

United or Divided We Stand? Perspectives on the EU's Challenges

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The end of a closer, greener European Union? learning from policy dismantling attempts from Delors to Barroso

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Introduction

Has the European Union lost its (environmental) way? As the “conglomerate of crises” (Falkner, 2016) unfolded at European level, environmental policy appeared to gradually fall down the European Union’s political agenda. Flagship environmental initiatives were delayed or blocked (ENDS Europe, 2013b; Euractiv.com, 2014), DG Environment was slimmed-down (ENDS Europe, 2013a), and key environmental policies were set-up to be reviewed under the second Barroso Commission (European Commission, 2012). The start of the Juncker Commission appeared to confirm this trend, with merger of the Environment and Fisheries portfolios (Čavoški, 2015; ENDS Europe, 2014a) and a mission letter calling on the new environment Commissioner to prioritise making existing legislation ‘least burdensome’ over further policy expansion (Juncker, 2014).

The current lack of environmental appetite in the EU raises profound questions about the future of the EU as an environmental actor: are we witnessing the end (or a simple pause) in environmental policy ambition at EU level? This paper looks back at past attempts to dismantle EU environmental policies, *i.e.* “the cutting, diminution or removal of existing policy” (Jordan, Bauer, & Green-Pedersen, 2013,

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p. 797), to understand what impacts past attempts (1992-2014) have had and ascertain how current pressures on EU environmental policies compare.

To do so it builds on three chronological case studies of dismantling attempts at EU level: in the 1990s (in the wake of the difficult ratification of the Maastricht Treaty and the ensuing subsidiarity crisis), in the 2000s (with the EU Better Regulation agenda and its growing focus on competitiveness), and in the early 2010s under the second Barroso Commissions Smart Regulation programme. Based on archival work and elite interviews the case studies identify the dismantling actors, rationales, targets and results of these dismantling attempts. Comparing the three time periods reveals key similarities, in terms of actors, rationale and even dismantling strategies, bringing new insights in the evolution of EU environmental policy. It further demonstrates the gradual strengthening of dismantling pressure at EU level as new dismantling attempts build on the success of earlier ones in changing the way EU environmental policy is agreed on.

This paper is structured the following way. The first section presents the theoretical framework (adapted from Bauer and Knill (2014)), the case studies and the data mobilised. The second section presents the results, showcasing different dismantling patterns at EU level in the 1990s, 2000s and early 2010s. The third concluding section analyses these results in light of current concerns regarding the Juncker's Commission better regulation agenda and raises further avenues for research.

1 Theories and methods to capture EU level dismantling

Policy dismantling has long been conceived as something which happened to *other* levels of governance, not to the EU. Hence, research on policy dismantling in Europe has tended to consider the EU as either a driver (Knill, Tosun, & Bauer, 2009; Bernauer & Knill, 2012) or an opponent to national policy dismantling (Jordan & Turnpenny, 2012). While the EU has been a blind spot for policy dismantling scholars (with the exception of the Common Agricultural Policy (e.g. Sheingate, 2000), the idea of policy dismantling has similarly been under-researched among EU scholars (but see Gravey and Jordan (2016); Steinebach and Knill (2016)). Despite theoretical concepts such as spill-backs (Malamud, 2010), or studies of

policy reforms and debates (subsidiarity in the 1990s, Better Regulation in the 2000s), policy dismantling has failed to take off as a sub-field of EU studies .

This created a disconnect between discussions at EU level – on deregulation, the reduction of administrative and regulatory burdens, evaluation etc. – and advances in the field of EU studies. This paper offers one way of bridging this gap by putting forward a theoretical framework to study policy dismantling at EU level and applying it to changes to the environmental *acquis* over a twenty-two years period.

1.1 Theoretical framework

The dearth of EU dismantling studies opened two principal options: either building a dismantling framework based on approaches mobilised in EU studies or adapting to the EU a dismantling framework developed for other political systems. The recent resurgence in dismantling studies in comparative politics on both sides of the Atlantic made the second option more interesting. Among the very different approaches followed, the framework developed in Bauer, Jordan, Green-Pedersen, and Héritier (2012); Bauer and Knill (2014) was particularly interesting: first, it had been deployed to study dismantling of different types of policies – social and environmental –, contending that environmental policy dismantling could be motivated, and pursued, differently from welfare state retrenchment. Second, it had been built to “travel” between different policy sector and polities (Bauer et al., 2012, p. 34).

