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# Dismantling, Disintegration or Continuing Stealthy Integration in European Union Environmental Policy?

## Abstract

This symposium assesses the trajectory of European Union (EU) environmental policy and integration in light of the rising pressure for policy dismantling and disintegration. This introductory article discusses the literature and the mixed evidence of EU environmental policy dismantling. Building on the three symposium articles, we investigate the role of the European Commission in this process, evaluating its role as a general ‘motor of integration’ and more specifically as an environmental policy entrepreneur. We find that the current political context does push the Commission to reconsider its entrepreneurial role and adopt the role of a ‘normalised bureaucracy’. Nonetheless, organisational features, such as new organisational hierarchies and presidential leadership, and ideas that frame policy initiatives explain continued policy evolution and resistance to outright dismantling. Scholars also should pay close attention to implementing measures and patterns of enforcement to detect the more subtle policy shifts.

**Keywords:** EU environmental policy, dismantling, disintegration, European Commission, organisational theory

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## Introduction

The onset of the financial and economic crisis in the European Union (EU) in the late 2000s prompted a re-emergence and scholarly reconsideration of policy dismantling (Knill et al. 2009; Bauer et al. 2012; Jordan et al. 2012; 2013). Key questions have included whether and to what extent policy dismantling can take place, especially in a polity like the European Union, which is characterized by the presence of numerous veto players (König and Junge 2009; Gravey and Jordan 2016), and whether some policy areas are more vulnerable to dismantling rhetoric and practice (Burns et al. 2020). It has long been acknowledged that, whilst policymakers are keen to burnish their dismantling credentials (particularly in times of economic contraction), there are nevertheless numerous obstacles to genuine policy retrenchment (Pierson 1994). It is also clear, however, that there are limits to further European integration: rising populism and the on-going Brexit saga have led to an academic focus upon the end of the EU permissive consensus with emphasis instead upon a constraining dissensus about the future of integration (Hooghe and Marks 2009). Theories of post-functionalism (Hooghe and Marks 2009) and the prospect of policy disintegration (Rosamond 2016; Schimmelfennig 2018a; Webber 2019) are widely debated, begging

the question of whether the era of European integration is coming to an end and what that means for policy in the future (Hooghe and Marks 2019) .

This symposium brings together three contributions that engage with these questions from different dimensions with a focus upon EU environmental and climate policies. The EU's environmental *acquis* expanded significantly following the entry into force of the Single European Act in 1987 as a suite of market-cushioning policies was introduced to facilitate the completion of the single market (Rehbinder and Stewart 1985; Zito et al. 2019). However, the literature suggests that environmental policy may be particularly vulnerable to dismantling pressures (Gravey and Jordan 2016), making it an excellent case study for analyzing the manifestation of dismantling and disintegration pressures within the European Union. Moreover, whilst there is a burgeoning literature analyzing environmental policy dismantling in the EU (e.g. Gravey and Jordan 2016; Steinebach and Knill 2017), there has, as yet, been limited consideration of the role of the European Commission and how it has responded to the on-going challenges to the environmental *acquis*. In the following section we review the state of the art on EU dismantling and disintegration before explaining how the papers in this symposium contribute to these debates and drawing some conclusions.

### **Future prospects for the European Union: Dismantling and Disintegration?**

In his classic comparative study of welfare states, Pierson (1994) identifies the challenges faced by governments seeking to roll back policies. He suggests that

constituencies that have benefitted from the redistribution of wealth, are likely to mobilize to limit or block reforms, making incremental rather than radical policy change the norm (Pierson 1994; 1996). Governments seeking to limit the fallout from potentially unpopular changes can engage in a range of blame-avoidance strategies, using moments of crisis to present their case, seeking to limit the visibility of their retrenchment activity, to hide their responsibility for it and to suggest the fault lies elsewhere (Pierson 1996). We can see that the EU's era of crises (Falkner 2016) since the late 2000s has presented a golden opportunity for states to engage in policy reform, most obviously through pursuing austerity or reinserting immigration controls and reconciling European surveillance with reclaims to national sovereignty (Schain 2009; Jabko and Luhmann 2019). Membership of the European Union also provides national governments with the perfect scapegoat for unpopular policies: for example, the adoption of the Euro and the EU common market have often served as a rationale for restraining wages and budgets in countries such as Italy and Spain (Pérez 2002). Equally, a constant refrain in the Brexit debates in the United Kingdom concerned the need to take back control from Brussels, which was presented as preventing the United Kingdom government from pursuing its policy preferences (Schimmelfennig 2018a).

