

Diverging Paths? Challenges to EU Environmental Policy Implementation in Italy and Poland

By
Sarah M. T. Munro

Submitted to
Central European University
Department of International Relations and European Studies

In partial fulfillment of the requirements for the degree of Master of Arts

Supervisor: Professor László Csaba

Word Count: 15,741

Budapest, Hungary
2011

© Sarah M. T. Munro

Abstract

This paper aims to investigate the challenges faced by member states in meeting the EU's increasingly ambitious environmental policy legislation, by conducting a comparative study of two choice cases: the rich and old member state Italy, notorious for being a laggard, and the relatively poor and new member state Poland. I aim to identify whether, almost ten years after its accession date, Poland has been able to emerge from the laggard role it was immediately placed into at its date of accession, or if it has fallen victim to similar political and economic challenges as those faced by Italy, despite differences in the two states' level of industrialization and duration of membership.

After analyzing the historical evolution of environmental policy within the EU, Poland and Italy, the three main hypotheses of this thesis emerge: 1) the EU will become increasingly more important for the development of environmental policy within its member states; 2) new member states will likely overperform to meet the EU's environmental policy ; 3) the shape of the internal polity of a state will be a larger determinant for the progressiveness of a state's environmental policy, than will its level of income. All three hypotheses are shown to be valid through an in depth analysis of Italy's and Poland's performance in the field of environmental policy, using directive notification rates, infringement cases, ruling coalition party platforms, Eurobarometer surveys and data on state expenditures into environmental protection.

Acknowledgement

I would like to express my gratitude to my supervisor Professor László Csaba, for his advice and words of encouragement not only during the entirety of the thesis writing period, but my stay here at CEU. In addition, I would like to thank my family for their unwavering support, guidance and love, and for always encouraging me to reach for new heights.

Table of Contents

Introduction.....	1
Research Questions and Objectives.....	2
Methodology.....	3
Literature Review	5
Chapter 1: Environmental Policy in the European Union: Development and Challenges	10
1.1 Development.....	10
1.2 Challenges	13
1.2.1 Enlargement	13
1.2.2 Implementation Deficits	14
1.2.3 Convergence of national policy.....	15
1.3 Conclusion	16
Chapter 2: Historical development of environmental policy in Italy and Poland	18
2.1 Historical Overview of Environmental Policy in Italy.....	18
2.2 Historical Overview of Environmental Policy in Poland.....	23
2.2.1 State-Socialism.....	23
2.2.2 Transition and Pre-Accession	27
2.3 Conclusion	30
Chapter 3: Comparative Analysis of environmental protection in Italy and Poland: Where are they today?	32
3.1 Legislative.....	32
3.1.1 Notification of Implementation of EU policy on the National Level	33
3.1.2 Infringement Cases	35
3.2 Political Environment.....	37
3.2.1 Italy	37
3.2.2 Poland	40
3.2.3 Political Scandals	43
3.3 Economic Considerations.....	47
3.4 Conclusion	49
Conclusion	50

Introduction

The need for environmental protection within the European Community was first realized in the early 1960's; however, actual policy only first came into being in the early 1970's in response to the UN Conference on the Environment in 1972 and to growing public concern for the mounting pollution levels brought about by rapid industrialization. Thereafter, the European Community incrementally took on a more ambitious role as a global leader in environmental protection policies. By 1987, environmental protection was given its own chapter under the Treaty establishing the European Union.¹ This phase in the development of EU environmental policy can be considered to be the turning point at which environmental policy began taking a more prominent and serious role for the European Union (EU).

With the continuous development of its environmental policy came a pressing need for harmonization of policies and implementation practices between the EU's member states (MS). This task has, however, proven itself to be difficult given the variances in MS domestic political priorities, as well as differences in economic capacity to meet the demanding costs of environmental protection. Due in part to these factors, there has emerged a leader-laggard dynamic between the EU's member states in the implementation of policies, with the Northern states being among the policy leaders and the Mediterranean states among the laggards. With the 2004 and 2007 enlargements, this dynamic was further complicated with the admittance of twelve new member states, who upon entrance, were immediately positioned alongside the Southern "old member states" as laggards. Additionally, their capacity to advance among the leaders in environmental

¹ Stefan Scheuer, "EU Environmental Policy Handbook A Critical Analysis of EU Environmental Legislation," European Environmental Bureau (EEB), <http://www.eeb.org/?LinkServID=3E1E422E-AAB4-A68D-221A63343325A81B&showMeta=0> (accessed April 14, 2011): p. 8-12.

protection was put into question, and many believed that they would continue to lag years after accession.

Almost a decade after the admittance of the first round of the Central Eastern European states (CEE), the laggard status of the newly admitted members is worth a reexamination to assess whether they have remained among the poor performers, or if they have advanced to a position among the leaders. Taking into account the political and economic challenges that both old and new members face, this thesis will conduct a comparative study of the two choice cases: the old laggard state (Italy) and a new laggard that showed significant promise for improvement (Poland). Additionally, the findings from this study will not only provide insight into the state of environmental protection on an individual case level, but because the success of EU legislation is so dependent on member state compliance, it will also help to provide insight into the status of EU environmental policy today as a whole.

Research Questions and Objectives

The main aim of this thesis is to investigate whether Poland has successfully breached politico-economic boundaries to meet and even surpass the richer old member state Italy, and, if so, to identify some of the main contributing factors for this advancement. Furthermore, the results of this analysis will also help to contribute to a broader understanding of the state of EU environmental policy as a whole.

The research questions that have emerged from this study are the following:

- What factors have led there to be leaders and laggards in environmental policy implementation?
- And, what factors have led the less developed EU member state, Poland, to catch up and, in some ways, surpass Italy in the implementation of environmental policy?

- Finally, what implications does the answer to the above question have for EU environmental policy overall?

Methodology

In investigating my research questions I will first provide a historical overview of the development of environmental policy within the European Union, as well as addressing major challenges that the policy faces today and the theoretical explanation thereof. From this first chapter emerges my first hypothesis: based on the historical transformation of the policy field, it is likely that the EU will become increasingly more important for the development of environmental policy within its member states (i.e., environmental policy will take on an increasingly more supranational role).

In my second chapter I will engage in a historical comparative study of the transformation of environmental policy within Italy and Poland. From this study, I will begin to test my first hypothesis to investigate whether Italy developed its environmental policy along with that of the EU or by individual initiative. In essence, I aim to examine whether Italy's environmental policy has become more ambitious with EU supranational pressure, or whether it has continued lagging due to domestic issues such as low level of priority of environmental protection among political elites, poor administrative capacity and a lack of integration of new environmental social movements into the mainstream political arena. From chapter two, an additional two hypotheses emerge which will later be tested in chapter 3. The first is that new member states will likely overperform to meet the EU's environmental policy (along with other requirements of the *acquis communautaire*), while old member states are less likely to do so. The second hypothesis that emerges is that the internal polity of member states will play a larger role in determining than ambitiousness of a state's environmental policy than does its income level (measured by GDP per capita). Moreover, not only does the

domestic polity determine how ambitious domestic environmental policy is in member states, but also the overall success of the EU's increasingly ambitious environmental policy.

To test my hypotheses within each of the individual case studies I will be using content and discourse analysis of environmental legislation adopted by the two states in the past five years, as well as media analysis to identify key issues areas (i.e., areas of progress as well as scandals that have emerged related to environmental protection). Additionally, party programs of current ruling coalitions will be analyzed to determine the degree of importance environmental protection takes for the political parties. For a closer measure of commitment to the environment, government spending as percentage of GDP into environmental protection will be analyzed using both state's central statistical office (Italy – National Institute of Statistics (Istat); Poland – Central Statistical Office (GUS)). For cross-reference means, data from the European Commission's Eurostat will also be used. The actual environmental policy performance level of each state will be gauged using the "leader" and "laggard" terminology identified in the literature. Leaders and laggards are differentiated by how effectively they both transpose and implement legislation, as well as by whether they push for more progressive policy formation within both their domestic political system and within the EU, or if they merely formulate domestic policy around that of the EU.

This thesis is case oriented, focusing on three subjects: the EU, Poland and Italy. The most focus will be given to the latter two cases, but analysis will be provided on how the domestic polity of Italy and Poland impact the overall performance of the first case (the EU). Italy and Poland provide exemplary cases for addressing my research questions. Italy is an old member state (one of the original founding members) who is notorious for its role as a laggard in environmental policy. Additionally, adding further complexity to the puzzle, Italy is a rich EU member state which ranks among the top five member states in GDP per capita, yet it still has significant problems addressing issues of environmental protection. Poland, on the other hand, provides an example of a new

member state that, upon entering the EU, showed promise for future improvement due to its active environmental movements pre and post 1989 and vocal commitment to environmental protection. Additionally, Poland provides an interesting contrast to Italy because its much poorer economic standing; therefore, addressing the issue of whether level of development or the structure of domestic polity plays a larger role in determining the ambitiousness of a state's environmental policy.

Literature Review

There is extensive literature addressing the evolution of the EU's environmental policy from its origins to its present day status as a global leader. McCormick, specifically, provides a historical overview of the EU's transition towards an environmentally conscious institution in the early 1970's, to present day consolidation beginning in 1993.²

Since 1973, the EU has developed a substantial amount of environmental legislation, with environmental protection assigned its own chapter in 1987. Given the importance of member state compliance with EU legislation for the legitimacy of environmental regulation, the majority of debate addresses implementation challenges faced by member states.³

Scholars have addressed variances in implementation practices among member states as an implementation *problematique* or gap;⁴ with the Southern and East Central European states, more specifically, being those facing the greatest challenges.⁵ Some have argued that implementation challenges emerge from capacity limitations due to the lack of effective institutions, political will

² John McCormick, *Environmental Policy in the European Union* (London: Palgrave, 2001).

³ Maria Lee, *EU Environmental Law: Challenges, Change and Decision-making* (Oxford: Hart Publishing, 2005).

⁴ See, among others, Peter Bursens, "Why Denmark and Belgium Have Different Implementation Records: On Transposition Laggards and Leaders in the EU," *Scandinavian Political Studies* 25, no. 2 (2002): 173-195., Wyn Grant, Duncan Matthews, and Peter Newell, *The Effectiveness of European Union Environmental Policy* (London: Macmillan Press Ltd, 2000)., Matthieu Glachant, "The Need for Adaptability in EU Environmental Policy Design and Implementation," *European Environment* 11 (2001): 239-249.

⁵ See, for example, JoAnn Carmin and Stacy D. VanDeveer, eds., *EU Enlargement and the Environment: Institutional Change and Environmental Policy and Central and Eastern Europe* (New York: Routledge, 2005)., Klaus Eder and Maria Kousis, eds., *Environmental Politics in Southern Europe: Actors, Institutions and Discourses in a Europeanizing Society* (Dordrecht, The Netherlands: Kluwer Academic Publishers, 2001).

among the elites and low public involvement in environmental issues.⁶ Although the Southern and East Central European (CEE) states differ in regard to their historical past, with the CEE states facing the aftermaths of decades of Communist rule, both have faced similar issues with capacity deficits.

Scholars have also addressed the impact of member states on the progressiveness of EU policy itself, by voicing concerns that moderate and at times regressive national policies will limit the advancement of EU environmental policy.⁷ This, specifically, was prevalent in the literature prior to and directly after the Eastern enlargements in 2004 and 2007. These concerns emerge from the liberal intergovernmentalist perspective, which argues that EU environmental policy progressiveness rests with domestic environmental policy innovation; noting that institutional structures, domestic political leadership and societal actors all play an integral part in determining the leader or laggard role of a state.⁸

From an economic perspective, a major challenge for environmental protection that has emerged both in the Southern states and, specifically, within the CEE states has been rapid industrialization which, when combined with capacity deficits, has led to increases in environmental degradation.⁹ Often, economic concerns (e.g., unemployment, economic growth, high cost of environmental protection) take on a more prevalent role among political elites than do environmental concerns. However, environmental degradation need not go hand-in-hand with industrialization; in fact, with the help of public and private funding and a willingness among

⁶Carmin, JoAnn, and Stacy D. VanDeveer, eds.

⁷Ingmar Von Homeyer, "Differential Effects of Enlargement on EU Environmental Governance," in *EU Enlargement and the Environment: Institutional Change and Environmental Policy in Central and Eastern Europe*, ed. JoAnn Carmin and Stacy D. VanDeveer, 52-76 (London: Routledge, 2005).

