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The Europeanisation of Urban Air Quality Policy.

EU Impact on Patterns of Politics[1]

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Abstract

This paper aims at tracing if and how European air quality policy leads to a 'Europeanisation' of local politics. In focussing on *politics* and the *local* level, it intends to shed light on dimensions that tend to be neglected in Europeanisation (and implementation) research. It asks to what extent a) structural changes in the interaction between representative bodies, public administrations, and the public and b) 'politicisation' tendencies in the local policy process can be traced back to EU policy input. In order to be able to comment on these topics from a country and a city-type perspective, the paper builds on a comparative case study analysis of twelve cities in Germany, the Netherlands, and Poland. It analyses the impact of both national mediating factors (constitutional structure and administrative culture, judicial structure and culture, and the structure of civil society) and local mediating factors (problem pressure and capacity). The paper ends up with the conclusion that achieving the Aarhus objective of improving the interaction between public authorities and the public in environmental policy-making is ridden with prerequisites on both parts.

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1. Introduction

Governance in EU policy-making is shaped by the institutional complexity of the Union which is not clearly hierarchical, neither in linking the tiers of government from the EU to the local level nor in terms of authority relations between state (or EU) and private actors. In the context of the governance debate in the EU this complexity has normatively been linked to issues of democratic legitimacy broadly speaking and the participation and emancipation of locally affected actors, in particular, as well as the effectiveness of European policy on the ground (Commission of the European Communities 2003/2001). Particular attention was given to the field of environmental policy, both politically and academically.

Politically, the European emphasis in the debate on the local level and participatory patterns is embedded in a global discourse on environmental governance established in a range of international conventions (e.g. Geißel 2009): The global Agenda 21 action programme, signed in 1992 by 172 countries in Rio, called upon the industrialised world to integrate economic and environmental decision-making in order to protect the life chances of future generations. Furthermore, it gave particular attention to developing local political, administrative, economic and technological capacity for facilitating context-sensitive solutions for such a sustainable future (local Agenda 21). The Aarhus Convention, which was signed by 44 members of the United Nations Economic Commission for Europe (UNECE) and came into force in 2001, focussed on the interaction between the public and public authorities in environmental decision-making (Keupp and Zschiesche 2010) and identified three pillars of citizen participation, namely access to information, public participation in decision-making, and access to justice, to which we will return later as important dimensions of local politics. In EU envi-

ronmental policy we witnessed in the past one or two decades a trend to differentiate in the choice of policy instruments combining substantive standard setting and procedural rule setting as well as regulatory, economic and informational tools; hence, there is some evidence that the capacities of the wider public and their procedural opportunities are being strengthened (Bäckstrand, Khan, Kronsell, and Lövbrand 2010; Holzinger, Knill, and Lenschow 2009). Similarly, in EU decision-making there are efforts to involve in all stages of the policy process a wide range of potential addressees (Lenschow 2006; Commission of the European Communities 1999), including local policy makers (in charge of the application of policy measures) and the general public (through information and participation procedures).

In this paper we are interested in the *Europeanisation of politics at the local level* due to EU environmental policy. I.e. we ask whether EU policy that was "designed" to strengthen the discretionary power of local political and administrative actors in shaping concrete policy measures and that established participatory channels for the general public had indeed such mobilising impact on the ground – thereby creating awareness and acceptance of European policy-making. Despite official rhetoric, most research on EU governance (in environmental policy) has paid more attention to *policy* effectiveness than to democratic *politics* going beyond mere institutional opportunity structures. In order to be able to comment on both the structural and normative impacts on local and European democracy, we chose to specifically investigate the impacts of EU policy on patterns of interactions between locally elected political organs (e.g. City Councils), local administrations and the local population (individually or in organisations of civil society). In focussing on the local level, we hope to contribute interesting insights on a level of governance that is largely neglected in the Europeanisation (and implementation) literature.

This paper builds on a comparative case study analysis of Europeanisation effects of the EU air quality policy in twelve cities in three countries (Germany, the Netherlands, and Poland). As we will elaborate below, recent EU air quality legislation leads us to expect Europeanisation effects on the local level ("most likely" design) as the extension of local responsibilities in ensuring air quality is anticipated in the directive, which targets local *hot spots* (of pollution) in typically *urban agglomerations*. Both country and city selection introduce variance along several dimensions that might provide insights into the conditions under which Europeanisation in the sense of impacts on local politics might take place.

In the following section we will first dwell on the state of the literature and the analytical framework for this paper a bit further. Section three elaborates on the research design and sections four and five will summarise some of our findings on local Europeanisation and politicisation effects by focusing on the role of both national and local mediating factors. Finally, we will demonstrate that

achieving the Aarhus objective of improving the interaction between public authorities and the public in environmental policy-making is ridden with prerequisites on both parts.

2. Europeanisation and Patterns of Politics

This is not the time to reflect at length on the genesis of the concept of Europeanisation and the initial debates that focused on core meanings and the scope of the concept (cf. Exadaktylos and Radaelli 2012; Graziano and Vink 2007; Eising 2003; Radaelli 2003). Very briefly: this paper focuses on *top-down* processes of Europeanisation; similar to implementation research it traces the impacts of *EU legislation*; hereby we are interested in the EU policy's impact on the *local level*; and – in contrast to implementation research – we search for impacts in the area of *politics* (rather than policy or polity). In order to do so, we have chosen a complex body of legislation in the area of air quality policy that requires material and procedural adaptation and calls upon a variety of local actors to get involved and take responsibility in the implementation process. Not denying efforts of local uploading to EU-level policy-making processes, we are interested in the degree and the mechanisms through which local actors in European cities adapt to EU policy with its implied governance structures.
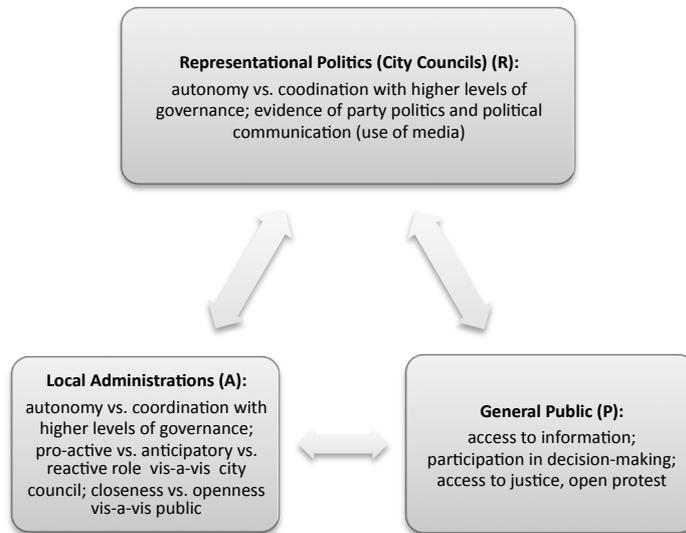
Governance structures in recent EU air quality legislation have two characteristics: First, they are regulatory, setting binding quality standards, yet they leave wide discretion to the "responsible" sub-national level in defining policy measures. Indeed, as we will elaborate below, recent EU air policy introduces the instrument of obligatory planning as a means to ensure that EU emission standards, which relate to so-called hotspots in subnational agglomerations, are achieved in a context-sensitive manner. Durner and Ludwig (2008) conceive the group of European air quality directives as example for a "paradigm shift" in EU environmental policy towards an effective middle course between substantive and procedural rules. Second, similar to an increasing number of EU environmental policies and reflecting a general trend in modern welfare states, we find procedural rules aiming at facilitating the participation and local empowerment of citizens, i.e. raising the role of the public from that of a mere "audience" to that of active participants. Hence, looking from the perspective of local politics, compliance with the quality standards calls upon legislatures (at local, regional or national level) to take decisions towards reaching binding air quality standards and hence to start the machinery of representative democracy, while procedural rules invite direct participation of the general public.[2] Each of these impulses also has implications for local administrations as their role might become more formative in the preparation of local political decisions and in processing citi-

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[2] Neither the style of participation (e.g. deliberative vs. confrontational), formats of participation (information, consultation, cooperation, demonstration, legal action etc.) nor the type of actors participating (directly affected citizens, interest associations, civil society association) concern us at this point, even though we will return to the issue of "form" further below.

zens' input. The implementation literature on EU environmental policy has given considerable attention to local administrations as the "copers" with EU requirements (e.g. Knill 2001; Knill and Lenschow 1998), yet without explicitly reflecting on such change of functions for local administrations and implications for (sub-national) democratic politics.

