap between domestic policy traditions, on the one hand, and EU substantive policies and procedural requirements attached to their implementation, on the other. The fifth and sixth EAPs have broadened and deepened the scope of EU environmental policies. The extension of majority voting to most of the environmental legislation and the new co-decision procedures introduced by the Treaties of Maastricht and Amsterdam create the condition under which environmental policies becomes less the outcome of compromises between member states on a lowest common denominator. In the fifth EAP (1992-1997) it was the first time that the term sustainability was explicitly stated as an official policy objective underpinning all EU policies. Within this framework the program sought to depart from passive legislative measures and put emphasis on procedural characteristics of policy making with the aim at strengthening effective implementation. Legislative initiatives focused on three priority policy areas: industry, energy transport, agriculture and tourism. However, the innovation was the inclusion to the program of a number of principles that alter the way in which environmental problems should be dealt. These included an emphasis on *integration* and the 'greening' of all EU policies, *shared responsibility* and *partnership* and the promotion of a bottom-up approach to the formulation and implementation of environmental policies. Procedurally, the focus was directed towards administrative subsidiarity and on promoting the active involvement of different levels of government, environmental organizations and business in the im-

plementation process. To this purpose, the fifth EAP broadened the emphasis of environmental policy and the range of instruments at its disposal beyond environmental legislation towards market based instruments, and the active involvement of the business community, regional and local authorities and the citizens in policy implementation. These trends were further consolidated by the sixth EAP. The program establishes four priority areas: tackling climate change; nature and bio-diversity; environment and health and sustainable management of natural resources and wastes. However, the most important element of this program is the further strengthening of procedural innovations related to all stages of policy making (formulation and implementation). The gradual shift of emphasis from legislation to a range of alternative instruments of policy making such as voluntary agreements (eco-management and audit scheme-EMAS and the European eco-label) amount for the gradual emergence of a new mode of governance and an alternative paradigm of fostering efficiency and effectiveness in the implementation of EU policies. The former depart from traditional policy making modes based on legal sanctions and command and control instruments of enforcement. They are rather based on more informal and flexible modes of policy making such as the inclusion of non-state, private actors (firms, interest groups and voluntary organizations) in public and private partnerships that facilitate the emergence of non-hierarchical and less formal modes of steering and policy making.

The novel approach pursued by EU environmental policy widens the policy misfit between domestic policy traditions and EU requirements for the formulation and implementation of pro-active environmental policies since they penetrate core elements of domestic patterns of interest intermediation and well-established structures of central-local relations. To that extent the problem of non-compliance in the southern member states it is not simply associated with the need to upgrade administrative capacities of certain actors to perform effective monitoring and enforcement of legislation or raising awareness of civil society. It increasingly becomes a problem of social and state transformation.

The following section will explore to what extent Greece, Spain and Portugal have resorted to new modes of governance in order to cope with the adoption of and adaptation to the environmental *acquis*.

#### **4. Mapping the application of NMG across different policy areas**

According to our analysis, we had to revise our initial expectations regarding the role of new modes of governance in pre-accession negotiations for three reasons: 1) At the time of their accession, the three countries were confronted with only few legal acts addressing environmental issues, apart from product standards which is outside the scope of our project. 2) Although the Commission officially required the southern member states to fully incorporate the *acquis*, it did not pursue a strict pre-accession monitoring and enforcement strategy. It was only in the early 1990s, when the European Commission and the European Court of Justice started to pursue an aggressive enforcement strategy with the application of enforcement proceedings (art. 226 and 228 TEU) in order to ensure the effective implementation of the SEM and the EMU (Talberg, 1999). 3) Southern member states were granted temporary exemptions in the application of certain measures and successfully negotiated additional financial support to compensate their weak investment potential.

In order to capture the dynamics of alternative modes of governance regarding the domestic application of the *acquis communautaire* in the three countries, we had to depart from our initial empirical focus on pre-accession negotiation and extend the time period of our investigation to the critical periods where southern member states were exposed to the challenge of le-

gal and policy compliance and faced increasing pressure from the Commission. Legal compliance denotes the process of transposition of the *acquis* into domestic law while policy compliance refers to the second the stage of its actual implementation. At both stages considerable discretion is given to member states that can lead to problems of compliance. In legal transposition, member states can choose the legal instruments. At the stage of policy compliance member states' discretion is broader as to the distribution of competencies and responsibilities for the actual implementation as well as substantive issues related to the detailed policy measures and actions pursued. The following sections analyze the implementation of the Birds and Habitats directives as well as some water directives. The systematic analysis of these two sets of directives allows for cross-country comparison and reaching generalisations on the extent to which NMG have emerged in different policy areas and how they have influenced policy effectiveness. Additional directives have also been studied in the three countries: the Greek case study analyses air pollution directives, whereas Spain and Portugal include an assessment of directives on waste, EIA and access to information. There is a partial difference in the selection of such directives because they constitute most likely cases for the emergence of NMG at the national level and allow for cross-policy comparison in each country.

#### 4.1 Greece

Environmental policy in Greece was not a top priority area of public intervention at least during the early accession period. Legislative measures related to environmental policy were initiated as early as in the beginning of the last century regulating the protection of human health and nuisance from private economic activities. However, a comprehensive framework legislation covering all facets of environmental degradation was introduced only in 1986, a year after the creation of the Ministry of Environment, Urban Planning and Public Works (YPEXODE). Domestic policy traditions in environmental policies are characterised by their largely symbolic character and a legacy of implementation gaps attributed to low prioritisation and the prevalence of untimely ideas regarding the incompatibility of economic development with high levels of environmental regulation and protection (Spanou, 1998). A rather diachronic element of this symbolic character of environmental policies is the consistent defiance of all post-dictatorial governments to issue the necessary legal acts for the implementation of various policy interventions provided in framework legislation. Literature attributes the persistent failure of Greek governments to introduce and enforce an effective regulatory framework in environmental policies to two largely interrelated factors. First, the resistance of powerful industrial actors that manifests low investment potential in green technologies considering the overall declining competitiveness of domestic industry. The largest component of this group is comprised by state owned industry actors in environmentally sensitive sectors such as energy and waters which are still state monopolies. Second, horizontal fragmentation of responsibilities between a large number of central government ministries with relatively more power potential comparing to YPEXODE. All major post-dictatorial legislative initiatives have failed to transfer all fragmented environmental competencies to a single supervisory body or to provide for effective mechanisms of inter-ministerial conflict resolution.<sup>8</sup> YPEXODE's enforcement capacities are also weak. An environmental inspectorate was created in 2001 but it is only active from 2003. During the first years of its operation there are

---

<sup>8</sup> Attempts to institutionalise cooperation between public actors sharing environmental competencies at all levels of government were made already in the 1970s. Law 360/1976 provided for the creation of a National Council of Land Planning and Environment comprised by (then) Ministries of National Economy, Coordination, Commerce, Industry, Agriculture, Labour, Foreign Affairs, Culture, Education, Health and Social Welfare. However, these institutions have remained inactive.

significant capacity problems due to the lack of personnel and its rather centralised administrative structures with only two regional offices in Athens and Thessaloniki covering southern and northern Greece respectively.<sup>9</sup>

The same holds for sub-national levels of government. Law 1650/1986 provides for the transfer of competencies related to the implementation of environmental policies to Local and Prefectural Authorities. However, until today only limited competencies and resources have been transferred. Local authorities have weak administrative capacities while there are no effective mechanisms of cross-boundary cooperation and/or conflict resolution. As a result, the most important environmental competencies are dispersed between 15 Ministries with the YPEXODE having general competencies only in areas not explicitly delegated to other Ministries. Important legislative acts with explicit environmental dimensions are often introduced by the Ministries of National Economy, Interior, Health (water), Agriculture (protection of forests, water, agricultural production), Development (permits and industrial zones), Transport and Marine Merchant (sea water pollution). Even within the YPEXODE the environmental sector (General Secretariat for Environment) has comparatively less resources and expertise compared to Public Works that is managing all major infrastructure projects funded by the structural funds. As a result, YPEXODE is overstaffed with civil engineers and architects while environmental expertise is still lacking.<sup>10</sup> Inter-ministerial fragmentation enables economic actors to strategically pick up their interlocutors in cases where industrial interests are under threat (Weale, et al., 2000). Large manufacturing firms are traditionally linked to the Ministry of Development and the Ministry of National Economy that are currently responsible for permits in industrial installations, while one of the most powerful domestic lobbies, the ship owners, traditionally cooperate closely with the Ministry of Marine Merchant.

Societal involvement in environmental policies is far from being institutionalised. To a large extent closed opportunity structures elucidate recent trends of high levels of protest activities by environmental groups and NGOs that disconfirm conventional assumptions regarding the weakness of civil societal mobilisation in environmental matters (Kousis, 2001). Qualitative studies reveal that EU policies initiatives had a catalytic effect on the opening up of available opportunities available to environmental NGOs to influence the course of environmental policies in Greece (Koutalakis 2004; Kousis, 2003). However, these developments are far from constituting a clear path break in domestic traditions of weak structures and patterns of societal involvement in the policy process. Competition for state funding between environmental NGOs often characterise the relations between environmental organizations. Experience demonstrates that success depends on the capacity of both international environmental NGOs and local environmental movements to overcome the tension between professionalism and scientific environmentalism, on the one hand and political activism, on the other, inherent in their relationships and build up effective coalitions (Close, 1998).

The involvement of business interests in environmental policy making is rarely institutionalised. Environmental voluntary agreements require effective structures and patterns of interest intermediation that enable the emergence of mutual understanding and trust between participants. Legalism and the dominance of command-and-control policy instruments hinder the emergence of co-operative patterns of interest intermediation. Public authorities and firms are

---

<sup>9</sup> Law 2947/2001 provides for 53 inspectors but until now only 23 are employed. However, reports from its current activities are encouraging with a total number of 500 complaints being investigated during the first 2 years of its operation, 190 own initiative inspections and penalties of approximately € 4.000.000 ([www.minenv.gr](http://www.minenv.gr)).