⁸See, among others, Duncan Liefferink and Mikael Skou Andersen, "Strategies of the 'green' member states in EU environmental policy-making," *Journal of European Public Policy* 5, no. 2 (1998): 254-270., Andrea Lenschow, ed. *Environmental Policy Integration: Greening Sectoral Policies in Europe* (London: Earthscan Publications Ltd, 2002)., Jon B. Skjaerseth and Jorgen Wettstad, "Is EU enlargement bad for environmental policy?," *International Environmental Agreements* 7 (2007): 263-280.

⁹ See Rudolf Lewanski and Angela Liberatore, "Environmental Protection in Italy," In *Environmental Politics and Policy in Industrialized Countries*, ed. Uday Desai (Oxford: Hart Publishing, 2005), 204-247.

authorities to integrate environmental protection with economic development, environmental protection may co-exist with development.¹⁰ This thesis will investigate how two states have addressed the issue of environmental protection, specifically through the implementation of EU environmental policy, while tackling issues of industrialization. Moreover, it will compare responses to environmental protection of an already industrialized state (Italy) with that of a less industrialized state (Poland), to argue that progressiveness of policy is dependent more on a state's domestic polity than on its level of development.

There are also studies which focus particularly on the development of environmental policy within the EU as well as within the individual member states that will be compared in this thesis. For environmental policy within the EU, McCormick (2001)¹¹ provides a comprehensive historical overview of the development of EU environmental policy, while Lee (1997), provides an expansive overview of the evolution of the EU's environmental policy institutional legal framework, and the challenges it faces in national level implementation.¹² Both of these pieces of work help to provide the needed historical background on EU environmental policy to take a closer look at the debates on the role of institutions on national level policy implementation.

Liefferink and Andersen (1997) seek to tackle environmental policy implementation from a member state level, arguing that member states must form cooperative alliances, in combination with supranational EU efforts, for successful policy to be formed.¹³ In addition, they concentrate on the role that policy leaders play in pressuring and advancing laggard states to meet institutional requirements. Others, such as Desai (2002), follow a stricter institutional perspective, and put more

¹⁰Keith Clement, *Economic development and environmental gain: European environmental integration and regional competitiveness* (London: Earthscan Publications Ltd, 2000).

¹¹ McCormick, (2001).

¹² Lee, (2005).

¹³ Duncan Liefferink and Mikael S. Andersen, *The Innovation of EU Environmental Policy* (Oslo, Norway: Scandinavian University Press, 1997).

emphasis on the role that institutions play in shaping domestic policy.¹⁴ Despite this, Desai does acknowledge the role that national governments and local domestic movements play in forming an accepting political climate for policy implementation to take place.¹⁵

On the individual case study level, it is vital to investigate environmental policy development over time in order to understand present day environmental politics within each of the member states. In the case of Italy, Lewanski and Liberatore argue that, although one of the initial members of the European Economic Community, it remains, nevertheless, one of the notorious laggard nations due to its poor implementation practices.¹⁶ Italy is characterized by implementation deficits and divides between local municipalities and the national government and institutions; both of which make it significantly more difficult for streamlined policy adoption and for actual enforcement of legislation.¹⁷

Poland, on the other hand, provides a different perspective as a nation entering into the EU only in 2004, and one of the Central and Eastern European new accession states. Poland, along with its neighboring accession states, faced a great deal of both environmental supporters and critics of the EU enlargements. Before accession, Poland experienced a domestic rise in environmental social movements in the latter years and directly after the fall of communism, which helped to raise awareness of environmental issues within the country. The problem, however, was that often these movements did not see political representation on the national level, and, like Italy, the country experienced large implementation deficits.¹⁸ Nevertheless, since accession, and despite a bumpy road

¹⁴ Uday Desai, "Institutions and Environmental Policy in Developed Countries," in *Environmental Politics and Policy in Industrialized Countries*, ed. Uday Desai (Cambridge, Massachusetts: MIT Press, 2002), 7-10.

¹⁵ Ibid.

¹⁶ Rudolf Lewanski and Angela Liberatore, "Environmental Protection in Italy," in *Environmental Politics and Policy in Industrialized Countries*, ed. Uday Desai (Cambridge, Massachusetts: MIT Press, 2002), 204-247.

¹⁷ Ibid.

¹⁸ Barbara Hicks, *Environmental Politics in Poland: A Social Movement Between Regime and Opposition* (New York: Columbia University Press, 1996).

to improvement, Poland has made significant steps to implement EU environmental policy into national law.¹⁹

Despite the extensive literature on EU policy, Italian policy and Polish policy, literature comparing Italy and Poland is sparse; therefore providing a gap for a deeper comparative analysis between the two states. Such a comparative study, almost a decade after the admission of Poland to the EU, will help to provide insight into whether the CEE members will likely remain long-term laggards states in the implementation of EU environmental legislation like the old member state Italy, or if they have successfully tackled the political and economic challenges faced at their time of accession.

¹⁹ DG Environment, “2008 Environment Policy Review,” European Commission, <http://ec.europa.eu/environment/pdf/policy/poland.pdf> (accessed February 10, 2011).

Chapter 1: Environmental Policy in the European Union: Development and Challenges

Environmental policy has gone through a significant transformation within the European Union. This chapter will outline the history of the development of environmental policy within the European Union, as well as the challenges to its effectiveness -- which will be tested in the final two chapters with a comparative analysis between an old member state (Italy) and a new member state (Poland). Additionally, this chapter will present the theoretical background for this thesis, which will be later applied to the case studies.

1.1 Development

EU environmental policy began on fragile ground when it was first established in the late 1960's. Up until this time, environmental issues had been widely ignored; in fact, the Treaty of Rome, which set the direction of policy for the newly formed EU failed to make any mention of environmental policy. Environmental policy did not start gaining political importance until after environmental degradation and pollution levels increased, due to the post-war period of rapid industrialization, to a level where it became an issue of public interest.²⁰ Thereafter, EU policy makers acknowledged the transboundary nature of environmental degradation, and sought to develop legislation on a supranational basis to address the issue. As Grant *et al.* argue, this was, however, not an easy task to accomplish because environmental policy takes on a different character than most of the EU's other policies, which usually evolved from national political initiatives. As they mention, due to its relatively new nature, environmental policy was less embedded in terms of legislation and political will than other policy areas within the majority of member states. Because of this, more steps needed to be taken in order to defend the legitimacy of the EU to intervene in a

²⁰ Grant et al., (2000), 9.

policy area normally up to the discretion of national governments. European policy makers therefore tied environmental protection into the objectives of the single market policy, arguing that the policy would help to eliminate trade distortions created by diverging member state environmental protection standards.²¹

Although European officials were successful in introducing environmental policy to the Union by 1972, it was still for the most part ad hoc and fragmented. Throughout the 1970s and much of the 1980s, the majority of legislation was limited specifically to industrial emissions limits.²² In 1986, however, environmental regulation gained its own section in the Single European Act and came into force by 1987. The inclusion of environmental regulation in the Single European Act was a significant step for environmental protection within the EU. By joining the environmental policy decision-making procedures with that of the internal market, much of the controversy on the legal base of EU regulation of environmental standards that had been experienced throughout the 1960s-1980s, was rendered less politically relevant among member states.²³

During the 1990s, EU environmental regulation became progressively more encompassing to include “horizontal directives,” which, while still allowing member states to adapt policies to their domestic environments, began regulating activities harmful to the environment outside of just emissions (e.g., water quality, waste management, natural land protection).²⁴

Finally, with the adoption of the Lisbon treaty, some important changes in regard to environmental policy were also incorporated. While the majority of the legislation remained unchanged, some powers (e.g., climate change and energy issues) were transferred from member

²¹ Ibid., 13. (grant)

²² Clement, (2000), 30.

²³ Lee, (2005), 19-20.

²⁴ Clement, (2000), 31.

states to the EU itself.²⁵ Additionally, the EU is now required to promote environmental protection on an international level along with its previously mandated regional level. As Benson and Jordan (2010) argue, this gives the Commission a great deal of more power, by allowing it to participate along with member states in international agreements such as those on climate change.²⁶ This has substantially broadened the scope of the EU's role in environmental protection, and has made a significant impact on its agenda setting for the coming decade.

Today EU environmental regulation encompasses over eleven different policy areas, ranging from air and water quality to sustainable development and industrial policies. The EU is currently on its sixth Environmental Action Program (EAP), which has identified four different priority areas for the coming years until 2012: 1) climate change; 2) nature and biodiversity; 3) environment and health; 4) natural resources and waste.²⁷ Additionally, the European Commission has recently released its Euro 2020 strategy, which makes sustainable growth one of its top priorities for the next decade. This entails working towards a competitive low-emissions economy, promoting green-technology, an increase in percentage of renewable energy of total energy usage, and more.²⁸ Furthermore, the Euro 2020 builds on the Kyoto Protocol and has set a 20% greenhouse gas emissions reduction target, 20% of energy usage from renewable energy target and a 20% increase in overall energy efficiency for the EU as a whole.²⁹ Additionally, in compliance with the Kyoto Protocol, each member state has been required to set national targets in line with the EU headline targets.

²⁵ David Benson and Andrew Jordan, "European Union environmental policy after the Lisbon Treaty: plus ca change, plus c'est la meme chose?," *European Environment* 19, no. 3 (2010): 470.

²⁶ Ibid.

²⁷ DG Environment, "The Sixth Environment Action Programme of the European Community 2002-2012," European Commission, <http://ec.europa.eu/environment/newprg/intro.htm> (accessed May 22, 2011).

²⁸ Ibid.

²⁹ European Commission, "Europe 2020: EU-wide Targets," European Commission, http://ec.europa.eu/europe2020/targets/eu-targets/index_en.htm (accessed May 22, 2011).

Needless to say, environmental policy has developed significantly within the European Union in the past thirty-five years to become an integral part of the EU's future growth strategy, and it is likely to only become more encompassing in the coming years. It therefore becomes evident that member state compliance will play a vital role in ensuring the continued success of the EU's strategies in the future. The next section will address several challenges that EU environmental policy faces, and will provide the theoretical backing for this thesis.

1.2 Challenges

Challenges to the effectiveness of EU environmental policy have taken on several different forms. Three of those which are most widely discussed in the literature will be addressed in this chapter. These include: impacts of enlargement, implementation and enforcement issues and, finally, issues with national policy convergence.

1.2.1 Enlargement

One of the challenges to EU environmental policy discussed more widely in recent years has been the two most recent enlargements in 2004 and 2007. Not only did the first enlargement bring in the largest influx of state actors (10 new CEE member states) since the EU's formation, but it also brought with it member states who were of a significantly lower level of economic development than the majority of the old member states. Because effectively implementing and enforcing environmental regulation requires a considerable amount of financial support, institutions and human capital, many worried that the new member states would be unable to match the performance of old member states before and after accession.³⁰ Prior to accession, each of the member states is required to implement the EU's *acquis communautaire*, which, as Lee argues, had a

³⁰ Chapter 3 will look specifically at this issue by comparing the new member state Poland and the old member state Italy to assess whether this concern has held true, or if the new member state has integrated successfully enough to outperform an old member state.

largely positive impact on environmental policy within the new member states.³¹ Essentially, it put pressure on the CEE governments to place environmental protection among their top priorities, and to begin actual enforcement of environmental regulation that was already in place. The question that arises, however, is whether or not the new member states will continue to build up their capacity to implement environmental legislation (i.e., will they continue to implement environmental directives) after accession. Again, as Lee states, “true implementation is an ongoing endeavor requiring practical day to day implementation of environmental law...”³² Today, almost a decade after the first round of CEE states entered into the EU, this issue deserves reexamination to determine whether or not the new member states have been able to successfully distance themselves from their “laggard” status, or if they have remained amongst the EU’s lowest performers.

1.2.2 Implementation Deficits

A second challenge to the progressiveness of EU environmental policy -- also tied into the enlargement issue-- is the problem of member state non-compliance in implementing environmental directives. The success of EU legislation and, more specifically, EU environmental policy rests heavily on the willingness of member states to effectively implement and enforce EU laws. As Grant *et al.* (2000) argue, the progressiveness and “appropriateness” of actual policies matter little when it comes to meeting the EU’s environmental protection goals, if member states are unwilling to transpose, implement and enforce said legislation.³³

With the above in mind, two opposing sides of the literature have to be taken into account: those that hold an optimistic outlook for the future development of EU environmental policy (e.g., Liefferink, Andersen and Duncan) and those which hold a slightly more pessimistic interpretation (e.g. Grant *et al.*). Those optimistic scholars tend to define successful development as an increase in

³¹ Lee, (2005), 20.