However, visible policy dismantling at the EU level may be hard to deliver. The EU is a 'hyper-consensual polity' characterized by the presence of multiple veto players, which makes rolling back or amending policy challenging (Gravey and Jordan 2016). Moreover, the EU is typically identified as a regulatory state rather than a redistributive one (Majone 1994). Much of the justification for regulatory policy efforts, such as many

of those found in the EU environmental policy sector, reflects the EU regulatory state's historic goal of upholding and protecting the EU common market. Therefore, the extent of visible policy dismantling – to satisfy populist rhetoric about bloated Brussels bureaucracies and budgets – may be limited. However, the EU is simultaneously perfectly suited to low-visibility policy dismantling due to the distributed nature of EU governance, its complex implementation systems, proliferating agencies, and the relative distance of EU institutions from EU citizens and their insulation from domestic politics (Burns and Tobin 2019; Pollex and Lenschow 2020). For example, policy-makers can reorient existing activity by, for example, taking a more flexible framework approach to regulation. Alternatively, they may limit the adoption of new policies at the European level without attracting much attention by deferring or putting to one side new proposals as they navigate the complex chain of EU decision-making. Consequently, the EU has been identified increasingly as an object of interest in dismantling debates (Jordan et al. 2013; Gravey and Jordan 2016; Steinebach and Knill 2017; Burns et al. 2019; 2020).

What do we mean by dismantling and how can we measure it? Jordan et al. (2013:795) define dismantling as the 'cutting, diminution or removal of existing policy'. However, it can also mean a failure to bring forward new policies, which is particularly important in an environmental context where policy sits in a complex interdependent web that implicates cognate sectors and evolves in line with scientific knowledge. Dismantling scholars tend to analyse three principal indicators to capture the range of possible dismantling activity (i) policy density, i.e. how much policy is brought forward (Knill

et al. 2009); (ii) policy intensity, a qualitative measure of the stringency of policy measures to determine if policy activity has shifted (*ibid.*); and (iii) re-regulation, a measure of whether different forms of policy instruments have been used, such as voluntary measures (Hanf 1989; Jordan et al. 2013). There is also an emerging strand of work that reviews the use of technical policy processes to push through policy changes but with limited scrutiny (Fernandez 2019; Burns and Tobin 2019; Pollex and Lenschow 2020). A long-standing dismantling strategy is to avoid blame by hiding dismantling activities (Jordan et al. 2013). One way in which to do so is to weaken policy ambition by using technical legislative processes and policy tools typically reserved for minor updates to policy. These processes usually enjoy lower levels of accountability and scrutiny. Hence, analyses of comitology provisions in the field of EU environmental policy reveal evidence of dismantling by this legislative back door (Burns and Tobin 2019; Pollex and Lenschow 2020). Fernandez (2019) uncovers similar trends in Spain where Royal Decrees have been used to push through environmental policy changes with limited scrutiny.

The findings of the burgeoning literature on policy dismantling in the EU are mixed. Kassim et al. (2017) uncover clear evidence that policy activity dipped across the whole of the EU *acquis communautaire* in the years immediately following the economic and financial crisis. Burns et al. (2020) suggest that environmental policy density and intensity were reduced between 2004 and 2014. Gravey and Jordan suggest there is evidence that the EU has been prepared to dismantle environmental policy (also see Steinebach and Knill 2017). Equally, however, it is clear that in some policy sectors

there has been expansion, largely thanks to the various crises confronting the EU that required a policy response. Hence, there has been growth in legislation on economic governance (Bauer and Becker, 2016; Menz and Smith 2013, Jabko and Luhman 2019). With regards to policy responses to the refugee crises, authors differ in their assessment with some pointing to an expansionist agenda (Niemann and Zaun 2018), other emphasizing differences within the policy field (Trauner and Ripoll Servent 2015) and yet others arguing that policy has failed (Börzel and Risse 2018, Schimmelfennig 2018b). The era of European integration consequently does not seem to be over, but, in the words of Schimmelfennig (2018a), we may be witnessing differentiated processes of (dis)integration. Where there is resistance to further integration, it is strongly linked to core state powers and domestic political factors such as the rise of populist parties (ibid).

