

# Obs

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### **Is ENP good news for the transfer of environmental norms? Incentives and socialization for Eastern neighbours**

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The launching of the European Neighbourhood Policy has created some expectations. Cooperation between the EU and its partners is expected to get deeper, to the point that neighbouring countries have been promised to share "everything but institutions" with the EU. Moreover, cooperation is also expected to be broader, as it has been presented as including more and more issue areas. In other words, the ENP has the vocation of being a universal instrument to promote the transfer of EU norms.

This paper focuses on one single issue area, the environment, and one group of ENP partners, the Western Newly Independent States and the South Caucasus, to revise to what extent neighbourhood policy can provide the mechanisms to encourage rule transfer. Are incentives and disincentives powerful enough? Can the ENP promote the socialization of neighbours into EU environmental norms?

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## Introduction<sup>1</sup>

Since 2003, when the European Commission presented the communication *Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, papers, articles and book chapters have revised a number of aspects of the European Neighbourhood Policy (ENP). In what may be one of the more theoretically-oriented strands of this research, some authors have framed their studies in terms of rule transfer, external governance or Europeanization. In other words, some scholars have analysed the capacity of the ENP to promote the adoption of EU norms by partner countries (Emerson et al., 2005: ii; Dannreuther, 2006: 184).

Neighbours have been promised they can share “everything but institutions” with the EU<sup>2</sup>, and the ENP has been said to pretend a “blurring [of] the frontiers between ‘in’ and ‘out’” (Emerson, 2004: 1). Cooperation between the EU and its neighbours is thus expected to be deeper than it used to be under previous schemes (namely, the Partnership and Cooperation Agreements and Tacis). Moreover, cooperation is also expected to be broader, as it has been perceived as including more issue areas. The ENP has been defined as a “universal instrument” (Domorenok, 2004: 90), and others have defended that “the ENP has brought new priorities”, besides the traditional field of trade: “justice and home affairs (JHA), energy, the environment, transport and, with some countries, also foreign and security policy” (Lavenex and Schimmelfennig, 2006: 143, Comelli, 2004: 102). Similarly, a Eurobarometer on *the European Union and its Neighbours* (2006) questioned the importance for the EU of developing “specific relationships” with neighbouring countries with respect to nine matters ranging from terrorism, crime, economic development and energy to the environment, democracy, education, research and immigration<sup>3</sup>. In short, the ENP has been launched with the aim of promoting the approximation of legislation and this is expected to occur fairly across the board.

In this context, several questions seem to have attracted the attention of scholars until now. Assessments have been conducted of the relationship between enlargement and the ENP, and of the consequences for rule transfer of the fact that the EU is not offering accession to its neighbours. Some analyses have been put forward to find out if the set of incentives and disincentives promised by the EU are attractive enough to encourage the convergence of norms, and some others have reflected on the EU's willingness to make fully-fledged use of these sticks and carrots. Still some attention has been paid to the role that socialization mechanisms can play.

This paper intends to narrow down some of these enquiries by focusing on one single issue area, the environment, and one group of ENP partners, the Western Newly Independent States and the South Caucasus, namely Ukraine, Moldova, Belarus, Armenia, Georgia and Azerbaijan. To what extent can neighbourhood policy promote the transfer of environmental norms? Are incentives and disincentives powerful enough? Can the ENP promote the socialization of partner countries into EU environmental norms? Being one of the aforementioned *new* priorities, this study may also be useful to assess the actual width of ENP. Can the neighbourhood policy be expected to promote rule transfer even beyond the hard-core preoccupations of neighbourhood policy, if such a thing exists? As mentioned above, this discussion is restricted here to partners in Eastern Europe and the South Caucasus. Mediterranean countries are not

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<sup>1</sup> This paper was presented at the 6th Convention of the Central and East European International Studies Association (CEEISA), *Global and Regional Governance – European Perspectives and Beyond*, University of Wrocław, Poland, 24-26 May 2007 and falls within “Energia i medi ambient en les relacions de veïnatge de la Unió Europea –Europa oriental i Càucàs”, a research project funded by “Convocatòria per a Projectes Emergents, 2006, Convenia UAB-DURSI (EME2006-32) and EUPROX “Coordinación, Integración y Europeización en la Proximidad de la Unión Europea (Mediterráneo y Europa Oriental)”, a research project funded by the National Plan R+D of the Spanish Ministry of Education and Science (SEJ2006-03134/CPOL).

<sup>2</sup> Romano Prodi, President of the European Commission, “A Wider Europe - A Proximity Policy as the key to stability”, speech at Peace, Security And Stability International Dialogue and the Role of the EU Sixth ECSCA-World Conference. Jean Monnet Project. Brussels, 5-6 December 2002

<sup>3</sup> Eurobarometer 259, “The European Union and its neighbours”, Special Eurobarometer, European Commission, Brussels, October 2006.

included in this analysis yet. Their environmental problems are normally of a different nature, as are their political and bureaucratic circumstances. Additionally, the existence of a more powerful regional track within the Euromediterranean Partnership and of the UNEP-centred Mediterranean Action Plan introduces some institutional particularities.

The text is organized as follows. First, a perspective on the ENP will be put forward that interprets this policy as a way of establishing a list of priorities and a method to articulate the relationship between the EU and its partners. The idea will be defended that the ENP is the proposal of an exchange between the Union and its neighbours, and that some issues stay within this trade-off while other remain outside. The stance of environment in relation to this exchange is revised at the third section. The following one outlines a general explanation of the tools established within the ENP to promote the transfer of EU norms to partner countries. Those that are relevant for the transfer of environmental norms will be reviewed in more detail in the fifth part of the paper. Some conclusions are outlined in the final section that can only be partial and provisional, given that the neighbourhood policy is still in the making.