³² Lee, (2005), 20.

³³ Grant et al, (2000), 66.

number of pieces of environmental legislation and a shift away from “fragmented policy measures to more pro-active and integrated approach[es] to environmental problems.”³⁴ Those with a slightly more pessimistic interpretation focus not only on the actual development of environmental legislation, but also on its actual implementation and enforcement (i.e., they argue that EU environmental policy suffers from an “implementation deficit”). Still others challenge this view to argue that there is, in fact, a tendency for over-compliance with EU legislation.³⁵ In essence, it is possible for domestic policies of member states to be more ambitious than those promoted by the EU itself, which can lead member states to surpass the standards required by EU legislation (i.e., leading to over-compliance).

While the latter argument holds some truth, it will not be the focus of this study, since it concentrates primarily on the leaders of environmental policy within the EU. Instead, the first two arguments will be taken into account throughout the rest of this thesis, while the status of a new member state entering as a laggard and a notorious laggard old member state are reexamined.

1.2.3 Convergence of national policy

The third and final challenge, and one that has been widely addressed in the literature³⁶, is the question of whether the EU has effectively been able to influence a convergence of its member state’s national policies, as well as to facilitate policy transfers between national governments. As Bulmer and Padgett state, “the European Union is increasingly portrayed as a ‘massive transfer platform’ or ‘supranational idea hopper’ for the exchange of policy between member states.”³⁷

³⁴ Duncan Liefferink and Mikael Skou Andersen, "The Innovation of EU environmental policy," In *The Innovation of EU environmental policy*, ed. Duncan Liefferink and Mikael Skou Andersen, 9-37 (Oslo: Scandinavian University Press, 1997), 10.

³⁵ Glachant, (2001), 239-249.

³⁶ Duncan Liefferink and Andrew Jordan, "An 'Ever Closer Union' of National Policy? The Convergence of National Environmental Policy in the European Union," *European Environment* (2005): 102-113.

³⁷ Simon Bulmer and Stephen Padgett, "Policy Transfer in the European Union: An Institutional Perspective," *British Journal of Political Science* 35, no. 1 (2005): 103.

One would assume that since member states are required to implement EU environmental legislation equally on a national level, that there will be a natural tendency for domestic policies among member states to take on a similar form to one another. The problem that arises, however, is that there are clear differences both in implementation rates (as argued in the previous section), as well as the individual progressiveness of member states. EU environmental policy formation tends to be driven by a few “leader” member states (e.g. Germany, Denmark and the Netherlands), while many of the rest have been either almost purely policy takers, or view the policy as an imposition.³⁸

Two separate theories (among many others) which attempt to explain convergence (or non-convergence) of national policies to those of the EU have emerged: 1) sociological institutionalist theory; 2) historical institutional theory.³⁹ While sociological institutionalist theory argues that organizations become increasingly similar across national borders as they attempt to mold to their “operating environment,” historical institutionalist theory asserts almost the opposite, by stating that domestic institutions are less conforming to their external environment and are prone to path dependency.⁴⁰ However, as Duncan and Liefferink argue, neither theory has been able to fully explain the complex system of European integration of national policies. The EU has been faced with the problem of growing convergence of some of its policies and persistence or divergence among national lines for others. With this in mind, this thesis will use both theories interdependently to examine the development of environmental policy within its two case studies.

1.3 Conclusion

This chapter has shown that the development of environmental policy in the EU was neither quick nor without challenges. The following two chapters will present the historical transformation of environmental policy within Italy and Poland – paying close attention to the role of the EU in

³⁸ Grant et al, (2000), 15.

³⁹ Bulmer et al, (2005), 104-105.

⁴⁰ Ibid.

influencing policy change – and will provide further evidence for Liefferink and Andersen’s argument that neither the sociological institutionalist theory nor the historical institutionalist theory are able to independently explain implementation practices in member states; rather, an explanation lies in a mixture of the two. Both of these chapters will help to give insight into the state of EU environmental policy today -- be it that there’s room for optimism or for concern.

Chapter 2: Historical development of environmental policy in Italy and Poland

Similarly to the European Union, environmental policy formation in member states had to go through a series of multiple transformations. The main purpose of this chapter is to show the overarching challenges faced by both member states in developing and enforcing environmental regulation, but also to pinpoint the differences in approaches to environmental protection taken by the two states. These differences help to formulate the main hypothesis of this thesis: progressiveness of environmental policy is not necessarily contingent upon the level of development of a state, but rather on the level of political will among the political elite to tackle politico-economic challenges on the national and provincial level, while still making environmental protection a priority among national policies.

The structure of this chapter will be the following: first, the development of environmental policy within Italy will be addressed. Since Italy is one of the original founding members of the EU, focus will be given to what role Italy played in the development of EU policy, as well as the historical politico-economic challenges that Italy faced in the past and in present day. Second, an overview of the development of environmental policy within Poland will be addressed, starting with environmental policy under state-socialism, to post state-socialism and leading up to its EU accession in 2004.

2.1 Historical Overview of Environmental Policy in Italy

Italy provides a prime example of how lack of political commitment to environmental protection can lead to slow, fragmented and significantly delayed policy formation, regardless of a states level of economic development. As the following will show, environmental protection within Italy not only developed later than most, but also, once created, it often took years for the legislation

to be effectively implemented and enforced. Additionally, the following will provide an explanation for why Italy has been categorized as a notorious laggard state in the field of environmental policy.

Between the 1950s and 1990s Italy went through a period of rapid industrialization, which was heavily concentrated in its Northern and Central regions. However, while Italy's Northern half experienced substantial industrial growth and became its industrial core, Italy's Southern region remained for the most part agricultural and less developed. In an effort to promote further industrialization and to eliminate the economic disparities between its Northern and Southern regions, the Italian government initiated projects to build up infrastructure and heavy industry in the South during the 1960s. Unfortunately, little economic gain was seen from these "cathedral in the desert" projects. Instead, the region (like its Northern counterpart) experienced large influxes of pollution levels, while still remaining underdeveloped relative to the North.⁴¹

Although rapid industrialization brought economic growth to Italy, it also had a significant negative impact on Italy's environment. In the post-war period, highly polluting heavy industries (e.g., chemical, cement, and steel) thrived in the upper regions of Italy. In addition, small- and medium-sized industries -- making up specialized industrialized districts -- also heavily contributed to environmental degradation during this period. The main issue with the specialized districts was their tendency to attract large amounts of similar industry into small concentrated regions. One such example is the ceramic tile industry that prospered near Modena. In a territory of less than 50 square kilometers, over 250 ceramic tile companies gathered to produce 30% of the world's sales.⁴² Large scale manufacturing confined to such small territories can not only be an overburden on natural resources but it can also lead to (as was the case in Italy) concentrated areas of excessive pollution. The polluting industrial practices of many of Italy's small, medium and heavy industries also had

⁴¹ Angela Liberatore and Rudolf Lewanski, "The Evolution of Italian Environmental Policy," *Environment* 32, no. 5 (1990): 10.

⁴² Lewanski and Liberatore, 204.

negative impacts on some of Italy's other economic sectors (e.g., tourism). Italy has a large tourist industry not only due to its rich historical culture, but also because of its climate and expansive beaches. However, due to unchecked industrial pollution, some of Italy's waterways and tourist attractions have been subject to severe degradation. In fact, by 1999, 5.6% of Italy's coastal waters were declared too polluted for swimming because pollution levels exceeded limits set by EC directives.⁴³

Industrial growth was, however, not the only serious burden on Italy's environment during this period. In addition to highly concentrated industrial areas, Italy also has issues with environmental degradation brought about by densely congested populations in its urban areas. Moreover, and putting further strain on the environment, infrastructural development to meet the demands of industrial growth, as well as urban expansion skyrocketed by 1986, to cover 260 thousand square kilometers (app. 90% of total territory).⁴⁴ In sum, the state of the environment in Italy was severe and in desperate need of proactive action on the part of national and regional administrations. However, as the following will show, Italy was characterized by often feigned or non-existent political concern for environmental protection, inapt legislation and fragmented approaches taken to address areas of concern.

By the 1960s the state of the environment deteriorated to a point where it could no longer be ignored politically. Despite this, the national government responses that did take place were often fragmented and reactive instead of proactive in handling environmental problems.⁴⁵ The poor quality of environmental protection legislation even evoked comment from the Commission of the European Communities as late as 1976, stating that Italian environmental policy was "a long way

⁴³ Ibid., 205.

⁴⁴ Rudolf Lewanski and Angela Liberatore, "Environmental Protection in Italy: Analyzing the Local, National, and European Community Levels of Policymaking," in ed. Uday Desai, *Environmental Politics and Policy in Industrialized Countries*. Cambridge, Mass.: The MIT Press, (2002): 205.

⁴⁵ Ibid., 203.

from representing a uniform *corpus juris*.⁴⁶ The first piece of policy formed to deal explicitly with environmental issues was Act 615 in 1966, which aimed to address air quality issues. A testament to the quality of enforcement mechanisms for environmental protection within Italy, the actual implementation and enforcement of Act 615 did not begin until the early 1970s (almost ten years after the legislation was passed!) and even then was only applied to some areas in Italy's Northern region.⁴⁷ Policy makers within Italy seemingly chose an environmental protection issue every decade, with air pollution in the 1960s, water in the 1970s and solid waste in the early 1980s. Further issue areas remained for the most part ignored within Italian policy until after EU legislation had been formed and Italy was expected to implement the matching directives.

In 1986, the first singular Ministry of the Environment was created in Italy. Unsurprisingly, the formation of the ministry coincided with the year that the first environmental chapter was adopted within the EU under the Single European Act. This is evidence that Italy was largely a policy-taking member state, relying on progressive EU legislation to dictate the direction of its own policies. Despite some steps forward in policy formation, Italy still remained relatively behind in environmental protection. For example, environmental expenditures as percent of gross national product (GNP) in Italy was significantly more limited than other member states and still fell short of the EU average of 1.2% as late as 1992.⁴⁸ Additionally, there was still an evident lack of political will to make environmental issues a priority, despite the growing number of civic environmental movements – by 1995 over 900,000 members were registered with environmental movements.⁴⁹ Political parties gave little heed to issues which were not related to inter-party debate, and with the political crisis that emerged in 1992, environmental policy slipped even further down the list of party

⁴⁶ Michael R Reich, "Mobilizing for Environmental Policy in Italy and Japan," *Comparative Politics* 16, no. 4 (1984): 385.

⁴⁷ Rodolfo Lewanski, "Environmental Integration: Is a Green Government Enough? Some Evidence from the Italian Case," In *Environmental Policy Integration: Greening Sectoral Policies in Europe*, ed. Andrea Lenschow, 78-100 (London: Earthscan Publications Ltd, 2002), 79

⁴⁸ Rodolfo Lewanski, 80.

⁴⁹ Ibid.

priorities. What emerged from the political crisis was a government that gave little heed to environmental issues and a head of the Ministry of Environment who openly supported hunting in national parks, highway construction and nuclear energy.⁵⁰

In 1996, however, there emerged some hope for environmental protection within Italian politics. After the national elections in the spring of 1996, the Italian Green party gained a substantial number of seats in the lower governmental chamber due to a pre-election agreement among the coalition parties.⁵¹ Still, despite the presence of a Green party in national politics, environmental issues remained largely ignored and subordinated to economic interests. It was only after 1998 that any substantive legislation was passed, which allowed Italy to catch up in terms of legislation with other industrialized countries. Still, sheer number of legislation matters little for environmental protection if there is a lack of actual implementation and enforcement. Unfortunately, this was exactly the case in Italy, and as will be discussed in chapter 3, is still an issue plaguing the quality of its environmental protection.

In sum, Italy has been afflicted by serious environmental degradation brought on by rapid industrialization. The biggest issues, however, that environmental protection faced within Italy were a lack of political will among its elites to make environmental protection a priority alongside economic development and lack of implementation and enforcement of legislation that was formed. What can be learned from Italy is that a country's level of development does not necessarily determine the progressiveness of a state's environmental policy. Instead, political will to make environmental policy a priority and the general shape of polity within a country are greater determinants of whether a state will be a leader or a laggard in environmental protection.