In this context, the environment is an interesting case study. On the one hand, environmental policy has become an increasingly important part of typical government activity and the EU has produced over 300 pieces of legislation covering a wide range of environmental challenges (Zito et al. 2019). The EU has done much to promote its environmental leadership credentials, especially on the world stage (Parker and Karlsson 2010; Bäckstrand and Elgström 2013) and key states have been prepared to push the environment agenda at the EU level (Wurzel et al. 2019) and have been successful in doing so for a number of reasons. First, the paradigm of ecological modernization, built upon a rhetoric of win-win synergies between protecting the environment and economic growth, has been a powerful discursive tool successfully



deployed by key policy entrepreneurs to justify EU environmental action (Weale et al. 2000; Machin 2019). Second, many environmental policies have been seen as essential to the creation of the single market (Rehbinder and Stewart 1985). Third, richer states have been prepared to make transfers to poorer states to enable investment in environmental infrastructure (Andonova 2003). Fourth, and crucially, environmental policy has not typically been regarded as trespassing upon core state powers, which have focused on fiscal and budgetary policy, foreign affairs and defence policy (Genschel and Jachtenfuchs 2016). All of these factors point to the importance of how environmental policy has been framed (Lenschow and Zito 1998; Daviter 2007).

The question of framing is equally important when we consider environmental policy in conjunction with energy policy, a key part of the climate change agenda, which has also long been regarded as a core state power. For example, policies ‘affecting a Member State's choice between different energy sources and the general structure of its energy supply’ are excluded from Qualified Majority Voting in the Council (Treaty on Functioning of the European Union, Article 192[2c]). The enlargement of the EU to encompass a range of states that remain dependent upon fossil fuels, where there are lower levels of popular concern for the environment and which are less affluent, has made the environment and, crucially climate change, more politicized. The so-called Visegrad states of Central and Eastern Europe have been increasingly willing to work together to rein in the EU’s environmental policy expansion and ambition (Wurzel et al. 2019), especially where they view such policy as treading upon core national prerogatives. Consequently, one of the key findings in the literature on environmental

policy dismantling is that the EU's enlargement to incorporate more enviro-sceptic states provides at least part of the explanation for patterns of policy dismantling observed (Burns et al. 2020). This suggests that environmental policy and crucially climate change policy in the EU, is increasingly politicized and therefore potentially vulnerable to dismantling strategies. However, policy does not unfold in a vacuum; key actors, such as the Commission, can play a central role in shaping the direction and ambition of policy. A key question that the current context raises is what role can institutional entrepreneurs play in this scenario?

The current post-functionalist research agenda seeks to understand the comparative political dynamics of territorial identity and competition between domestic political parties (Hooghe and Marks 2009). The new intergovernmentalist literature makes an equally reasonable case for the continued importance of the inter-state interactions within the EU decision-making process (Hodson and Puetter 2019). Nevertheless, these research agendas all have as a premise that multi-level decision-making is important, and in this debate it is important to continue to focus analytical effort on the EU's supranational institutions, and how they seize opportunities or operate under constraints in the face of these intergovernmental and territorial pressures. Just as the European Commission was integral to the efforts to expand integration through acts of entrepreneurship (Cram 1997), it is reasonable to postulate that there is an important story about supranational entrepreneurship in any EU policy decline and dismantling. Consequently, this symposium examines these debates about dismantling and

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disintegration by focussing upon EU environmental policy and the leadership and entrepreneurship choices of the EU Commission.

This symposium offers empirical insights, reflects on the theoretical implications of recent policy dynamics and critically engages with the concept of the institutional entrepreneur in order to ascertain which characteristics and activities are important for shaping the current EU vision. It brings together a set of articles that identify new theoretical perspectives and methodological approaches for capturing environmental policy change that, despite the sectoral focus, speak to wider literatures on understanding policy change, especially policy dismantling in the context of economic recession.

### **Symposium arguments and findings**

The first paper in this collection by **Viviane Gravey and Andrew Jordan** offers a wider historical and comparative perspective. The authors build on evidence that, despite much talk about regulatory policy dismantling in general and environmental policy dismantling (in particular since 1992), dismantling has not actually taken place. Employing a historical institutionalist perspective, they show that dismantling strategies deployed in the 1990s have been largely symbolic. Since the 2000s however, dismantling strategies became more assertive, both among Member States and within the Barroso and Juncker Commissions, linking both sets of EU actors to the furthering of economic competitiveness after the economic and financial crisis as well as to the rescue of the European integration project. Even though failures to assemble the needed

winning coalition in the Council and the mobilization of public opinion in favour of the targeted environmental measures hindered active erosion of the policy, we witness policy stagnation due to the self-restraint of the Commission. This raises questions concerning the role of the Commission in the European integration process. Do we need to reconsider the widely held assumption of the European Commission being the ‘motor of European integration’ in general, and playing a central entrepreneurial role in environmental policy in particular?