## European Neighbourhood Policy as prioritization

The European Neighbourhood Policy is, among other things<sup>4</sup>, an attempt to introduce a method and a certain list of priorities to the relationship between the European Union and its neighbours, once the previous cooperation experiences proved to be exhausted. In the early Nineties, the EU and other international actors assisted the Eastern Europe countries in easing their transition processes and helped them manage the problems created by the collapse of the USSR and the socialist bloc. However, as the sense of urgency vanished, the logic underpinning the relationship changed. Certainly, “over the years the emphasis [shifted] from dealing with the immediate consequences of early transition –emergency aid, reconstruction and rehabilitation- to customized projects agreed with the beneficiary countries”<sup>5</sup>.

The limits of this approach were soon apparent. Firstly, there was no actual prioritization of objectives. Projects were “too small, scattered on too many different areas” (Lainela and Sutela, 2004: 12)<sup>6</sup> and late Nineties Partnership and Cooperation Agreements (PCA) “happened more by default than design, lacking long-term perspective” (Lynch, 2003: 42). Furthermore, some authors have defended that the European Union’s assistance did not offer an appropriate package of incentives and disincentives to its Eastern partners. In Andrei Zagorski’s words, the EU’s technical assistance to Newly Independent States (NIS) was “guided by broadly defined goals” and “not focused on achieving particular measurable progress”, and has “obviously failed” to provide the instruments to “prevent or stop setbacks or even reversal of reforms in some countries concerned” (Zagorski, 2002: 5). Some other authors have presented similar arguments. Thus, Dov Lynch maintained that “the PCAs are essentially static”, as they “offer little indication of progression in the relationship”. As a result, the reports of the Cooperation Council’s meetings “have hardly changed since their inception”, and continue to highlight that

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<sup>4</sup> Obviously, the ENP has been launched and defended for many other reasons. Outstanding among them are the will of avoiding “new dividing lines in Europe”, the aim of creating a “ring of friends”, the promotion of “security, stability and prosperity”, and the need to manage the neighbouring countries’ wish of acceding to the EU. Judith Kelley suggests some other reasons of a more institutional nature (Kelley, 2006).

<sup>5</sup> “Environment. Environmental protection and management of natural resources”, Publication by the European Commission, available at [http://ec.europa.eu/europeaid/projects/tacis/publications/tdp/environment/tacis\\_thematic\\_environment\\_en.pdf](http://ec.europa.eu/europeaid/projects/tacis/publications/tdp/environment/tacis_thematic_environment_en.pdf).

<sup>6</sup> In what might well be considered an acknowledgement of this lack of strategic orientation, and after stating that “the aim has been to avoid dissipating Tacis’ efforts by spreading them too thinly over too wide a range of projects”, the Commission offered the following list of priorities for this programme: “addressing the social impact of transition”; “supporting reform of the important health sector”; “structural and institutional reform to allow market-oriented economies to function more efficiently”; “taxation systems”; “creating legal systems which establish a secure environment for local and foreign investment and competitive market relations”; “overcoming the challenges of weak judiciaries”; “environmental projects”; “development of infrastructure (transport, energy and communications)”; “private sector development”; “human resources”; and “establishment of efficient and targeted social security systems” (Commission, 2000d: 4).

the PCA's commitments now need to be implemented (Lynch, 2003: 43). This same "stalemate" (Balfour and Rotta, 2005: 19) can be encountered in the environmental dimension. After the identification by the National Environmental Action Programmes of both the specific environmental problems affecting each country and the policies to face them, the challenge is, as in the other spheres of action, "to move on to pursuing solutions by implementing these programmes" (Commission, 2000d: 52).

Therefore, the European Commission's proposal to establish a European Neighbourhood Policy can be understood as a way of introducing a new logic to the relationship with the EU's Eastern partners; a "more focused policy approach of the EU towards its neighbourhood" (Commission, 2004: 8) and an "enhanced conditionality" (Cremona, 2004: 6). More specifically, the ENP attempts to structure the relationship around a particular exchange or "bargain" (Lynch, 2004: 4). According to this scheme, the EU offers its partners "a stake in the EU's Internal Market and further integration and liberalisation to promote the free movement of persons, goods, services and capital (four freedoms)" (Commission, 2003a: 4) in return for the alignment of their legislation with the *acquis communautaire* in the fields of economic openness and good governance.

In 2004, the Commission seemed to broaden the terms of the exchange by including "certain essential aspects of the EU's external action", namely "the fight against terrorism and the proliferation of weapons of mass destruction, as well as abidance by international law and efforts to achieve conflict resolution". One year later, one communication by the Commission mentioned that the ENP should help "address concerns in the EU about migration, border management, organised crime and violent radicalisation" (Commission, 2004: 3; Commission, 2005: 2). Nevertheless, whatever its specific details are, the ENP is still presented as an exchange between the EU and its partners; as a way of establishing a list of priorities and a set of sticks and carrots. In brief: strategic objectives and conditionality (Ferrero-Waldner, 2006: 140). This is the hard-core of the ENP as well as its novelty and added value.

## The environment in ENP

An obvious question arises from this diagnosis. Where does the environment stand in this exchange? What role does it play within the European Neighbourhood Policy framework? The first argument to be made here is that the environment is not part of the trade-off that articulates the ENP. Environmental problems are secondary to the ENP scheme.

This is apparent in the ENP strategy papers produced by the European Commission, in which the environment is treated as a low-ranking issue. More specifically, in these texts the environment is typically considered in one of the following two ways. First, the environment is referred to in miscellaneous sections that embrace the most diverse of issues. For instance, the *Wider Europe...* communication suggests that "shared values and mutual understanding provide the foundations for, inter alia, deeper political relations, enhanced cooperation on justice and security issues, environmental improvement and governance", under the heading "greater efforts to promote human rights, further cultural cooperation and enhance mutual understanding" (Commission, 2003a: 12).