<sup>10</sup> For data see Spanou 1995: 150 and Hellenic Ministry of Environment <http://www.minenv.gr/>

not accustomed to cooperative patterns of interactions. Regional and local authorities often lack the legal responsibility and the administrative capacity to conduct and monitor those agreements. Moreover the dominance of small family enterprises based on a rather informal network of interconnections between each other hinder the emergence of consensus and trust due to the lack of strong representative associations that serve as credible interlocutors to public authorities (Koutalakis, 2003).

In Greece, the implementation of new policy instruments in environmental policy is further hindered by the lack of data on the specific environmental conditions both at the territorial (regional, local) and sectoral basis. This is not only a problem associated with the lack of qualified personnel. It touches more fundamental characteristics of Greek public administration such as its closed nature and the weak integration of scientific expertise in the policy making process. Patterns of interactions between the scientific community and policy makers remain occasional and on an *ad hoc* basis, largely dependent on individual contacts and political affiliations of certain experts with the political leadership of environmental ministries. These factors are likely to mediate the emergence and effectiveness of new forms of environmental governance in Greece. Under what conditions do private actors (business, interest groups and NGOs) mobilize their resources in order to facilitate or impede domestic compliance with EU policies? The following session will examine the experience from the implementation of Natura 2000, Water and Large Combustion Plant Directives.

#### **4.1.1 'Naturalising' Natura 2000 in Greece.**

Natura 2000 legislation is one of the most problematic cases of Greece's weak compliance record with EU environmental law. Both legal transposition and policy application of the directives related to the establishment of Natura 2000 network of protected areas (Habitats 1992/43 and Wild Birds 1979/409) were considerably delayed and are still incomplete. Paradoxically though, as this session will demonstrate, in some cases, the evolution of conflict resolution mechanisms, related to the designation of certain protected areas and the establishment of effective nature protection and managing regimes, manifests the positive effects of the systematic inclusion of non-state actors into the policy process. The same cannot be argued for steering mechanisms that still remain largely centralised and do not depart from the top down legalistic tradition that characterises public interventions in the area of nature protection.

Domestic compliance performance with Habitats Directive is disappointing. It took almost four years after the official deadline for the transposition of the directive (June 1994), an ECJ judgement and the initiation of Art. 228 TEU post-litigation infringement proceedings to persuade Greek government to transpose the directive.<sup>11</sup> Practical application of the directive also proved problematic. It took the Greek government two legislative initiatives (Laws 2742/1999 and 3044/2002) and one judgement from the European Court of Justice (C-103/00) to introduce the necessary legal instruments. Finally in 2002 the Greek government designated 25 management authorities of protected areas. However, only two of them are today fully operational. As a result, there are two more pending cases to the ECJ (C-334/04 and C-518/04) both bringing actions against the country for failing to designate and establish effective systems of nature protection in several areas.

There is a wide range of factors that explain such a sluggish domestic response to that directive.

---

<sup>11</sup> See Case 83/1997. The directive was transposed in December 1998 with Joint Ministerial Degree 33318/3028/28.12.1998.

#### a. Challenges in the distribution of resources and competencies between domestic actors.

The Habitants directive represents a case of profound policy misfit with the pre-existing regulatory regime for the protection of biodiversity. The directive penetrates the domestic fragmented distribution of competencies and requires the elaboration of comprehensive management plans and the establishment of effective mechanisms and instruments of nature protection and conservation. The main framework law for environmental protection (1650/1986) provides for a general competence over all protected areas to YPEXODE. However, seven other ministries share responsibilities over different types of areas.<sup>12</sup> As a result, YPEXODE was the single national authority that would benefit from the application of Habitants directive. However, given the weak relative weight of YPEXODE *vis-à-vis* other ministries sharing competencies over nature protection and conservation of different areas, such a leading role was not consensual and led to a deadlock in negotiations between central government departments, especially with the Ministry of Agriculture. To a large extent these disputes prevented the timely transposition of the directive.

#### b) Incompatibility of policy instruments

The Greek framework law for environmental protection (1650/1986) provides for the creation of five different types of protected areas: Areas of Special Protection where no human activity is allowed apart from research, Areas of Natural Protection, National Parks including Marine Parks where only limited human activities are allowed especially those related to recreation, research and conservation, Protected Landscapes and Areas of Sustainable Development. However, apart from forest areas managed by the Ministry of Agriculture, all other areas were not subject to any special protection scheme due to the lack of data regarding the specific types of flora, fauna and habitats prior to the introduction of the directive. From 1938 – 1974 the Ministry of Agriculture had specified 10 national forests enjoying relatively high levels of protection from a Forest Service Protective measures employed in these areas where of purely command-and-control prohibitions and policing nature that created considerable tensions with the local communities and mistrust that prevented any effective involvement of local communities and NGOs in the management of these areas (WWF- Hellas, 2003).. In effect, there were no specific programs for the management of these protected areas based on scientific evidence, not to mention environmental impact assessments of various activities, information strategies, monitoring and evaluation of regulatory measures.

Greece's legal and policy harmonization with the requirements of the Habitants directive involved a mixture of conflict resolution mechanisms that range from hierarchical involvement of higher levels of political authority to the opening up of the policy area to public participation. As has already been mentioned above, the transposition of the directive was considerably delayed and it became effective only after an ECJ judgement and the initiation of post-litigation proceedings from the European Commission. Negotiations between central government departments over the allocation of competencies and the compilation of the national inventory list of areas to be covered by the directive were conducted between an inner cycle of ministerial delegates. The final joint ministerial decree, that essentially only translates the original text of the directive, was issued only after the intervention of the Prime Minister's

---

<sup>12</sup> Important responsibilities rest with the Ministry of Agriculture (protection of forests and areas of special botanical and ecological value, hunting areas, game reserves and bird breeding stations), the Ministry of Culture (for recreational parks and forests), while the Ministries of Defence, Development and Merchant Marine, Foreign Affairs and national Economy are involved in several co-decision procedures related to policy formulation and implementation.

office (Andreou, 2004:4). Although YPEXODE was designated as the competent authority for the management of designated areas their actual establishment required initially a Presidential Decree (Law 2742/1999) and now a Joint Ministerial Decree (Law 3044/2002) that is issued after the proposal of all ministries sharing competencies in the designated areas.

More inclusive conflict resolution mechanisms emerge at the stages of practical application of the directive. At the initial stages the most pressing problems related to the compilation of the initial national list of areas that would serve as the basis for negotiations with the European Commission. Given the lack of data related to all sites including the flora, fauna and various habitats covered by the directive, the elaboration of the initial inventory list was undertaken by a NGO –funded research centre, Greek Biotope/Wetland Centre in Cupertino with the Departments of Biology of Universities of Athens, Patras, Saloniki, and Crete. The project was co-funded by Life-Nature program and the Ministries of Environment and Public Works and Agriculture. Based on the initial list that covered 296 sites, approximately 18.2 percent of the country's territory, a number of consultations took place between the relevant ministerial departments (Ministry of Agriculture, YPEXODE, Ministry of Merchant Marine, Ministry of Foreign Affairs, Development and Defence) in order to finalise the national inventory of sites. Negotiations led to further compromises regarding the number of areas designated as Natura 2000 sites that changed several times.<sup>13</sup> Consultations did not involve local communities, local governments and NGOs in order to avoid deadlocks at the early stage of the application of the directive, given the limited efforts undertaken so far to initiate a public dialogue and information campaigns in order to reverse the climate of mistrust stemming from traditional command-and-control modes of public intervention in the nature protection.

The establishment of management structures and instruments in those protected areas followed strictly top-down legalistic decision making patterns that reflect the lack of experience and the mistrust on the part of public authorities to delegate public functions to participatory network structures. According to initial law (2742/1999) managing authorities are private law entities. Their managing boards consist of representatives of YPEXODE, Ministry of Agriculture, and other ministries sharing responsibilities in each given area, local authority representatives, social partners and representatives from the scientific community. The heads of the managing authorities are appointed by YPEXODE. Inclusion of non-state actors and subnational levels of government was not uncontroversial. The inclusion of NGOs was a rather *dic-tum, factum* given the considerable experience of the most professionalized domestic organisations and their persistent activism in nature conservation with campaigns, protest, public appeals and complaints to the EU. Local stakeholders' participation was initially viewed with suspicion and mistrust from both sides. Our interviews indicate that local environmental groups were ideologically against participation in institutionalised structures of cooperation with the state while local authority participation was viewed as an element of ineffectiveness and inflexibility due to their alleged vulnerability to local particularistic interests. On the other hand, local authority politicians were also hesitant to participate in controversial conservation schemes that initially failed to gain approval of local communities especially in areas of high land value, such as the sea turtle caretta - caretta site in Zakynthos. (interview, policy expert, Nomos and Physis, November 11, 2005).

