

What US environmental regulators can learn from successes and failures of European regulators

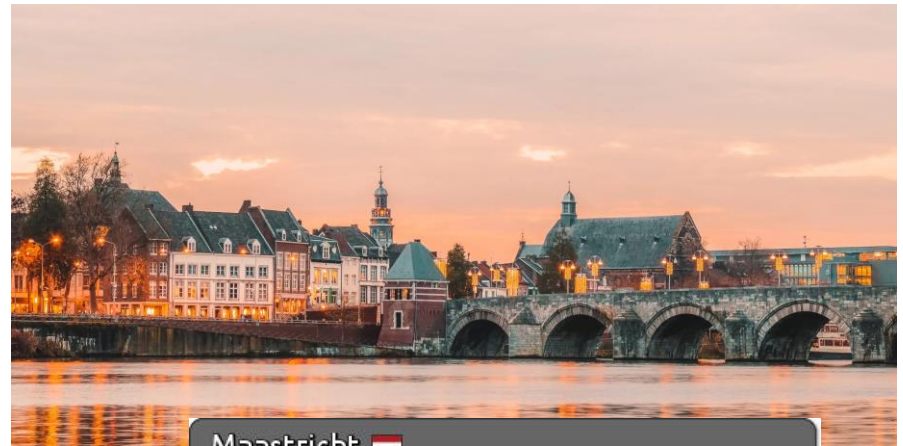
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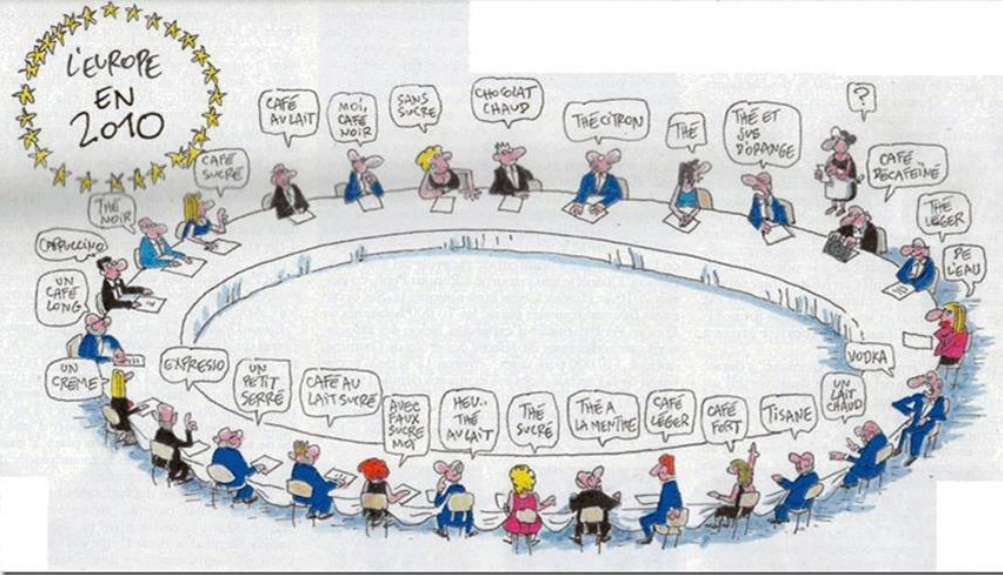


Maastricht University

- One of the oldest cities of the Netherlands, with the youngest and most international university
- One of the best young universities in the world (THE, QS)