This framework is constructed around four steps of inquiry: actors’ preferences, opportunity structures, dismantling strategies and their effects. Politicians’ meta-preference is assumed to be to remain in power, or, in the case of elected officials, to be re-elected. Opportunity structures is a broad category regrouping external macroeconomic conditions, institutional factors such as the number of veto players and situational factors such as the pre-existing framing of an issue. Dismantling strategies are “a certain mode, method or plan chosen to bring about a desired effect” (Bauer et al., 2012, p. 42). They can be open or opaque, active or passive. Open strategies are expected to be underpinned by credit claiming efforts – it is in the politicians’ perceived benefit to be seen as dismantling – on the other hand opaque strategies aim for blame-avoidance. Crucially, when it comes to environmental policy recent studies argue that “the desire to ‘claim credit’ begins

to outweigh the widely presumed pressure to ‘avoid blame’ (Jordan et al., 2013, p. 801).

Active strategies necessitate actual political action – such as passing a new piece of legislation (*active dismantling*), or shifting responsibilities but not sufficient funding to another level of governance or agency (*arena-shifting*). Passive strategies range from promising but not delivering dismantling (*symbolic dismantling*), to *dismantling by default* (by, for example, not fixing an already broken policy). Finally effects can cover both changes to policy outputs and to its outcomes on the ground. With its four steps, this framework aims at shedding light on:

Why politicians engage in policy dismantling (their ‘preferences’), which factors (be they policy and/or political) determine their selection of strategy (or strategies) in the context of prevailing opportunity structures, and what effects these have on the pre-existing pattern of policy outputs and/or outcomes.

Bauer et al. (2012, p. 22)

This framework had been developed for national policy dismantling, and has until now been applied to case studies following changes to a specific policy in one or two countries over-time (Bauer et al., 2012). Applying it to the EU level and to the environmental *acquis* offers an opportunity to test its strength and assumptions – such as the prevalence of credit claiming in environmental policy dismantling (Jordan et al., 2013, p. 801). But it also raises challenges. Hence, compared to the mostly unitary political systems studied in Bauer et al. (2012) the EU is a highly consensual political system, with a variety of veto players and dismantling advocates – which are not all elected representatives. The multi-level nature of the EU also raises challenge, if only because Member States can engage in two or three level games more easily than Brussels-based institutions such as the Commission or the European Parliament. Finally, the “European” nature of policies may come into play – the policy sector and type may matter (environmental/social, regulatory/redistributive) but so may also the level of governance which produced them (EU/national/regional etc.).

1.2 Research questions

Research on EU environmental policy dismantling is in its early days, and has for now focused on establishing whether it has ever taken place. Both Steinebach and Knill (2016) and Gravey and Jordan (2016) have studied changes to environmental policy outputs over the long-run. Both studies found that while policy dismantling was possible, it was not frequent – even, in the case of Gravey and Jordan (2016), for directives and regulations explicitly targeted for dismantling. Yet both academic and grey literature on the last twenty years of EU environmental policy reports multiple calls for dismantling (Golub, 1996; Wilkinson, Monkhouse, Herodes, & Farmer, 2005; Van den Abeele, 2014). This begs two questions: what drive EU actors to pursue policy dismantling – is it credit claiming, or blame avoidance? And do EU actors only pursue *symbolic* dismantling (in which dismantling promises are not acted upon) or are they trying (yet apparently failing) to deliver active dismantling?

1.3 Methods

Literature on the subsidiarity crisis in the early 1990s (e.g. Golub, 1996; van Kersbergen & Verbeek, 1994; Collier, 1997) stresses how calls for dismantling first rose to prominence in the wake of the Danish ‘no’ to the ratification of the Maastricht Treaty in June 1992. Since then the European Commission has published yearly reports on the application of the subsidiarity and proportionality principle (Jeppesen, 2000), and has over-time implemented a number of regulatory reform programmes (Better Regulation, Administrative Burden Reduction (ABR), REFIT). Member States also produced a great number of proposals for EU regulatory reform and dismantling, ranging from multi-state initiatives within the Council (Six Presidencies, 2004) to single-state initiatives such as the UK’s Business Task Force report on cutting “EU red tape” (Business Taskforce, 2013). A great number of pieces of environmental legislation – notably water, air, waste and biodiversity directives and regulations – have been targeted in one or many of these reports (Gravey & Jordan, 2015).