Secondly, and most important here, the environment is also addressed as an issue that needs a regional or horizontal (instead of a bilateral) approach. This is probably *the way* in which environmental problems are framed in the ENP strategy documents. Hence, for example, the *European Neighbourhood Policy. Strategy Paper* report tackles the environment under the section "Regional cooperation on the EU Eastern border", as well as under "Connecting the Neighbourhood", alongside such matters as energy, transport, and information society (Commission, 2004: 17). Similarly, the *Strengthening the European Neighbourhood Policy* document endorses the building of a "thematic dimension" to the ENP in areas such as "energy, transport, the environment, rural development, information society, research cooperation, public health, financial services, border management, migration or maritime affairs", given that these issues are apparently "often not merely bilateral in nature and could benefit from common

debate, action and cooperation between the EU and all or most ENP partners” (Commission, 2006a: 8). Similarly, recent Country Strategy Papers usually place environment matters within the European Neighbourhood and Partnership Instrument (ENPI) *Eastern trans-national/regional programme*, the *Cross-border cooperation* or the *Thematic programmes*, and only rarely and tangentially under the ENPI *National Indicative Programmes*<sup>7</sup>.

Indeed, this identification of the environment with an as yet under-defined ENP regional track seems rather odd. At least, it stands in open contradiction to the idea that, in a number of instances, and for sure in Eastern Europe, environmental problems are not of a regional nature, as strongly argued by European Commission officials dedicated to the environmental dimension of ENP. Moreover, the *Pan-European Environmental Co-operation* strategy endorsed by the Commission advocates “add[ing] value to the bilateral co-operation mechanisms of the EU” (Commission, 2003b: 16). Certainly, as some interviewees put it, even if environmental problems were of a regional nature, implementation remains a national process and so deserves a bilateral approach. Consequently, an “emphasis shift” has been urged from negotiating new policies to the implementation of existing ones, given that numerous regional and multilateral commitments have already been agreed (Commission, 2003b: 14; EEA, 2003: 5; Commission, 2006c: 7).

All this is even more significant if the weakness of the ENP regional dimension is taken into account. As argued by Karen E. Smith, the ENP is “based on strengthening the bilateral links” with partners and thus is more “a policy for neighbours [...] than a neighbourhood policy” (Smith, 2005: 771). To put it bluntly, the inclusion of the environment in the regional track of the ENP probably has more to do with the low level of priority attached to it than with the misunderstood inherent transboundary nature of ecological problems.

Action Plans also tackle environmental issues, and they do so in a relatively standardized way. They normally include the same phrases, deal with the same matters and commit ENP partners to similar unmonitorable objectives. First, there is a series of governance-related commitments, which include the “completion of administrative structures and procedures”, the integration of environmental considerations into sectoral policies, “co-ordination between relevant actors”, and “administrative enforcement” to carry out environmental impact assessments, permits, enforcements and inspections. Action Plans also contain the general objective of furthering “environmental planning” and developing “national strategies on sustainable development”, as they also include a commitment to “strengthening cooperation” in a number of international or regional frameworks, such as the Kyoto Protocol or the Danube-Black Sea Task Force. Finally, the possibility is offered to participate in selected European Environmental Agency activities<sup>8</sup> (EEA).

Action Plans are also homogeneous in the wording of these pledges, which are usually presented in non-mandatory, vague terms. Expressions such as “further develop”, “establish a list of measures”, “take further steps”, “pursue effective enforcement”, “establish procedures”, “identify possibilities”, “take first steps”, “enhance”, “reinforce”, “participate actively” and even “take active action” abound in Action Plans. There are few exceptions to this rule, and they are all linked to country-specific parts of certain Action Plans<sup>9</sup>.

In short, the environment is conceived as being a somewhat collateral issue. It is not part of the trade-off that articulates the whole ENP; strategy papers tend to confine it to the regional dimension; and Action Plans do not contain specific commitments. However, the capacity of the

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<sup>7</sup> Some National Indicative Programmes (2007-2010) do mention the environment under the heading “sector-specific regulatory aspects, including administrative and capacity building”.

<sup>8</sup> Additionally, the South Caucasus partners’ action plans put more emphasis on regional environmental cooperation, and so the objectives are set to “enhance participation in regional cooperation initiatives in the Southern Caucasus” and to “support the Caucasus Regional Environmental Centre”.

<sup>9</sup> This is the case with the Ukrainian commitment to “comply with the internationally accepted nuclear safety standards in completing and starting-up the ‘K2R4’ nuclear reactors”; as well as “fully implement the Memorandum of Understanding on the closure of the Chernobyl nuclear power plant”. The Moldovan action plan includes the aim of “prepar[ing] regular reports on the state-of-the-environment”. These are probably the only examples of clearly monitorable environmental commitments that can be found in ENP action plans.

ENP to promote the transfer of environmental rules might not solely depend on how official documents tackle ecological problems. It is also important to examine whether the ENP offers actual instruments to attempt such a transfer.

To outline this assessment, reference will be made to analyses conducted on the enlargement and the Europeanization of accession countries. This is not unwarranted. Certainly, it is common knowledge that the underpinnings of the ENP have much to do with the experience of enlargement. The “key concepts” and “routines” that shape the ENP were “developed in the context of enlargement” (Lavenex and Schimmelfenning, 2006: 143). As Judith Kelley has put it, from the use of Action Plans, regular reports and negotiations “to the larger conceptualization and use of socialization and conditionality”, the development of the policy “shows significant mechanical borrowing” from enlargement strategies<sup>10</sup> (Kelley, 2006: 29).

For scholars this is an evident advantage, as the conceptual frameworks developed to account for enlargement become relevant for the analysis of the ENP. Obviously, *relevant* does not mean *automatically transposable*. Some caveats need to be made. Firstly, enlargement and ENP countries have different starting points. Secondly, given that accession is not on the agenda, ENP partners should be expected to show less interest in adopting EU norms and standards, and thus the EU has now less leverage to promote the transfer of its legislation to neighbouring countries (Grabbe, 2004: 1). A quote from an official reported by Kelley captures this shift nicely: “before we could say ‘it is our club, we have the Copenhagen criteria’, but with the ENP we cannot impose values unilaterally” (Kelley, 2006: 41). Thirdly, given that partner countries are not expected to adopt the whole *acquis*, it is unclear what exactly the EU is asking them to do (Raik, 2006: 40). Priorities and criteria will have to be put forward as explicitly as possible, if Action Plans and other documents are to have a significant effect (Grabbe, 2004: 1). Finally, the degree of compliance expected of the ENP partners is clearly “more flexible, or selective” (Emerson et al., 2005: 5) than that of the accession countries, and there is consequently some room for the partners’ governments to differentiate between principal and secondary aims, between worthy and worthless costs.