This triangle of interaction between "politics" (in a narrow sense: i.e. taking collectively binding decisions – in democracies typically in elected, legislative organs), administration and the public constitutes the essence of a political system. The interaction between the three corners of this triangle is rather fluid – it varies with the level of complexity from policy area to policy area, even from decision to decision and over time. It also varies between countries due to constitutional settings, legal, administrative and democratic cultures as well as capacities. While "formally" the public elects its political representatives, who take political decisions that are executed by administrations, "informally" politicians influence the electoral decisions of the public through political communication and "popular" policies or the bureaucracy may pre-determine political decision-making due to its superior expertise and control over procedures (bureaucratisation). This is a general observation that has been discussed in the general political science and sociological literature (see especially Luhmann's "*Die Politik der Gesellschaft*" 2000). For our analysis we take from this literature the notion of a triangular political arrangement in which power is constantly (re)negotiated in the light of impulses coming from the political environment – here complex material decisions and procedures imposed by the EU. We are interested whether these impulses change existing local political arrangements (i.e. Europeanisation) or whether they are ignored or easily absorbed into existing patterns. Furthermore, we are interested in patterns of change – i.e. in the structure of interaction between local legislatures and citizens on the one hand (level of politicisation in the sense of party politics and political communication on the one hand, level of "bottom up" public debate, participatory mobilisation or protest on the other hand) and the structure of interaction between local legislatures and local administrations on the other hand (level of bureaucratisation or "depolitisisation"). To the extent that the general public begins to intervene actively in administrative decision-making we might even witness another processes of "bottom up politicisation" directed at questioning administrative discretion. A recent doctoral dissertation focusing on the implementation of EU water and nature protection policy at the regional level suggested that sub-national representative politics increasingly has a hard stands against direct citizens' involvement, on the one hand, and against public administration on the other hand (Gambert 2010). Similarly, Haus and Zimmermann (2007) discuss how governance challenges in the field of air quality policy tend to strengthen local administrations vis-à-vis representative bodies and the general public due to high knowledge requirements and procedural complexity. Our study hopes to add further evidence to these questions.

Figure 1   **Dimensions of Europeanisation in Local Politics**

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                    ┌─────────────────────────────────────┐
                    │ Representational Politics (City      │
                    │ Councils) (R):                       │
                    │ autonomy vs. coodination with higher │
                    │ levels of governance; evidence of    │
                    │ party politics and political         │
                    │ communication (use of media)         │
                    └─────────────────────────────────────┘
                         ↗                        ↘
  ┌──────────────────────────────┐     ┌──────────────────────────────┐
  │ Local Administrations (A):   │     │ General Public (P):          │
  │ autonomy vs. coordination    │ ←→  │ access to information;       │
  │ with higher levels of        │     │ participation in             │
  │ governance; pro-active vs.   │     │ decision-making;             │
  │ anticipatory vs. reactive    │     │ access to justice, open      │
  │ role vis-a-vis city council; │     │ protest                      │
  │ closeness vs. openness       │     │                              │
  │ vis-a-vis public             │     │                              │
  └──────────────────────────────┘     └──────────────────────────────┘
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As suggested above, the triangular relationship between legislatures, administrations and the public varies and following general notions in Europeanisation research we assume that it varies systematically by a set of framework conditions and national and local levels. Yet, Europeanisation research is still weak in systematically assessing the politics dimension and in including the sub-national level into the equation. Hence we will operate in a tentative fashion and explore below (cf. chapter 3.2) the relevance of a number of plausible factors. The existing research focussing on the dimension of politics typically looks at either party politics or public mobilisation or administrative interest mediation (e.g. Carter and Proguntke 2010; Knill 2001; Ladrech 2001; Imig and Tarrow 2000). Overall, this research argues that the level of Europeanisation is low – we will see whether this assessment overlooks changes in political interaction patterns.

Research on the sub-national level of Europeanisation suffers from at least two blind spots: First, those explicitly linking local adaptations to European regulatory policy (e.g. Witte and Nutzenberger 2006 on the local implications of the Water Framework directive; contributions in von Alemann and Münch 2006) tend to ignore the influence of the "intermediate" national and regional levels both in single case studies and from a cross-country comparative perspective. Second, existing studies on the Europeanisation of the local level are biased towards adaptation in the polity dimension, e.g. the establishment of "EU-offices" in local administration or the building of local networks (Kern 2007; Münch 2006). Yet, we will see whether one of the main findings in this research, namely that localities with high administrative and financial capacities are most prone to engage in active networking, can be generalised also to the politics dimension suggesting higher levels of political activity and adaptation.

While implementation research, too, is heavily biased towards the national level – not least because it is the national government that is held accountable for proper transposition of EU law - the sub-national level increasingly enters the picture: Indirectly, the sub-national level plays a role in the veto point argument (i.e. the risk of implementation blockades due to additional levels of decision-making especially in federal states) and Börzel (2002) points to differences in implementation capacities within a member state in her comparative analysis of Spanish and German regions/*Länder*. Partly due to the very nature of implementation studies, the emphasis lies on policy adaptation and effectiveness and only secondarily on structural changes in local politics. However, those studies focusing on the implementation of "new instruments" – i.e. instruments that might emphasise participatory procedures, awareness raising and voluntary measures, aiming at a shift from public to private involvement – introduce an important element into our equation as they point to national (or regional) patterns of interest intermediation, civic engagement and legal and democratic culture as intervening factors (on the notion of intervening factors in this research see for instance Börzel and Risse 2000). Generally speaking, this implementation research proceeds from an institutionalist perspective that assumes the level of compatibility between European and domestic structures and processes ("fit") to be a filter for successfully absorbing EU inputs (Knill and Lenschow 2000; Duina 1997). In order to explain empirical variance in implementation (or Europeanisation) this literature points first to the level of domestic "fit" with the EU policy and then – under conditions of an at least moderate fit – to (sub-)national opportunity structures and actor constellations (Jordan and Liefferink 2004; Knill and Lehmkuhl 1999). Considering the different constitutional structures, legal traditions and democratic cultures in the three countries under observation, this perspective will guide our analysis.

To sum up, this literature review points first to a gap of knowledge with regards to Europeanisation effects on the local level, especially with respect to EU impacts on local politics. This is astounding considering the emphasis in the global environmental discourse and in the EU (environmental) governance literature put on the critical role of local politicians, administrators and citizens at large to ensure both legitimacy and effectiveness of EU policy. In choosing a policy case that explicitly opens channels for sub-national representational and well as direct participatory politics, we are interested in the local resonance and the potential patterns of change. The existing literature provides us with some tentative hypotheses, which we will further elaborate below, to structure our analysis. In short, our country and city selection allows us to investigate the impact of constitutional structures, judicial and democratic traditions as well as salience and capacity as intervening factors shaping the nature and development of local politics around the implementation of EU air quality policy. Nevertheless, given the state of the literature our contribution remains to a large extent explorative.

3. The Research Design: Europeanisation of Urban Air Quality Policy

In the following chapter, we will go into the details of our research design. In the first part, we will present the EU policy input we are investigating, namely the European air quality directives. These directives have been selected because they stand for a new approach in EU environmental policy, implicitly address cities and offer reference points for shifts in the actor-triangle we are interested in. In the second part, we will present our country and city selection as well as our hypotheses and expectations regarding Europeanisation and politicisation in these countries and cities.

3.1 EU Input: The Air Quality Directives

European air quality policy is a suitable policy field to investigate Europeanisation effects on patterns of politics as it has a clear local dimension. Agglomerations are explicit targets of the respective European legislation and air quality standards have to be met at urban hot spots, facilitating local resonance and activities. Ultimately, local administrations, city councils and the general public are core addressees of the European air quality directives (the air quality framework directive; 96/62/EC[3], the four so-called daughter directives: 1999/30/EC[4], 2000/69/EC[5], 2002/3/EC[6], 2004/107/EC[7] and the successor 2008/50/EC[8], which combines most of the previous provisions and adds some new elements), potentially transforming the prevailing setup of local governance.

Overall, the focus of European air quality policy has shifted from emission control to air quality management and thereby enhanced the territorial perspective and obligations (cf. Durner and Ludwig 2008: 457; Haus and Zimmermann 2007: 250; Scheidler 2006). The European air quality directives stand for a new approach in EU environmental policy-making and can be considered as hybrids of "hard" and "soft" governance. On the one hand they leave leeway for the way air quality problems are tackled (i.e. the kind of measures to take); on the other hand they formulate binding limit values for several air pollutants[9] and a set of distinctive (procedural) provisions. Apart from facilitating the harmonisation of measuring techniques and practices, these provisions focus on the

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[3] Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management (Official Journal L 296, 21.11.1996, pp. 55-63).
[4] Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air (Official Journal L 163, 29.06.1999, pp. 41-60).
[5] Directive 2000/69/EC of the European Parliament and of the Council of 16 November 2000 relating to limit values for benzene and carbon monoxide in ambient air (Official Journal L 313, 13.12.2000, pp. 12-21).
[6] Directive 2002/3/EC of the European Parliament and of the Council of 12 February 2002 relating to ozone in ambient air (Official Journal L 67, 09.03.2002 pp. 14-30).
[7] Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (Official Journal L 023, 26.01.2005, pp. 3-16).
[8] Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (Official Journal L 152, 11.06.2008, pp. 1-44).
[9] Our research focuses on the two air pollutants which pose the greatest challenges for cities: PM10 (which stands for particulate matter up to 10 micrometers in size) and NO2 (nitrogen dioxide).

introduction of planning instruments (air quality and action plans) and set standards for public information as well as data access. Durner and Ludwig (2008) even conceive the group of European air quality directives as example for a "paradigm shift" in EU environmental policy: after a focus on technical emission standards (phase 1) and procedural provisions (phase 2) the EU now opts for the "happy medium" by putting an emphasis on the development of action plans as core element for the achievement of environmental quality objectives (phase 3). This new focus on the instrument of action planning increases the relevance of taking a closer look at the "ground level" effects of European air quality policy, as do the potential impulses for local mobilisation and politicisation.

Regarding the explicit content of the European air quality directives, we can arrange the obligations according to whether they predominantly influence the (a) administrative, (b) representative or (c) participatory dimension of local politics.

(a) Generally, administrations are assisting and facilitating local politics as centres of expertise. Their drafts/guidelines shape the processes of agenda setting, policy formulation as well as implementation and evaluation (Bogumil and Jann 2009). Regarding the requirements of the European air quality directives, the role of administrations is particularly strong in order to fulfil the inherent planning obligations (Durner and Ludwig 2008: 464; Haus and Zimmermann 2007: 256-257). Their input is essential in order to collect, interpret and prepare data for the plans and making them accessible for the general public.