The following section will address the development of environmental policy within a less developed state; which, although initially suffering from similar challenges to environmental policy formation as

⁵⁰ Ibid., 81.

⁵¹ Ibid., 83.

Italy, was seemingly able to take significant steps in environmental protection because of an internal political shift to make environmental policy a priority among national policies.

2.2 Historical Overview of Environmental Policy in Poland

2.2.1 State-Socialism

Like many post-Soviet states, environmental standards and quality within Poland left much to be desired prior to 1989. The strong emphasis on heavy industry during state-socialism led to an unprecedented amount of environmental degradation; which, when combined with the inefficient and often corrupt political and economic structures in place, left environmental issues for the most part unchecked until the final years of communism. Furthermore, the industrial practices and heavy emphasis on mining and coal industries made Poland possibly one of the “dirtiest of all communist countries.”⁵² By the latter part of the 1960s and into the 1970s, however, concerns for the severity of environmental degradation began taking on a more prominent role in political rhetoric, as well as in actual legislation.⁵³ Substantive legislation for the protection of natural land, along with air and water quality was passed in the early 1970s. One of which – the 1974 Water Law – was so progressive, that it was the first of its kind in the world to establish a system of taxation for water consumption and disposal, as a means of encouraging conservation practices.⁵⁴ In addition, stricter financial punishments for violations of environmental legislation were also put in place, along with the possibility of up to five years of incarceration for more severe infringements.⁵⁵ Furthermore, by 1976, the first environmental law institution in the Soviet Union was established in Poland, under the Polish Academy of Sciences. In 1983, twenty-seven areas within Poland were marked by the

⁵² Daniel H. Cole and John Clark, “Poland’s Environmental Transformation: An Introduction,” in *Environmental Protection in Transition: Economic, Legal and Socio-Political Perspectives on Poland*, ed. John Clark and Daniel H. Cole, 19-29 (Aldershot, England: Ashgate Publishing Company, 1998), 1.

⁵³ Francis Millard, “Environmental Policy in Poland,” in *Dilemmas of Transition: The Environment, Democracy and Economic Reform in East Central Europe*, ed. Susan Baker and Petr Jehlkicka (New York: Frank Cass Publishers, 1998), 145.

⁵⁴ Daniel H. Cole, *Instituting Environmental Protection: From Red to Green in Poland* (London: Macmillan Press Ltd, 1998), 39-41.

⁵⁵ *Ibid.*, 41.

Council of Ministers as being “environmental endangered,” and strict legislation was subsequently passed to restrict any further development of pre-existing industries as well as to monitor the development of new ones.⁵⁶ However, despite the many advances in proactive legislation formation, increased punishments and institution building, the severity of Polish pollution levels continued to escalate throughout the 1970s and into the 1980s.⁵⁷

The factor that was probably the most limiting to further advancement in environmental protection, and which led to the high levels of environmental degradation in the first place, was Poland’s industrial practices under state-socialism. Under the Soviet development system, the state was in control of designing, implementing and enforcing environmental policy against industries which were owned by the state itself. This, in turn, left the welfare of the environment almost solely in the hands of the state, without any clear powerful external mechanism to pressure the national government to effectively enforce policy against itself.⁵⁸ Needless to say, like in other nations under state-socialism, Poland had a great deal of environmental policy legislation in place, but suffered from a large enforcement gap. Many industries often paid little regard to the legislation that had been put in place, and continued the same polluting practices as before. The centrally-planned economy in place strove to promote economic growth and production levels at any cost, which often meant that the environment remained merely an afterthought in relation to fiscal and manufacturing interests.⁵⁹ Moreover, due to the system’s secluded nature from the West, many of the state-socialist countries were unable to learn from or imitate Western innovations for environmental protection during industrialization.

⁵⁶ Millard, (1998), 145.

⁵⁷ Ibid., 43.

⁵⁸ Piotr Jasinski, “Introduction: Environmental Regulation in the Process of Systemic Transformation,” in *Environmental Regulation in Transforming Economies: The Case of Poland*, ed. Piotr Jasinski and Helen Lawton Smith (Brookfield, Vt.: Ashgate Publishing Company, 1999), 4.

⁵⁹ Ibid., 5.

As a result, throughout the 1960s and 1970s, the level of pollution within Poland reached such a dire level that 80% of the Vistula river was rendered too polluted even for industrial use. It was reported that over half of the 800 communities along the river failed to have proper, if any, sewage treatment facilities.⁶⁰ Furthermore, by 1989, approximately 73.8% of Poland's forests were damaged due to high emission levels, and 65% of all of its rivers had been rendered unsuitable for human consumption and even industrial use.⁶¹

This is not, however, to say that environmental regulation was non-existent within Poland prior to the transition years in the 1990s. As stated earlier, the severity of environmental conditions in the country led to a rise in environmental conservation movements and to a somewhat coordinated response from the public administration and private professional field to establish the necessary institutions, laws and policies for environmental protection.⁶² This coordination was made possible due, in part, to the relatively weaker influence of the communist ideology and institutions within Poland.⁶³ This, in turn, also allowed environmental protection to take on a more proactive and sophisticated role within Poland, relative to other states under communism.

Another factor which helped garner support for environmental protection, was the fact that, since polluting industries in centrally-planned economies were so interconnected with the national governments, the political leadership could be held directly accountable for any environmental degradation that ensued from industrialization. As mentioned, there are of course disadvantages that emerge from close interaction (i.e., a lack of will among national authorities to enforce legislation against themselves); however, in the case of Poland, it also led to a rise in environmental civic movements. Many of the green movements that emerged during the latter years of communism

⁶⁰Zbigniew Bochniarz and Gary B. Cohen, eds. *The Environment and Sustainable Development in New Central Europe*. Austrian Studies Vol. 7 (Oxford: Berghahn Books, 2006), 2.

⁶¹Hicks, (1996), 30-31.

⁶²Halina Szejnwald Brown, "Transformation of the Environmental Regulatory System in Poland during the 1990s," *Knowledge, Technology, & Policy* 19, no. 4 (Winter 2007): 27-28.

⁶³Cole, (1998), 4.

functioned both as campaigns for environmental protection and as an accepted (albeit limited) means of political protest. One well-known social movement was the Solidarity movement. Beginning in 1980, along with various other local movements, it helped to provide political relevance to environmental issues. The Solidarity movement alone had over 10.5 million participants in the early 1980s, and was able to successfully pressure for more political liberalization within Poland. This, in turn, allowed for more open discussions (written and verbal) about issues impacting the Polish population -- one of which was the quality of the natural environment.⁶⁴

Despite these advances, state concern for environmental protection during the period leading up to the 1990s remained limited and at best fragmented compared to many Western states. There continued to exist an underlining belief that centrally-planned economies, unlike capitalist economies, were able to industrialize in a way that avoided exploitation, and therefore that environmental degradation was not linked to the system's practices.⁶⁵ Moreover, there were reoccurring issues with legislation formation but lack of actual implementation, which obviously does little for actual environmental protection.

Notwithstanding its limitations, the mere fact that environmental policy and some environmental institutions were formed under communism, did leave room for hope that the future would bring about further developments in the field. The next section will address the transformation of environmental policy within Poland, as a result of key economic and political reforms during the 1990s - early 2000s, and highlight how this period has helped to transform Poland into a relative leader among the CEE new member states.

⁶⁴ Jasinski et al, (1998), 7.

⁶⁵ Piotr Jasinski, "Introduction: Environmental Regulation in the Process of Systemic Transformation," 3-4.

2.2.2 Transition and Pre-Accession

The period after the collapse of the Soviet Union was marked as a time for some optimism among environmentalists concerned with the state of the environment in the CEE countries. There was hope that with the collapse of the command-economy, there would come an end to industrial practices that paid little heed to environmental degradation. The majority, however, continued to hold negative outlooks for the state of environmental quality within Poland, and few would have predicted the degree of improvement that Poland experienced during its transition and pre-accession years.

Improvement in the quality of environmental standards began in the latter years of the 1980s and into the 1990s when Poland entered into a severe recession. Although this improvement was positive, the economic downturn that caused it was biting. By 1990, GDP had fallen by 12% and industrial output declined by a quarter.⁶⁶ Additionally, unemployment rates skyrocketed from the registered 1% in mid 1990 to 16.9% by mid 1994.⁶⁷ Normally, in times of economic downturn, environmental protection is given a lower priority among national policies; however, Poland devised a series of economic instruments to tackle environmental degradation, while at the same time promoting economic growth. The dramatic improvement in the state of the Polish environment that occurred during its transition years and until its accession in 2004 also made Poland a model for other industrializing economies. After it emerged from the recession that plagued its economy in the early 1990s, Poland went through a period of rapid growth – leading it to have among the highest GDP growth rates in Europe.⁶⁸ As the following will show, Poland (with the help of the EU) was progressive in tackling issues of funding for environmental policy in times of economic downturn

⁶⁶Daniel H. Cole and John Clark, "Poland's Environmental Transformation: An Introduction," 3.

⁶⁷ GUS - Polish Central Statistical Office, "Unemployment rate 1990-2010 - Registered unemployed," http://www.stat.gov.pl/gus/5840_677_ENG_HTML.htm (accessed May 25, 2011).

⁶⁸ Halina Szejnwald Brown and David Angel, "Environmental Regulatory Reform in Poland: Lessons for Industrializing Economies," *Environmental Science & Technology* 34, no. 18 (2000): 3849.

(in turn, showing that environmental protection was a priority), as well as in facing regulatory reform and capacity building. To ensure that the economic instruments would be effective, Poland implemented a series of major regulatory overhauls that addressed the enforcement gaps that were common through the late 1980's. These included, improving enforcement of laws, monitoring systems, increased fines for pollution and, most importantly, the consolidation of regulation under one ministry.⁶⁹

In order to continue tackling environmental issues despite the poor state of its economy (suffering from hyperinflation and large amounts of foreign debt), Polish political leaders instilled a system of self-financing environmental protection.⁷⁰ In essence, this system allowed for environmental protection programs to survive market pressures, as well as internal political pressures to re-assign spending to other avenues. Additionally, since the majority of the environmental protection programs were controlled on provincial and local levels, monitoring of program effectiveness and actual implementation was much more successful than it had been under the centralized system.⁷¹ The self-financing system that was established, was funded by the "polluter pays principle" (i.e., polluters are taxed for their practices). The funds from these taxes are then recycled back into environmental protection programs by ecological funds on the national, regional and local levels. One of such programs was the National Environmental Protection and Water Management Fund, which administered loans for projects addressing environmental hazards of national importance. The regional and local level funds did much of the same, but were concentrated on location specific projects.⁷²

⁶⁹ Halina Szejnwald Brown et al., (2000): 3850.

⁷⁰ Zbigniew Bochniarz and Richard S. Bolan, "Sustainable Institutional Design in Poland: Putting Environmental Protection on a Self-Financing Basis," in *Environmental Protection in Transition: Economic, Legal and Socio-Political Perspectives on Poland*, John Clark and Daniel H. Cole, 19-29 (Aldershot, England: Ashgate Publishing Company, 1998), 19.

⁷¹ Ibid., 20.

⁷² Ibid., 21.

Another progressive fund which was vital to environmental protection in Poland during the transition years and during the pre-accession period was the EcoFund. While the prior funds tackled internal funding problems, the EcoFund was a project allowing Poland to address its large amounts of foreign debt, while at the same time providing funding for domestic environmental projects that had international impacts (i.e., issues that were transboundary). In coordination with the Paris Club, the EcoFund allowed for debt-for-nature swaps between Poland and its debt holders. Essentially, if Poland agreed to reinvest a comparable sum to 10% of its debt into environmental protection programs, the Paris Club sovereign debt holders agreed to forgive an additional 10% each.⁷³ These progressive funds helped to contribute to real and noticeable change in environmental quality in the form of CO2 emissions reduction, water quality and more.