Nonetheless, the enlargement literature still offers some interesting insights, as the ENP scheme is strongly dependent on the enlargement template. The next section will study the tools available to the EU to support the transfer of its rules and principles to neighbouring states. First, attention will be paid to the instruments linked to incentives and conditionality; afterwards, consideration will be given to those related to socialization and persuasion. The section after will assess, in more detail, those mechanisms that are relevant for environmental norms. The Commission has put it very explicitly: the EU has to “provide more incentives and convince” (Commission, 2006a: 2).

## Incentives and socialization

The ENP provides a set of material incentives and socialization mechanisms that are designed to ease the process of rule transfer. In other words, it aims to change “the opportunity structure for utility-maximizing domestic actors” by offering sticks and carrots on condition of the adoption of EU legislation; and it can also encourage the internalisation of EU norms, by supporting “domestic norm entrepreneurs” and “social learning processes” (Sedelmeier, 2006: 10). In effect, the mechanisms by which norms are transferred can be described as combining “rational institutionalism through policies of *conditionality*, and sociological institutionalism through norm diffusion and *social learning*” (Emerson, 2004: 2).

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<sup>10</sup> Furthermore, the close relationship between the European Neighbourhood Policy and enlargement goes beyond its substantive content and procedures: “its *raison d'être* is enlargement”, it is its logical continuation, it “has been largely conceptualized within DG Enlargement”, it is managed by Commission officials who worked on enlargement, and it enables the Commission “to continue playing a significant [...] role in external affairs” after enlargement (Kelley, 2006: 32).

### **Material incentives**

What does the EU offer its neighbours? Given that accession is out of the question, the more general formulation of the ENP is that the partner countries can attain a “privileged relationship” with the Union, “a stake in the EU’s Internal Market” (Commission, 2003a: 4), “an element of economic integration” (Commission, 2005: 2), or even be “as close to the Union as it can be without being a member”<sup>11</sup> (Commission, 2003a: 10). However, the operationalization of this general idea is, for good reasons, rather complex.

The following paragraphs suggest a classification of the incentives that the EU is offering its neighbours to encourage the transfer of rules. As will be seen, not all of them are pertinent to the environmental dimension of the neighbourhood policy. Nevertheless, a comprehensive review is needed to contextualize the focused-down analysis presented in the fourth section of this paper.

1- Central to the aforementioned ENP exchange scheme is the offer of preferential trade relations and market opening, along with the reduction of tariff and non-tariff barriers, both for goods and services. Although Free Trade Areas are already envisaged in some Partnership and Cooperation Agreements, no timetable has been attached yet, and therefore “objectives and benchmarks could be developed” (Commission, 2003a: 11). This reinforcement of trade relations is to be accompanied by EU support for the full integration of partner countries into the global trading system. Moreover, the EU proposes future agreements to promote and protect investment, including reciprocal provisions granting companies national treatment (Commission, 2003: 13).

2- The EU is offering a perspective for the lawful migration and movement of people. According to the Commission, this has to be achieved, fundamentally, by facilitating small border traffic, making the EU member states’ long-stay visa policy more flexible, and examining the “wider application of visa free regimes” (Commission, 2003a: 11). Similarly, the EU expects to assist ENP countries in “reinforcing [their] efforts to combat illegal migration and to establish efficient mechanisms for returns”, as well as “removing obstacles to legitimate travel” (Commission, 2006a: 6). This must also be considered a fundamental part of the ENP package; it is also part of the bargain that the EU is proposing to its partners.

3- The EU offers (and seeks) intensified cooperation to prevent and combat common security threats including terrorism and trans-national organised crime, customs and taxation, fraud, nuclear and environmental hazards, as well as communicable diseases. More specifically, the EU offers “judicial and police cooperation”, the “development of mutual legal assistance” and assistance in the implementation of “all the relevant international instruments” (Commission, 2003a: 12). As can be seen, once specified, this incentive is much narrower than its general formulation, and the number of issues to which the EU is to focus is reduced significantly.

4- According to ENP documents, the European Union is also willing to grant greater political involvement in conflict prevention and crisis management, as well as closer dialogue on Common Security and Foreign Policy (CSFP) and European Security and Defence Policy (ESDP) issues. The EU also promises greater commitment of crisis management capabilities and funding in post-conflict internal security arrangements.

5- The European Neighbourhood and Partnership Instrument (ENPI), which has been described as “a more flexible and enhanced assistance”, is expected to ease the pursuing of reforms by partner countries. This assistance will be conditional to the level of compliance with the Action Plan. Certainly, even if “hard conditionality” is unlikely (namely, absolute compliance is not going to be required to receive ENPI funds), the annual reports “will affect how the pot of money gets allocated” (Kelley, 2007: 38).

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<sup>11</sup> Nathalie Tocci has used the term “membership minus” to grasp both the enlargement flavour and the indeterminacy of the offer that the EU is making to its neighbouring countries (Tocci, 2005: 4).

The European Neighbourhood Policy provides some other mechanisms to encourage the transfer of EU rules, apart from conditional incentives. It also relies on socialization processes. More specifically, the ENP intends to facilitate “dialogues between the Commission and ENP countries, the engagement with domestic actors and the use of social influence” (Kelley, 2006: 34). In other words, the ENP attempts to encourage “behaviour changes by creating reputational pressures through shamming, persuasion” and other similar efforts (Kelley, 2006: 39).