(b) European air quality policy enters the arena of local representative politics via the introduction of urban hotspots. Reducing air pollution within cities consequently needs to be tackled by local measures, broadening or complementing the competencies of city councils (depending on the institutional structures of the member state) and putting local politicians into the position to decide on the set of measures and budget allocations.

 (c) The European air quality directives introduce new rights to standardised, easily accessible and free of charge information about the allocation of competences, current concentrations of air pollutants, exceedances of limit values and alert thresholds, postponements and exemptions, air quality plans and programmes, and short-term action plans and their implementation for the general and organised public (including environmental and consumer organisations, health-care bodies, and industrial federations). The EU air quality directives thereby prescribe obligatory transparency, but do not specify further/real participation rights. For the purpose of our investigation, increased transparency and openness are seen as a potentially empowering gateway for awareness raising, politicisation, public participation and democratisation at the local level.

However, the legal transposition of the European directives is the responsibility of the member states, causing variation across countries. It is up to each state to decide about the concrete distribution of political and administrative responsibilities, the share of costs, the adequate level/bodies

for (technical) assessment, supervision, execution and internal accountability. The cross-cutting nature of the policy field, ranging from environmental, traffic as well as spatial planning, further enhances forms of horizontal and vertical cooperation between different levels of government and administrative units.

3.2 Case Selection and Hypotheses

For our case studies, we selected twelve cities in three countries. In our empirical analysis we intend to compare our cities both from a country perspective that focuses on national mediating factors (chapter 4) and from a "boxes" perspective that emphasises mediating factors that are related to different city types (chapter 5). In the following chapter, we will present our country and city selection and directly link it to several hypotheses and expectations regarding Europeanisation and politicisation.

The first part of our analysis will explore whether country-specific "mediating factors" influence the impact of EU air quality policy on local politics. As has been noted above, existing studies on local adaptation to EU policy often ignore the influence of the "intermediate" national and regional levels. However, local policy arrangements cannot be regarded in isolation from the national and regional policy context that "penetrate" local discourses, rules of the game, actor constellations, resources and power (cf. Liefferink 2006 on the policy arrangement approach). This shall be demonstrated by exemplarily analysing the local impact of constitutional structures and administrative culture, judicial structures and cultures, and structures of civil society in the implementation process of the EU air quality directives. These variables have been identified as mediating factors in existing studies on Europeanisation (cf. Knill and Lehmkuhl 2004; Börzel and Risse 2000; or see the contributions in Graziano and Vink 2007 or Featherstone and Radaelli 2003) and seem of particular relevance when it comes to the question of local politics; that is to say, they deal with the relationship between representative bodies (R), public administrations (A), and the general public (P). For each of the mediating factors two sub-hypotheses have been formulated that focus on one of the "corners" of our "actor triangle":

Figure 2   **Hypotheses on national mediating factors**

Constitutional structure and administrative culture	**H1.1** The more competences are shared between different subnational authorities in a country, the greater the chance for politicisation during the implementation of the European air quality directives. **(AR)**
	H1.2 The less public administrations in a country are used to integrated and quality oriented planning, the greater the probability of an empowerment of the executive during the implementation of the European air quality directives. **(AR)**

Judicial structure and culture	**H2.1** The easier the general access to courts in a country, the greater the probability of an empowerment of the general public during the implementation of the European air quality directives. **(P)**
	H2.2 The greater the public readiness for legal action in a country, the greater the probability of an empowerment of the general public during the implementation of the European air quality directives. **(P)**
Structure of civil society	**H3.1** The higher the general level of civic engagement in a country, the greater the probability of politicisation by the general public during the implementation of the European air quality directives. **(P)**
	H3.2 The higher the general level of social organisation in a country, the greater the probability for politicisation by the general public during the implementation of the European air quality directives. **(P)**

The countries we selected to test these hypotheses are Germany, the Netherlands and Poland. These countries show variance in their constitutional structure, administrative culture, judicial structure and culture, and structure of civil society so that we also expect to see variance in the form and degree of Europeanisation and politicisation during the implementation of the European air quality directives. By incorporating the Netherlands and Poland into our sample we also aim to counter a selection bias in Europeanisation research: studies on small member states still tend to be underrepresented (Haverland 2007/2005) as do studies on the new central and eastern European member states (these have mainly been studied with regard to pre-accession conditionality, e.g. by Grabbe 2006/2001 or Schimmelfennig and Sedelmeier 2005/2004, but tend to be neglected since).

The hypotheses on constitutional structure and administrative culture primarily deal with the role of public administrations and elected bodies on local level. Hypothesis H1.1 focuses on the mediating role of constitutional structures and addresses the potential role of competing levels of government within the implementation process. Generally speaking, decision-making processes are more or less vertically fragmented in different countries, or in the words of Vetter and Sóos (2008): local authorities are faced with subnational "competitors" that are more or less powerful. In the case of the countries we selected, the local level is weaker than the regional level in the federal system of Germany, stronger than the regional level in the decentralised unitary system of the Netherlands, and roughly just as strong as the regional level in the regionalised system of Poland (cf. Vetter and Sóos 2008: 582-584). We expect that this subnational distribution of power will also be reflected in the allocation of air quality competences during the implementation process. Furthermore, we assume the administrative and political struggle for rights and duties to be most pronounced where the regional "competitor" is strongest. Hence, we expect the greatest tendencies for politicisation to arise from inter-level rivalry in Germany, while we expect "vertical" politicisation to be somewhat less pronounced in Poland. In the Netherlands, we expect hardly any rivalries between the local and regional level of government; instead, we await a more or less consensual coordination process with a restrained role of the regional level.

Hypothesis H 1.2 puts an emphasis on administrative culture. The European air quality directives pursue a policy of quality management and integrated planning (see chapter 3.1). This "fits" well with administrative traditions that are already familiar with these approaches, but causes "misfit" and thus adaptational pressure in countries with different traditions. As to our countries, a "management by objectives" is already established in Dutch environmental policy and thus familiar to the administration. Since the late 1980s, the regularly updated National Environmental Policy Plans (NEPP) make for long-term strategic and integrated planning in the Netherlands. Thereby, consensus is sought between different departments and levels of government, but also between public and private actors (i.e. industrial stakeholders, NGOs and the general public; cf. Hanf and van de Gronden 1998). Against the background of this tradition, we expect to see a similar coordination process when the Dutch authorities set up air quality plans and programmes. By contrast, German administrations are rather unacquainted with a "management by objectives" approach. They stand in the tradition of law enforcement and are used to implement clear-cut regulations (Jarass 2003: 258). Moreover, German air quality policy traditionally focuses on emission standards and source regulation instead of quality-orientated and area-based immission management. In short, public administrations are used to air quality control but are not familiar with air quality management (Haus and Zimmermann 2007: 250). Though planning is already known in the field of air quality policy, it usually does not take the form of formulating and implementing concrete air quality measures. Generally speaking, administrative plans are usually only binding internally, but do not have any external/third-party effects. Hence, considerable adaptational pressure is put on German administrations by the European air quality directives. Consequently, we expect them to be rather absorbed by the challenge of adaptation. This might ultimately result in an administration-centred implementation process in which the involvement of political bodies and the public play a secondary role. In general, administrative law in Poland is historically influenced by the legal tradition of the Roman-German Law; this particularly holds for the style, forms, and functions of administrative action, and less so for the administrative organisation as Poland is no federal state (cf. Haensch and Holtmann 2008: 614; Szuster 2005: 38). Yet, classification of the Polish administrative system and culture is complicated by the fact that the administration still struggles with legacies of the socialist past (cf. Haensch and Holtmann 2008: 614) and the fact that administrative structures and procedures have undergone substantive change during the process of transformation and EU accession in the past twenty years. Besides, not only administrative structures but also environmental law needed major reform efforts during the EU accession process. Thereby, little time was available for this approximation process which was therefore characterised by a lack of coordination and consistency, a poor quality of many transposition acts, and an implementation deficit as regards practical application and enforcement (Sommer 2004). The need to adapt to new values and mechanisms in environmental law also holds for the field of air

quality policy. Though Polish limit values used to be even stricter than the new European ones, drawing political conclusions from exceedances of these limit values is uncommon: administrations in Poland are not used to be legally obliged to take action if limit values are exceeded (cf. Schürmann 2004: 126-127). All in all, talking about "misfit" with an established administrative culture and forecasting the dynamics likely to occur during the implementation of the European air quality directives is very difficult in the Polish case. Given the fact that the European air quality requirements meet with an administration in flux that is busy with implementing a whole range of European environmental directives at the same time and is not familiar with planning in the field of air quality policy makes us assume that the adaptation process will be quite challenging for the Polish administration – if it does not completely ignore the need for adaptation at all.