The following empirical section investigates policy dismantling of the EU environmental section across three chronological case studies, chosen to fit with the different Commission terms: the 1990s, which cover the end of the Delors years and

the Santer Commission; the 2000s, covering the Prodi and Barroso I Commissions and finally the early 2010s which investigates the Barroso II Commission.

These case studies are built on two types of qualitative data. First, a wide documentary analysis comprising press data (from specialised environmental outlets (ENDS, ENDS Europe), specialised European outlets (Agence Europe, European Voice, Euractiv) and from national generalist medias (Financial Times, The Guardian etc.)), official documents from the Commission, Parliament or Member States, and reports from think tanks and civil society organisation. This documentary analysis allowed to identify the different regulatory reform processes, their leading actors, their policy targets and how policy dismantling demands were framed at different times. Second, this documentary analysis was complemented by 17 elite interviews conducted with European political actors (Commission, Member States, EP) and civil society organisations (Environmental NGOs, Business lobbies, Think Tanks etc.). These interviews were used to better understand the relationship between different European political actors and the rationales behind dismantling at EU level.

2 Empirical results

2.1 Dismantling in the 1990s

On the 2 June 1992, the Danish people voted down the Maastricht Treaty, putting an apparent halt to the European Integration process. Nevertheless, European foreign ministers agreed that the ratification process should still go on (key States such as France or the UK had yet to ratify the Treaty). The Treaty would not be renegotiated, but its European partners would signal to Denmark “that the door was [...] open” (Agence Europe, 1992a). As part of that “open door” policy the debate on subsidiarity, and what subsidiarity meant for the EU’s institutional structure, competences and *acquis* was rekindled (Teasdale, 1993).

Subsidiarity had long been discussed at EU level (Golub, 1996), but had only been formally inserted in the Treaties – alongside proportionality – in Maastricht. The debates after the Danish ‘no’ showed how subsidiarity – apparently a simple principle – was a good example for “norms that are adopted because they mean different things to different actors” (Van Kersbergen & Verbeek, 2007, p. 218). At the heart of these discussions were *how* to apply the principle: should subsidiar-

ity apply to competences set out in the Treaties? to future policies? to policy implementation? or retroactively to the already extant *acquis*?

Hence Commission President Jacques Delors appeared at first to suggest EU's environmental competences should be rethought – before backtracking and arguing further subsidiarity should be achieved with better implementation procedures (Agence Europe, 1992b). But while the June European Council contended that “all future legislative proposals” should comply with subsidiarity (ENDS Report, 1992), British Commissioner Leon Brittan argued for “self-restraint” on behalf of the Commission – and in favour of dismantling existing policies which had gone too far (Agence Europe, 1992c). Throughout the ensuing British Presidency a two-pronged approach was followed: subsidiarity would be both applied to new proposals and retroactively to ‘problematic’ parts of the *acquis*. The British Presidency asked Delors to put together a list (The Independent, 1992). Unsatisfied with the content of this list, it produced its own much more radical list (Financial Times, 1992). This British list was leaked shortly before the Edinburgh summit which validated the Delors list. The British list contained 37 directives and regulations already in place (and 34 proposals). It asked for the repeal of one environmental directive and for the relaxation of six others¹. The Delors list focusing on 20 pending proposals – with proposal for a Zoos directive as the only environmental case – while pledging to “simplify, consolidate and update existing texts, particularly those on air and water, to take new knowledge and technical progress into account” (European Council, 1992, p. 30).

After the Edinburgh summit, two parallel processes started. First, a Commission-led process, with the start of annual reports on the implementation of the subsidiarity and proportionality principles as well as an Inter-institutional agreement on subsidiarity (European Commission, 1993). Second, a more diffuse process through which the UK, France, and finally Germany, tried to broaden the scope of the Commission's review work, pushing for the inclusion of more pieces of legislation, demanding deeper changes and reframing dismantling demands. The UK worked with France to produce a new hit list in 1993, questioning, amongst others, the need for EU action on wildlife habitats, zoo animal welfare and environmental impact assessment (Reuters, 1993). Germany followed suit later the same year with another subsidiarity hit list (with a sole environmental target: zoo animal welfare

¹Repeal of quality of shellfish water, modifications to wildlife habitats, hazardous waste, bathing, drinking and ground-water

proposal), but it changed tactics with its 1994 Council Presidency. Instead of framing dismantling as a matter of sovereignty and subsidiarity, the German presidency called for dismantling based on proportionality and competitiveness. It pushed for the idea of an independent expert group to review the *acquis* – something which had never been done. While it changed rationale and method, it continued in the path set out by Leon Brittan in 1992: presenting dismantling as in the own interest of the EU and of the Commission, a “pro-European gesture” which would bring the EU closer to its citizens (Agence Europe, 1994).