### **Socialization**

In effect, the convergence of legislation does not only depend on sticks and carrots. Partner countries (their political, bureaucratic and social elites) can be socialized in EU norms, principles and policy-frames. Frank Schimmelfennig and Ulrich Sedelmeier have found that, even if rule transfer from the EU to former candidate countries is “best explained” by material incentives and conditionality, “rules that are transferred through social learning or lesson-drawing are much less contested domestically” and its “implementation is more likely to result in behavioural rule adoption and sustained compliance” (Schimmelfennig and Sedelmeier, 2004: 674). As ENP partners are not considered for accession, the importance of socialization mechanisms relative to that of incentives and disincentives might well happen to be higher than in the case of enlargement countries.

Two kinds of socialization tools will be revised. Firstly, some ENP provisions enable the EU to empower certain reformist domestic groups within neighbouring countries, and thus re-shape their actor networks and possibly influence decision-making. Secondly, instruments are available to the Union to reinforce its relationship with partner countries’ bureaucratic actors in order to persuade them of the soundness of EU norms, either by continuously interacting with them or by building (and framing) their capacities. Let’s look at these two socialization mechanisms in turn.

Firstly, certain actors within neighbourly countries can be empowered if some resources provided by the ENP are exploited actively<sup>12</sup>. For instance, the fact that Action Plans have been agreed between the EU and each neighbour confers an added legitimacy to these documents that can be of help for some domestic groups or policy-makers in backing their preferred reforms. The public commitment of governments with a series of objectives, even if this does not guarantee immediate compliance with them, strengthens the stance of domestic actors that wish to promote these same aims. Certainly, “the EU hopes to provide an opportunity for reform-minded forces to use the Action Plan objectives to put items on the agenda and promote change” (Kelly, 2006: 40). In this way, part of the EU’s influence can be of an “indirect” nature, as it may be channelled “through the pressures that domestic groups bring to bear on their governments” (Sedelmeier, 2006: 9).

Progress in meeting the agreed priorities will be monitored in the bodies established by the Partnership and Cooperation Agreements, namely committees and sub-committees, as well as through “appropriate dialogues”. The European Commission has specifically highlighted that “the sub-committees, with their focus on specific issues, [...] will be particularly useful for monitoring” (Commission, 2004: 10). In Kelley’s opinion, the Commission is trying to “emulate the ‘social influence’ dynamic that existed with the annual progress reports for candidate countries” (Kelley, 2006: 40), that enabled comparison between partners. This monitorization can also empower reformist domestic groups, either by focusing the attention on non-

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<sup>12</sup> On the basis of the accession countries’ experience, some authors have pointed out that, in some cases, this risks to be counterproductive, in the long-term. Joann Carmin and Stacy VanDeveer argue that the fact that “the entire transition, harmonisation and accession processes are shaping –even defining- the actions and agendas of civil society actors more broadly” raises questions “about whether such groups actually function as an independent ‘third sector’, or whether they have aligned their goals and priorities too closely to those of the EU” (Carmin and VanDeveer, 2004: 18). Similarly, Ulrich Sedelmeier reports other studies suggesting that “EU efforts to strengthen environmental NGOs in the Central and Eastern Europe Countries had the reverse effect of undermining them by usurping their agenda and divorcing them from grassroots support and activism” (Sedelmeier, 2006: 17).



compliance instances, by providing information, or by using the reports to influence agenda setting and decision-making processes.

The EU wishes to promote the cooperation with domestic NGOs and fund the development of civil society, too (Kelley, 2006: 40). Thus can be interpreted the *Wider Europe...* communication when it states that the EU will closely consider “exchange programmes between youth and universities, the creation of European studies courses and the opening of new Euro-information centres, people-to-people activities, including professional exchange/visit programmes, activities in the field of media, training and journalists exchanges” (Commission, 2003a: 13). Other ENP founding documents also put some emphasis on “developing various forms of cross-border co-operation, involving local and regional authorities, as well as non-governmental actors” (Commission, 2004: 4), or highlight the need to develop a “human face” dimension of the ENP, as “citizens of the EU and of the neighbouring countries should have more opportunities to interact, and to learn” (Commission, 2006a: 6). More recently, various ENPI Indicative Programmes have provided for the funding of activities carried out by NGOs and local governments on a number of issues, including the environment.

Secondly, the EU is also seeking to build and reinforce its relationships with domestic bureaucratic actors, in order to promote learning or persuasion processes that make them more prone to the principles and norms that the Union is trying to transfer. Thus, for instance, the ENP strategy documents provide for their “participation in selected EU activities and programmes, including aspects such as consumer protection, standards, environmental and research bodies”, as well as “technical assistance and twinning for partners that wish to meet EU norms and standards” (Commission, 2003a: 10; Commission, 2004: 9, Balfour and Ritta, 2005: 19). Similarly, a political dialogue is foreseen on foreign and security policy matters, “including regional and international issues, conflict prevention and crisis management and common security threats” (Commission, 2004: 13). This might include the invitation, on a case-by-case basis, “to briefing and coordination meetings organised by the EU in international forums such as the UN, Council of Europe, and OSCE” (Commission, 2006a: 10). In an analogous way, and arguably for similar reasons, the Commission has proposed the intensification of parliamentary cooperation, “whether between the European Parliament and national parliaments, or through the work of European political foundations” (Commission, 2006a: 10). To put it bluntly, the EU is seeking to influence how ENP partners’ policy-makers frame problems and decisions. The explicit objective is to “train the regulators of tomorrow” (Commission, 2006a: 8).

In short, some mechanisms are available for the EU to promote the transfer of its norms to neighbouring countries, both related to conditional incentives and to socialization processes. Evidently, their relevance and effectiveness is dependent upon the priority attached to each ENP issue area. More specifically, there is a qualitative difference between those subjects that are central to the exchange scheme outlined in section 2 and those that happen to be outside this trade-off. A good deal of the incentives offered by the EU (the major ones) are pertinent only to the first group. However, these incentives might have indirect impacts upon other, secondary areas, and there is still room for these collateral matters to reap some other ENP benefits. The next section focuses on one of these subjects, the environment, and assesses the related prospects for rule transfer.