The hypotheses on judicial structure and culture (H2.1 & H2.2) address the potential role of the general public in the implementation process. We assume that an empowerment of the public is most likely in countries where access to justice is generally easy and the public is prepared to actually make use of its possibility to take administrations to court (cf. Backes 2007: 690-691). The easier it is for citizens and associations to file a lawsuit and the shorter the duration of proceedings, the stronger their position in the discourse. Thereby, citizens and associations may either use their readiness for legal action ex ante as a "credible threat" vis-à-vis public administrations and political decision-makers or ex post as a "corrective mechanism". In countries where these mechanisms are already established it seems most likely that they will be expanded to the newly framed field of air quality policy (including an increased probability of politicisation by legal proceedings). When it comes to our three countries, literature suggests that citizens and associations have the most extensive access to administrative courts in the Netherlands, followed by Germany and Poland. While in the Netherlands citizens and associations can in principle take administrations to court across the country in environmental issues, in Germany the possibilities for legal action where long limited by the requirement to prove a violation of subjective rights (cf. Backes 2007: 690-691). In practice, this meant that essentially, only local residents could file a suit while environmental associations criticised severe limitations to their possibilities for collective action (e.g. UfU et al. 2008). However, improvements are currently expected from the adaptation of the Environmental Appeals Act to last year's ECJ-judgement in the Trianel case[10] (cf. BMU 2012; Tryjanowski 2012). In Poland, access to

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[10] The BUND/Trianel Case was referred to the ECJ by the Higher Administrative Court of North Rhine-Westphalia for preliminary ruling. In its judgement of May 12, 2011 (Case C-115/09), the ECJ ruled that the German Environmental Appeals Act did not comply with European law but was too narrow in limiting the right of collective action to the violation of subjective-public rights. The ECJ argued that non-governmental organisations should have the right to challenge all projects before the courts that are likely to have significant effects on the environment as the underlying European rules protect the interests of the general public and not those of individuals. Until national procedural law was adapted to permit such a challenge, environmental NGOs should be able to derive this right directly from European law (cf. Tryjanowski 2012; for the judgment see http://curia.europa.eu/juris/celex.jsf?celex=62009CJ0115&lang1=en&type=NOT&ancre). In reaction to the ECJ

administrative courts has formally improved during the process of transformation and EU accession. Yet, in practice many obstacles remain which are only slowly cut back: proceedings are very expensive for the plaintiff and only opened and conducted with significant delay; compared to the size of the population, the number of lawyers, notaries, and legal advisors is low; the quality of legal norms, judicial training and legally relevant sources of information leave a lot to be desired; administrative courts only have limited access to relevant documents that would allow them to fully control public administrations; lawyers are not used to control the administration, and even less used to refer to the constitution, human rights or Community Law to do so; judgements are often of poor quality or insufficiently enforced; and generally, corruption is widely spread (Grzeszczak 2009; Szuster 2005: 68-69; Franek 2004; Łętowska 2004). As a consequence, the public lost trust in jurisdiction (only 20% of the population evaluate the work of Polish courts positively; Grzeszczak 2009: 198) and is not very much inclined to take administrations to court. In sum, access to court may be sufficient on paper but is hardly actual practice (Franek 2004; Łętowska 2004). Similar to Germany, moreover, there are certain legal boundaries to the access of social organisations to court: they need to possess a formal right to sue and can only take action if they took part in the administrative procedure before; there is no general collective/popular action (cf. Tarno 2006: 208; Szuster 2005: 73-74). Data gathered by the European Commission for the Efficiency of Justice in 2004 give similar indications for the accessibility of courts and the public readiness for legal action in our three countries: the number of administrative incoming cases per 100.000 inhabitants is highest in the Netherlands (753), followed by Germany (693) and – at a considerable distance – Poland (154) (CEPEJ 2006: 175). We therefore expect lawsuits to make a major contribution to politicisation and a general empowerment of the public in the Netherlands, still an important contribution in Germany, and hardly any contribution in Poland during the implementation of the European air quality directives.

The hypotheses on the structure of civil society (H3.1 & H3.2) again focus on the potential role of the general public in the implementation process. Here, the underlying assumption is that a minimum of general social mobilisation is necessary for politicisation to be likely in concrete policy-making processes (cf. Börzel 2002/2000)[11]. It is thus argued that the public is most likely to initiate a lively local discourse on air quality planning and call for an extension of participation channels in countries where the overall level of individual and organised civic engagement is high. To operationalise the level of civic engagement, we rely on Heinrich (2010) and his definition of "participation" and "organisation" as the two structural subdimensions of a strong civil society. In Heinrich's country rankings, the Netherlands score 6.42 on the participation subdimension, 10 on the organisation sub-

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judgement, such an adaptation of Germany's procedural law is currently under way: on July 18, 2012, the Federal Government adopted a draft bill for amendments to the Environmental Appeals Act (cf. BMU 2012).

[11]With this hypothesis we only intend to make a statement on the likelihood of politicisation, not on whether social organisation is good or bad for the functioning of democracy (for an overview of the respective theoretical debate cf. Armingeon 2011).

dimension, and 8.0 on the overall structural dimension (2nd position out of 43 countries worldwide), Germany scores 5.79 on the participation subdimension, 10 on the organisation subdimension, and 7.61 on the overall structural dimension (5th position out of 43 countries worldwide), and Poland scores 3.44 on the participation subdimension, 6.53 on the organisation subdimension, and 4.74 on the overall structural dimension (20th position out of 43 countries worldwide) (Heinrich 2010: 96, 103, 107). While trade unions played an important role in bringing about regime change in Poland and while many citizens' movements emerged and NGO activities increased during transformation, political commitment and organisational membership are meanwhile decreasing again (Wagner 2006: 52) – to such an extent that Armingeon (2011) evaluates the degree of social organisation amongst the lowest in Central and Eastern European countries and even in whole Europe. In the field of environmental policy this trend may be less pronounced, not least because environmental associations profited from EU capacity-building measures during the accession process. Yet, environmental NGOs fear to be "exploited" by the government and hesitate to act as mere "controlling bodies" of public authorities (cf. Olearius 2006). From all that has been said before, we expect civic engagement to make a major contribution to politicisation in the Netherlands and Germany, and a comparatively minor contribution in Poland.

The following figure summarises our country-specific operationalisation of the national mediating factors:

Figure 3   Expectations about the role of national mediating factors

	Constitutional Structure and Administrative Culture (➜ R & A)		Judicial Structure and Culture (➜ P)		Structure of civil society (➜ P)	
	Subnational diversification of competences	Administrative culture	Access to courts	Public readiness for legal action	Level of civic engagement	Level of social organisation
DE	+	-	+/-	+	+	+
NL	-	+	+	+	+	+
PL	+/-	-	-	-	-	+/-

To sum up, we expect the implementation process to be some kind of "muddling through" in Poland. The administration still is in the process of formation so that "misfit" with an established administrative culture is hardly any push factor. The vertical distribution of power might create some administrative and political tensions, but an empowerment of the general public by judicial proceedings is rather improbable during the Polish implementation process. Likewise, individual or organised civic engagement is unlikely to cause politicisation. By contrast, it seems very probable that the structure of civil society and the judicial structure and culture in the Netherlands make for politicisation tendencies and an empowerment of the general public during the implementation of the European air

quality directives. However, it is likely that some kind of "consensual" solution will be found as the European policy input "fits" well with administrative traditions and basically no rivalry between the subnational levels of government exists. For Germany, we expect similar dynamics as in the Netherlands when it comes to politicisation by and empowerment of the public. Yet, it seems likely that vertical struggles for competences act as an important additional catalyst for politicisation. Last but not least, the "misfit" between the European policy input and the German administrative culture may result in an implementation process that is largely administration-centred.

For the city selection[12] we introduce two explanatory variables: we distinguish (a) between cities that are more or less affected by air pollution problems (problem pressure) and (b) between cities with higher and lower administrative/financial capacities. Problem pressure in the field of air quality determines whether a city is forced to take action in order to comply with European air quality standards and administrative/financial capacity is projected to have an impact on a city's administrations' room for and ability to manoeuvre. Ultimately, we are interested in finding out to what extent local resonance and politicisation are influenced by salience and capacities.

Problem pressure is thereby evaluated by the extent to which the European limit values for particulate matter (PM10) and nitrogen dioxide (NO2) are exceeded. In order to reduce complexity, administrative and financial capacities are regarded as interrelated and are evaluated nationally by the composition of the city budget (revenues, expenditures, and debt level compared to the national average). We chose Leipzig, Nuremberg, Saarbrücken and Stuttgart in Germany; in the Netherlands we are investigating Almere, Eindhoven, Rotterdam and Zwolle; and Elblag, Krakow, Lodz and Poznan serve as our Polish case studies.

Figure 4   City selection

		Administrative/financial capacity	
		High	**Low**
Problem pressure	**High**	+/+ Stuttgart (DE) Rotterdam (NL) Krakow (PL)	+/- Leipzig (DE) Eindhoven (NL) Lodz (PL)
	Low	-/+ Nuremberg (DE) Zwolle (NL) Poznan (PL)	-/- Saarbrücken (DE) Almere (NL) Elblag (PL)

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[12]In order to keep the size of the cities at a roughly comparable level, we excluded cities with less than 100.000 inhabitants and more than 1 million.

We expect to find the highest degree of politicisation within cities with a high salience of air quality problems and administrative/financial capacities (+/+). Likewise, the least change is projected to occur within the cities of low problem pressure and capacities (-/-). The most interesting cases of our study are the cities that either have a significant amount of problem pressure, but are lacking capacities (+/-) and those whose problem is rather small, but who possess the capacities to get (pro)active (-/+) as these cases allow us to reflect on the interdependencies and relative weight of our variables.

With regard to our specific interest in the relationship between representative bodies (R), public administrations (A), and the general public (P), we expect that problem pressure enhances the probability of politicisation (H4.1) and civic engagement (H4.2). Furthermore, we expect that the capacities of local administrations have a positive impact on their ability to manage local air quality policy and effectively take on a leading role vis-à-vis local representative bodies and dominate over public participation (H5).