The new Santer Commission embraced both the change of framing and the more radical tone, pledging to be “on the look-out for rules that are cumbersome, excessive and archaic” (European Commission, 1995). It supported the first independent review of the *acquis* – the Molitor group –, and developed a number of initiatives including stakeholders (SLIM, European Commission, 1996) or national experts (BEST, European Commission, 1997). Santer’s determination to do “less but better” pushed him to advocate that each Member States set up their own Better Regulation Unit (European Commission, 1998a) – yet the Commission resisted British suggestions it should do the same (House of Commons, 1998). At the end of his presidency, while the Commission argued it “can be said to have achieved something” (European Commission, 1998b, p. 1), it argued much more was to be done to achieve “simplification and regulatory reform”: “a change of culture is required in public administrations” (European Commission, 1998a, p. 4).

2.2 Dismantling in the 2000s

After scandal led to the resignation of the Santer Commission in 1999, the Prodi Commission set out to profoundly reform its services and its approach to policy-making. It was spurred in that endeavour by the Lisbon European Summit, which argued that “further efforts are required to lower the costs of doing business and remove unnecessary red tape” (European Council, 2000, p. 4), and by a second independent expert group – the Mandelkern group.

The Prodi Commission plans for Better Regulation are often studied through the angle of impact assessments (e.g. Radaelli & Meuwese, 2009) yet it was a much wider approach attempting to “improv[e] the practices and current provisions of regulatory activity, throughout the legislative cycle, and simplifying existing legislation, in both qualitative and quantitative terms” (European Commission,

2001a, p. 4). In terms of reform of the *acquis*, it set itself gargantuan tasks and targets – to review all legislation adopted prior to 2000 (European Commission, 2001b, p. 19), to reduce the “volume of existing texts” by 25%, to remove proposals if amendments through the legislative process pushed them too far away from proportionality and subsidiarity (European Commission, 2001b, p. 18) and finally, to create a new culture within the institutions:

It has become clear since 1992 that regulatory simplification is not something that can be simply decreed. It requires not just the requisite human and budgetary resources, but also changes to the existing structures, with a view to establishing a new administrative and political culture. (European Commission, 2001a, p. 9)

These different tasks and targets highlight the Prodi Commission’s ambition in terms of regulatory reform and policy dismantling. While the Commission – and the Mandelkern report before it – had been keen to stress that “the aim is not to deregulate” (European Commission, 2001a, p. 4), in practice objectives such as the 25% reduction in the volume of the *acquis* could not be simply said to be about regulatory quality, and not quantity. The Prodi Commission did not meet this 25% target, but four out of five targeted environmental pieces of legislation were revised² and repealed 10 ‘obsolete’ pieces of environmental legislation (European Commission, 2004). It argued that its strongest result had been in changing the structure and culture within the Commission (notably by empowering the Secretariat General) – and that the failure of the 25% target was in part due to the lack of commitment of the other European institutions (European Commission, 2004, p. 10).

But this started changing in 2004, when a group of Member States coordinated their Council Presidencies’ priorities to push for regulatory reform. These states were Ireland, the Netherlands, Luxembourg and the UK (and would later be joined by Austria and Finland) (Six Presidencies, 2004). In a sharp shift from the one or two Member States hit list of the 1990s, these Member States, and the Dutch 2004 Presidency in particular organised a coordinated, consensual hit list, agreed on in Council (Council of the European Union, 2004). This hit list comprised a great number of environmental legislation (5 out of 17), all in the waste sector. Alongside

²Pesticides in plant protection, Shipment of waste, Sulphur content of certain liquid fuels, emission from internal combustion engines

aiming for precise targets, the Council called on the Commission to adopt a new focus on administrative burden reduction (Six Presidencies, 2004) – pushing for further diffusion of the Dutch approach to administrative burden reduction which had already been adopted by multiple Member States including the UK (Wegrich, 2009).