## **Incentives and socialization to promote environmental rule transfer**

Having examined the whole set of instruments available to the EU to promote rule transfer, this section assesses their impact on the environmental dimension of European Neighbourhood Policy. As will be seen, a few tools do open possibilities for certain actors to facilitate the transfer of some policies, even if not necessarily in a successful manner.

### ***Sticks and carrots for environmental rule transfer***

The analysis will start with material incentives. Three sorts of incentives will be assessed, which

broadly match those presented in section 2 that have been found to be potentially relevant. This is followed by a general assessment of these incentives.

a- The effects of closer market relations

As argued above, closer market relations are a key element of the set of incentives proposed by the European Union to get partner countries on board of European Neighbourhood Policy. Even if not directly linked to the environment, the establishment of such relations might have a certain impact on the transfer of environmental norms. Certainly, if commercial relations between the EU and its partners intensify, so may the incentives for the latter to adopt the technical norms and standards that, otherwise, act as non-tariff barriers. On occasions, these norms and standards have an environmental aspect. Therefore, the Commission has quite explicitly encouraged the “improvement of laws, towards EU standards” not only because this would “facilitate trade and investment”, but also for the “environmental benefit this will bring” (Commission, 2003b: 6). Coherently, the EU foresees the use of part of the ENPI assistance to ease the adoption of these norms and standards by its partners (Commission, 2006a: 4; Commission, 2005: 2; Commission, 2004: 9).

David Vogel has suggested the label “California effect” to define this kind of process (Vogel, 1995). In effect, the 1970 US Clean Air Act Amendment permitted California to enact stricter car emissions standards than those required for the rest of the United States, which it did. The size and attractiveness of the California’s market encouraged firms located in other US states (and also foreign firms) to build cars according to its rules, in order to access Californian buyers. It then made sense for automobile manufacturers “to lobby for uniform national standards even if these had to be set at higher levels” (Scharpf, 1997: 523). Accordingly, in 1994, twelve Eastern states “requested that the federal government permit[ted] them to adopt California’s new standards” (Vogel, 1995: 259). In short, trade relations can be instrumental in spreading stricter (instead of looser) environmental norms.

Nevertheless, this so-called “California effect” would only impinge on a limited fraction of EU environmental legislation. It would only affect the norms related to product standards. According to interviewees related to the environmental dimension of ENP, therefore, this is an “overemphasized aspect”. Moreover, this kind of rule transfer can hinder rather than serve the purpose of improving environmental policies in partner countries. The DG Environment has published a guide entitled *Convergence with EU Environmental Legislation in Eastern Europe, Caucasus and Central Asia* which defends an approach on the convergence of environmental norms that does not fit well with emphasizing the transfer of product standards. Certainly, different ways of framing the issue lead to considerably different results. As argued in the guide, if the focus of convergence is put on the promotion of trade, then the list of priority norms to be transferred will “focus on internal market related directives such as product standards”. However, it is widely accepted that one of the main weaknesses of the partner countries’ environmental policies are “unrealistic environmental quality standards”, which are unattainable, “too far removed from implementation goals”, and consequently “often merely declarative” (ERM, 2003: 20). In other words, an active exploitation of the opportunities opened up by the “California effect” might even be counterproductive.

Therefore, an alternative approach is defended that centres on “those directives which offer concepts and approaches which address some key environmental policy instruments in need of reform” (ERM, 2003: 19). Instead of product standards, the “main principles/features” of the EU legal system should be transferred to neighbours. This would require focusing on horizontal legislation, on “fundamental environmental legal provisions”, and on “directives addressing procedures, general approaches and institutional frameworks such as framework directives” (ERM, 2003: 23). Interestingly, both the guide and the interviewed European Commission officials coincide in underlining that, in fact, this is the approach that follows from the lessons learned during the enlargement.

b- More economic resources

The ENP has been perceived (at least by partner countries) as an opportunity to reinforce the EU’s assistance to its neighbours. Therefore, more economic resources could be expected for

environmental projects. The European Neighbourhood and Partnership Instrument regulation establishes a list of no less than 29 priorities for investing resources. Two of these (the fifth and the seventh) deal with the environment and aim, respectively, at “promot[ing] sustainable development in all aspects” and at “environmental protection, nature conservation and sustainable management of natural resources, including fresh water and marine resources”<sup>13</sup>. Moreover, the interviewees from partner countries usually attached some importance to ENPI within the ENP scheme. One even stated that “the best news about ENP is ENPI”. This is all too logical, given that the partners present their environmental problems not as a matter of political will, but of capacities. Certainly, some have a fairly large record of ratifying international and regional environmental treaties, and thus frame their lack of implementation as the consequence of a lack of economic and technical resources<sup>14</sup>.

However, some caveats must be raised. The version proposed by the EU is different. The interviewees from the Commission insisted that ENPI is only to be seen as an auxiliary instrument, and the Commission recently acknowledged that “the funding available to support the ENP [...] will still be relatively modest, notwithstanding the ENP’s ambition to address a very comprehensive reform agenda” (Commission, 2006a: 13). Moreover, as argued by Michal Natorki, it seems that the EU is aware that “the few changes introduced to the ENPI won’t substantially modify the structural limitations of the assistance system”, namely, the problems with absorbing assistance experienced by partner countries (Natorki, 2007: 2).

In other words, the “Commission has tried hard to contain expectations regarding the European Neighbourhood and Partnership Instrument” (Natorki, 2007: 3). Moreover, ENPI Indicative Programmes do not offer many clues as to how the ENPI resources will be spent. As argued earlier, the environment is mentioned in the Eastern Regional Programme and one Thematic Programme is meant to be devoted to this issue. The environment is also mentioned in some National Indicative Programmes among the areas in which regulatory and administrative reform is to be pursued. But no estimation is possible yet, apart from the fact that it is already known that “the financial assistance offered to neighbours is limited” (Raik, 2006: 41).

In short, it is probable that the funding of environment-related projects will depend on the proactiveness of individual recipients and that, therefore, fundamental and systematic changes can not be expected (nor anticipated).