Figure 5   **Hypotheses on local mediating factors**

Problem Pressure	H4.1: The higher the problem pressure in a given city, the more likely it is that air quality becomes a politically salient issue and elected representatives become active leading towards politicisation in the City Councils. **(R)**
	H4.2: The higher the problem pressure in a given city, the more likely it is that the affected population engages directly in local air policy-making. **(P)**
Administrative/ financial capacity	H5: With the capacity of local administrations rises the probability that administrations take a pro-active role in shaping local air policy. **(A)**

The following figure translates the focus on the triangle of local politics (A, R, P) to our city categories/boxes and visualises our expectations for the city comparison.

Figure 6   Expectations for traces of administrative (A), representative (R) and participatory (P) engagement

		Administrative/financial capacity	
		High	**Low**
Problem pressure	**High**	ARP	RP
	Low	A	-

4. The Role of National Mediating Factors in the Europeanisation of Local Politics

In the following chapter, the hypotheses on national mediating factors that have been formulated before shall be tested "on the ground". We will hence investigate whether constitutional structures and administrative culture, judicial structures and cultures, and the structure of civil society influence the impact of EU air quality policy on local politics. It will be demonstrated that these variables indeed prove helpful to explain the different dynamics of local adaptation in Germany, the Netherlands, and Poland.

Germany

In Germany, responsibility for transposing the European air quality directives into national law was shared between the federal government and the *Länder.* Federal law defined the general framework for air quality management while the *Länder* were held responsible for allocating the competences of monitoring the air quality situation and meeting the air quality limit values – where necessary by planning effective air quality measures. Thereby, the *Länder* opted for very different allocation models, implying different standings of the local authorities. While the European Commission had initially pictured air quality planning as part of an integrated urban environmental management and hence as a genuinely local task, the majority of the German *Länder* allocated the competence for air quality planning to the upper or intermediate regional authorities and not to the local authorities (Rottmann 2009: 123). Given this fragmentation of competences, different working groups were charged with ensuring multilevel coordination: The implementation process was accompanied by a working group of federal and state representatives (*Bund/Länder-Arbeitsgemeinschaft für Immissionsschutz, LAI*) that should guarantee coherent legal transposition. Additionally, hundreds of working groups between the regional and local authorities were put in place on subnational level to organise the development of air quality plans. Just like the process of legal transposition, however, the development of air quality and action plans only made slow progress. Only after the PM10 limit values became binding in 2005 did several legal proceedings by the European Court of Justice and national courts give a push to administrative activity (cf. Cancik 2011: 284-285). Meanwhile, the Federal Environmental Agency lists air quality and action plans for about 130 German cities, out of which roughly 50 have introduced a low emission zone (Umweltbundesamt 2012).

With regard to our hypotheses on national mediating factors, the following dynamics could be observed in Germany: (1) Constitutional structure: The high actor and competence complexity frequently triggered uncertainties and quarrels over responsibilities between the regional and local levels of government – both in general, concerning the selection of air quality measures, and concerning the financing of these measures. For Rottmann (2009) this is not particularly surprising. She

criticises that the vertical allocation of competences did neither follow functional considerations nor do justice to the scope for action of the different levels of government (cf. Rottmann 2009: 124-126 for details). Correspondingly, we observed regular blame-shifts between regional and local actors – both on administrative and on political level. These blame-shifts were particularly likely when the political majority situation differed between the regional and the local level – even more so, when a historical rivalry between a city and its state capital existed (e.g. Leipzig, Nuremberg). In this context, the prominent role taken on by regional authorities during the implementation process made many local actors feel that they actually lost room to manoeuvre in the field of air quality policy. Above all, this held for the city councils, and indirectly also for interest groups. (2) Administrative culture: Several authors observed that the need to adapt to the new European paradigm of quality-oriented planning caused delay in the national transposition process of the European air quality policy in Germany (e.g. Cancik 2011; Reisinger 2009; Liu 2008). On the subnational level, air quality plans were mainly developed in vertical and horizontal coordination processes within local and regional administrations. Ultimately, the focus on planning strengthened the executive vis-à-vis the legislative bodies (cf. Durner and Ludwig 2008: 464; Haus and Zimmermann 2007: 256-257). The role of city councils was basically limited to the "fine tuning" of air quality measures that had been developed by public administrations before (e.g. city councils made for a slower introduction of low emission zones or more exemptions). This confirms our hypothesis of an empowerment of the administration. (3) Judicial structure and culture: Courts granted citizens new rights to sue in the field of air quality policy and residents discovered legal action as a means of influencing their city's respective policy. As a consequence, lawsuits for efficient air quality measures or action plans put considerable pressure to act on local authorities (cf. Cancik 2011; Backes 2007: 683-685). In this respect, an empowerment of the general public was thus actually observable. (4) Structure of civil society: From the very beginning, environmental associations gave their opinion on local air quality planning. However, broader public and political mobilisation and debates usually only came about when the introduction of a low emission zone was at stake. In this case, all local parties took up a stance, numerous local interest groups got involved, and media attention and public participation in administrative hearing procedures were high. These administrative hearing procedures were newly introduced in the field of air quality policy and gained in importance compared to bargaining in representative bodies. In the end, however, the impact of administrative hearing procedures was just as much limited to the "fine-tuning" of administrative proposals as has already been observed with regard to the role of representative bodies. Innovative participation models that would have attached greater importance to local knowledge outside the administration were not put in place (cf. Haus and Zimmermann 2007).

The Netherlands

In the Netherlands, the 1996 framework directive (96/62/EC) and the 'first daughter directive' (1999/30/EC) were initially transposed into national law by the *Besluit Luchtkwaliteit* in 2001 *(BLK 2001;* English: Air Quality Decree). Thereby, the legal transposition went beyond the European obligations in one crucial aspect: the Dutch tradition of an integrated policy approach, which is most notably reflected in a close integration of environmental policy and regional planning, resulted in a "strict coupling" of air quality limit values and spatial planning decisions (Ministerie van VROM 2006: 3-4; see also Boezeman 2010: 12, VROM Raad 2008 and others). The *BLK 2001* obliged public administrations to attend to the European air quality limit values whenever their activities had potential air quality implications. Thereby, the wording of the Decree did not allow for any scope of discretion. This implied that spatial planning projects could no longer be carried out in areas where the air quality limit values were already being exceeded – even if these projects themselves would not lead to a deterioration of the air quality situation or potential deteriorations could have been avoided or compensated by some extra measures (Ministerie van VROM 2006: 7-8). At first, the public authorities did hardly pay attention to these regulations – until the Administrative Law section of the *Raad van State* (English: Council of State) in its function as highest administrative court of appeal annulled numerous construction permits, land-use plans, and emission authorisations. Between 2004 and 2006, citizens and environmental groups successfully flooded the country with more than hundred lawsuits by referring to the European air quality limit values. The Council of State consequently stopped or significantly postponed numerous major spatial planning projects all over the country. Project managers, the building industry and political decision-makers were seriously concerned; media and public interest were huge (Boezeman 2010: 11; Backes 2007: 670). The rulings of the Council of State and their "unwanted" implications ultimately led to several amendments to the national air quality legislation. Between 2005 and 2007, the air quality regulations were gradually relaxed and a system of "flexible coupling" was introduced. The "commotion" that was caused by the rulings of the Council of State also resulted in the Netherlands becoming particularly involved in the revision of the European air quality directives after 2005: municipalities, provinces and national government coordinated their interest representation in an unprecedented manner and mobilised colleagues from numerous other Member states. In parallel to the negotiations for the new European air quality directive, the Dutch municipalities, provinces and national government already worked on a national implementation programme. The so-called *Nationaal Samenwerkingsprogramma Luchtkwaliteit (NSL;* English: National Air Quality Cooperation Programme) was completed in 2007 and entered into force in 2009. In the *NSL* all levels of government committed themselves to take concrete air quality measures so as to comply with the European limit values until 2011 and 2015 respectively; moreover, the national government committed significant funds to local air quality measures. The *NSL* was the first

multilevel cooperation programme of its kind, but soon became a model for other environmental policy fields. The motives for setting up the *NSL* were twofold: (1) Internally, the *NSL* should render larger spatial planning projects possible again – without putting the amelioration of the air quality situation at stake. The "flood" of legal proceedings against building projects should be stopped and the involved actors should regain planning reliability as to the execution of their spatial decisions. (2) Externally, the *NSL* should allow the Netherlands to receive derogation for reaching the air quality limit values; a plan that was successful: the Netherlands were the first Member State to apply for derogation (virtually on the first possible day) and were granted time extensions for reaching both the PM10 and the NO2 limit values in April 2009. Their application documents became the model for all other Member States (Boezeman 2010: 14; project interviews 2010).