The start of the Barroso I Commission was overcast by the French and Dutch ‘no’ to the Constitution Treaty in the Spring of 2005. While the referendum (and subsequent election) results discouraged Dutch politicians from engaging with Brussels, the 2005 British and 2007 German Presidencies created a platform for to these two Member States to precise their EU regulatory reforms plans. The UK Presidency argued better regulation was not an “Anglo-saxon agenda”, but instead was increasingly popular across the Continent. Deciding to pursue regulatory reform in a “pro-European perspective”, it argued that the new Commission’s “language” was encouraging, but that based on its own experience, culture change within administration took time (House of Lords EU Committee, 2005, p. 22). While the UK attempted a less eurosceptic tone, the 2007 German Presidency opened on a strong eurosceptic note, with Chancellor Merkel calling on the “debureaucratisation” of the EU (European Voice, 2006a). But although the two Presidencies differed in tone, they both pushed for the adoption of a 25% target for the reduction of administrative burdens – the same target the Dutch government had adopted in 2003 (Wegrich, 2009).

In answer to renewed interest among Member States, the Commission set-out to re-launch better regulation in 2005, building on the work of the Prodi Commission (with a continued screening of the *acquis*, with renewed assurance that it is not about deregulation (Agence Europe, 2005)) as well as starting in 2007 a new programme to reduce unnecessary administrative burdens (with a target of 25% reduction by 2012) (European Commission, 2007). Within the Commission, this better regulation agenda was strongly pushed by the German Commissioner for Enterprise, Günter Verheugen and by President Barroso himself (European Voice, 2004). But its application was far from consensual – whether better regulation should lead, for example, to halting or delaying new Environmental Strategies was debated in the College, with Environment Commissioner Dimas winning the support of a sufficient amount of colleagues to go through with his plans (ENDS Report, 2005). Verheugen expressed frustration at resistance to changes within

Commission’s services (European Voice, 2006b). While reform of the Commission structure under Prodi had tried to tackle the organisation of different DGs as “feuding baronies” (Kassim et al., 2013, p. 131), DG Enterprise had no direct authority over the legislative DGs such as ENVI or SANCO. While this did not stop Better Regulation and Administrative Burdens Reduction programme from targeting parts of the environmental *acquis*³ it meant the Commission was far from united behind the regulatory reform agenda of its President.

2.3 Dismantling in the early 2010s

One year in his second term, President Barroso launched his “smart regulation” initiative – a new name, but more importantly a new structure and focus for better regulation initiatives at EU level. Under Barroso I, the Secretariat General had overseen impact assessment while DG Enterprise oversaw the simplification and administrative burden reductions programmes (Lodge & Wegrich, 2009, p. 147). With Smart Regulation, all better regulation activities were concentrated in the Secretariat General, under the “direct responsibility” of the Commission President (European Commission, 2010, p. 2). The two programmes simplifying legislation and reducing administrative burdens were further pulled together. This created a different balance of power within the institution – the body overseeing policy dismantling had now some hierarchical power over legislative DGs – and a consequent amount of political power, as the SG became over-time a “cabinet office” for Barroso (Zaun, 2014, p. 430), enforcing the political priorities of his presidency.

When the ABR programme finished in 2012, the Commission launched a new initiative – EU Regulatory Fitness or REFIT – in response to calls from the European Council to “reduce the overall regulatory burden” (European Commission, 2012). REFIT relied on a new mapping of the *acquis* to spot problematic areas – with possibility for stakeholders to indicate which were the most cumbersome legislations (European Commission, 2013) – followed by evaluation and fitness checks. Legislation and proposals which were unfit would either be revised or repealed/withdrawn. It is noteworthy that while the first 2012 REFIT communication stressed it targeted “unnecessary regulatory burden”, it had by 2014 adopted a much stronger, deregulatory, tone:

³Notably Waste directives (Waste framework, hazardous waste, waste oils, hazardous substances, waste electrical and electronic equipment), Industrial emissions, eco-label and Eco-management and audit scheme (European Commission, 2005, 2006, 2009)

This programme aims to cut red tape, remove regulatory burdens, simplify and improve the design and quality of legislation so that the policy objectives are achieved and the benefits of EU legislation are enjoyed at lowest cost and with a minimum of administrative burden, in full respect of the Treaties, particularly subsidiarity and proportionality.
European Commission (2014a, p. 2)