#### c- Issue linkages

Some of the incentives revised above (section 4.1.) do not appear to be able to have an impact on the transfer of environmental norms. This is the case with the improvement of perspectives for lawful migration and greater EU involvement in conflict prevention, for instance. However, linkages can be established between these issues and the environment that may encourage ENP partners to adopt EU environmental legislation. First and foremost, neighbours might want to advance these issues because of a more general and overarching European vocation. That is, as a contribution to the more important objective of building the reputation of being a trustworthy and collaborative partner before the Union. Some EU officials dedicated to the environmental dimension of ENP, as well as other interviewees, admitted that this may be a factor in explaining the different performances displayed by different neighbours.

A link can also be established between environmental and energy policies. In fact, some ENP papers quite openly establish this link. In other words, the transfer of EU energy norms is sometimes presented as the transfer of environment-related rules. However, as argued by some analysts, the energy dimension of neighbourhood policy is currently focused “on securing fossil fuel supplies”, and energy efficiency and renewable energy “do not feature prominently” in the Neighbourhood priorities (Anderson, Bassi, Aufenanger, 2005: 20-22).

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<sup>13</sup> Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument

<sup>14</sup> The Sectoral Progress Report issued in 2006 similarly defends that “with some exceptions, partner countries have ratified many international and regional environmental conventions and protocols, and participate in various regional initiatives. However, implementation of these commitments remains a major challenge in most cases” (Commission, 2006c, 7).

d- General assessment of incentives

Frank Schimmelfennig and Ulrich Sedelmeier have studied the process of norm acquisition experienced by Central and Eastern European Countries during their accession to the EU. In their opinion, the effectiveness of external incentives depends on the following factors. First, it depends on the “determinacy of conditions”, i.e. on their clarity and formality: the effectiveness of norm transfer “increases if rules are set as conditions for rewards and the more determinate they are” (Schimmelfennig and Sedelmeier, 2004: 664). Secondly, it depends on the “size and speed” of the rewards offered by the EU to partner countries. Therefore, a reasonably probable perspective for acceding to the EU promotes a wider and deeper transfer of norms than the mere promise of an association status and, similarly, “the longer the temporal distance to the payment of rewards, the lower the incentive to comply”. The third factor mentioned by Schimmelfennig and Sedelmeier is the “credibility of threats and promises”. The EU must be able to withhold the rewards “at no or low costs to itself, and it has to be less interested in giving the reward than the target government is in getting it”. Additionally, if the EU were perceived to have “subordinate conditionality to other political, strategic, or economic consideration”, then the partner might expect to receive the benefits “without fulfilling the conditions”, or even conclude that it will not receive them in any case (Schimmelfennig and Sedelmeier, 2004: 665-666).

The environmental dimension of European Neighbourhood Policy can thus be assessed through the set of criteria suggested by Schimmelfennig and Sedelmeier. It is highly doubtful that the determinacy, clarity and formality conditions are met. On the one hand, as argued above, Action Plans do not present clear and monitorable objectives. It does not seem possible to establish whether a given partner country is honouring its environment-related commitments. Moreover, the prospects are no better when the transfer of environmental norms is linked to trade relations, which are to play a much more central role in ENP. In effect, the incentives attached to the so-called “California effect” either seem weak (as they affect a narrow range of the *acquis*) or even inappropriate (as they would trigger precisely the kind of legislation convergence that the DG Environment has advised against).

The size and speed of rewards criteria deserve a more mixed, but generally negative balance. First, despite the fact that partner countries perceive ENPI as maybe the most important added value of ENP, the European Union (and its various institutional actors) do not expect it to live up to these expectations. The ENPI is expected to be more of a smoother than an incentive in itself. Secondly, however, even if there is no promise of accession under the ENP (which critically diminishes the attractiveness of the deal for partner countries), the Neighbourhood Policy does suggest a route for those neighbours whose foreign policy is strategically oriented towards getting closer to the EU. And the adoption of environmental norms appears in the roadmap.

Nevertheless, some caveats must be raised in relation to this latter argument, given the secondary role that the environment plays within the ENP scheme. Frank Schimmelfennig and Ulrich Sedelmeier have argued that the transfer of rules also depends on the credibility of threats and promises. That is, on the actual prospect that partner countries get rewarded or punished for their performance. As long as the environment is not part of the ENP central trade-off, the EU cannot be expected to be tough in the administration of sticks and carrots. In other words, partner countries can expect to be considered ENP “star pupils” even if they are not proactive in environmental issues, and they might possibly be branded as laggards even if they are outstanding in the area. Finally, given the low-ranking profile of the environment in ENP, the EU’s institutional actors involved in this dimension of neighbourhood policy may eventually develop vested interests in maintaining cooperation with partner countries and not withholding the environment-related interests even in the face of outright non-compliance with commitments.

In short, the conditional incentives provided by the European Neighbourhood Policy cannot be expected to promote the transfer of EU environmental norms; at least not in a significantly enhanced way. The (strongly qualified) exceptions seem to be the European Neighbourhood and Partnership Instrument and the possibility of some countries adopting an overall positive attitude to the different objectives and issue areas covered by the ENP, whatever their priority is.

### ***Rule transfer through socialization***

European Neighbourhood Policy offers some other instruments, apart from material incentives and conditionality, to promote the change of partner countries' environmental legislation. Certainly, the ENP provides some opportunities to "socialize" these states' domestic actors. It is expected to promote learning processes among bureaucrats, influence agenda setting, shape domestic debates, and export the way the EU frames environmental problems. In the following paragraphs, two kinds of socialization devices will be assessed.

We start by analysing instances of instruments that can be expected to empower reformist domestic actors in targeted states. Certainly, the stance of partner countries in relation to the transfer of environmental norms depends, among other important factors, on their networks of domestic actors. Therefore, a way of encouraging transformations in neighbouring countries is to empower those agents that are in favour of such processes. Obviously, this may include the weak environmental bureaucracies of these countries, NGOs and all kinds of epistemic communities; and this empowerment can be both symbolic and material. This is all more important given that, according to certain EU officials devoted to the environmental dimension of the neighbourhood policy, until now the success or failure of environmental cooperation with partner countries has depended on the specific policy-maker that is in charge of it on the other side.