With regard to our hypotheses on national mediating factors, the following dynamics could be observed: (1) Constitutional structure: Cooperation between local and regional authorities was very "peaceful" in the Netherlands. Regional authorities essentially defined themselves as "facilitators" of local air quality planning. They organised information exchange between the cities of their province and acted as "communication hub" between the local and national level, but did not attempt to interfere in local decision-making on air quality measures. Potential for conflict was presumably also reduced by the ample co-financing of local air quality measures by the national government which was in line with the Dutch *"boterbii de vis"* (roughly: cash on delivery) tradition (cf. Boezeman 2010: 4). (2) Administrative culture: In the Netherlands, the "fit" between the European air quality directives and the Dutch tradition of integrated planning initially resulted in an "over-implementation", namely a strict coupling of air quality limit values and spatial planning decisions. First, this entailed some "unintended complications", but the Dutch authorities again reacted quickly and developed a new policy tool, namely the National Air Quality Cooperation Programme. This programme was in line with the Dutch tradition of consensual multi-level coordination. The role of representative bodies in the development of this plan and public consultation were rather limited, however. (3) Judicial structure and culture: As has been demonstrated above, considerable dynamics were triggered by lawsuits. In a country comparison Backes (2007) observes that by far the most air quality related legal actions have been filed in the Netherlands and relates this to the legal system and culture (Backes 2007: 670-671). He argues that the easy access of citizens and environmental organisations to courts, the speed of environmental lawsuits, and the "culturally determined" readiness of Dutch citizens and associations to take public authorities to court have strongly influenced both the legal transposition and the practical application of the European air quality directives in the Netherlands (Backes 2007: 690-691). The *VROM Raad* also considers the fact that Dutch citizens and associations made extensive use of their rights of action in the field of air quality policy and the fact that the Dutch judges frequently ruled in favour of a strict interpretation of the air quality obligations

to be amongst the main reasons for the above-average debates and activities that were provoked in the Netherlands (VROM Raad 2008: 99). The building stops entailed a countrywide politicisation that went beyond the green parties, as the local and regional room for manoeuvre in regional planning were at stake. Thereby, cities were sometimes directly affected (e.g. Rotterdam) and sometimes scared by building stops in neighbouring cities (e.g. Zwolle). After the building stops had turned the spotlight on air quality issues and made for some temporary politicisation, however, the design of the *NSL* ushered in a period of depoliticisation again, as the *NSL* focussed on horizontal and above all vertical administrative cooperation. Even more so: one of the intentions of setting up the *NSL* was to reduce the realistic chance for successful lawsuits (see above). Citizens and associations should not be able to take action against single building projects and air quality measures anymore. They would have to proceed against the entire plan – which was backed by the "blessing" of the European Commission, however. After a temporary process of politicisation, a certain "disempowerment" of the general public was thus observable in the Netherlands which is contradictory to our initial hypothesis (yet, this development might still be interpreted as being in line with the Dutch political culture, see below). (4) Structure of civil society: Public attention and mobilisation concentrated on the legal proceedings described above. Individual citizens and organisations also quite extensively participated in the national hearing procedure on the NSL in this phase of politicisation. However, public participation in the formulation and execution of air quality measures on local level was rather modest and did not take the form of innovative participation procedures.

Poland

In Poland, implementation of the EU air quality directives started during the accession process. In 2002 the minister for environmental protection issued several orders to adapt Polish law to the European air quality limit values and the EU requirements for air quality monitoring and air quality plans and programmes. As regards practical implementation, Poland was particularly challenged by the need to significantly expand its measuring network and by the obligation to take concrete measures whenever limit values are exceeded (cf. Schürmann 2004: 126-127). Thereby, the competence to draw up air quality plans and programmes was relocated from the Voivode (until 2008) to the Marshal (2008-2012) and the Voivodeship executive board (since 2012), while the local authorities are mostly in charge of putting the planned measures into practice.

With regard to our hypotheses on national mediating factors, the following dynamics could be observed in Poland: (1) Constitutional structure: The relationship between the regional and local level in Poland during the implementation of the European air quality directives was characterised by a mixture of competition and cooperation. In all the cities we analysed, regional and local authorities established new forms of vertical and horizontal coordination to develop air quality plans. In this process, participants generally sought consensus. Yet, local authorities partly felt that certain air

quality measures were forced upon them by the regional authorities; in individual cases, this even resulted in (unsuccessful) proceedings of local against regional administrations (e.g. Lodz, Poznan). (2) Administrative culture: The frequent relocation of air quality planning competences confirms the expectation that the administrative system in Poland is still quite in flux. The constant need to re-define intra- and inter-administrative relations may have contributed to the fact that the develop-ment of air quality plans was very much administration-centred. Additionally, the fact that EU fund-ing for air quality measures played a by far greater role in Poland compared to Germany and the Netherlands might have reinforced the administrative dominance of the implementation process. Apart from that, politicisation might have been prevented by the political body that was responsible for passing the air quality plans, i.e. the Voivodeship Council *(Sejmik województwa)*. Many deputies in these Voivodeship Councils come from rural areas and not from the larger cities that struggle with air quality problems. As these deputies expect no votes for an ambitious air quality policy, they do not make any attempts to get involved with this field. In our interviews, civil servants assumed that politicisation would be much greater, if *city* councils had more competences. (3) Judicial structure and culture: In contrast to Germany and the Netherlands we found no evidence for lawsuits filed by citizens or associations in the field of air quality policy in Poland. Hence, this "politicising" and poten-tially "empowering" factor was missing. (4) Structure of civil society: Although implementation of the EU air quality directives lead to increased public information about the air quality situation and to the establishment of administrative hearing procedures in the field, these hearing procedures met with hardly any response. This might be related to the fact that the general public does not see much need for action as it considers the air quality situation to have already significantly improved since 1989 and therefore prioritises economic development over environmental protection. The latter may also be the reason why green parties and environmental associations still play a secondary role in Poland and did not launch any politicisation processes in the field of air quality policy[13]. Besides, local air quality measures in Poland were to a large extent infrastructure and education measures which did not create as much personal affectedness as did for example the low emission zones in Germany. That is why these measures also might have been less prone to politicisation.

Interim conclusions

In our case studies our hypotheses on national mediating factors were partly confirmed, partly dis-proved, and partly shown to need further specification.

As to constitutional structures, we observed a high demand for vertical and horizontal admin-istrative coordination during the implementation of the EU air quality directives irrespective of the state structure. To this end, regional and local authorities in all three countries set up new working

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[13]Our interviews suggest that if environmental NGOs get active in Poland, they tend to focus on nature protec-tion and less so on giving their opinion on environmental policy issues (such as air quality).

groups. As we had predicted, struggles for rights and duties between administrative and political actors on the local and regional level most frequently occurred in Germany. In Poland, they played a comparatively minor role (or at least, disputes were not so much fought in public), and in the Netherlands they played hardly any role at all.

As to administrative culture, public administrations in Germany indeed struggled with adaption problems to the new integrated and quality-oriented management approach. Consequently, administrations were rather absorbed by the new challenges; whether they translated this into a rather pro-active or defensive course of action depended on their overall capacity (cf. chapter 5 on the comparison of city types). While Dutch authorities did not really have an issue with the management by objectives, they grappled with their strict interpretation of the European limit values. Other than we expected the Dutch implementation was therefore almost as dominated by the administration as the German one.

As to judicial structure and culture, our hypotheses on an easy access to courts and public readiness for legal action were clearly confirmed when it comes to the question of politicisation: In Germany and the Netherlands legal proceedings turned out to be a major catalyst for applying the EU air quality directives on the ground when citizens and interest groups filed numerous actions against the administration and "Europeanised" judges granted them a high success rate. Dutch judges prioritized compliance with the European limit values over building permits, German judges conceded subjective rights of action to citizens in air quality affairs based on the European principle of public health protection. In these two countries, citizens and associations thus acted as the "watchdog" and "control/corrective mechanism" the European Commission is hoping for. Regarding the question of empowerment the picture is mixed, however: as described before, we registered an extended access to justice in Germany. Yet, the exact opposite was ultimately true in the Netherlands: one of the purposes of the *NSL* was to *limit* the practical access of citizens and organisations to court. Though paradoxal at first sight, this outcome might still be considered to be in line with the Dutch political culture if one assumes the intention to develop a programme against which legal action would no longer be necessary anymore because justice was done to all interests involved (e.g. to those of project managers who could build again, to those of environmentalists who were granted compensatory air quality measures, and to those of the different levels of government who were assured that they were not left alone in their efforts to improve air quality). Interpreted this way, the *NSL* might be regarded as a step from a confrontational to a more consensual (and "typically Dutch") handling of the challenges posed by the European air quality rules. In contrast to Germany and the

Netherlands, legal proceedings initiated by citizens were of hardly any relevance to the Polish implementation process.[14]

At first glance, our hypotheses on the mediating role of civil society structures seem to be confirmed as well. The absence of active green parties or environmental organisations in Poland certainly had a share in preventing politicisation. By contrast, vivid political debates between political parties, interest groups and the general public could be observed in Germany and the Netherlands. However, these were closely linked to a "focussing event" in each of the two countries: In the Netherlands, the traditional linkage of environmental and spatial planning policy ultimately resulted in numerous building stops all over the country which attracted much public attention to air quality policy. In Germany, public debate mainly centred on one single air quality measure: the introduction of low emission zones.

In sum, we thus observe certain "peaks" of politicisation in Germany and the Netherlands which are linked to country-specific ways of implementing the EU air quality directives. As to the question of Europeanisation, the focus on planning and the considerable need for vertical and horizontal coordination ultimately strengthen public administrations in all three countries. With the exception of an extended access to justice in Germany, however, hardly any empowerment of representative bodies and the public takes place – irrespectively of several tendencies for politicisation. Trends towards transparency and openness are an increased access to information about air quality measures and the local air quality situation as well as the introduction of administrative hearing procedures in the field of air quality in all three countries. Yet, the actual influence of representative bodies and the public on the selection of air quality measures remains limited to the "fine tuning" of administrative proposals.