As the Commission changed its approach to policy dismantling, so did Member States – especially the UK and Netherlands. The Netherlands produced in June 2013 a subsidiarity review, calling for the “end of ever closer union” in all policy area (Ministerie van Buitenlandse Zaken, 2013; Emerson, 2013). While the list called for “more leeway” for environmental legislation (ENDS Europe, 2013c), its proposals were meant to be discussed in the normal legislative process. On the other hand, UK demands – such as the “Cut EU Red Tape” report in 2013 or the Balance of Competence Review – were questioning the validity of the Commission’s work, disrupting the “normal” review process, and discussing Treaty change in what Barroso argued was an “not helpful” manner (Barroso, 2014, p. 4). With the Cut EU red tape report the UK strove to export its own dismantling model – the one in, one out rule, and its successor, one in, two out – to the EU level. While such a move received support from the last Stoiber group report (High Level Group on Administrative Burdens, 2014), and from Business Europe (Business Europe, 2014), it was not taken-up by the Commission as a whole.

Growing attention to regulatory reform in the Commission came hand in hand with the notion that reforming EU policies could save the EU from itself and bring it closer to European citizens (Emerson, 2014), a much needed way to “improve the effectiveness and the legitimacy of the European Union” (Barroso, 2014, p. 2). Regarding effectiveness, it meant that all policies should fit with the President’s political priorities⁴, as for legitimacy it meant answering to stakeholders and Member States hit lists.

Crucially, environmental policy was not a Commission priority (ENDS Europe, 2013b), and it ranked high on stakeholders’ hit lists (e.g. Business Taskforce, 2013; European Commission, 2013). This made environmental policy a perfect target for the Commission to claim credit for its regulatory reform work. Environment was one of four areas⁵ in which the “fitness check” approach was tested from

⁴“We have insisted that all proposals coming on to the table of the Commission align with political priorities” (Barroso, 2014, p. 4)

⁵Alongside Industry, employment/social policy and transport.

2010 onward. More importantly, greater pressure on environmental policy came to bear within the European Commission on on-going or planned policy proposals. Hence, out of nine on-going policy proposals withdrawn under REFIT (European Commission, 2014a), two were flagship environmental proposals: access to justice and the soil framework directive. The Environment Commissioner Janez Potočnik saw his proposals on plastic bags or circular economy delayed a number of time (ENDS Europe, 2014b) – while his predecessor had managed to secure support for environmental policy expansion from a majority of Commissioners, Potočnik had an insufficient number of allies in the College.

3 Toward EU policy dis-integration?

These three case studies provide a key historical background to current concerns on the impact of the Juncker Commission’s better regulation agenda on environmental policy in Europe. They have shown that calls for policy dismantling – and regulatory reform more broadly – are far from new. A small number of EU level actors (UK, the Netherlands, the higher echelons of the European Commission, Germany) have repeatedly attempted policy dismantling at EU level. While these attempts have had varied successes (Jordan & Turnpenny, 2012; Gravey & Jordan, 2016; Steinebach & Knill, 2016), they tell us that policy dismantling is not only possible at EU level, but that it has already taken place. But why? Why do actors at EU level, Member States and the European Commission, pursue dismantling attempts?

While the theoretical framework distinguishes between dismantling strategies driven by credit claiming or blame avoidance tactics the three case studies have shown that many actors at EU level attempt to pursue *both*. Dismantling calls by the 1994 German Presidency or the 2005 UK Council Presidency illustrate cases in which Member States have attempted to claim credit for deregulating cumbersome European rules in front of their domestic audience while at the same time reassuring their colleagues at EU level that such a move would be good for Europe. Dismantling calls presented as outright criticism of Brussels and of the EU (such as Merkel’s demands for debureaucratization and Verheugen’s open criticism of Commission civil servants in 2006, or Cameron’s calls to cut EU red tape in 2013) tend to be badly perceived by other EU actors (e.g. Wiersma & Schout, 2014; Barroso,

2014). The highly consensual nature of the EU polity means that dismantling advocate need to build coalitions at EU level – “pro-European” strategies appear more likely to succeed. The higher echelons of the European Commission also appear to be following a dual strategy, pushing for regulatory reform as a lesser evil within its services (blame avoidance), while attempting (with difficulties) to claim credit among the European business community and certain Member States for its actions. This finding tells us that dismantling strategies targeting environmental policy do tend to be geared toward “credit claiming” – as hypothesised by Bauer et al. (2012) – but that dismantling at EU level requires dual strategies: one to “sell” dismantling to EU veto players, one to “sell” it to domestic audiences.