At the stage of actual management of designated sites, the involvement of private actors becomes systematic and institutionalised. Law 3044/2002 provides for the creation of 25 man-

---

<sup>13</sup> The initial list included 296 sites, reduced to 164 sites of community interest and 29 special protection areas after initial consultations and finally increased to 230 SCIs and 52 SPAs after negotiations with DG ENVI (WWF – Hellas, 2003).

aging authorities (still not fully operational) covering approximately 100 Natura 2000 sites while two managing authorities covering the Zakynthos national park and the Schinias-Marathonas national park near Athens had already been created in 1999. It also provides for delegating the management of certain Natura 2000 areas and/or certain actions within a designated area to universities, public research centres and other public law entities and non-for-profit organisations and NGOs. However, regulatory instruments employed by YPEXODE rarely depart from the legalistic tradition in nature conservation. The delegation of responsibilities to these managing authorities was widely contested given the lack of prior experience with such participatory structures. According to YPEXODE and the Council of the State, the managing authorities cannot fully assume public responsibilities related to law enforcement, impose penalties and issue administrative acts. The latter can only assume a supportive role to public enforcement authorities (police, forest service and the coast guard) and only a consultative role in the process of issuing permits for certain activities (Florou, 2000). According to the Ministerial Decree, their main responsibilities are to monitor and evaluate the application of management instruments, collection and elaboration of scientific data and information and public awareness campaigns. The supervision of all Natura 2000 managing authorities is undertaken by YPEDOXE that approves all decisions related to their responsibilities. The overall co-ordination of protected areas is also undertaken by a participatory 'Natura 2000 Committee'. The Committee has a consultative role to YPEXODE. It is comprised by representatives of YPEXODE, Agriculture, Development, Interior, Culture and Merchant Marine, two NGO representatives, a number of academics and WWF- Hellas representing other eight NGOs active in managing schemes in various Natura 2000 areas. In April 2004 its president, a well known NGO activist, resigned claiming inability to operate due to the lack of clear competencies operational capabilities, infrastructure and funding (Andreou, 2004). Since then the Committee has remained inactive.

Summing up, non-state actor's involvement in legal and policy harmonization with the requirements of Natura 2000 directive is still in a nascent phase while conflict resolution mechanisms remain largely hierarchical. It is only compromised in the implementation stage through the inclusion of environmental NGOs, local community groups, research centres, local authorities and individuals in managing authorities. A thorough analysis of the patterns of non-state actors' involvement in the policy process is beyond the scope of this paper.<sup>14</sup> However, according to our preliminary findings we identify the following patterns of institutionalised private involvement in the implementation process:

a) Institutionalised participation in the managing authorities.

At this stage, private involvement takes two different forms. First, NGOs and local authorities act as educators and mediators between the state and local communities. This pattern of private involvement has manifested considerable value in engaging in public awareness campaigns that generated trust in local communities to public conservation schemes. This is especially the case in areas with high land value and tourist potential, such as the Zakynthos Marine Park. These campaigns were essential in order to overcome negative perceptions regarding the nature of conservation measures stemming from the top-down command-and-control tradition based on policing and absolute prohibitions. Second, involvement as policy initiators of several intervention schemes funded by Life-nature program where the eight most active in nature conservation NGOs have taken the

---

<sup>14</sup> We are currently conducting empirical research in the following areas: Zakynthos Marine Park, Schinias – Marathonas national park, Sea-Lake of Mesologi, Prespes national park and Samaria national park, all characterised by varied socio-economic characteristics (touristic areas, areas with pressure from urbanisation and relatively untouched biotopes).

initiative to implement conservation measures in certain areas even before the formal establishment of managing schemes.

- b) Participation in consultative schemes such as the national Natura 2000 committee. According to the experience to date this is the relatively weakest form of institutionalised participation of NGOs due to the feeble operational capability of the committee.
- c) Private conservation regimes. This is a rare type of private involvement in conservation and includes private property of Natura 2000 areas acquired for purposes closely related to the protection of the area. In Greece the only case of private conservation regimes is in Zakynthos where WWF-Hellas purchased 327 hectares of land that covers one of the six most important beaches of caretta-caretta sea turtle breeding (WWF-Hellas, 2003).

The lack of efficient conflict resolution mechanisms have considerably impaired the establishment of an effective regulatory regime for the protection of designated areas. However, these are not the only factors that have hindered effective compliance with the directive. According to our empirical work, significant problems related to the availability of funding have also caused major problems in the initial phase of the implementation.

#### **4.1.2 Water**

In July 2005, the European Commission initiated infringement proceedings against Greece for incomplete transposition of the Water Framework Directive (60/2000). The Greek government, based on that directive, had already introduced a new law (3199/2003 on 'water protection and the sustainable management of water resources) that introduced significant changes to the pre-existing domestic regime of water regulation. However, on the 20<sup>th</sup> of December the European Commission announced that submitted documentation by Greek authorities was still incomplete and purely of legislative nature and proceeded with a reasoned opinion. It is rarely that a case of incomplete transposition is so revealing of a country's compliance problems not only with a given directive but with a long list of measures in the policy area spanning from the country's accession to the EU until today. According to available material, consultations for the elaboration of the new law included a large number of actors. NGOs provided written comments to the final drafts of the text and the scientific community's input on various technical issues was substantial.<sup>15</sup> However, in a meeting between various actors involved in the implementation of the WFD in Greece related to this infringement proceeding, it was widely admitted that the country was largely unable to fulfil its obligations. Despite the country's considerable water management problems there is no comprehensive water management plan based on biological, hydrological, economic and administrative data.<sup>16</sup> As a result, Greek authorities were unable to designate river basin departments which according to

---

<sup>15</sup> These NGOs are Greenpeace, WWF-Hellas, Hellenic Foundation for Nature Protection, Network Mediterranean SOS, and the Mediterranean Environmental, Cultural and Developmental Information Office. From the scientific community was the Institute of Geological and Metallurgical Research that has considerable expertise in monitoring the quality and quantity of water resources. Moreover, participants in the consultation process apart from various central government departments include: the National Centre of Seawater Research, the National Centre of Biotopes, the National Centre of natural Sciences, two environmental NGOs, the National Environmental Agency, the Consumers Chamber and the National Foundation of Agricultural Research, the Public Electricity Company and the Technical Chamber of Greece.

<sup>16</sup> The most acute problems are related to the concentration of population coastal area that leads to the intrusion of seawater into the depleted underground aquifers and problems of water availability in the numerous tourist islands during the summer seasons where population is literally doubled, over exploitation of water resources and the use of pesticides in agriculture,

WFD are the geographical units of water management due to the lack of a comprehensive action plan for water management.<sup>17</sup> The lack of such plans stems from the legalistic tradition in water policies, fragmentation of competencies and lack of financial resources and expertise for effective quality controls, especially at the subnational levels of government, have created similar problems of compliance with a number of early water directives in the past.<sup>18</sup>

Water policy in Greece is largely shaped by EU legislative developments already from the early years of the country's accession. As in the previous case, the fundamental characteristic of the domestic regime for water regulation is fragmentation between different central government departments. The main competencies are shared between the Ministries of Environment and Public Works, Health and Welfare, Development, Agriculture, Interior and Economy and Finance. In the country's two largest urban centres, Athens and Thessaloniki, distribution and quality inspections of drinking water are responsibilities of two large state-owned enterprises, while in smaller urban areas and villages these are responsibilities of prefectural authorities.

Fragmentation, lack of expertise and, until recently, limited systematic attempts to compensate weak state resources with the participation of non-state actors, confine the country's capacity to shape the course of EU water policies and advance its own preferences. In our empirical research so far we have focused on the drinking water directives (778/1980 and 83/1998) that impose considerable costs to domestic public and private actors, especially regarding the renewal of outdated infrastructure and quality control systems. The directives' requirements affect a wide range of industrial actors, essentially the food industry and the constructors of water distribution systems that have to comply with quality standards of materials used in the construction of distribution systems. In the Greek case, the application of the directive requires considerable public expenditure, especially in small urban areas where distribution systems did not comply with standards related to the consistency of material used in non-ferrous and heavy metals (nickel copper and lead) that was traditionally used by domestic constructors due to their low cost and durability. The same holds for domestic producers of machinery used in water abstraction, storage and filtering that would face considerable problems of competitiveness with foreign companies due to the lack of expertise in order to comply with new product standards. State actors faced considerable additional costs to comply with requirements for monitoring and quality controls. Lack of data and expertise in relation

---

<sup>17</sup> Unpublished meetings, YPEXODE, 24/11/2004, consultation meeting with the Ministry of Development, Agriculture, Greek Centre of Seawater Research, Institute of Geological and Metallurgical Research, Public Electricity Company, and Greek Centre of Biotopes.

<sup>18</sup> The ECJ has issued four judgements against Greece for violation of various EU water directives. These include the delayed transposition of urban waste water treatment directive (91/271 EEC, Case – 161/1995); infringements of the directive on pollution caused by dangerous substances discharged into the aquatic environment (76/464 EEC) (Cases – 232/95, 233/95 and 384/97) and the directive 80/68 on protection of underground waters from pollution from dangerous substances (Case-163/03). These cases demonstrate not only the lack of scientific expertise and financial resources on the part of subnational actors (prefectural authorities) but also profound problems of administrative adaptation to the underlining logic of these directives that require the elaboration of programs that lay down quality objectives and limit values of emissions into water. In this case Greek authorities have manifested considerable rigidity to expand the range of policy instruments used in the area beyond measures of legislative nature. The former instead of programs justifying the adoption of quality objectives according to the list of substances included in the directive on pollution from dangerous substances, submitted a number of Joint Ministerial Decrees, Presidential Decrees and Joint Decrees issued by Prefectural Authorities, laying down procedural legal requirements for issuing permits to industry. In some cases not even that documentation was submitted arguing that there are no industrial plants in the areas producing emissions into the water including the substances covered by the directive and, in effect, omitting significant trans-boundary effects of pollution into the aquatic environment.

to the above mentioned issues have hindered consultation with the domestic industry. During the negotiation phase for the adoption of the directive, the Greek authorities failed to assess the costs of compliance with the directive and promote the country's preferences that given the shortage of water, especially during the summer period, would tend towards less strict measures related to the management of water sources. The directive was discussed in the Council of Environmental Ministries. However, in Greece the central government department responsible for monitoring the quality of drinking water is the Ministry of Health. As a result, the latter was informed only six months before the end of the preparatory phase. The issue was conceptualised as a technical issue with no significant economic implications apart from those related to public health protection. Therefore, at this preparatory phase the issue was dealt within a close cycle of communications between YPEXODE, the Ministry of Health and the representatives in the Greek COREPER. Interaction between the two departments was largely hierarchical with the Ministry of Health assuming a more decisive role due to its domestic competencies in the area. The lack of consultation with the domestic industry, subnational authorities, the scientific community and the public minimised input regarding the economic effects of the directive and, in effect, hindered the adoption of a national position (Interview, academic policy expert, October 27, 2005).