EU accession had been a goal for Poland starting directly after the fall of the Soviet Union, and in 1998, Poland was officially invited for accession negotiations. Like other CEE governments hoping to gain EU membership, the Polish government was faced with the daunting task of transposing and implementing the EU environmental *acquis*, among other pieces of legislation. In order to successfully meet the EU's legislation requirements (specifically in the field of environmental policy) a great deal of financial commitment on the part of the Polish government and support from external funds was vital. For environmental protection alone, Poland invested approximately 2 billion in ECU funds between 1994 and 1999.⁷⁴ One of the most notable structural funds from the EU was the Phare program, which directed financial support towards "capacity" building for both the Polish national as well as regional administrations.⁷⁵ It must be noted, however, that capacity issues were not unique to Poland alone (as can be seen in Italy's case). Schreus, for

⁷³ Jerzy Sleszynski, "Economic Instruments in Polish Environmental Policy," in *Environmental Protection in Transition: Economic, Legal and Socio-Political Perspectives on Poland*, ed. John Clark and Daniel H. Cole, 30-67 (Aldershot, England: Ashgate Publishing Company, 1998), 49.

⁷⁴ Stacy D. VanDeveer and JoAnn Carmin, "Sustainability and EU Accession: Capacity Development and Environmental Reform in Central and Eastern Europe Vol. 7," in *The Environment and Sustainable Development in the New Central Europe*, Zbigniew Bochniarz and Gary B. Cohen, 45-58 (New York: Berghahn Books, 2006), 52.

⁷⁵ Martin Ferry, "The EU and Recent Regional Reform in Poland," *Europe-Asia Studies* 55, no. 7 (2003): 1099.

example, argues that capacity problems are not unique to new member states, but, rather, it is an issue faced by old member states and the EU itself.⁷⁶ This statement is worrying for the state of EU environmental policy as a whole, however, it shows that the problems faced by Poland during its pre-accession period were not unique.

The accession process made a significant impact on environmental policy in Poland. Not only did it lead to a large increase in internal and external spending into environmental programs (as stated above), but it also led to a prioritization of environmental policy above areas that were traditionally held as a greater importance (e.g. infrastructure policy).

As this chapter section has shown, the historical development of environmental policy within Poland has not been an easy task nor one without several significant obstacles to tackle. It has also shown, however, that despite these, environmental policy did take on a progressive role within Poland, and showed promise for still further development after accession. The next chapter will examine whether or not Poland's advancement in the years leading up to accession have continued almost ten years after accession, so that it could surpass the traditional old laggard state Italy.

2.3 Conclusion

This chapter has shown the historical chronological development of environmental policy within the two case studies of this thesis (Italy and Poland). It has proven that, unlike the widely held belief that environmentalism was almost non-existent within communist states, environmental policy was alive and even, in some cases, more advanced than in more developed capitalist states. Although Poland experienced severe environmental degradation in its initial years under state-socialism, significant steps were taken towards the latter years of communism to promote natural land protection and to improve water and air quality. In fact, Poland had one of the most ambitious

⁷⁶ Miranda Schreurs, "Environmental Protection in an Expanding European Community: Lessons from Past Accessions," In *EU Enlargement and the Environment: Institutional Change and Environmental Policy in Central and Eastern Europe*, ed. JoAnn Carmin and Stacy D. VanDeveer (London: Routledge, 2005), 27-51.

environmental protection programs under state-socialism, and, during its transition years, was viewed as a model for other industrializing states needing to tackle environmental issues. Thereafter, with the goal of EU accession in sight, major strides were taken to continue emissions reductions, improve water quality and, in whole, meet the EU's *acquis communautaire*. The historical analysis of Italy, on the other hand, has shown that an advanced industrialized state, member of the G-7 and original member of the European Community still faced debilitating environmental hazards that it continued to fail to address. This teases out the hypothesis that lack of environmental policy and failure to effectively implement EU environmental legislation is not due to the level of development of a state, or necessarily to (as in the case with Poland) its communist past, but rather to a lack of internal political will to make environmental protection a priority along with economic and industrial policies.

In sum, this chapter has shown that upon entering the EU, Poland demonstrated a great deal of promise as one of the new member states for continued improvement in the field of environmental policy; while Italy, on the other hand, time and again proved itself to be a long-term laggard state. The next chapter will examine Poland's progression almost a decade after its accession in 2004, to evaluate whether it has surpassed the laggard member state Italy, or if Poland too has fallen victim to the same politico-economic challenges faced by Italy.

Chapter 3: Comparative Analysis of environmental protection in Italy and Poland: Where are they today?

While the prior chapter traced the historical development of environmental policy within each of the states, and outlined some of the major challenges faced by both Italy and Poland in tackling said problems, this chapter will provide a comparative analysis of the two states' present day status in the field of environmental policy. They will be examined on three different levels -- legislative, political and economic --, to determine whether the less developed new member state Poland has progressed successfully (as it looked promising to do) almost a decade after its accession date, to surpass the notorious laggard state Italy. The chapter will be structured as follows: first, attention will be given to the legislative component of the environmental field within each of the states. For this thesis, this entails investigating the transposition and implementation of EU policy on a national level. Second, a comparison of the political environment within each of the states will be conducted. This requires an examination of lead political parties, to ascertain whether environmental policy remains a priority among their national initiatives. In addition, the role of green parties and public opinion (in the form of Eurobarometer surveys) will be taken into consideration when determining the political relevance of environmental protection among national elites and the population. Third, and perhaps one of the most important of the three, spending practices of each of the states in environmental protection programs will be examined.

3.1 Legislative

Successful transposition and implementation of EU policy within member states is vital to the functioning of the Union itself, which is based on the transnational harmonization of national and supranational policies. Therefore, this section will analyze Italy's and Poland's performance in two separate sections: first, notification of implementation rate; second, infringement cases.

3.1.1 Notification of Implementation of EU policy on the National Level

One of the first important determinants of a member state's desire to comply with EU legislation is its willingness to notify the Commission on its advancement in implementation of EU directives into national policy. This section will provide a comparison between Italy and Poland since Poland's accession in 2004 to determine how the two have fared in relation to one another, as well as compared to other member states.

Given the importance that EU legislation be incorporated into national law among its MS's, the Commission reviews steps taken by member states every two months. In addition, it requires that MS's notify the Commission itself on their individual progress. Table 3.1 shows a comparison between Italy's and Poland's progress in notifying the Commission on national measures taken to implement EU directives.

Table 3.1 Comparison of Italian and Polish notification response rates⁷⁷

Period	November 2004	November 2005	November 2006	November 2007	October 2008	September 2009
Italy	96.69%	97.74%	98.05%	99.19%	99.09%	98.92%
Poland	98.37%	99.70%	99.49%	99.44%	99.10%	99.20%

As can be seen from the table, Poland has taken on a more proactive role in notifying the Commission than the old member state Italy has. One possible explanation for Poland's high response rate could be that, as a new member state, Poland continued to feel a greater deal of pressure to conform to EU regulations directly after its accession in 2004 than would have otherwise been the case with Italy. As Sedelmeier mentions, new member states tend to be more "susceptible than the old members to the shaming strategy of the EU's compliance system and they might be

⁷⁷ Secretariat General, "National implementation measures notified to the Commission," European Commission, http://ec.europa.eu/eu_law/directives/directives_communication_en.htm (Multiple Tables) (accessed May 20, 2011)

more inclined to conceive of good compliance as appropriate behavior.”⁷⁸ In fact, between 2004 and 2007, Poland ranked highest (aside from Lithuania) out of all of the new member states.

Although Poland’s notification rate has remained high relative to Italy, the numbers can be deceiving in demonstrating Poland’s performance relative to the other 26 member states. Upon entering into the EU in 2004, Poland ranked among the top five member states in notification percentages; however, after 2007, it has continuously ranked among the lowest five performers (along with Italy). In fact, in 2009, Poland ranked 24th out of 27 member states.⁷⁹ Since Poland’s notification rates have not fluctuated significantly, this shows an overall improvement in member state compliance with notification regulation – a positive sign for EU integration. Nevertheless, the gradual decline rather than improvement in Poland’s ranking is worrying. For a more specific and closer look at the field environmental policy, the following tables (3.2 and 3.3) show notification rates, along with the number, of environmental directives needing to be implemented by Italy and Poland respectively.

Table 3.2 – Italy notification rates for environmental policy directives⁸⁰

Period	November 2004	November 2005	November 2006	November 2007	October 2008	September 2009
Number of Directives	188	191	197	202	217	223
Percentage of Notifications	92.02%	95.45%	99.49%	100%	99.08%	98.32%

Table 3.3 - Poland notification rates for environmental policy directives⁸¹

Period	November 2004	November 2005	November 2006	November 2007	October 2008	September 2009
Number of Directives	173	177	185	197	214	220
Percentage of Notifications	95.95%	100%	100%	100%	98.60%	97.45%

⁷⁸ Ulrich Sedelmeier, "After conditionality: post-accession compliance with EU law in East Central Europe," *Journal of European Public Policy* 15, no. 6 (2001): 807.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

Again, Poland has on average fared better than Italy in meeting its implementation targets for environmental policy. Yet again, however, attention must be brought to the gradual decline in its performance. After 2007, Poland has shown a decrease in its notification rate, despite the observation that it was able to continue meeting its targets even with incremental increases in number of directives to be implemented. Due, perhaps, in part to economic pressures after 2007, Italy too has experienced a decline in its notification of implementation rate.

This data slightly weakens this piece's original hypothesis that Poland will continue to make improvements in the field of environmental policy in relation to one of the old member states, Italy. Although Poland remained ahead of Italy in total EU directive notifications, it has fallen slightly behind Italy in recent years in regard to environmental issues. With this in mind, the following section will take a closer look at the number of infringement cases brought against the two states individually.

3.1.2 Infringement Cases

In 2009 alone, the Environmental Directorate General had 451 open infringement cases for the field of environmental policy.⁸² Of these, Italy ranked as the member state with the second most infringement cases (behind Spain) with 35 cases. This is a minor decrease from the previous year, in which Italy ranked as the state with the most infringements (45). Poland, on the other hand, has remained among the average of old member states. In 2008, Poland had 16 cases brought against it, and in 2009 it had a total 23.⁸³ Although only a slight increase, Poland has again shown a decline in its overall performance, leading it to exceed all but one new member state (the Czech Republic) in its number of infringements.

⁸² DG Environment, *Statistics on Environmental Infringements*, 2009, European Commission, <http://ec.europa.eu/environment/legal/law/statistics.htm> (accessed May, 20, 2011)

⁸³ Ibid. – Infringement Cases

Although number of infringement cases does play an important role in determining the success of a state's transposition and effective implementation of EU legislation, it does have several shortcomings. Firstly, infringement cases tend to accumulate over time; entailing that older member states will be more likely to gather a greater number of cases against them than new member states. This, however, does not hold true for all old member states. Germany, for example, has remained among the member states with the lowest number of infringement cases against it (9 and 8 cases respectively in 2008 and 2009).⁸⁴ This shows that the exorbitant number of cases against Italy rests not merely on the fact that it is one of the original member states, but, rather, on other factors (e.g., elite political will, activeness of public environmental organizations, etc.). Secondly, cases brought to the Commission for non-implementation tend to fall into what is considered a "black hole" in EU law.⁸⁵ In essence, the Commission is almost completely dependent on third parties to bring issues of member state non-compliance to its attention. Often, only thereafter, does the Commission take action against member states. This shortcoming could entail that either one or both Italy and Poland have a greater issue with non-compliance than the infringement case record shows. Finally, the number of infringement cases does not discriminate between large cases and small ones. Therefore, it is difficult to determine whether Italy's reduction of 10 cases and Poland's increase of 7 cases brought about any significant change in the quality of environmental protection.

Despite these shortcomings, number of infringement cases brought against each of the member states is still vital in helping to determine the "leader" vs. "laggard" status of Italy and Poland. In this case, the number of infringements again only partially helps to prove the original hypothesis that the new member state Poland is progressing successfully in its environmental standards, and has surpassed the old member state Italy. While Poland continues to outperform Italy

⁸⁴ Ibid. – Infringement Cases

⁸⁵ Grant et al, (2000), 72.

in infringements cases, it has nevertheless experienced a negative trend, which puts it at risk of being among the worst performers of the EU-27.