These are questions tackled by **Christoph Knill, Yves Steinebach and Xavier Fernández-i-Marín**. In differentiating between agenda setting with the promotion of environmental matters (talk), the actual proposition of environmental policy to the EU legislators (decision), and the implementation and policy enforcement phase (action) they employ organizational theory to detect ‘hypocritical’ policy entrepreneurship (Brunsson 2002) as the EU Commission has ceased to follow up consistently on its entrepreneurial rhetoric. Specifically, the authors show that, in the 2000s, the Commission kept up its activist environmental rhetoric in public statements, but that policy output stagnated and ambition decreased from 2009, and that infringement activity dropped significantly after 2010. They conclude that, in response to the multiple crises facing the EU, the Commission has shed its technocratic entrepreneurial behaviour and has become a ‘normalized bureaucracy’ reacting to often-contradictory policy demands with the decoupling of talk, decisions and actions.

The paper by **Alexander Bürgin** turns to the question of how such behavioural change comes about internally and investigates the impact of organizational reforms of the Juncker Commission. These reforms aimed at both hierarchical steering and horizontal coordination by entrusting the Vice-Presidents with the lead over centrally set policy priorities and the Secretariat-General with a gatekeeping role ensuring that policy initiatives from line Commissioners and Vice Presidents correspond with the President's agenda. Collecting evidence from the Energy Union, Bürgin shows that Juncker effectively ended internal fragmentation and improved consistency and coherence of policy proposals. Not least due to prominent international commitments, climate policy was successfully coordinated with energy policy. With respect to environmental policy, however, the presidentialization of the Commission implied the environment's subordination to economic priorities such as jobs, growth and competitiveness and the suppression of initiatives originating at the service level.

Based on new empirical data from multiple sources, the three contributions in this symposium make significant contributions to the literature individually, and as a complementary collection. They enable us to understand patterns of EU environmental policymaking over time, how the Commission's role as a policy entrepreneur in this field has shifted, and the ways in which internal re-organization within the Commission reflects wider policy pressures. All three papers reflect on the impact of the economic and financial crisis and the rise in Euroscepticism on EU environmental policymaking and show how these crises have crept into the organizational logic of the European Commission, substantially changing its traditional role as policy entrepreneur.

The organizational theory approach employed by Knill *et al.* and Bürgin allows for a wider comparative perspective on this process. Rather than inferring the end of European integration and entrepreneurial policymaking in the EU, they diagnose “normalization” where the Commission needs to adjust its policy agenda strategically to external circumstances. In this context, the locus of entrepreneurship shifts from the technocratic services and single Commissioners to the top level of the Commission and therefore increasingly depends on both organizational and political leadership of the Commission President and cabinet. In the Barroso and Juncker Commissions, this has implied the gradual side-lining of environmental policy objectives behind other policy priorities such as economic recovery.

All three papers note the impact of politicization on supranational dynamics and the end of European environmental policy by stealth (Weale 1999). As described by Gravey and Jordan, it is thanks to the institutional hurdles of assembling majority coalitions in the Council and due to effective mobilization of interest groups and voters that existing environmental policy stayed “locked in” (Pierson 1994) and the deprioritization of environmental objectives resulted in stagnation rather than dismantling. The future of EU environmental policy therefore depends on the political saliency of environmental protection and the reaction of the Commission leadership to these external circumstances.

The heightened significance of the political context and the politicization of the European integration project at large points to another factor affecting (environmental)

polycymaking: the framing of policy and the role of ideas. All three symposium articles emphasize that the fate of EU environmental policy has depended on its framing. The environmental acquis has either been framed as symptomatic of the crisis of European integration, by impeding subsidiarity, and causing overregulation and red tape, hence pointing towards the need for dismantling. Alternatively, it has been posited as compatible, or even essential to future scenarios for growth and EU integration via green growth, the circular economy, the low carbon economy and opportunities for global leadership. The articles demonstrate that the Commission has played a crucial role in framing environmental policy so that it is linked to the European venue, and sometimes fending off critics of EU environmental polycymaking by strategically adjusting its rhetoric. We are reminded of observations first formulated by Baumgartner and Jones (1991) with respect to US environmental polycymaking. Hence, while successful frames may keep a policy on the political agenda, lessons from EU environmental policy also offer plenty of evidence of how policy frames can narrow the path for policy decisions (Lenschow and Zito 1998; Zito 1999). These symposium articles contribute to our understanding of these processes by extending the understanding of policy framing as being potentially symbolic, and underpinned by organizational goals, which ultimately result in framing being decoupled from decision-making.