Attempts to systematically involve stakeholders in water management policies are rather recent and they are closely associated with the adoption of participatory requirements of water framework directive. The new law (3199/03) that transposes the water framework directive introduces, for the first time, institutionalised participatory structures for the elaboration of national water policy that assembles all pre-existing fragmented competencies under the coordination of the YPEXODE.<sup>19</sup> In short, at the central government level it introduces a new inter-ministerial co-ordination committee comprising all ministries that share responsibilities for water policy, namely the YPEXODE, the Ministry of National Economy and Finance, the Ministry of Development, the Ministry of Agriculture, the Ministry of Health and the Ministry of Interior. This committee is responsible for the formulation of national plans for water management as well as the overall supervision of compliance with EU law. A systematic involvement of non-private actors can only be observed in a number of newly created consultative structures. A National Water Council with consultative role to government comprises a large number of public and private actors. Apart from the ministries mentioned above, these are: the parliamentary parties, the associations of prefectural and municipal councils (KEDKE and ENAE) and the associations of municipal water and sewerage companies, the Greek Association of Agricultural Producers, the Greek Association of Industrialists, the Greek Electricity Company, the Central Trade Union Association, the Technical Chamber, the Geotechnical Chamber, the Institute of Geological and Metallurgical Research, the National Centre of Seawater Research, the National Centre of Biotopes, the National Centre of Natural Sciences, two environmental NGOs, the National Environmental Agency, the Consumers Chamber and the National Foundation of Agricultural Research. Similar participatory consultative councils are created in each of the 13 Regions that according to the law comprise the level of water

---

<sup>19</sup> The new coordinating role of YPEXODE is facilitated through the creation of a new central directorate of water. However, the transfer of competencies to the new directorate requires a joint ministerial decree issued by the ministries of YPEXODE, Interior, Public Administration and Decentralisation and National Economy. This directorate formulates the national water management plans and coordinates their implementation. Moreover, it sends representatives in EU decision making bodies related to water management, it has competencies over water pricing, future legislative initiatives and quality and quantity controls, data collection and management, compiles the national inventory of protected areas and water distribution systems.

management and not the river basin departments as provided by art. 3 of the directive.<sup>20</sup> Apart from the Head of the Region and the head of the Regional Directorate of Water Management, these consultative water councils comprise the representatives of the prefectural and municipal council associations and the municipal water and sewerage companies, the Technical, Geotechnical, Commercial and Industrial Councils, one representative of environmental NGOs, a representative of the Organisation of Irrigation, and a representative from each Natura 2000 designated area. These councils advise the Region regarding the regional management plans and invites public consultations before their approval.

It is still early to assess the role of these novel participatory structures. During consultations for the adoption of the new law, private actors and the scientific community have appealed for participation into the National Water Committee that was rejected due to its the inter-ministerial character.<sup>21</sup> To a large extent, this largely depends on the willingness of central government to build up trust between stakeholders and institutionalise effective mechanisms of conflict resolution that depart from centralised command-and-control traditions in the policy area. Alternatively these initiatives are going to fall into disgrace and exacerbate mistrust between stakeholders like similar other initiatives in nature conservation.

#### **4.1.3 Air Pollution**

Air pollution policies in Greece are largely shaped by attempts, from the early 1970 until today, to combat the problem of photochemical smog in Athens. Today it is largely admitted that these policies have failed. A new kind of smog has emerged with a very different consistency but also more acute impacts on health. While the first generation of smog consisted of industrial emissions SO<sub>2</sub>, smog, CO and O<sub>3</sub> its new consistency includes hydrocarbons agents (YAs) emitted by catalytic cars and the chemical industry. Serious attempts to upgrade the poor public transport system were undertaken only recently during the period of the city's preparation for the 2004 Olympic games with the construction of a new underground system and several peri-urban train networks. Despite these developments Athens systematically scores high levels of pollution with annual average consistency of ozone, nitrogen dioxide, sulphur dioxide, carbon monoxide, black smog and particulates well above the EU average (70mg/m<sup>3</sup> with an annual EU average of 43.2mg/m<sup>3</sup>). Similar characteristics emerge in Salonica, the second larger urban agglomeration.

Early legislation dealt with that problem with the use of predominantly urban planning instruments including regulations that provided for the relocation of most polluting activities outside of Athens metropolitan area and the introduction of monitoring systems of air quality. The first attempts to initiate a program for monitoring atmospheric pollution in Athens date back to 1974 with a WHO program (PERPA). This program was implemented by the Ministry of Health (now is administered by YPEXODE) and included the establishment of monitoring systems that today cover the country's whole territory (Spanou, 1995). Preventive policies for air pollution were introduced only in 1981 with a Presidential Decree (1180/29.6/6.10.1981). The decree was introduced by the (then) Ministry of Industry (now Ministry of Development). It introduces environmental impact assessments as part of the licensing requirements of new industrial installations, the classification of areas according to

---

<sup>20</sup> The regions are responsible for the elaboration of regional management plans for sustainable use of aquatic resources, monitoring and elaboration of quality control data and pollution control and issuing of permits related to water use in agriculture, industry, energy and tourism and the construction of irrigation and sewerage systems.

<sup>21</sup> Unpublished document, YPEXODE, 1-2-2005.

their pollution conditions and the introduction of emission limit values for industrial installations. During the preparatory stages of this decree the association of Greek industrialists was a central actor in the consultation process. Literature attributes the significant gaps in the implementation of these measures during the 1980s to the former's unreceptive positions (Spanou 1995). In 1983 a law introduced a number of preventive measures to be introduced in cases of emergency and environmental accidents (Law 1327/83). These measures include a wide range of prohibitions and penalties covering industrial installations (reductions in energy consumption and production), a rotating use of cars in the centre of Athens according to their number plates that is applied today and private energy consumption. The framework law for environmental protection (Law 1650/1986) did not depart from the predominance of command-and-control instruments described above. The responsibility of monitoring air pollution was transferred to YPEXODE from the Ministry of Health and is decentralised at the regional level, apart from Natura 2000 sites.

That legislation did not considerably depart from the regulatory style of EU directives of that time, especially those regulating industrial emissions, namely the 1984/360 on combating air pollution from industrial plants and the large combustion plant, directive 1988/609 as amended by directive 80/2001 that introduced air quality limit values in existing and new industrial plants respectively. However, a clear difference between EU and national legislation relates not only to the level of regulatory stringency related to emission limit values that were not elaborated in detail into national law but also to the requirements for the elaboration of national programs for the reduction of emissions to be submitted the Commission no later than July 1990 (Art. 10, 1988/609 directive). Greece together with Spain, Ireland and Portugal was among the countries that pressured for lower emission limit values (Weale *et al.*, 2000). The transposition of the directive in Greece and the fulfillment of reporting obligations were delayed for three years (ECJ case 1993/304) while the country has been prosecuted by the Commission to the ECJ for violation of the directive for combating air pollution from industrial plants (Case-364/2003). The same holds with the directive on national emission ceilings for certain atmospheric pollutants (C-2001/81) where the Commission pursued legal action against Greece (and other six Member States) raising the issue of delayed submission of national program for the reduction of emissions.<sup>22</sup>

The implementation of these directives imposes direct investment costs to domestic industry. In Greece, the larger pollutant is the Public Electricity Corporation (DEH), a state own but listed in the stock exchange market enterprise which, until today, holds the monopoly of production and distribution of electricity. The company is accountable for 55% of the country's Kyoto protocol emissions.<sup>23</sup> As a result the company has an institutionalised representation to a national inter-ministerial committee that formulates the national emission reduction plants, created by the joint ministerial decree that transposes LCP 2 into Greek law. The Committee comprises representatives from the Ministries YPEXODE, Development, National Economy and Finance and DEH. Therefore, domestic compliance performance with the above directives depends on public actors since DEH and the country's major oil refineries are state-owned enterprises. Given overdependence of DEH on lignite for the production of electricity power the introduction of Best Available Technologies for the reduction of emission involves

---

<sup>22</sup> In 2000, CO<sub>2</sub>, N<sub>2</sub>O and CH<sub>4</sub> emissions were 23.3% above the 1990 levels. The directive allowed for a 25% increase in emission levels for the period 2008-2012 which is already a missed target.

<sup>23</sup> In December 2005 the president of the corporation resigned due a drastic fall in the enterprises stock price, attributed to high costs of emission allowances that had to be purchased in order to comply with directive 2001/81.

large public investments.<sup>24</sup> To a large extent the negative environmental performance of DEH has been reinforced by governments' policies to pursue social and economic policy objectives through state intervention in pricing of electricity. Energy policy has long served the purposes of low inflation, protecting the competitiveness of local industry, regional policy, especially in agricultural areas where producers pay lower prices.

Social mobilisation against environmental damage caused DEH has stimulated the introduction of a number of innovative instruments from central government. These take the form of investment plans for anti-pollution projects especially in the coal-mining areas where DEH monopolises economic activity. Although the Ministry of Development generally opposes the introduction of a carbon tax at the EU level, YPEXODE proposed the introduction of subsidy scheme under which carbon revenues would be returned back to polluters in order to install emission control technology. However, the proposal was not welcomed by the Ministry of Economy and Finance that considered it as a threat to the country's efforts to reduce inflation and achieve the EMU macro-economic criteria. As a result, YPEXODE proposed a law in 1996 that introduces a development levy to DEH to be used for investments for the alleviation of environmental damage in the coal mining areas (Law 2446/1996). However, the law did not dissolve tensions between the enterprise and local communities. The latter are increasingly using litigation strategies in national courts against permissions issued by the government that allow the continuation in the operation of technologically outdated industrial plants (Papadimitriou 2005). The expectation is that the expected opening up of energy production market will expose DEH's outdated production infrastructure to competitive pressures, although DEH will still remain in a dominant position due to ownership of the networks and opening up of energy markets.