3.2 Political Environment

With the legislative aspects of implementation challenges presented in the previous section, this section will take a closer look at the actual stances of the lead coalition parties on the environment, to investigate whether environmental protection is among their top priorities, or if it falls far short thereof. Additionally, a comparison between Italy and Poland will help to provide insight into whether the absence of progressive environmental policy is due to a lack of political will among elite interests. To investigate this, the party platforms of each state's coalition parties will be examined: the Italian center-right coalition comprised of People of Freedom Party (PdL) and the Northern League (LN); the Polish coalition comprised of the center-right Civic Platform (PO) party and the agrarian Polish Peasants' Party (PSL). Furthermore, domestic public perceptions of environmental protection (measured using the most recent Eurobarometer survey) and the role of green movements within each of the states will also be analyzed. In addition, this section will present two well-known scandals (one each) faced by Italy and Poland to further demonstrate that challenges to progressive environmental policy transcend the lines of old-new state as well as rich-poor states, to rest on the shape of a state's domestic polity.

3.2.1 Italy

3.2.1.1 Political Elite Perceptions

The current ruling coalition which has been in power since 2008 in Italy is made up of the center-right parties the People of Freedom Party (PdL) and the Northern League (LN). Both are traditionally conservative parties with a strong emphasis on Christian values and preserving Italian national interests.

The party program of the lead member in the center-right coalition (PdL) contains exactly three sentences out of ten pages which address environmental protection in a very broad sense (e.g., future generations should be given the chance to live in harmony with the natural environment).⁸⁶ The program of LN, however, is far more encompassing, specific and policy-oriented. Separated into subsections under the heading environment, LN addresses issues of energy, pollution, waste, water quality and natural resources.⁸⁷ Despite this positive aspect, it is still concerning to see so little emphasis given to environmental issues by the more powerful of the two partners in the coalition. Additionally, it shows a division between political elite perceptions of environmental protection, which could lead to political infighting as opposed to the materialization of actual policy aiming to improve the quality of environmental protection.

An additional area of concern facing environmental protection within Italy which must be noted, is the domestic political elite perception of the EU. Both the PdL and the LN have openly criticized the EU over issues such as immigration and climate change, with the latter taking place due to an interest in protecting national industries that would incur costs from the proposed carbon taxes.⁸⁸ Euroskepticism has been a growing part of the coalition, and has even led to several public comments from PdL and LN that if the EU does not match Italy's national goals under the coalition, then it would be better for Italy to act independently than to remain in the EU.⁸⁹ Comments such as these seriously put into question Italy's willingness to conform to EU legislation if it conflicts with or poses a threat to domestic interests, even if the legislation addresses issues that are supranational in character.

⁸⁶ PdL, "Charter of Values of the People of Freedom Party," <http://www.ilpopolodellaliberta.it/notizie/15346/carta-dei-valori> (Author's translation) (accessed May 30, 2011).

⁸⁷ LN, "Ideas of the League," <http://www.leganord.org/elezioni/2008/lega/default.asp> (Author's translation) (accessed May 30, 2011).

⁸⁸ Michele Comelli, "Italy's Love Affair with the EU: Between Continuity and Change," *Istituto Affari Internazionali: LAI Working Papers* 11, no. 8 (2011).

⁸⁹ Ibid.

3.2.1.2 Public Perceptions and Civic Involvement

After identifying some of the political elite perceptions of environmental protection, it is worthwhile to look at public perceptions of environmental protection in order to get a more in depth understanding of the current domestic polity of Italy. To do this, this thesis will draw on the most recent Eurobarometer survey.

When asked how satisfied they were with the state of their environment, only 26% of Italian respondents stated that they were “very satisfied.” This is a dramatic difference from the perceptions of the Northern member states Finland (86%), Sweden (73%) and Denmark (65%). This can be perceived as showing that domestic populations sense the difference between their nation’s role as a leader or laggard in environmental protection.

Of more concern, however, when asked which two issues were of greatest interest to the citizens themselves, only 3% of Italians made environmental protection a priority, making the issue one of the very lowest among civic priorities. Italians instead identified unemployment (45%) and their domestic economic situation (41%) as being the two issues deserving the most attention. Clearly, the Italian public does not hold green issues among their greatest domestic concerns. Further proof of this fact, when asked if “economic growth must be a priority for our country, even if it affects the environment,” a larger portion of Italian citizens sided with economic growth. This finding adds additional support to this thesis’ hypothesis that the role of domestic polity and internal perceptions of environmental protection transcend the boundaries of old-new and rich-poor member states, since Italy is both an old and a rich member state suffering from similar challenges to environmental protection as the new and relatively poor member state Poland.

Oddly enough, however, 73% view the environment as being an issue for Italy. Despite this, only a fraction of those asked believed that there would be any actual positive change to quality of protection in the near future. This, in connection with the previous statistics, could show either that

the Italian public chooses to ignore environmental protection despite of the fact that they acknowledge it as being a serious issue, or that they de-prioritize environmental protection because they believe that no substantial improvement will occur regardless of their level of commitment.

With public opinion on environmental protection addressed, one further area of the domestic polity of Italy should be analyzed: the role of green movements in domestic politics. The most well known green political party in Italy is the Green Federation, which first gained recognition in the 1992 Italian general elections. However, like other political parties in Italy, the Green Federation was subject to political infighting brought about by difficulties with political and organizational consolidation.⁹⁰ Throughout the 1990's the Green Federation remained on the fringes of domestic politics. The party's own internal struggles and the fragile nature has made it difficult for it to gain any significant standing, despite a brief period of political participation with the center-left coalition. The political struggles experienced by the Green Federation are not unique to the party alone. Lack of strong political and organizational structures in combination with a fiercely competitive and overly publicized political environment in Italy, has made it difficult for green movements to emerge from the fringes. In fact, in 2009, Italy did not even have a Green representative for the European Parliament, which is a true rarity for old Western member states.⁹¹

3.2.2 Poland

3.2.2.1 Political Elite Perceptions

Like with Italy in the previous section, this section will look at the party programs of each of the current ruling coalition parties within Poland. At this time, Poland's ruling coalition is comprised of the center-right Civic Platform (PO) party and the agrarian Polish Peasants' Party (PSL).

⁹⁰ Roberto Biorcio, "The Italian Greens' Participation in the Centre-Left Government," *Paper presented to the workshop: Greens in Power: Government Formation, Policy Impacts and the Future of Green Parties at the ECPR Joint Sessions* (April, 2001).

⁹¹ Heinrich-Boell Stiftung, "The Class of 2009 Green Visions for Europe," http://www.boell.pl/downloads/Class_of_2009_web.pdf (accessed May 30, 2011).

While looking at the political agendas of PO and PSL, it became evident that Poland's current ruling coalition prioritization of environmental protection does not differ much from that of Italy's ruling coalition. Firstly, all four political parties assign a similar lower level of prioritization to environmental protection. Secondly, both ruling coalitions' are made up of one partner with a slightly more comprehensive environmental agenda and one which provides little to almost no mention of the environment. In the case of Poland, the less powerful partner PSL lists protection of Poland's natural environment as one of its six main issue areas; however, no extra elaboration is provided outside of the fact that the environment, as a national good, should be protected.⁹² This provides a similar comparison to the Italian PdL party, despite of the fact that PdL acts as the more powerful coalition partner while PSL does not.

Like the Italian LN party, PO has a far more encompassing party platform, addressing issues from the promotion of energy diversification and renewable energy for the protection of the environment, to sustainable agricultural practices under the Natura 2000 which are environmentally friendly.⁹³ Unlike, its coalition partner, PO not only states that the environment is an issue area needing to be addressed but delves deeper to identify areas in which protection can be promoted. Nevertheless, the total amount of space given to environmental issues still only adds up to five paragraphs out of a total of ninety pages of material. It must also be noted, however, that although it is a positive sign that environmental protection issues have been given any space at all in party agendas, it does not automatically entail that the goals will materialize in actual policy formation or on-the-ground change.

⁹² PSL, "Statute of the Polish Peasants' Party,"

http://www.psl.org.pl/upload/pdf/dokumenty/Dokumenty_X_Kongres_PSL/Statut_PSL.pdf (Translation provided by Krzysztof Bandasz) (accessed May 30, 2011).

⁹³ PO, "Civic Platform Election Program," 2007,

<http://www.platforma.org.pl/program/> (Translation provided by Krzysztof Bandasz) (accessed May 30, 2011).

3.2.2.2 Public Perceptions and Civic Involvement

Drawing again on the Eurobarometer for analysis, it was discovered that Poland's public perceptions and prioritization of environmental protection were even lower than those of Italy. A mere 1% of the Polish population in comparison to the EU-27 4%, view the environment as being one of the two most important issues concerning their country.⁹⁴ Instead, issues such as unemployment (48%) and the economic situation (25%) take a far greater precedence for the Polish population than does environmental protection. Additionally, 64% believe that environmental protection should be tackled jointly with the EU instead of remaining purely within the jurisdiction and responsibility of national authorities. Again, similarly to Italy, when asked if "economic growth must be a priority for our country, even if it affects the environment," a larger portion of Polish citizens sided with economic growth. This shows, like in the case of Italy, that green issues are of a lesser importance to the Polish population than economic ones.

Yet another similarity that can be identified between Italy and Poland is the role of green movements. Much like within Italy, Green parties within Poland have remained on the fringes of normal domestic politics. While there has been a vocal green constituency in the form of national movements before and after 1989 (see chapter 2), much of these movements have been unable to break into mainstream party politics. A prime example of this difficulty is demonstrated by the only Green political party present in Poland today, Zieloni 2004. Despite the fact that it almost completely monopolizes the environmental political market in Poland, it still remains relatively unknown in public debate, public awareness and electoral preferences.⁹⁵ This fact demonstrates that there remains a lack of public support for non-traditional parties such as the Green parties. This observation is further supported by the previously presented Eurobarometer findings.

⁹⁴ Ibid.

⁹⁵ Claude Weinber and Agnieszka Rochon, "Introduction," in *Polish Shades of Green: Green Ideas and Political Powers in Poland*, ed. Przemysław Sadura and Justyna Włodarczyk, 1-6. 2011, http://www.boell.pl/downloads/Polish_Shades_of_Green.pdf (accessed May 30, 2011).

3.2.3 Political Scandals

To further emphasize the impacts that domestic politics have on the progressiveness of a state's environmental policy, this section will address two scandals (one each) within Italy and Poland which have been widely discussed in the media and are currently still ongoing.

3.2.3.1 Italy's waste scandal

As shown in the previous sections, environmental protection within Italy has been heavily impacted by domestic interests and political infighting. One of the more noticeable issues that has arisen has been Italy's challenges with waste management. Although the problem is not a new one, it is one that has yet again gained publicity in late 2007 and early 2008 due to a rising crisis in Naples and the surrounding Campania region. This on-again off-again issue has been used by political parties as a means for ensuring either reelection or election; in turn leading to a series of short-term solutions to the problem while never actually addressing its root causes. Moreover, and further complicating the issue, the waste management industry in Naples is rumored to be under the control of the politically and economically powerful mafia organization Camorra.⁹⁶ If true, this only adds to the number of internal interests struggling to gain influence, as well as the number of interests determining government action taken to address the waste problem which is so harmful to human health and the environment.

Internal political fighting has not only had an impact on domestic solutions to the waste crisis, but also supranational ones initiated by the European Parliament (EP). In 2010, the EP responded to local petitioners who were concerned about the health and environmental impacts of Italy's noncompliance with EU waste management standards, and initiated a fact-finding mission to investigate further. However, in an attempt to thwart EP investigations, the Italian government

⁹⁶ Sylvia Poggioli, "Many Think Mafia Involved in Naples Trash Crisis," NPR, <http://www.npr.org/templates/story/story.php?storyId=18028075> (accessed May 30, 2011).

declared the waste sites as being “areas of strategic interest” and blocked access using its military.⁹⁷ Following this, the European Court of Justice (ECJ) sentenced Italy for infringements under the Hazardous Waste and Landfill Directive again in 2010, with the first sentencing having taking place in 2007.⁹⁸ Despite legislative action taken on the part of the EU, the waste crisis has continued within Italy. Essentially, this case is demonstrative of the power that internal political interests wield in determining the success of domestic environmental protection and the effectiveness of the EU. In early 2011, political infighting yet again impacted action taken to address Italy’s waste management issues. Initially in favor of quick means of action against Italy, the Italian Liberals (ALDE), Socialists (S&D) and Greens and leftists (GUE/NGL) Members of the European Parliament (MEPs) pushed for the EP to step in and resolve the issue. However, as the socialist party’s primary elections at the end of January drew closer, the Socialist MEPs pushed to kill any actions against Italy for waste management in the fear that the subject would provide opposition parties ammunition for political campaigns against them.⁹⁹ As a result, voting on a resolution against Italy was delayed until February, after the Socialist primary elections had already taken place.