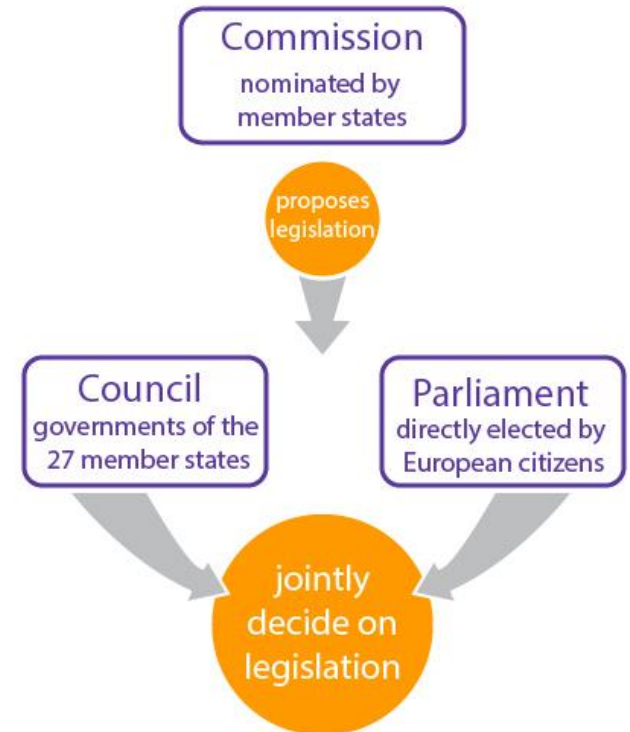


The difficulty of ensuring compliance in the EU



How is EU environmental policy made?

- Policy process differs per sector
- Shared responsibility between EU and member states
- About 90% of national environmental policy comes from the EU
- Regulations & Directives