. Summing up, in air pollution the application of non-hierarchical steering modes are impaired from the structural characteristics of the energy market which is still monopolised by state-owned companies. Although air pollution policies are an area of intense lobbying from large polluting companies, our empirical findings so far indicate no institutionalised structure that facilitates non-state actors' involvement into the policy making process that would contribute to transparent and effective setting of targets monitoring and enforcement,

## 4.2 Spain

When Spain entered the EU, environmental policy was not at the top of the domestic political agenda (Font, Morata, 1998). Before membership, domestic environmental legislation was mainly of a reactive nature and was only limited to air pollution, through a law initiated in 1972. Paradoxically, environmental policy was not a central issue in pre-accesion negotiations. As a result, the Spanish accession treaty did not include a transition period or special clauses for environmental policy. Following accession, domestic legislation incorporated EU regulatory standards in a number of policy areas such as water and nature conservation. However, EU regulatory approaches in the above sectors often collided with domestic traditions that were characterised by an overwhelming use of purely command-and-control legalistic policy instruments (Börzel, 2003). Problems of ineffective implementation of EU environmental directives have also been attributed to the high horizontal and vertical fragmentation of competences. The creation of the Ministry of Environment (MoE) in 1996 was a crucial step towards effective horizontal coordination of fragmented responsibilities that were formerly belonging to the ministries of Public Works, Agriculture and Industry. However,

---

<sup>24</sup> Case-364/2003, initiated by the Commission against Greece related to DEH non-compliance with Directive 1984/360 on combating air pollution from industrial plants and the large combustion plant.

MoE's position has traditionally been weak *vis-à-vis* other ministries that have been reluctant to either transfer powers or incorporate environmental considerations into their *modus operandi*. Environmental responsibilities are distributed among the state, regional and local administrations. The central state retains competences over planning and the adoption of framework legislation, whereas Autonomous Communities are responsible for the specification and implementation of these laws. Although Spain can be characterised as a quasi federal state, the Autonomous Communities do not hold formal veto powers in policies falling into their sphere of competences (Börzel, 2003). Local authorities have a wide range of competences in environmental policies. In practice, there is an ambiguous division of responsibilities between central and regional governments and important cross-regional variations persist (Aguilar Fernandez, 1997).

Government relationships with economic and societal actors are poorly institutionalised. Economic interests retain close informal contacts with regional administrations. The scientific community has increasingly been involved into the policy formulation and implementation. Environmental groups have largely remained outsiders (Börzel, 2003). Only recently did environmental groups obtain a more central role in environmental policies through their participation in publicly funded projects for environmental education and awareness (Jiménez 1997). Although the institutionalization of environmental policy at the national and regional levels has broadened available opportunities for direct participation of these groups into the policy process and served as a catalyst for political action, their access is still poorly institutionalised and rather limited (Börzel, 2003). Fragmentation and weak financial resources and expertise have hindered effective application of EU environmental policies at the domestic level.

Current compliance records for in Spain over the last 20 years do not call for optimism: around 1,080 complaints have been sent to the European Commission; the Commission has sent about 272 reasoned letters to the Spanish government; 43 cases were denounced to the European Court of Justice; the ECJ has condemned the Spanish government for the infringement of several environmental directives. However, along the 90s a progressive improvement of the adoption and adaptation to the *acquis* in the field of environmental protection, with some intra-policy variations, has been detected. This section has two interconnected objectives: first, exploring the extent to which effectiveness in the adoption and adaptation of environmental directives has improved; and second, assessing whether NMG have influenced such an improvement and, if so, how and to what extent. The analysis covers five policy areas: birds and habitats, water, environmental impact assessment, waste and access to information. Our analysis distinguishes three broad periods that correspond both to different phases in the evolution of NMG and the different levels of development of environmental policies. These are: pre-accession (late 1970a – 1986), post-accession (1986 – early/mid1990s), and 'consolidation' (early 1990a onwards). The first period covers pre-accession and is characterised by the absence of both NMG and sound environmental policy. The second period covers the years following accession, in which first environmental measures were adopted mostly as a response to EU regulations. However in that period NMG are almost non-existent. The third period covers the mid nineties on and witnesses the emergence of novel patterns of governance as well as an improvement on the implementation of EU environmental directives.

Along the 1990s, emerging patterns of governance are characterised by a more systematic involvement of private actors in policy-making. However, non-hierarchical modes of steering are hardly observed. The most common types of NMG are those in which hierarchy —or the shadow of hierarchy— is still present, namely, the delegation or the self-regulation of private actors. For instance, in case of the Habitat Directive, the MoE has com-

missioned the elaboration of studies to environmental groups and the scientific community. While this implies the involvement of a wide range of non-state actors, the administration remains the steering actor directing and co-ordinating the process. NMG in the way observed (regular involvement of private actors but under the shadow of hierarchy) currently take place both at the transposition level (as a relatively new trend) and at the implementation level. However, important intra-policy variations are observed. For instance, in water policy, several NMG trends can be observed: a) network patterns acting as information-exchange arenas and pressure platforms rather than autonomous and self-regulated structures where the State is just one more actor (soft version of governance as networks); b) delegation patterns in which state companies, such as Acuamed, have been created for the construction of public works or for water supply; and c) traditional conflictive multi-actor policy patterns in which actors keep confronted views on, for instance, how to approach the 'water problem' (Costejà et al, 2004). In nature conservation, by contrast, some participatory and co-operative bodies, such as Governing Boards (*Patronatos Rectores*), have been created by the administration in order to integrate both public and non public actors in the preservation of National Parks and other protected areas. In addition, a considerable level of information exchange and technical co-operation among administrations at different territorial level has been produced in relation to the implementation of the Habitats Directive (Font, 2000). In this field, environmental groups have created active networks in which they exchange information, co-ordinate activities and act as watch dogs of the implementation of EU Directives. NMG based on private actors only have particularly been observed in the field of waste management. In this case, some voluntary agreements among industries sharing the responsibility to manage the packages and used oil have been reached. Taking such considerations into account, NMG in the field of environmental protection present the following trends (see table1).

**Table 1: Broad categories of NMG on environmental policy**

<b>NMG Specific trends</b>	<b>Public-private network</b>	<b>Delegation</b>	<b>Private actors only</b>
<b>Type of actors involved</b>	Public / semi-public Companies Environmental groups Experts (multilevel)	Public / semi-public Industry Environmental consultancy companies Experts	Companies Environmental groups Experts (multilevel)
<b>Dominant type of interaction</b>	Co-operation Co-ordination	Delegation Contractual Modes of co-	Co-operation
<b>Role of the State</b>	State: Not just one more actor in the network Creates incentives	Shadow of hierarchy State: Leads Fixes objectives Co-ordinates Creates incentives Manages resource exchange	Shadow of hierarchy State: Spectator Incentive provider
<b>Example</b>	Conservation networks Water network Commissioning of studies and joint research of problems Birds / Habitats Dir.	State societies (water, waste) Waste Integrated Management Systems Contracting out of waste and water services Waste / Water Dir.	Voluntary agreements Environmental networks

#### 4.2.1 Wild Birds and Habitats

Before Spanish entry to the EU, there was no national legislation corresponding to the Birds Directive. The process of transposition of the Birds Directive was slow and territorially fragmented. Following accession, the Parliament adopted the 4/89 Act on Nature Conservation. Autonomous Communities have also adopted legislation incorporating many elements of the Birds Directive, even though there are cross-regional variations regarding the list of birds protected. For example, the national Act did not refer to the designation of Special Protection Areas (SPA). The main reason the reluctance of competent authorities to commit in environmental regulations that were constraining economic development of Spanish regions. Within this context, the Spanish government designated some areas of special protection for birds: mainly those that were well known and already had some kind of protection. In 1992, the government started preparations on the adoption of the Birds Directive as a result of the condemnation by the European Court of Justice for not implementing the Birds Directive in the Santoña Wetlands. Since then, effectiveness of implementation has progressively improved. As a matter of fact, between 1993 and 1995, new Special Protection Areas were designated (149 in 1995) covering 2,5 million Ha. (in France such an extension covered 7,06 hundred Ha). In 1995 there were a total of 149 SPA and in 1009 there were 170.<sup>25</sup> However, the

<sup>25</sup> Report by the Commission on the application of Directive 70/409/EEC on the conservation of birds. COM (2002) 146 final.

Commission considered that the adoption of the Directive was still insufficient. Therefore, in 2004 the Commission referred Spain (and Portugal) to the ECJ for insufficient designation of SPAs and the same year, the ECJ condemned the Spanish government for tolerating some harmful hunting methods<sup>26</sup>.

The 4/89 Act on Nature Conservation had to be amended in order to adapt to the provisions of the Habitats directive. The RD 1997/1995 incorporated most of the Directives requirements, but some others were not considered. As a result, the European Commission referred the Spanish government to the ECJ for incomplete transposition. Beyond transposition, the initial adaptation of the Directive was insufficient. At that time, a small number of Spanish areas were protected, little information was available and the responsible administrative authorities were under-staffed.