Hence, the symposium makes a timely methodological, theoretical and empirical contribution with a set of papers that speak both to each other and to important debates in the wider literature. For the future of EU environmental policy, this symposium alerts

us to the politicized role of the European Commission, with leadership, organizational structure and the strategic use of policy ideas being critical factors in facing an increasingly challenging political environment.

## **Conclusion**

This symposium allows us to draw a number of conclusions about dismantling, disintegration and policy entrepreneurship and to develop a research agenda that can inform future studies of EU environment and climate policies but also wider studies of how actors can seek to deliver policy change (and the obstacles and opportunities that they encounter).

First, the symposium raises the question of the role of the European Commission as an engine for integration. Do we see the normalization of the European Commission as a bureaucracy and with a consequent realignment of entrepreneurial ambition with a greater emphasis on centralized decision-making?

This question has two important dimensions. First, it has a functional dimension that asks whether this dynamic is specific to some policy areas such as the environment, or whether it is part of a general development. The review of the literature offered in this article points to a variable pattern across policy fields rather than a general trend. Similarly, the three articles in this symposium detect different patterns in the Commission's ambition to act as a policy entrepreneur and observe a trend to



bureaucratic normalization in environmental policy (Gravey and Jordan; Knill et al.). Moreover, they also point to differential patterns within the field and identify the Commission's continuing capacity to push prioritized policy issues like the energy-climate nexus (Bürgin).

Second, it has a temporal dimension that raises some important questions. Are we in an institutional trajectory where the Commission is changing its approach to environmental policy-making? Or is this more of a cyclical dynamic waiting for the next environmental crisis or for a new Commission prepared to prioritize environmental policy once again? Rhinard (2019) has made the case that the European Commission and EU agencies have been able to exert considerable entrepreneurial leadership in response to the wide range of crises, creating various early warning systems. We may read the announcement of the "Green Deal for Europe" by the von der Leyen Commission in late 2019 as an indication of such temporal dynamics, and of the potential of the European Commission under a new president (Bürgin in this issue) to reassume the role of policy entrepreneur. Whilst it remains too early to tell whether the renewed rhetorical focus upon a green deal is mere talk or whether policy decisions and action will follow (Knill et al. in this issue), the re-emergence of this discourse, which was first articulated in the immediate aftermath of the financial and economic crisis does underline a second key theme of this symposium: the role of policy framing and ideas.

Even in times of crisis, the Commission maintained the rhetoric of environmental activism (Knill et al. in this issue), developing a communicative discourse (Schmidt 2010), with member states and the general public that the Commission was willing to lead on this issue. At the same time, policy proposals needed to be framed to be responsive to perceptions of ‘better regulation’ and compatible with either dominant ideas of economic recovery and competitiveness or other salient issues such as climate change, in order to be successful. Thus, beyond the mere institutional and discursive lock-in of environmental policy preventing outright dismantling (Gravey and Jordan in this issue), our authors lead us to look at the Commission’s organizational abilities and discursive strategies to construct effective narratives to maintain and potentially even expand the environmental agenda. While existing work tends to focus on the Commission strategically framing policy linkages (e.g. Machin 2019; Bocquillon 2018; Kurze and Lenschow 2018), Bürgin in this symposium elaborates on how the effectiveness of building successful policy linkages also depends upon the organizational features of the Commission.

Finally, what have we learned about the nature of dismantling in the EU context of economic and political crisis? In line with institutionalist thinking, we have learned that constraints to outright dismantling are not only due to the complex institutional set-up of the EU but also due to the deep ideational anchor of environmental policy in the political system. The economic crisis nevertheless has had an impact on the nature of environmental policy. While the environmental *acquis* emerged as a flanking policy to

the single market, environmental policy rose to the soft normative core of the Union in the 1990s (Delreux and Happaerts 2016; Lenschow and Sprungk, 2010). However, in economic hard times environmental policy-makers have struggled to hold on to this position and have subordinated their framing to economic objectives. Only through very fine-grained analyses of dismantling, that include implementing measures and patterns of enforcement (Knill at al. in this issue), is it possible to detect the impacts of this shift.

The effects of the political legitimacy crisis on environmental policy are similarly ambiguous. On the one hand, the crisis seems to have undermined the Commission's entrepreneurial role on an institutional dimension; on the other hand, environmental and climate policy are prone to identity politics and offer opportunities for a positive framing of the EU as a whole. Our symposium authors identify internal leadership (Bürgin) and societal coalitions of support (Gravey and Jordan) as first, but important, scope conditions.

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