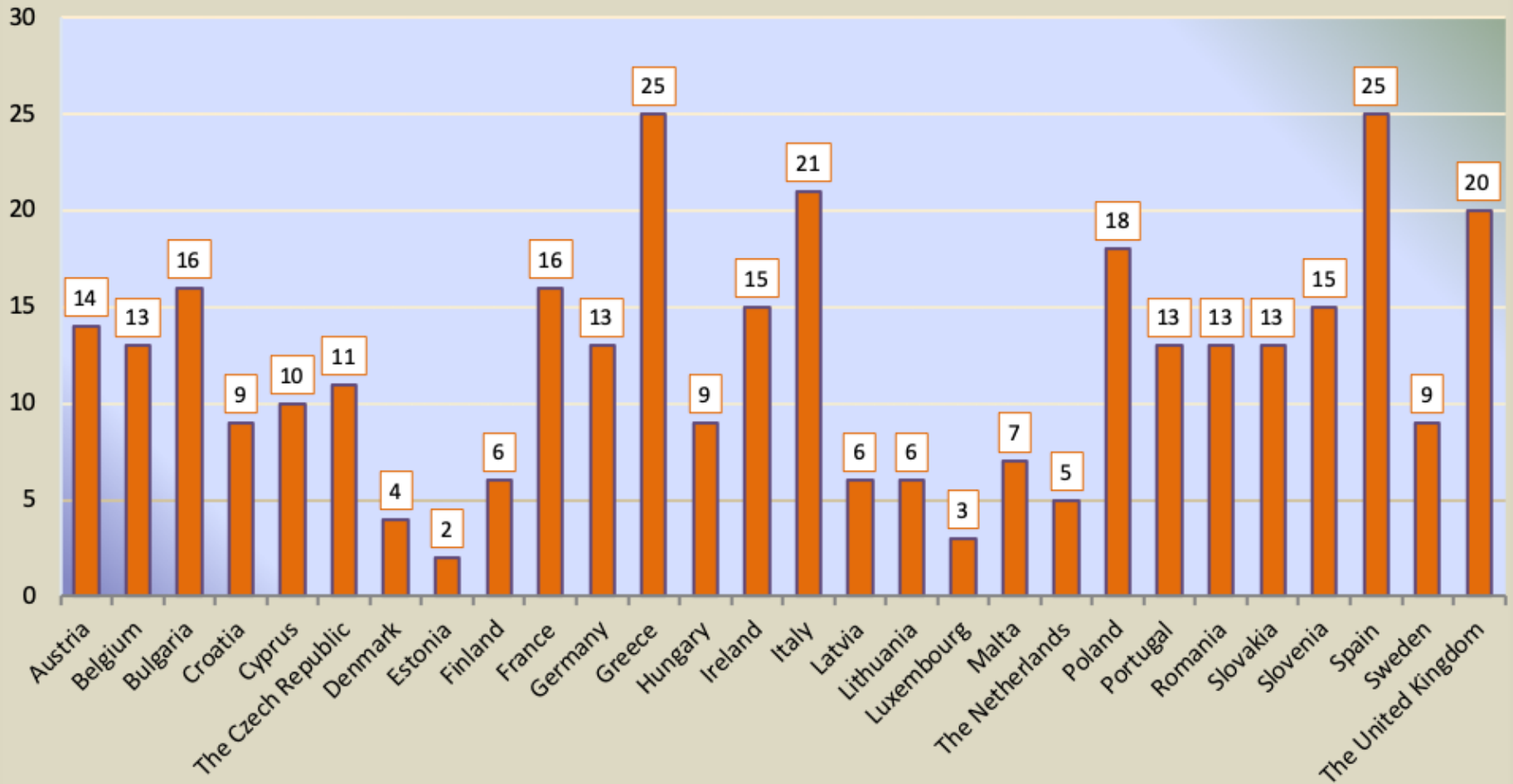


Who is responsible for enforcement?

- Important = Article 291 of the Treaties
 - 'Brussels' makes the policy, the member states implement it
- But... the European Commission is the Guardian of the Treaties
 - Overseeing member state compliance
 - Can take member states to the European Court of Justice and fine them for non-compliance
- European Environment Agency (<https://www.eea.europa.eu/>)
 - Information agency (no regulatory power)



Infringements per MS in 2019



Total: 337

Most problems with EU compliance?

- The legal transposition of directives is relatively unproblematic
- The real problems arise in the stage of ‘practical implementation’

Versluis, E. (2007) ‘Even rules, uneven practices: opening up the black box of EU law in action’, *West European Politics*, 30(1): 50-67

(<https://www.tandfonline.com/doi/abs/10.1080/01402380601019647>)



What does the Commission try to do?

- Most problematic = information deficit
- Aim = try to ensure more rule explanation, information sharing, exchange of best practices

	Strategy	Instruments
Rationalism	Policeman	Monitoring & sanctioning
Management	Facilitator	Guidelines, training, joint inspections
Constructivism	Teacher of norms	Exchange of best practices, civil society engagement

How?

- Via information sharing
- Via EU agencies and networks
 - E.g. IMPEL (<https://www.impel.eu/>)

Versluis & Tarr (2013) 'Improving compliance with EU law via agencies: The case of the European Railway Agency', *Journal of Common Market Studies*, 51(2): 316-333. <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-5965.2012.02312.x>

Versluis & Polak (2019) 'Information disclosure by the EU as a tool to improve implementation?', *European Policy Analysis*, 5(2).
<https://www.onlinelibrary.wiley.com/doi/10.1002/epa2.1058>

On the importance of interdependence

“Product safety is a topic of which you cannot think in national terms only. I spoke with a business operator that said: ‘so my product is not admitted to the Antwerp port? I will take it to Hamburg and import it to Europe from there’. Then I answered: ‘I will inform my colleagues from Hamburg that this product is coming to them’. My conversation partner didn’t quite like that. This shows that it doesn’t work to think nationally. We are in an internal European market, so we have to co-operate – otherwise products will enter our market after we have just sent them back because they are unsafe.”

On the importance of mutual trust

“Whenever these things take place in Brussels, it is too stiff. It is too strict, too formal, too Commission-centered. And whenever Prosafe meetings take place, because it is in different locations, everything changes. We had a Commission representative on one of our project meetings, and the meeting was on the same level of great cooperation because it was not in Brussels. It was in Warsaw and everybody felt very safe.”

In sum

- Important in all tools that aim to stimulate compliance → informality & trust
- Within the EU we witness a trend of less focus on sanctioning, and more focus on ‘softer’ tools that aim to stimulate mutual learning and information sharing

Thank you – any questions

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