The implementation of nature conservation Directives partially improved as a result of both EU and public pressure. Along the 1990s and beyond, relationships between public and private actors in the field of nature conservation have significantly evolved. New actors, such as the scientific community and environmental groups, have been directly involved in the policy process. A number of scientific networks working on the identification and inventory of natural species and habitats have long been funded by public administrations (Luaces, 2002). Environmental groups have combined two types of approaches in their relations with public authorities. On the one hand, they have maintained a confrontational approach in order to protest against both the general orientation of conservation policy and specific development projects affecting environmental areas. On the other hand, environmental groups, together with the scientific community, have adopted a cooperative attitude with public authorities especially along the 1990s. This cooperation include: agreements between universities and the Doñana National Park; agreements and partnerships between the Ministry of Environment and ENGO (mainly to SEO-Bird Life and WWF) in order to elaborate maps, collect data and conduct studies on endangered species; the purchase of private land by non-profit organisations in order to protect them in the late 1990s financial aid provided by the Ministry of Environment to environmental organisations and scientific institutions; technical co-operation between the Ministry of the Environment and the Autonomous Communities (with important cross-regional variations) in order to designate SPAs as well as elaborate inventories of protected species. In this respect, the requirements of the Natura 2000 entailed the mobilisation of cognitive and political resources from different levels of government and non-state actors (Luaces, 2002). A LIFE-funded project that assisted the elaboration of a biodiversity inventory and mapping was essential in the implementation of the Directive. The project enhanced co-operation among the state and regional administrations, ENGOs, universities and research centres. As a result, the elaboration of inventories and maps has improved implementation. However, while some ENGO's cooperation in the technical arena; they also may adopt a confrontational strategy on certain implementation issues. For instance, in 1999 SEO-Bird Life presented a complaint for failure to designate a SPA. Broadly speaking, the emergence of a new type of relationships between public authorities and environmental groups has increased mutual dependency relationships among them. The former have increasingly found that modes of co-management have reduced implementing costs, provided cognitive resources and increased legitimacy<sup>27</sup>. The latter, while becoming more dependants on public funding, have found mechanisms of compensating their scarce resources and become more influential.

---

<sup>26</sup> European Commission (2005).

<sup>27</sup> Important cross-regional variations are found in the relationships between public and non-public actors. For a study on the modes of governance in the Catalan conservation policy, see Font (2001).

## 4.2.2 Water

The adoption of the 29/1985 Water Act in 1985 and the Spanish accession to the European Community in 1986 represents a transformation in water policy. The new regime attempted to adapt water policy to the new social, economic, technological and political context, and to move towards a more integrated regulatory regime: it conceived water as a unitary source, introduced the idea of hydrological planning, extended the idea of public domain, introduced the need to adopt environmental protection and water quality measures, and promoted the participation of consumers and other stakeholders in policy formulation and management (Costejà et al, 2003).

Along the 1990s, the move towards a higher level of integration proved complex and troublesome. The participation of new actors and issues increased horizontal and vertical fragmentation of water policy. During the late 1980s and the 1990s, new actors from different institutional, territorial and social arenas entered water policy network. As regards the institutional arena, the traditional central role of the General Direction of Hydraulic Works (Ministry of Public Works), was weakened due to the fragmentation of its competencies into different administrative units and ministries and a reverse process of concentration of powers at the Ministry of Environment. Regarding the territorial arena, some Autonomous Communities increased their relative powers in the governance structure as they had firmly opposed the diversion of water from their river basins, while others had demanded it. Finally, irrigation communities and environmental groups became the main actors operating at the social arena. The former had traditionally had their interests represented thanks to a kind of alliance with the Ministry of Agriculture, whereas the latter had gained cohesion and certain saliency in the policy process, especially in the nineties. This fragmented scenario, as well as the need to co-ordinate actors operating at different levels of governance, reinforced the tendency to a multilevel and multi-sectoral type of governance. This was particularly so due to the need to cope with EU standards (Costejà et al, 2003). The entrance of new actors and issues in the policy arena partly accounts for the failure of the two national hydrological plans, the first one in 1993 and the second one in 2004. Both plans were largely contested by environmental groups, the scientific community and some regional governments. The government elected in 2004 withdrew the former government National Hydrological Plan that mostly consisted of the diversion of large rivers, and adopted the Water Program, mostly focused in the construction of desalination plants.

In addition to the adoption of national water legislation through the 1985 water act, several aspects of the Drinking water Directive (75/440/EEC) were incorporated into Spanish legislation in different stages both before and after accession. As a general trend, the Drinking Water Directive did not generate significant pressure for formal transposition (Börzel, 2003). As it regards implementation, the Ministry of Environment (previously, Ministry of Public Works and Transport) is in charge of establishing the basic parameters in the application of the Directive, whereas the Hydrographical Confederations (HC) are in charge of implementation. More specifically, the HC elaborate the reports including data of all the sections of the river and send such reports to the Ministry, which in turn reports the European Commission. The effectiveness in the application of the Directive has improved in the late 1990s as river basin plans were published.

To sum up, during the 1990s, new patterns of governance have emerged: partnership between HC and companies in order to conduct and follow up the control networks; commissioning of studies to analyse dangerous substances; agreement between the Ministry of Environment and research centres and universities; increasing creation of State Societies to secure more efficient implementation of water policies. For instance, Acuamed and Hidroguadiana are state

societies that operate as an instrument of direct management of the functions on hydraulic works of the State. Their tasks include: the conduction of studies and the construction and exploitation of hydraulic facilities. They closely cooperate with water users. Acuamed, for instance, is currently responsible for the implementation of 80% of the projects of Water Program covering 13 new and for enlargement of desalination plants along the Mediterranean basin. In order to do so, Acuamed will be financed by EU funds, some of which will be managed by the Catalan administration, as well as State funds and credit lines.

#### **4.2.3 Environmental Impact Assessment**

85/337 Directive was incorporated into national legislation by means of RDL 1032/1986 and RD 1131/1988. There was no previous national legislation on EIA issues. Transposition was incomplete as some aspects of the Directive were not incorporated. In 1992 the European Commission sent a reasoned opinion to the Spanish government for not having incorporated Annex II of the Directive into national legislation. Lately, in 2001 the adoption of the 6/2001 Act expanded the annexes and introduced new evaluation criteria. Beyond legal transposition, actual implementation shows certain shortcomings. One of the main reasons may be the high costs of implementing the EIA. According to early nineties' data, the EIA process should increase between 1-5% of the total costs, and 5-20% of the planning stage costs (Commission, 1993). But this seems not to be the main problem, as limited tradition in public consultation, low environmental concern and poor incorporation of scientific knowledge have negatively affected the implementation. The EU has largely expressed its discontent regarding the effective application of the EIA in Spain. In 2004 the ECJ condemned the Spanish government for failing to ensure the EIA on a railway project. More generally, over the last 18 years, about 30% of EIS have contained weak provision of information and gaps and weaknesses, in contrast to 9% EIS qualified as having full provision of information with no gaps or weaknesses (Canelas et al, 2005).

While the EIA Directive was almost ineffective in the late 1980s, its effectiveness marginally improved along the 1990s. Along the years, the quality of the EIS in Spain seems to be improving over the 1998-2003 period (Canelas et al, 2005). In addition, the EIA has also opened new avenues for citizen and social participation and consultation, a trend that has much to do with the slow transformation of governance patterns along the 1990s and on. Apart from that, deficient compliance of the EIA Directive has generated much controversy and the EU has in practice become a legal and political resource available to societal actors, namely environmental groups. Spain is the member state with the highest number of procedures currently open for the infringement of the EIA Directive. This may not be an optimal indicator of current infringement of the EIA Directive but illustrates how social actors, and more particularly ENGOs, have increasingly acted as watch dogs of the infringement of the EIA and, in general, of nature conservation related Directives.

#### **4.2.4 Toxic and hazardous waste**

Before Spain entered the EU, there was hardly any legislation on waste, other than some regulation on urban waste. In 1986, the Hazardous Directive 78/319 was transposed into 20/86 Act and further developed by the 853/88 RD. In 1989, the national government adopted the National Plan for Toxic and Hazardous Waste. The plan stipulated the construction of waste facilities that faced industry passivity and social opposition. At the same time, in the late 1980s, however, Spain produced a huge amount of waste but lacked the necessary facilities and technology to manage them. For this reason, during these years Spain exported waste in the framework of the Basel Convention. In 1995, the government adopted a National Plan for Toxic and Hazardous Waste in order to adapt to the 91/689 Directive. Along the 1990s, effec-

tiveness notably improved. Spain progressively adopted new waste facilities and decreased waste export, being some Autonomous Communities, notably Catalonia, more advanced in policy development and technology than others. In addition, data on waste production and management are systematically collected. Waste producers and managers annually elaborate reports and declare their waste activity, whereas the Sectoral Conference on Environment — which is integrated by State and regional ministries— follow up implementation.

Emerging patterns of governance can be observed in the late 1990s. Integrated Management Systems, that are also operative in other member States, notably in Germany and France, are the most outstanding example. IMS are authorised by Autonomous Communities and private companies adhere them. According to the IMS, producers marketing products that generate waste are partially responsible for a later waste management. IMS are operative by means of some new modes of governance. Thus, some voluntary agreements among industries, for instance in the field of packages and used oils, have been formalised: for instance, when a private company purchases raw material, the seller is responsible for the take away and recycling of package or oil waste. These systems provide for economic incentives to companies, which consider they can save production costs by means of reducing the production of their own waste. Over the last years, NMG are having some positive impact on effectiveness.

#### **4.2.5 Access to Information**

The so-called ‘1993 Law’ concerning public access to administrative documents adapted the 90/313/EEC Directive in the case of Portugal. The 1993 Law, amended in 1995, was based on the ‘open archive’ principle in order to ensure the right of citizens to have access to all kind of administrative documents and created a special independent body (the Commission on Access to Administrative Documents) to monitor compliance and solve possible conflicts on the requests of information received by the government. Portugal ratified the Aarhus Convention in 2003. In Spain, the process of adaptation of the 90/313/EEC Directive was initiated by the 30/92, a law on public administration procedures and pursued by the 38/95, a specific law on access to environmental information. However, neither the 30/92 nor the 38/95 law included all the provisions of the directive and have been object of several complaints by the European Commission for insufficient and inadequate transposition. Parallel to this, the low levels of effective implementation of the national laws have been highly contested by the main ENGOs arguing a lack of openness of the existing administrative culture, which is seen as slow and not transparent. More recently, the ratification of the Aarhus Convention by Spain in December 2004, has put the issues related to access to information on top of the agenda of the Ministry of the environment. A proposal of a new law on access to information is being elaborated in order to adopt the Directive 2003/4/EC and complete the adaptation process. The process is following a more flexible and participative approach which seeks to include not only the governmental departments but also representatives of the civil society and the private sector in the elaboration of all new environmental dispositions. Two main NMG are used in order to increase the quality of decisions and the effectiveness in the application of the law. On the one hand, the Advisor Committee on the Environment, which is integrated by the main ENGOs, private companies, farmers, fishermen and consumers associations, as well as local administrations, has been involved in the negotiation process. On the other hand, access to the information and documents used in the elaboration process is given to the general public, and several dissemination workshops are organised.