These case studies have further shown that calls for dismantling at EU level have led to multiple actions, they have *not* all remained symbolic. The Delors and Santer Commission’s support for dismantling may have appeared broadly symbolic, but the Prodi and Barroso I & II Commissions have all pursued wide-ranging regulatory reform programmes, with strong policy dismantling elements⁶. Member States such as the UK, Netherlands and Germany have tried over-time to build broad coalitions to support dismantling (e.g. Reuters, 1993; Six Presidencies, 2004; Actal, National Normenkontrollrat, Regelradet, & Committee Regulatory Policy, 2011; Make It Work Initiative, 2014) – even when they have taken highly critical tones (European Voice, 2013).

Finally, the consensual nature of the EU polity may have made policy dismantling more complicated, but it did not stop dismantling advocates entirely. Blame avoidance strategies were deployed to reassure European partners, while dissensions within the European Commission were addressed through structural reform of this institution, which reinforced the power of the pro-regulatory reform actors within it. But it remains that adopting new legislation – even legislation revising earlier directives or regulations – can take a long time at EU level, and necessitates the support of all the main EU institutions. This may explain why the European Commission, especially by the end of the Second Barroso Commission, has appeared to focus on what it could achieve on its own: withdrawing policy proposals, evaluating existing policy, and not policy dismantling *stricto sensu* (Steinebach & Knill, 2016).

There has been lots of concerns expressed about the (lack of) environmen-

⁶e.g. the two 25% reduction targets, the move toward regulatory burdens reduction.

tal agenda of the new European Commission (e.g. Čavoški, 2015; Juncker, 2014; ENDS Europe, 2014a). These three historical case studies allow to sort out the novel and not so novel aspects of this agenda. They showcase that many of the “new” ideas and changes implemented by the Juncker Commission and Commissioner Timmermans are not really novel (Contexte, 2015; European Commission, 2014b; Euractiv.com, 2015): Prodi had also pledged to remove proposals if, during the legislative process, they veered too much away from the proportionality and subsidiarity principle, Barroso had started refusing to support policy proposals that did not meet his political priorities and had already asked the Secretariat General to act as a gate-keeper. REFIT, the fitness checks and evaluations were all started in 2010-2012, and the currently highly debated Nature directives review also started under Barroso II. Even the notion that the EU needs to embark on deep regulatory reform to secure renewed support is far from new (European Council, 2000).

But while all these trends date back to previous Commissions, the Juncker Commission appears to give an even greater priority to the issue – and to be much more blunt in pursuing both dismantling, and slowing down policy expansion. This change of mood is perhaps best captured by comparing how Prodi and Verheugen argued repeatedly that better regulation did not mean deregulation, with Juncker who does not shy away from the idea of reducing the overall number of EU regulations: “Better regulation does not mean weak regulation, but less regulation” (Politico.eu, 2015b). It is particularly striking that further pressure is put on the environmental *acquis* at a time where the Commission’s official line is to relax austerity – notably in raising public investment levels (Politico.eu, 2015a), an area more likely to lead to blame avoidance. Hence austerity pressure is being strategically eased from certain policy sectors – but not from others.

To conclude, the repetitive nature of some of the policy dismantling programmes and demands over the 1992-2014 period, as well as the somewhat limited results to date (Gravey & Jordan, 2016; Steinebach & Knill, 2016), do not signify that further policy dismantling at EU level, and more generally regulatory reforms which would weaken EU environmental legislation, is impossible. Indeed, the three case studies have shown that the EU opportunity structures have dramatically changed over the last ten years. There is a growing consensus among EU member states on the need for cuts to the *acquis* (Barroso, 2014), and opposition within the

European Commission has been stymied by the restructuring of this institution. As for the European Parliament, its inability to vote on the 2015 Commission Work Programme highlight how deeply divided it is on the issue (European Voice, 2015).

This growing shadow over EU environmental policy should be seen as a call to arms for the research community: do we have the tools to effectively measure policy dismantling at EU level? Could recent development in EU studies – on differentiated integration, new intergovernmentalism – help understand changes to environmental policy making in a time of austerity? Are policy dismantling and EU polity dis-integration linked?

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