Like in Poland with issues of pollution emitted from its coal industries(addressed next), issues with waste management in Italy have continued because the political classes have not made environmental protection a priority. Instead, they have followed internal political interests and have fallen subject to political infighting which leads to short-term outlooks for reelection as opposed to long-term outlooks needed for a strong commitment to environmental protection.

⁹⁷ Euractiv, "Italian MEPs block debate on Campania waste crisis," <http://www.euractiv.com/en/climate-environment/italian-meps-block-debate-campania-waste-crisis-news-501414> (accessed May 30, 2011).

⁹⁸ Ibid.

⁹⁹ Ibid.

3.2.3.2 Poland's coal industry

A prime example of where close industrial ties with government have hindered the pursuit of progressive environmental protection programs within Poland has been its coal industry. Although initially ambitious in many fields of environmental protection, climate change has always been an issue of concern for Poland. The coal industry in Poland is the second largest in Europe and has generally been acknowledged to be one of the main contributors to the severe levels of pollution that Poland experienced in the past (see chapter 2) and (albeit significantly decreased) still faces today. Historically the industry has had a substantial level of political sway and influence in the decision-making processes of Poland's ruling parties. An example of such power can be seen during the years immediately prior to Poland's EU accession. During this time, Poland's government sought to considerably slim the industry down by closing seven mines and cutting upwards of thirty-five thousand jobs before taking steps to privatize. Due, however, to the power of the coal unions, the government almost completely retracted its initial plans, and in turn agreed to delay proceedings and to maintain worker benefits.¹⁰⁰

Close ties between the industry and Poland's national government can still be seen today in the form of Poland's reluctant stance in international and EU negotiations on ambitious climate change policy. In 2009, Poland came under pressure from the EU to diversify its energy sources away from its 95% dependence on coal energy, so that steps could be taken to meet EU goals for a low-carbon Union. Thereafter, promises in the form of vocal commitments came from Poland that it would invest in nuclear energy to meet some of its energy demands. However, as late as April, 2011, Poland was attempting to circumvent EU legislation on carbon taxes for power producers within the EU. In this process, Poland pushed to exempt upwards of ten to twenty new coal-fired power stations from paying EU emissions permits by giving away tens of millions of free carbon

¹⁰⁰ The Economist, "Poland's Coal Industry: Tradition Wins," http://www.economist.com/node/1503795?story_id=E1_TVDPSJV (accessed May 30, 2011).

emissions credit.¹⁰¹ Further proof of the close connection between the industry and Poland's government has emerged at the time of writing this thesis with internal political fighting between the two ruling parties Civic Platform (PO) and the Polish Peasants Party (PSL) over the privatization of the coal company Jastrzebska Spolka Weglowa (JSW). The power struggle has transformed into a struggle of interests, in which the PO Prime Minister Donald Tusk has threatened to deny PSL Deputy Economy Minister the position as CEO of Poland's largest coal industry unless the PSL Deputy Prime Minister and Economy Minister Waldemar Pawlak agrees to privatize JSW.¹⁰²

Unsurprisingly, due to the above-mentioned close connection between the government and the coal industry, the Poland has faced challenges in meeting its most recent Euro 2020 target for CO2 reductions. In 2009, Poland claimed that it needed "more time than others" because of its heavy dependency on coal.¹⁰³ Although generally a supporter of the EU's emissions reductions targets because of its hold on a large number of carbon credits gained from a period of rapid improvement in emissions levels during post-communist industrial restructuring, Poland has been a vocal opponent to any plans to push the EU reduction target to a more ambitious 30% from its current 20% level. The reason for this again lies with domestic political interests and the close ties between industry and the political elite. In this case, a target increase to 30% would entail that Poland would have to give up its credit surplus which it currently uses to continue promoting its coal industry.

¹⁰¹ Euractiv, "EU carbon rules hinder Poland's plans for new coal power," <http://www.euractiv.com/en/energy/eu-carbon-rules-hinder-polands-plans-new-coal-power-news-503621> (accessed May 30, 2011).

¹⁰² "Coalition in Conflict over Coal Privatisation," *Polish News Bulletin*, 4 May 2011, available from LexisNexis Academic <http://www.lexisnexis.com/hottopics/lnacademic> (accessed 30 May 2011).

¹⁰³ Euractiv, "Poland 'needs more time' to meet EU climate target," <http://www.euractiv.com/en/priorities/poland-needs-more-time-meet-eu-climate-target-news-495566> (accessed May 30, 2011).

Poland's coal industry provides an excellent example of the impact that special interests and the role of internal polity plays in determining the level of ambition of a state's environmental policy takes domestically as well as on a supranational level.

As can be seen from these cases, it is evident that challenges to environmental protection emerging from domestic interests transcend the boundaries of old-new member states as well as rich-poor states. While this section provided an analysis of the political environment in both Italy and Poland, the next section will take a closer look at whether the internal politics have impacted spending practices of both of the states into environmental protection.

3.3 Economic Considerations

Discussed throughout this thesis, Italy and Poland provide interesting case studies because of their differences in accession date as well as differences in their level of industrialization. Yet, despite these variances, both countries have experienced similar challenges to the progressiveness of their environmental policy due to their national polity. The previous section analyzed political rhetoric on ambitious environmental policies within party manifestos. It is obvious, however, that rhetoric means very little if not combined with an equivalent amount of spending into environmental protection. This section, although briefer than the prior two sections, will provide the necessary empirical analysis to determine whether the political challenges faced by both member states has manifested itself into a decrease in spending in environmental protection.

Firstly, since expenditure into environmental protection for this thesis will be measured using expenditures as percentage of GDP per capita, a presentation and comparison of Italy's and Poland's annual rates are worth being made. As can be seen from table 3.1, identifying Italy as a richer state and Poland as a relatively poorer one is a valid argument to make. In 2004, Italy's GDP per capita was almost four times the size of that of Poland. Although the gap between Italy and

Poland has narrowed since then, Poland's GDP per capita still today remains three times that of Italy. Interestingly, despite these variances, both states have experienced similar challenges to environmental protection.

Table 3.1 GDP per capita annual rate (euro per inhabitant) ¹⁰⁴

	2004	2005	2006	2007	2008	2009	2010
Italy	21300	21200	21500	21700	21300	20000	20200
Poland	5500	5700	6000	6400	6800	6900	7100

Secondly, for a closer look at Italy and Poland's commitment to environmental protection, actual state expenditures need to be analyzed. As can be seen from table 3.2, environmental protection expenditure for both Italy and Poland has varied over the years between 2005 and 2009. What is worrying, however, is that Poland experienced a significant decline in its expenditures between 2008 and 2009. Although the GDP per capita (as seen in table 3.1) has continued to increase in Poland, there has still been a decrease in environmental protection expenditure as % of GDP. Given the degree of decline, it can be discerned that Poland's expenditures did not increase alongside its rate of growth. In combination with a general decline in Commission notification rates, increase in infringement cases and a lack of political will among elites and the general population to make environmental protection a priority, these trends can signify a decline in Polish commitment to the environment after EU accession. Italy, on the other hand, has shown a slightly more positive trend, with an increase in expenditures in 2009 despite of an only minimal increase in its GDP per capita. Nevertheless, in combination with the other challenges addressed in this chapter, it can be successfully argued that Italy too suffers from a lack of serious commitment to environmental protection.

Table 3.2 Environmental protection expenditure euro per capita and % of GDP¹⁰⁵

	2005	2006	2007	2008	2009
Italy	0.89	0.86	0.8	0.8	0.86
Poland	0.48	0.41	0.43	0.47	0.35

¹⁰⁴ Eurostat, "GDP per capita – annual rate," European Commission, http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/dataset?p_product_code=NAMA_AUX_GPH (Accessed 30 May, 2011).

¹⁰⁵ Eurostat, "Environmental protection expenditure euro per capita and percentage of GDP," European Commission http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/dataset?p_product_code=ENV_AC_EXP2 (Accessed 30 May, 2011).

3.4 Conclusion

This chapter has investigated whether the development of environmental policy within Poland continued on the promising path it was on at the time of its accession in 2004, or if like Italy, Poland had fallen victim to political and economic domestic challenges. Although Poland showed initial promise, the general conclusion to be drawn from the research conducted in this chapter is that the progressiveness of environmental policy in Poland has been limited by its national polity. Poland has shown a declining trend in implementation notification rates and environmental protection expenditures, along with an increase in infringement cases brought against it. Furthermore, its political elites and its general population have not uniformly identified environmental protection as a priority issue. Green parties and green movements also remain even today on the fringes of the normal political arena, and have gained little public support. Finally, industrial interests (e.g., the coal industry) continue to have close ties with the country's political sphere, and noticeably influence the decisions of policy makers in the field of environmental protection. All of these findings, in combination with those showing that Italy suffers from the very same challenges, leads to the conclusion that it is not a matter of whether a state is new or old, rich or poor, but the shape of its domestic polity which is the most significant determinant of whether a state will take on a more progressive role in environmental protection.

Conclusion

This thesis took on the task of identifying political and economic challenges faced by member states in meeting the EU's ambitious environmental policy. To do so, it first presented the historical development of environmental policy within the EU, teasing out the hypothesis that the EU will take on an incrementally more important role in the development of environmental policy within its member states. Following this, a historical comparative analysis of the old and rich member state Italy and the new and poorer member state Poland was conducted in chapter two. The two cases provided an interesting contrast to one another. Environmental policy in Italy developed while already a member of the EU. Nevertheless, the policy field evolved relatively late in Italy compared to other industrialized states, and was subject to constant setbacks due to administrative incapacity and lack of political commitment to the field. Poland, on the other hand, suffered too from administrative incapacities which limited effective enforcement, but it had a vocal environmental constituency early on and into its transition and pre-accession years. Additionally, its political elite vocally supported environmental protection and established multiple funds to provide financial backing for programs aiming to improve the quality of Poland's natural environment.

From these observations in chapter two, two additional hypotheses emerged to be tested in this paper's final chapter: 1) new member states will likely overperform to meet the EU's environmental policy ; 2) the shape of the internal polity of a state will be a larger determinant for the progressiveness of a state's environmental policy, than will its level of income.

In the final chapter, it was discovered that despite an initially promising outlook for Poland upon entering the EU, as Poland became more settled as a member, its dedication to and performance in environmental protection declined. By conducting a comparative study of Italy's and Poland's legislative performance, internal polity and economic commitment to environmental

protection, it was discerned that Poland suffers from the same challenges as Italy, despite their differences in income levels and membership duration.

Environmental progressiveness in Italy is stifled due to poor administrative capacity, low level of priority given to the field by both the political elite and the domestic population, environmental movements remaining on the fringes of mainstream politics and, finally, because of close ties between industry and the political elite. From the comparative study conducted in the final chapter, it became evident that Poland suffered from strikingly similar problems.

In sum, this paper found that although EU environmental policy has become increasingly more important for the development of policy in its member states, the ultimate determining factor for a member states' leader or laggard status will be the shape of its domestic polity. Only if the political elite make environmental protection a priority alongside issues such as economic growth, public support for environmental protection is present, green movements are active in mainstream politics and there is a division between industrial interests and the political elite, can environmental policy take on a more progressive role. This, along with the finding that these issues transcend the lines of old-new states and rich-poor states, casts a shadow of uncertainty for the future progressiveness of EU environmental policy as a whole.