#### **4.3 Portugal**

In Portugal, environmental policy was poorly developed at the time of accession. As a result, the country was policy-taker rather than a policy-shaper in environmental policy. The same

holds for pre-existing institutional infrastructure that was largely non-existent. Shortly before its accession to the EU, Portugal created a State Secretariat for the Environment and Natural Resources, which was integrated into the Ministry of Planning and Territorial Administration. In 1990, environmental policies gained momentum in the domestic policy priorities through the creation of a Ministry of Natural Resources and the Environment. EU environmental policies had a catalytic role in shaping the domestic regulatory regime in three ways. First, the government adapted domestic legislation to the EU standards during pre-accession negotiations, particularly in the areas of EIA and toxic industrial waste through the introduction of a Basic Environmental Act in 1987 (Matias, 2004). Second, the EU has progressively institutionalised new opportunities for citizen participation and direct action (Arriscado Nunes, 2004), that provided additional resources to environmental groups (Matias, 2004). However, the systematic involvement of non-state actors into the policy process is not yet a general trend in all policy areas of environmental regulation. Further research, however, is needed to reach sound conclusions. Finally, the EU has provided essential financial resources for environmental infrastructure through the structural funds.

#### **4.3.1 Wild Birds and Habitats**

The EU has provided new opportunities to environmental groups to exert pressure on Portuguese public administration. By persistently lodging complaints to the European commission, they sought to promote the transposition of the two Directives. However, environmental groups are often critical on the effectiveness of their actions due to the high costs involved in domestic litigation and the time consuming process of terminating infringement proceedings at the EU level. As a result infrastructural projects with negative environmental effects sites are completed in the meantime (Palmeirim, 2003). Apart from social protest, the implementation of the Habitats Directive in Portugal has benefited from EU funds provided by the LIFE program.

#### **4.3.2 Environmental Impact Assessment**

The transposition of the EIA Directive took place in 1990 by means of the Decree-Law 186/90. Until then, domestic requirements for EIA were incompatible with EU legislation. As a result, the application of the directive in the initial years was not satisfactory. In practice, the effective implementation of the EIA directive was hindered by a lack of scientific input and the absence of institutionalised forms of scientific advice for public administration (Gonçalves, 2002). Moreover, the separation between planning and EIA, the non-binding nature of the final recommendation and the absence of effective control mechanisms during the construction of projects were some additional domestic impediments to the effective application of the directive (Pinho, 1997). Data from the early 1990s demonstrates that the EIA process might increase up to 5% the total capital costs of certain environmental projects (Commission, 1993). According to some studies, about 22% of EIAs in Portugal contain incomplete information, while no EIAs were found to cover all information requirements (Canelas et al, 2005). Along the years, the quality of the EIAs has considerably improved, especially during the 1998-2003 period (Canelas et al, 2005). Patterns of public consultation and participation seem also to have improved along the 1990s. Developments in Portuguese civil society have affected both civic culture and political and administrative practices, which in turn modify the conditions under which the EIA Directives are applied (Gonçalves, 2002). Changes include the adoptions of mechanisms to incorporate scientific expertise into decision-making as well as the institutionalisation of new forms of citizens' participation, which is actually more extended comparing to EU requirements (Gonçalves, 2002).

### 4.3.3 Drinking Water

Water policy in Portugal has been influenced by the EU in two ways. On the one hand, the European Court of Justice condemned the Portuguese government for the infringement of Directive 75/440/CEE for not having elaborated a systematic action plan including a time frame for the cleaning of surface waters. On the other hand, the implementation of EU programs, and more particularly the POLIS initiative, shaped domestic patterns of governance in the water sector. One example is the creation of inter-municipal enterprises for water supply, sewage, waste treatment, and final disposal (Partidario, Nunes Correira, 2004). EU initiatives have inspired the model upon which public companies jointly owned by central and local governments were set up to implement key measures under the EU POLIS program (Partidario, Nunes Correira, 2004). Such programs included the creation of a commission with representatives of the main stakeholders were involved in public debates and the adoption of the plans by the municipal assembly (Partidario, Nunes Correira, 2004). However, the experience to date demonstrates that the development of partnerships has been constrained by weaknesses of the social partners at the local level and the unequal distribution of power between central and local organisations (Syrett, 1997).

## 5. Concluding remarks

During their early years of EU membership, Greece, Spain and Portugal exposed a number of favourable institutional pre-conditions for the emergence of new modes of governance as an effective alternative to hierarchical steering. The three countries were relatively young democracies, facing serious economic and administrative capacity problems that challenged the effective adoption of and adaptation to EU environmental regulations. Yet, contrary to our initial expectations, the systematic involvement of non-state actors into the policy process was not a common remedy to such weaknesses. The same holds for the institutionalisation of non-hierarchical steering modes in order to mitigate high compliance costs.

While the three countries faced considerable compliance problems with EU environmental legislation during their early years of EU membership, compliance performance improved in the 1990s – despite the high levels of legislative output at the EU level. This is especially the case in Spain and Portugal, while Greece is still lagging behind. During that period, environmental organisations and the Commission exerted considerable pressure on the three southern European countries (Börzel, 2003). The combined pressure from above and below helped to open up the policy process to a wide range of non-state actors. While we find some variation both across countries and policies, patterns of non-state actors' involvement display some commonalities in Spain, Greece and Portugal. Most importantly, the emergence of new modes of governance is not endogenously driven. Government do not resort to the cooperation with non-state actors to share the burden of compliance and increase the effectiveness of implementation. Rather, the participation of non-state actors in the policy process is largely stimulated by EU legislative requirements. But even in these cases, non-state actors' involvement is fragmented with the state retaining a dominant role in the process.

In Greece, the systematic involvement of non-state actors into the policy process can only be observed at the stages of initial consultations for the formulation of national plans for water management and the implementation of Natura 2000 network of protected areas. The opening up of domestic opportunities for non-state actors' participation into the process was the result of external pressures stemming from specific requirements attached to the directives and persistent social mobilisation from local and national NGOs. In both cases the lack of clear delineation of competencies of these newly created consultative structures, the lack of resource

capabilities and the ultimate resort to command-and-control patterns of steering have generated controversy over the role of private involvement in the process and spurred mistrust between the parties participating in the policy process. At the stage of actual implementation, non-state actors' involvement tends to be systematic only in policy areas where there are specific relevant requirements attached to EU legislation. Natura 2000 is the most prominent example. High levels of NGO mobilisation coupled with the Commission's proactive use of Art. 226 ECT infringement proceedings (which have served as a functional equivalent to conditionality in Eastern enlargement) have fostered the opening up of the policy area to a wide range of private actors (NGOs, research institutes and the local communities). However, their participation in managing authorities is limited to secondary tasks such as dissemination of information and public awareness, with no decisive role in issues apt to the actual management of the areas such the issuing and enforcement of permits. These hesitant moves towards private participation in the policy process have hindered effective compliance and have stimulated NGO responses seeking to compensate ineffective public interventions with the purchase of land to use for the purposes of nature protection. As the case of Drinking Water Directives demonstrates, lack of institutionalised involvement of private actors into the policy process has hindered public actors from apprehending the issues at stake, the costs involved in their application and the formulation of cost mitigation strategies at the domestic level. In air pollution the application of non-hierarchical steering modes are incompatible with the structural characteristics of the energy markets where the larger polluting companies are state-owned. However, the imminent opening up of energy market is expected to foster considerable changes in the balance of power between domestic producers and the state and create the preconditions for the emergence of novel patterns of regulatory policy making.

In Spain, the state has delegated some responsibilities to private actors and has provided fiscal incentives to private enterprises in order to secure compliance. For instance, the Spanish government established integrated waste management systems, in which all actors with a market stake, namely industry, are partly responsible for the treatment of the generated waste. In the implementation of such system, some industries have formalised voluntary agreements in order to minimize, take away and recycle packages and used oils. In this way, the reduction of waste production is perceived by companies as a means to save production costs. In the case of water management, the state steers and directs the process, but actual implementation is delegated to public enterprises. The state aims at reducing the economic costs derived from the construction of hydraulic infrastructures and taking a first step in the recovery of costs of water services as promoted by the WFD. In other fields, such as nature conservation, where the state lacks the necessary scientific resources to effectively regulate the area, the government has initiated a state-driven process of resource exchange where the government commissions studies to ENGOS in order to compensate for its own weaknesses in scientific expertise. These practices do not only secure compliance but also strengthen the legitimacy of the decision making process. ENGOS in turn strengthen their resources through direct involvement into the policy process. However, while in some cases ENGOS might refrain from voicing critical views as they work for state agencies, in other cases they continue acting as watch dogs, in spite of the state being uncomfortable about it. An example of this is the active role played by SEO-Bird Life in the elaboration of studies and maps in order to comply with the Birds and Habitats Directive, whereas at the same time it has eventually denounced public administrations for non compliance of such directives. While ENGOS have promoted policy compliance by putting pressure on public authorities taking them to court, the media and the European Commission, their cooperation with public administrations has certainly helped to improve the effective implementation of EU environmental policy. In Portugal, finally, our preliminary analysis seems to confirm that NMG have emerged in certain policy fields,

namely EIA and water. Further empirical research will examine to what extent the underlying dynamics and outcomes correspond to our findings in Spain and Greece.