5. The Role of Local Mediating Factors in the Europeanisation of Local Politics

Within this chapter we will discuss the impact of salience and capacities on the city level of our analysis. Deriving from the two explanatory variables *problem pressure* and *administrative/financial capacity* we formulated the expectation that high salience and capacities positively stimulate local resonance and forms of representative and participatory engagement (H4.1, H4.2, see chapter 3.2). Furthermore, high capacity administrations are expected to take a leading role and pro-active stand in shaping local air quality policy (H5). In order to review the accuracy of these expectations we will first introduce some specifics of the cities within one box/category clustered according to the three dimension of local politics (A, R, P), before reflecting on the accuracy and limitations of our initial assumptions.

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[14]By contrast, European infringement procedures did play a certain role during the Polish implementation process, yet, this is not the subject of this paper.

High problem pressure / high capacities (Stuttgart, Rotterdam, Krakow)

a)   The administrative dimension of local politics

All three cities possess a long history of air quality problems and a highly specialized administration. Thereby, the tradition of air quality problems and the advanced level of expertise can be seen as a matter of cause and effect. Problems arise for these cities by the sheer size of their local air quality problems which rank among the top within Europe.

The local administrative actors are fully aware of the formal and procedural requirements of the European air quality legislation and are engaged in very thorough air quality planning and pro-active coordination with the involved variety of actors. In all cities environmental administrations showed an earlier awareness of the challenges that the European limit values impose on urban policy-making than their counterparts at the regional or even national level. Further, the administrations use their capacities to actively look for and reflect on suitable options to solve the pressing problems with the help of a wide range of scientific studies. These studies reveal a set of limitations that exist either legally (e.g. lack of competences to introduce a low emission zone in Krakow, competences to regulate sources of air pollution) or concern the cost-benefit ratio of measures (principle of proportionality).

Overall the (environmental) administrations possess a predominantly positive attitude towards the EU induced air quality standards as their binding character assures them local budget allocations for additional measures (bargaining power vis-à-vis the political actors). When interacting with the national level and the European Commission the administrations (as well as some political actors) stress the limitations of solving the air quality problems solely by local means/measures and refer to the particularities of the local topography and/or meteorological conditions to explain the prevailing compliance problems. Towards the general public the administrations actively try to influence the discourses and induce behavioural changes by framing air quality measures in a positive way (e.g. pro-biking campaigns in order to enhance health) and combing the topic with other commonly more recognised policy issues (e.g. connecting air quality issues with the well-known climate agenda of Rotterdam).

b)   The representative dimension of local politics

The city councils decide on local budget allocations and ultimately the mix of measures. It has proven to be common that before the formal decisions, informal bargaining between the political and administrative actors takes place. Within the +/+ cities it has been beneficial that a general consensus about the necessity of action exists (cross-party). Still, generating commitment to far-reaching measures has been a struggle for ambitious administrative actors. The cities are economically prosperous with a strong tie to car traffic (in the case of Stuttgart even the car industry) and political actors tend to be reluctant to restrict individual mobility (an observation that applies to all cities we investi-

gated). Due to the persistent size of the local air quality problems, this reluctance was more and more overruled by increasing (legal) pressure in order to make usage of all reasonable solutions available (justification towards the European Commission).

c)   The participatory dimension of local politics

Regarding a mobilisation of the general public and civil society, an initially misleading perception that the problem has been solved, paired with past experiences of more visible air pollution (Krakow, Rotterdam) or habituation with the prevailing problem situation (Stuttgart) tend to inhibit an extensive resonance. In Stuttgart (like in other German cities, see chapter 4) legal actions of citizens had a decisive impact in order to speed up the local policy formulation and implementation process.

High problem pressure / low capacities (Leipzig, Eindhoven, Lodz)

a)   The administrative dimension of local politics

Within those three cities adequate problem awareness of the local administrations needed an exterior push. This observation applies to the administration as a whole; the "key staff" in the environmental departments usually knows about the European challenges, but has difficulties in mobilising more comprehensive administrative/political commitment.

In Leipzig it took time and the intervention of the European level (infringement proceedings) in order to fully realise the binding character of the European requirements and potentially financial implications (fines). Ultimately, air quality planning had to take place under time constraints and the involved actors felt obliged to introduce a low emission zone in order to satisfy the European Commission and the *Land*. In Eindhoven the administrative actors accentuate that after the nationally imposed building stop, the binding character and resources of the *NSL* have proven to be necessary safeguards and were used as a window of opportunity in order to put and keep air quality on the local political agenda. In Lodz it is questionable how a well needed push could look like. Poland has not (yet) installed a national sanctioning mechanism and a national cooperation programme is not (yet) more than a theoretical construction. But even if those two instruments would be in place, our interview partners indicated that the financial constraints of the city would probably prevent the city from being able to afford fines or generate co-financing[15].

Initially, the administrations needed to clarify uncertainties in the patterns of coordination and regarding the allocation of competences. In Leipzig, an intensive coordination with the superior level took place (shifting the responsibilities across levels in the course of general administrative reforms) and Eindhoven (re)organised the patterns of interaction within administrative units (environment and traffic). Air policy planning and implementation exposed differences in the administra-

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[15]Underlining the gap between what we call a low capacity city in the Polish and German or Dutch national context.

tive cultures of environmental and traffic departments, as the latter (like the majority of politicians) tend to be more reluctant to restrict individual mobility.

Apart from financial limitations, the efforts of the administrative actors tend to be restricted by non-consistent problem awareness and commitment of the political actors. Towards the general public the administrations try to use the potential of framing strategies and are either occupied to confine public discussion (about the low emission zone in Leipzig) or to learn from more advanced cities (Eindhoven from Rotterdam).

b)   The representative dimension of local politics

Despite the local air quality problems, air quality policy does not rank high on the political agendas of the +/- cities. The complexity and technicality of the topic are a challenge for the political actors, causing even confusion with e.g. climate policy (Eindhoven). Particularly in Leipzig, it has been disadvantageous for the formation of a political debate that air quality planning took place under challenging timing constraints (strengthening administrative domination). With the exception of the subsequent controversial discussion about a low emission zone, no relevant political/public debate did evolve.

c)   The participatory dimension of local politics

When investigating forms of participatory engagement within the three cities, Leipzig was the only city where we could locate public protest that was strictly linked to air quality policy. The introduction of a low emission zone for passenger cars generated intense public reaction. This temporal politicisation was facilitated by the fact that this measure restricts the individual mobility of citizens and local business, causing the respective pressure groups/NGOs to mobilise their members and to form an action alliance against the low emission zone which quickly grew in numbers.

Low problem pressure / high capacities (Nuremberg, Zwolle, Poznan)

a)   The administrative dimension of local politics

In Nuremberg, Zwolle and Poznan the reflection of and occupation with air quality issues is being put forward by a set of well-informed local administrations. Those administrations use their capacities in order to investigate their (prospective) problems very thoroughly and pro-actively. The city administration of Zwolle even takes the local problem evaluation further and tries to achieve a higher level of protection for sensitive groups (children, elderly citizens). This is an ambition that is recommended by the European directives and national transposition acts, but not binding for local roads.

Generally, environmental policy ranks comparatively high on the local political agendas and the city administrations have proven to be fast in in establishing links between environmental, health and traffic implications of air quality policy. Further, the administrations are very active in pursuing a

positive city image/frames and in facilitating a tendency to include air quality policy into (inter)national strategies of strengthening a "green" city reputation.

b)   The representative dimension of local politics

Overall, the choice of measures appears to be more independent from cost evaluations than in other cities. E.g. Nuremberg intensively investigated alternatives to the introduction of a low emission zone (which was preferred by the *Land*). The discourse among political and administrative actors centered around the scientific reasonability of a low emission zone for the particular problem situation. Ultimately, the city council opted for infrastructural and innovative solutions (relocation of a fright area, scientific projects in the field of intra-city logistics). Those measures are potentially even more expensive than a low emission zone; a realisation that came by surprise to some of the political actors who initially focused their energies on preventing a low emission zone.

c)   The participatory dimension of local politics

Once again public awareness was strictly coupled with the (potential) introduction of a measure or a "focusing event" that directly affects the individual sphere of citizens. The controversial discussions about the reasonability of a low emission zone in Nuremberg led to an intensified dialogue between the local media and city administration in order to prevent misunderstandings/-information. Like in the other Dutch cities, in Zwolle local resonance for the topic was highest during the period of nationally imposed building stops, generating premature fears of a local affectedness. In Poznan public "involvement" tends to be limited to the desire to become a beneficiary of local (financial) incentive programmes (e.g. in the field of thermal insulation).

Low problem pressure / low capacities (Saarbrücken, Almere, Elblag)

a)   The administrative dimension of local politics

Within these cities the occupation with air quality policy is by trend less advanced and plays an inferior role on the local agenda. Saarbrücken and Elblag rather recently exceeded the European limit values and the administrations are in the process of establishing air quality plans. Public discussion on a draft version of the air quality plan for Saarbrücken will take place during September/October 2012, while Elblag has not published a draft yet. Especially in the case of Saarbrücken the exceedence of limit values for NO2 was already predictable before, but no preventive measures were taken (reactive role).

The Dutch city of Almere is a special case. Formally, Almere did not need to participate in the *NSL*, but did so voluntarily. With this strategic move the city intended to ensure its access to national funds, strengthen its national and regional standing as well as safeguard its perspective plans for territorial expansion.

In Saarbrücken and Elblag the administrations are preoccupied with the European require-
ments regarding data processing/preparation, which appears to be a bigger challenge for the -/- cit-
ies than for the cities of our other boxes. It is believed that the low degree of problem pressure will
prevent the cities from implementing expensive and potentially controversial measures (e.g. a low
emission zone), supporting solutions that are able to fulfil the obligations but are not as innovative.