Bibliography

- Baker, Susan, and Petr Jehlkicka, eds. *Dilemmas of Transition: The Environment, Democracy and Economic Reform in East Central Europe*. New York: Frank Cass Publishers, 1998.
- Benson, David, and Andrew Jordan. "European Union environmental policy after the Lisbon Treaty: plus ca change, plus c'est la meme chose?." *European Environment* 19, no. 3 (2010): 468-474.
- Biorcio, Roberto. "The Italian Greens' Participation in the Centre-Left Government." *Paper presented to the workshop: Greens in Power: Government Formation, Policy Impacts and the Future of Green Parties at the ECPR Joint Sessions* (April, 2001), <http://www.essex.ac.uk/ECPR/events/jointsessions/paperarchive/grenoble/ws18/biorcio.pdf> (accessed May 30, 2011).
- Bochniarz, Zbigniew, and Gary B. Cohen, eds. *The Environment and Sustainable Development in New Central Europe*. Austrian Studies Vol. 7. Oxford: Berghahn Books, 2006.
- Bochniarz, Zbigniew, and Richard S. Bolan. "Sustainable Institutional Design in Poland: Putting Environmental Protection on a Self-Financing Basis." In *Environmental Protection in Transition: Economic, Legal and Socio-Political Perspectives on Poland*, edited by John Clark and Daniel H. Cole, 19-29. Aldershot, England: Ashgate Publishing Company, 1998.
- Bulmer, Simon, and Stephen Padgett. "Policy Transfer in the European Union: An Institutional Perspective." *British Journal of Political Science* 35, no. 1 (2005): 103-126.
- Bursens, Peter. "Why Denmark and Belgium Have Different Implementation Records: On Transposition Laggards and Leaders in the EU." *Scandinavian Political Studies* 25, no. 2 (2002): 173-195.
- Carmin, JoAnn, and Stacy D. VanDeveer, eds. *EU Enlargement and the Environment: Institutional Change and Environmental Policy and Central and Eastern Europe*. New York: Routledge, 2005.
- Clement, Keith. *Economic development and environmental gain: European environmental integration and regional competitiveness*. London: Earthscan Publications Ltd, 2000.
- "Coalition in Conflict over Coal Privatisation." *Polish News Bulletin*, 4 May 2011. available from LexisNexis Academic <http://www.lexisnexis.com/hottopics/lnacademic> (accessed 30 May 2011).
- Cole, Daniel H. *Instituting Environmental Protection: From Red to Green in Poland*. London: Macmillan Press Ltd, 1998.
- Cole, Daniel H., and John Clark. "Poland's Environmental Transformation: An Introduction." In *Environmental Protection in Transition: Economic, Legal and Socio-Political Perspectives on Poland*, edited by John Clark and Daniel H. Cole, 19-29. Aldershot, England: Ashgate Publishing Company, 1998.

Comelli, Michele. "Italy's Love Affair with the EU: Between Continuity and Change." *Istituto Affari Internazionali: LAI Working Papers* 11, no. 8 (2011),
<http://www.iai.it/pdf/DocIAI/iaiw1108.pdf> (accessed May 30, 2011).

Council of Ministers Republic of Poland. Ministry of the Environment. "The National Environmental Policy for 2009-2012 and its 2016 Outlook."
http://www.mos.gov.pl/g2/big/2009_07/2826c539c3015384e50adac8fe920b0b.pdf (accessed May 19, 2011).

Desai, Uday, ed. *Environmental Politics and Policy in Industrialized Countries*. Cambridge, Mass.: The MIT Press, 2002.

Desai, Uday. "Institutions and Environmental Policy in Developed Countries." In *Environmental Politics and Policy in Industrialized Countries*, edited by Uday Desai. Cambridge, Massachusetts: MIT Press, 2002.

DG Environment. "Statistics on Environmental Infringements". European Commission.
<http://ec.europa.eu/environment/legal/law/statistics.htm> (accessed May, 20, 2011).

DG Environment. "The Sixth Environment Action Programme of the European Community 2002-2012." European Commission.
<http://ec.europa.eu/environment/newprg/intro.htm> (accessed May 22, 2011).

DG Environment. "2008 Environment Policy Review." European Commission.
<http://ec.europa.eu/environment/pdf/policy/poland.pdf> (accessed February 10, 2011).

Eder, Klaus, and Maria Kousis, eds. *Environmental Politics in Southern Europe: Actors, Institutions and Discourses in a Europeanizing Society*. Dordrecht, The Netherlands: Kluwer Academic Publishers, 2001.

Euractiv. "EU carbon rules hinder Poland's plans for new coal power."
<http://www.euractiv.com/en/energy/eu-carbon-rules-hinder-polands-plans-new-coal-power-news-503621> (accessed May 30, 2011).

Euractiv. "Italian MEPs block debate on Campania waste crisis."
<http://www.euractiv.com/en/climate-environment/italian-meps-block-debate-campania-waste-crisis-news-501414> (accessed May 30, 2011).

Euractiv. "Poland 'needs more time' to meet EU climate target."
<http://www.euractiv.com/en/priorities/poland-needs-more-time-meet-eu-climate-target-news-495566> (accessed May 30, 2011).

European Commission. "Europe 2020: EU-wide Targets."
http://ec.europa.eu/europe2020/targets/eu-targets/index_en.htm (accessed May 22, 2011).

European Commission. "Sustainable growth - for a resource efficient, greener and more competitive economy."

http://ec.europa.eu/europe2020/priorities/sustainable-growth/index_en.htm (accessed May 22, 2011).

Eurostat, "Environmental protection expenditure euro per capita and percentage of GDP," European Commission
http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/dataset?p_product_code=ENV_AC_EXP2 (Accessed 30 May, 2011).

Eurostat. "GDP per capita – annual rate." European Commission.
http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/dataset?p_product_code=NAMA_AUX_GPH (Accessed 30 May, 2011).

Ferry, Martin. "The EU and Recent Regional Reform in Poland." *Europe-Asia Studies* 55, no. 7 (2003): 1097-1116.

Glachant, Matthieu. "The Need for Adaptability in EU Environmental Policy Design and Implementation." *European Environment* 11 (2001): 239-249.

Grant, Wyn, Duncan Matthews, and Peter Newell. *The Effectiveness of European Union Environmental Policy*. London: Macmillan Press Ltd, 2000.

Heinrich-Boell Stiftung. "The Class of 2009 Green Visions for Europe."
http://www.boell.pl/downloads/Class_of_2009_web.pdf (accessed May 30, 2011).

Hicks, Barbara. *Environmental Politics in Poland: A Social Movement Between Regime and Opposition*. New York: Columbia University Press, 1996.

Jasinski, Piotr, and Helen Lawton Smith, eds. *Environmental Regulation in Transforming Economies: The Case of Poland*. Brookfield, Vt.: Ashgate Publishing Company, 1999.

Knill, Christoph, and Jale Tosun. "Post-accession transposition of EU law in the new member states: a cross-country comparison." Special Issue 2, Vol. 13, Art. 18. In *Post-accession compliance in the EU's new member states*, Frank Schimmelfennig and Florian Trauner, : European Integration online Papers (EIoP), (2009),
http://eiop.or.at/eiop/index.php/eiop/article/viewFile/2009_018a/134 (accessed May 20, 2011).

Lee, Maria. *EU Environmental Law: Challenges, Change and Decision-making*. Oxford: Hart Publishing, 2005.

Lenschow, Andrea, ed. *Environmental Policy Integration: Greening Sectoral Policies in Europe*. London: Earthscan Publications Ltd, 2002.

Liberatore, Angela, and Rudolf Lewanski. "The Evolution of Italian Environmental Policy." *Environment* 32, no. 5 (1990): 10-15.

- Lewanski, Rudolf and Angela Liberatore. "Environmental Protection in Italy." In *Environmental Politics and Policy in Industrialized Countries*, edited by Uday Desai. Cambridge, Massachusetts: MIT Press, 2002.
- Lewanski, Rudolf, and Angela Liberatore. "Environmental Protection in Italy: Analyzing the Local, National, and European Community Levels of Policymaking." In *Environmental Politics and Policy in Industrialized Countries*. Cambridge edited by Uday Desai. Mass.: The MIT Press, 2002
- Lewanski, Rodolfo, "Environmental Integration: Is a Green Government Enough? Some Evidence from the Italian Case." In *Environmental Policy Integration: Greening Sectoral Policies in Europe*, edited by Andrea Lenschow, 78-100. London: Earthscan Publications Ltd, 2002.
- Liefferink, Duncan, and Andrew Jordan. "An 'Ever Closer Union' of National Policy? The Convergence of National Environmental Policy in the European Union." *European Environment* (2005): 102-113.
- Liefferink, Duncan, and Mikael Skou Andersen. "Strategies of the 'green' member states in EU environmental policy-making." *Journal of European Public Policy* 5, no. 2 (1998): 254-270
- Liefferink, Duncan, and Mikael Skou Andersen, eds. *The Innovation of EU environmental policy*. Oslo: Scandinavian University Press, 1997.
- LN. "Ideas of the League."
<http://www.leganord.org/elezioni/2008/lega/default.asp> (accessed May 30, 2011).
- McCormick, John. *Environmental Policy in the European Union*. London: Palgrave, 2001.
- PdL. "Charter of Values of the People of Freedom Party."
<http://www.ilpopolodellaliberta.it/notizie/15346/carta-dei-valori> (accessed May 30, 2011).
- PO. "Civic Platform Election Program."
<http://www.platforma.org/pl/program/> (accessed May 30, 2011).
- Poggioli, Sylvia. "Many Think Mafia Involved in Naples Trash Crisis." NPR.
<http://www.npr.org/templates/story/story.php?storyId=18028075> (accessed May 30, 2011).
- PSL. "Statute of the Polish Peasants' Party."
http://www.psl.org.pl/upload/pdf/dokumenty/Dokumenty_X_Kongres_PSL/Statut_PSL.pdf (accessed May 30, 2011).
- Reich, Michael R. "Mobilizing for Environmental Policy in Italy and Japan." *Comparative Politics* 16, no. 4 (1984): 379-402.
- Scheuer, Stefan. "EU Environmental Policy Handbook A Critical Analysis of EU Environmental Legislation." European Environmental Bureau (EEB),
<http://www.eeb.org/?LinkServID=3E1E422E-AAB4-A68D-221A63343325A81B&showMeta=0> (accessed April 14, 2011)

- Schreurs, Miranda. "Environmental Protection in an Expanding European Community: Lessons from Past Accessions." In *EU Enlargement and the Environment: Institutional Change and Environmental Policy in Central and Eastern Europe*, JoAnn Carmin and Stacy D. VanDeveer, 27-51. London: Routledge, 2005.
- Secretariat General. *National implementation measures notified to the Commission*. European Commission. http://ec.europa.eu/eu_law/directives/directives_communication_en.htm (accessed May 20, 2011).
- Sedelmeier, Ulrich. "After conditionality: post-accession compliance with EU law in East Central Europe." *Journal of European Public Policy* 15, no. 6 (2001): 806-825.
- Skjaereth, Jon B., and Jorgen Wettstad. "Is EU enlargement bad for environmental policy?." *International Environmental Agreements* 7 (2007): 263-280.
- Sleszynski, Jerzy. "Economic Instruments in Polish Environmental Policy," In *Environmental Protection in Transition: Economic, Legal and Socio-Political Perspectives on Poland*, edited by John Clark and Daniel H. Cole, 30-67. Aldershot, England: Ashgate Publishing Company, 1998.
- Szejnwald Brown, Halina, and David Angel. "Environmental Regulatory Reform in Poland: Lessons for Industrializing Economies." *Environmental Science & Technology* 34, no. 18 (2000): 3849-3856.
- Szejnwald Brown, Halina. "Transformation of the Environmental Regulatory System in Poland during the 1990s." *Knowledge, Technology, & Policy* 19, no. 4 (Winter 2007): 26-43.
- The Economist. "Poland's Coal Industry: Tradition wins ." http://www.economist.com/node/1503795?story_id=E1_TVDPSJV (accessed May 30, 2011).
- VanDeveer, Stacy D., and JoAnn Carmin. "Sustainability and EU Accession: Capacity Development and Environmental Reform in Central and Eastern Europe Vol. 7," In *The Environment and Sustainable Development in the New Central Europe*, edited by Zbigniew Bochniarz and Gary B. Cohen, 45-58. New York: Berghahn Books, 2006.
- Von Homeyer, Ingmar. "Differential Effects of Enlargement on EU Environmental Governance," In *EU Enlargement and the Environment: Institutional Change and Environmental Policy in Central and Eastern Europe*, edited by JoAnn Carmin and Stacy D. VanDeveer, 52-76. London: Routledge, 2005.
- Weinber, Claude, and Agnieszka Rochon. "Introduction." In *Polish Shades of Green: Green Ideas and Political Powers in Poland*, Przemysław Sadura and Justyna Włodarczyk, 1-6. 2011. http://www.boell.pl/downloads/Polish_Shades_of_Green.pdf (accessed May 30, 2011).