In sum, public-private networks and delegation of public tasks to private actors have been the main features of emerging NMG in Spain, Greece, and Portugal, especially from the mid-1990s onwards. Where they are in place, NMG have contributed to a more effective adoption of and adaptation to EU environmental policies. Likewise, where state actors continue to rely on hierarchical steering, implementation remains ineffective. Despite an increasing involvement of non-state actors, the state keeps control of the policy process. Contrary to our initial expectations, the emergence of NMG has not been driven by an endogenous demand of state actors for resources of non-state actors in order to compensate for weak state capacities (but see the case of nature conservation in Spain). More than anything else, the emergence of NMG seems to be a means for state actors to supply non-state actors with resources and incentives in order to strengthen the capacities and willingness of non-state actors to comply with EU law. But the most important driving force of the emergence of NMG are the legal requirements of EU environmental policies, such as Natura 2000 and the EIA Directives, to involve non-state actors in the policy process.

## Literature

- Aguilar Fernandez, S. (1994) 'Convergence in Environmental Policy? The Resilience of National Institutional Designs in Spain and Germany', *Journal of Public Policy*, 14(1): 39-56.
- Aguilar Fernandez, S. (1997) 'Abandoning a laggard role? New strategies in Spanish environmental policy' In D. Liefferink and Andersen M. S. (eds.), *The innovation of EU environmental policy*. 156-171 (Oslo, Copenhagen, Stockholm, Boston: Scandinavian University Press).
- Andreou, G. (1004) 'Implementing the Habitats Directive in Greece', OEUE Occasional Paper 4.3 -08.04.
- Arriscado Nunes, J. (2004) 'Introduction: Democracy, Participation and Grassroots Movements in Contemporary Portugal', *South European Society & Politics*, Vol 9., N. 2, pp- 46-76.
- Barbé, E. (1999) *La política europea* (Barcelona: Ariel).
- Börzel, T. (2000) 'Why there is no 'southern problem'. On environmental leaders and laggards in the European Union', *Journal of European Public Policy*, Vol. 7, N. 1, pp. 141-62.
- Börzel, T.A. (2003) *Environmental Leaders and Laggards in Europe. Why there is (not) a Southern Problem* (Aldershot, Burlington, Singapore, Sydney: Ashgate).
- Canelas, L., Almansa,P., Merchan,M. and Pedro Cifuentes, P. (2005) 'Quality of environmental impact statements in Portugal and Spain', *Environmental Impact Assessment Review*, Vol. 25., N. 3, pp. 217-225.
- Close, D.H. (1998) 'Environmental NGOs in Greece: The Acheloos Campaign as a Case Study of their Influence', *Environmental Politics*, vol. 7(2): 55-77.
- Commission of the European Communities (1993), COM (93) 28 final, Vol. 12. Implementation of Directive 85/337/EEC.
- Costejà, M., Font,N., Rigol,A. and Subirats,J. (2003) 'The Evolution of the Water Regime in Spain', in Ingrid Kissling-Näf and Stefan Kuks (eds.) *The evolution of national water regimes in Europe*. Kluwer Academic Publishers.
- Fishman, R. (2003) 'Shaping, not Making, Democracy: The European Union and the Post-Authoritarian Political Transformations of Spain and Portugal, *South European Society & Politics*, Vol. 8, Issue 1-2, pp- 31-46.
- Florou, M. (2000)'Marine Park Managing Authorities', in G. Papadimitriou (ed.), *Protection of national marine parks*, (Athens-Komotini: Sakkoulas Publishers) (in Greek)
- Font, N. (2001) 'La política d'espais naturals a Catalunya: governor la dialèctica conservació-desenvolupament, Ricard Gomà and Joan Subirats (eds) *Govern i Polítiques Públiques a Catalunya (1980-2000)*. Coneixement, sostenibilitat i territori. Barcelona: UB-UAB.
- Font, N., Morata, F. (1998) 'Spain: Environmental policy and public administration. A marriage of convenience officiated by the EU?', Hanf,K., Jansen, A.I. (eds) *Governance and Environment in Western Europe*, New York: Longman.
- Fousekis, P. and Lekakis, J. N. (1997) 'Greece's Institutional Response to Sustainable Development', *Environmental Politics*, vol. 6(1): 131-152.
- Gonçalves, M.E. (2002) 'Implementation of EIA Directives in Portugal, *Environmental Impact Assessment Review*, Volume 22, Issue 3, pp. 249-269.

- Iankova, E. and Katzenstein, P. J. (2003) 'Institutionalized Hypocrisy and European Enlargement', in T.A. Börzel (ed.), *2003: The State of the European Union vol. 6: Law, Politics, and Society*. Vol. 6. (Oxford: Oxford University Press)
- Ioakimides, P.C. (1994) 'The EC and the Greek Political System: An Overview', in Kazakos, P.I. and Ioakimides, P.C. (eds.), *Greece and EC Membership Evaluated*, (London: Pinter), 139-153
- Jiménez, M. (2003), 'Spain' in C. Rootes (ed.) *Environmental Protest in Western Europe*, Oxford: Oxford University Press, pp. 166-200.
- Kousis, M. (2003), 'Greece', in C. Rootes (ed.) *Environmental Protest in Western Europe*, Oxford: Oxford University Press, pp. 109-135.
- Kousis, M. (2001) 'Competing Claims in Local Environmental Conflicts in Southern Europe', in Eder, K. and Kousis, M. (eds.), *Environmental Politics in Southern Europe* (Dordrecht/Boston/London: Kluwer Academic Publishers), 129-150
- Koutalakis, C. (2004) Environmental Compliance in Italy and Greece. The role of non-state actors, *Environmental Politics*, vol. 13, no 4, (Winter 2004), pp.755- 775 .
- Koutalakis, C. (2003). *Cities and the Structural Funds. The Domestic Impact of EU Initiatives for Urban Development*, (Athens: Sakoulas Publishers).
- Luaces, P. (2002) 'Circumventing Adaptation Pressure? Implementing EU Environmental Policy in Spain', *South European Society & Politics*, Vol. 7, N. 3, pp- 81-108.
- Magone, J. (2000) 'Portugal', in Kassim, H., Peters, G. and Wright, V. (eds.), *The National Coordination of EU Policy. The Domestic Level* (Oxford: Oxford University Press), 141-160.
- Maraveyas, N. (1994) 'The Common Agricultural Policy and Greek Agriculture', in Kazakos, P. and Ioakimides, P.C. (eds.), *Greece and EC Membership Evaluated*, (London: Pinter), 56-73.
- Matias, M. (2004) 'Don't Treat us Like Dirt': The Fight Against the Co-incineration of Dangerous Industrial Waste in the Outskirts of Coimbra', *South European Society & Politics*, Vol. 9, N. 2, pp. 132-158.
- Molina, I. (2000) 'Spain', in Kassim, H., Peters, G. and Wright, V. (eds.), *The National Coordination of EU Policy. The Domestic Level*, (Oxford: Oxford University Press), 114-140.
- Palmeirim, J. (2003) 'The role of civil society in enforcement of environmental laws', paper presented at the Conference on Environmental Governance and Civil Society, Challenges and Opportunities for Europeans, Brussels, 27 January 2003.
- Papadimitrou, G. (2005) 'Coal Power Stations. The moment of Truth', in [www.nomosphysis.org.gr](http://www.nomosphysis.org.gr) (in Greek).
- Pinho, P. (1997), 'Local Planning and National Environmental Assessment Procedures: The Developer's Mitigated role in Disjointed Negotiation Processes' *Urban Studies* Vol. 34. N. 1.
- Pridham, G. (2001) Tourism Policy and Sustainability in Italy, Spain and Greece, in Eder, K. and Kousis, M. (eds.), *Environmental Politics in Southern Europe* (Dordrecht/Boston/London: Kluwer Academic Publishers), 365-392.
- Partidario, M.R., Nunes Correia, F. (2004) 'POLIS- the Portuguese Program on Urban Environment. A Contribution to the Discussion on European Urban Policy', *European Planning Studies*, Vol. 2, N. 3, pp. 409-424.
- Pridham, G., and Cini, M. (1994) 'Enforcing Environmental Standards in the European Union: Is There a Southern Problem?' In Faure, M., Vervaele, J. and Waele, A. (eds.), *Environ-*

- mental Standards in the EU in an Interdisciplinary Framework*, (Antwerp: Maklu), 251-277.
- Ribeiro, T.G. and Rodrigues, V. J. (1997) The Evolution of Sustainable Development Strategies in Portugal. *Environmental Politics*, vol. 6(1): 108-130.
- Roy, J. and Kanner, A. (2001) 'Spain and Portugal: Betting on Europe', in Zeff, E. and Pirro, E (eds.), *The European Union and the Member States. Cupertino, Co-ordination and Compromise*, (London: Boulder), 236-263.
- Spanou, C. (1995), 'Public Administration and the Environment', in Skourtos, M.S. and Soufoulis, K.M. (eds.) *Environmental Policies in Greece*, (Athens: Dardanos, Tipothito), 115-175 (in Greek).
- Spanou, C. (1998) "Greece: Administrative symbols and policy realities" in K. Hanf and A-I Jansen (eds.) *Governance and Environment in Western Europe. Politics, Policy and Administration*, (Singapore: Longman), pp. 110-130.
- Syrett, S. (1997), 'The politics of partnership - The role of social partners in local economic development in Portugal', *European Urban and Regional Studies*, Vol 4., N. 2, pp. 99-114.
- Talberg, J. (1999) *Making States Comply. The European Commission, the European Court of Justice and the Enforcement of the Internal Market*. (Lund: Studentlitteratur).
- Weale, A., Pridham, G., Cini, M., Konstadakopoulos, D., Porter, M., and Flynn, B. (2000) *Environmental Governance in Europe. An Ever Closer Ecological Union?* (Oxford: Oxford University Press).