Generally, the financial constraints of the city and regional level are very present in the plan-
ning process and the administrations anticipate the practical and political feasibility of measures.
Particularly in Saarbrücken it is considered as beneficial that the city is a latecomer. By now several
other German cities are more advanced in air quality planning and the city is able to learn from their
experiences and check their plans for best-practices (saving resources).

b) & c) The representative / participatory dimension of local politics

With the exception of Almere, where political reasons were decisive for local participation in the *NSL*,
political or public actors so far did not enter the planning processes or public discourse in Saar-
brücken and Elblag.

Interim conclusions

When assessing the explanatory power of the two local mediating factors *problem pressure* and *ad-
ministrative/financial capacities* we can confirm the relevance of both dimensions, with interesting
differentiations across the four city-boxes/categories (+/+, +/-, -/+, -/-).

With our initial expectations about the local impact of *problem pressure* (H4.1, H4.2) we in-
tended to shed some light on the question whether the confrontation with air quality problems facili-
tates politicisation within the city councils and public mobilisation. Here our findings indicate that the
hurdles/barriers from issue salience to representative and participatory engagement are higher than
expected.

A strict causality between the degree of problem pressure and political/civic engagement
cannot be confirmed. Air quality problems reveal the social dimension of civic engagement as the
potentially most affected citizens living at urban hotspots are not the ones that are particularly en-
gaged in (local) pressure groups/politics. On the other hand civic engagement appears to be easily
achievable in cases where measures directly affect the individual spheres of (well-endowed) citizens
and business (e.g. mobility limitations due to the introduction of low emission zones), causing the
political actors to enter the discursive arena.

Another factor that is potentially hindering the political and public actors from a more active
involvement is the technicality of the topic. The reasonability of a particular measure can be a matter
of intensive scientific debate (e.g. low emission zone). In contrast to other urban challenges like
noise, air pollution from PM_{10} and NO_2 is less visible and reinforced by worse experiences in the

past (e.g. in Poland, Leipzig), public awareness is rather low. Additionally, the topic appears to be overshadowed by allegedly more pressing and prominent environmental issues like noise or climate.

In the cities with a high salience of air quality problems, the administrations are more or less pro-actively (depending on the capacities, see further below) in charge of the policy formulation process and decisive in recommending/selecting the individual measures. In their recommendations they do consider the political preferences of the city councils (e.g. initial reluctance to introduce measures that restrict individual mobility), but this impact decreases the more pressing the problem and with the occurrence of external threats. These threats could be the initiation of EU infringement proceedings or national/local lawsuits (see chapter 4). In those cases we could observe a shift from less contentious, soft measures to harder measures (e.g. low emission zones in Stuttgart and Leipzig, stricter traffic limitations in Rotterdam and Eindhoven). In Poland it needs to be further monitored whether specification and increased awareness of legal instruments will cause similar adjustments.

When turning to the impact of local *capacities* we could confirm our initial expectation (H5) that the intensity of administrative engagement is related to resources. When comparing our cities, the local administrations that are most prone to pro-actively deal with the requirements of the European air quality directives are located within the cities of high capacities. Here it is particularly interesting, that this engagement is not strictly coupled with the degree of problem pressure, as the -/+ cities are extensively and ambitiously accompanying the challenges of air quality policy and possess the highest probability to implement innovative measures. With this observation our findings match the research of Kern (2007) and Münch (2006), who indicate in their study of local networking activities that high capacity localities are the most active.

Further, especially the high capacity administrations are actively trying to shape the local discourses and frame air quality policy in a positive way (e.g. establishing links with climate and sustainability policy). However, the potential power of frames has also been recognised by the low capacity administrations (e.g. Eindhoven, Saarbrücken) as they try confine public discussion and/or orient their strategies on best-practices from the more advanced (higher capacity) cities.

By introducing mixed-cases/boxes (+/-, -/+) we hoped to generate knowledge on whether the existence of *problem pressure* or *capacities* is more relevant for shifts in local politics and politicisation. Here we noticed that the urges of chopping with air quality problems in our +/- cities revealed bigger structural and coordinative deficits for which fast solutions needed to be found and established. Ultimately, financial, legal and political constraints limited the local room for manoeuvre and the choice of measures. On the other hand our -/+ cities possess the privilege to extensively reflect on the requirements of European air quality policy and adjust more gradually and according to their own preferences. Generally, problem pressure initiates local air quality planning and adjustments,

but in fulfilling the European requirements capacities appear to have the potential to widen or limit the local tool-box of solutions.

At large, the local patterns of interaction are changing within all city-types as air quality planning formally increases the number of involved actors. Practically, the local implementation process strengthens administrative authorities, who possess the required level of expertise and control over (planning) procedures. For politicisation via channels of representation, supporting factors are necessary. These are either the controversy of the introduced measures (low emission zones) or (new) possibilities for legal complaints (see the previous chapter 4). Especially within the cities of high problem pressure, the city councils have a hard stand in order to substantially contribute to the policy formulation process (partly due to the complexity of the topic and partly due to legal constraints). As opposed to objective problem pressure, subjective problem pressure appears to have a higher relevance for public mobilisation within all cities.

Acceptance of EU policy-making is the highest among administrative actors (especially within environmental departments) who accentuate the positive implications of the European legislation, upgrading the value of their work, assuring budget allocations and pushing inter-institutional problem awareness. Whether a local administration fulfils its role in a more pro-active or reactive manner can be linked to its capacities. Capacities influence both the intensity and creativity within the stages of problem analysis, selection of measures and ultimately successful implementation (compliance).

6. Tentative Conclusions

In this paper, we aimed at tracing if and how European air quality policy leads to a 'Europeanisation' of local politics. In focussing on *politics* and the *local* level, we intended to shed light on dimensions that tend to be neglected in Europeanisation (and implementation) research. Thereby, we were interested in both structural changes in the interaction between representative bodies, public administrations, and the public as well as in 'politicisation' tendencies in the local policy process which can be traced back to EU policy input. In order to be able to comment on these topics we investigated twelve cities in Germany, the Netherlands, and Poland from a country and a city-type perspective and in doing so analysed the impact of both national and local mediating factors.

In the current (good) governance discourse, the European institutions often declare their political will to improve the interaction between public authorities and the public in environmental policy-making on the basis of the Aarhus principles, namely access to information, public participation in decision-making, and access to justice. Our case studies revealed that achieving these objectives is ridden with prerequisites both on part of the administration and on part of the public – and some specific elements of the European legislation on air quality may make this attempt even more demanding.

Our case studies revealed that the European approach of a "management by objectives" that largely focuses on short- and long-term planning and requires intensive vertical and horizontal coordination facilitates an empowerment of the administration. Whether they fill their role in a more pro-active or passive way is related to the capacities of a city. This becomes particularly apparent when looking at our "mixed-type" cities: administrations in cities with high capacity and low problem pressure tend to advocate innovative policy solutions even if they are more costly than "standard" ones and in doing so are backed by the political will to be (inter)nationally recognised as an environmental friendly city. By contrast, administrations in cities with low capacity and high problem pressure that theoretically have a much more "pestering" problem are driven into a more reactive role as they are faced with political resistance and/or lacking resources.

Whether a process of "politicisation" is initiated that makes air quality policy a largely debated topic in representative bodies and the public does not so much depend on "objective" but rather on "subjective" problem pressure. What caused public "outrage" in our case studies was not poor air quality as such but the "nationally mediated" consequences: in the Dutch case(s) the building stops, in the German case(s) the introduction of low emission zones. So far, legal proceedings did not play any role in Poland; moreover, air quality measures were less interventional and thus less controversial so that no similar mobilisation and politicisation could be observed.

In this context, it becomes clear that increasing public participation is ridden with prerequisites. It depends on structures and cultures, but also on "subjective issue salience". The provision of information and the formal introduction of participation rights do not mean that they are actually used by the public. The majority of the population will only be interested in getting involved when they feel directly affected. In this context, a socio-economic gap is observable that is not completely new to participation literature (e.g. van Deth 2009): the citizens that actually get involved in the local discourse are not those who are most directly affected by air pollution (living at urban hotspots), but belong to the well-endowed middle-class that fears for its (individual mobility) "privileges".

The empowerment of public administrations, the relative weakening of representative political bodies and the (at least potential) relative strengthening of individual citizens and interest groups that we observed in the course of the implementation of the European air quality directives may of course be evaluated differently depending on the theory of democracy one applies. Before drawing normative conclusions, however, one should bear in mind that a powerful role of public administrations is nothing completely new, and even less so on local level and in rather complex and technical affairs (Bogumil and Jann 2009: 221; Bogumil and Holtkamp 2006: 52). It is widely acknowledged that public administrations play a crucial role in developing policy solutions (Stember and Beck 2008); thereby, our interviews reveal that even if the formal role of representative bodies may have decreased, administrations informally make considerable allowance for what is politically acceptable

for the majority of the city council. Apart from that, the interested public at least obtains the option of making use of an extended access to information about the local air quality situation and measures, administrative hearing procedures, and (in the case of Germany) an expanded access to justice.

Still one might argue that a more realistic functional allocation of competences to the different levels of government (EU, national, regional, local) might be indicated (cf. Rottmann 2009: 124-126) to make for more lively political debates and civic involvement within each level. Ultimately, this might increase both input and output legitimacy.

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