As argued above (see section 4.2), given that Action Plans are the product of negotiations between the EU and each neighbour, they imply a commitment by partners to pursue a set of shared objectives. The approximation of environmental legislation is one of these objectives. Although the mere existence of this commitment will evidently not necessarily lead to its compliance, it does empower certain groups. It increases the legitimacy of their positions and decreases that of their bureaucratic, political or social rivals. In short, Action Plans can help reformist-minded policy entrepreneurs to present their agendas and proposals.

Similarly, some EU officials signalled that the fact that Action Plans contain some commitments in relation to the environment can legitimize hypothetical EU demands to create sub-committees to tackle this issue, along with other ones. One such sub-committee exists for Ukraine, but the other neighbours have been reluctant so far. According to interviewees, the creation of these bodies would put environmental problems higher on the agenda and enable more rigorous monitoring of the partners' performance, thus reinforcing certain groups and policy-makers within neighbouring countries.

Regional Environmental Centers (RECs) can also play a role in empowering certain domestic actors. RECs were created well before the ENP was launched, and are self-branded as "non-partisan, non-advocacy, not-for-profit international organizations"<sup>15</sup>. They are independent organizations, though politically and economically backed by the European Commission. Their tasks include the promotion of "environmental improvement by supporting the stakeholders of civil society, and by building capacity among NGOs, the private sector and the government", as well as with the "free collection and dissemination of information". Some interviewees mentioned RECs as a useful instrument for building capacities among the members of civil society organizations, which seems to be a demanding task. Certainly, officials from NGOs and EU institutions rather frankly acknowledged that environmental NGOs are weak in Eastern and South Caucasus countries, and that they are not able to influence either their governments or political and social debates. As foreseen in the Indicative Programmes and Strategy Papers published so far, people-to-people activities, exchange/visit programmes and cross-border cooperation programmes can also be expected to provide opportunities to empower and fund civil society. Similarly, they might also draw the attention of local and regional authorities to environmental problems.

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<sup>15</sup> The "success" of the original Regional Environmental Centre for Central and Eastern Europe, based in Hungary, "served as a model for the establishment of five further RECs", which have been operational since 1998. They are based in Almaty, Chisinau, Kiev, Moscow and Tbilisi, and they "span eleven NIS countries", as two of them have a subregional scope (Caucasus and Central Asia). See the European Commission brochure "From Aarhus to Kiev and beyond: the EU's contribution to Environment for Europe" (available at [http://ec.europa.eu/environment/enlarg/pdf/kievbrochure\\_en.pdf](http://ec.europa.eu/environment/enlarg/pdf/kievbrochure_en.pdf)).

The European Union also aims to persuade bureaucratic actors from partner countries, by building and reinforcing relationships with them, promoting learning processes and building capacities on the basis of EU norms and approaches. It is commonly accepted that environmental administrations in ENP-partners are under-staffed and technically weak, and that this is one of the major problems for environmental policies in these countries. On the one hand, this weakness obviously undermines the environmental dimension of ENP itself. For example, the *Sectoral Progress Report* stated that in the field of the environment “progress has been limited, reflecting the vast scale of the challenge in this sector”, which would require “greater administrative capacity, coupled with enhanced resources” (Commission, 2006c: 6). The available country level assessments defend this idea too. Thus, the Moldova Progress Report states that “a major challenge is [...] to strengthen administrative implementation capacity at all levels of the country” (Commission, 2006d: 17); and exactly the same sentence appears in the Ukraine Progress Report (Commission, 2006e: 15). In fact, this replicates the problems experienced by the former Eastern candidate countries, in which “capacity limitations” were also diagnosed as a major problem for the transfer of the environmental *acquis communautaire* (VanDeveer and Carmin, 2004: 315).

Nevertheless, the other side of the coin for this situation is that the EU has the opportunity to fill the gap with its own policy frames and approaches. At the end of the day, this is what the aforementioned *Convergence with EU...* document is defending when it argues in favour of focusing on the transfer of “principles”, “concepts”, “approaches” and “instruments” (ERM, 2003: 19). As generally put forward by interviewees, the EU has some “prestige”, “expertise”, “knowledge”, and “experience” on both environmental policies and environmental rule transfer. The participation of ENP partners in the activities of EU agencies can also be useful to socialize bureaucrats and policy-makers in partner countries. Indeed, the Commission has mentioned the environment as a field in which the “participation in selected EU activities and programmes” can be studied (Commission, 2003a: 10; Commission, 2004: 9). This possibility has been presented as “an important chapter of the European Neighbourhood Policy” by the Commission, by arguing that “past experience [...] has shown that participation in Community programmes can have very positive effects” (Commission, 2006b: 2). According to the Commission, such participation has promoted “the development of strategies [...] relevant to reform and transition” by allowing increased access by partner countries policy makers to “specialised networks expos[ing] them to practical aspects of EU policy making”. Similarly, it has “led to the establishment of new institutions”, to the “strengthening of the administrative capacity and legal authority of existing ones” and to the “transfer of best practices” (Commission, 2006b: 4).

Therefore, the European Environmental Agency can be expected to cooperate more closely with partner countries<sup>16</sup>. However, none of the interviewees mentioned this possibility if not directly asked about it, they considered this option to be a minor one and tended to downplay its influence. The fact that the EEA is basically dedicated to providing information on the state of the environment could explain, at least partially, the fact that some environmental policy-makers do not see it as a socializing framework<sup>17</sup>. However, this is not to downplay the possibility of involving policy-makers in ENP countries in other environment-related processes with the potential for socialization, such as taking joint positions in international environmental negotiations or participating in EU working groups on some selected issues.

In short, the European Neighbourhood Policy does provide promising opportunities to socialize and persuade domestic actors in partner countries. Although some analysts (Schimmelfennig and Sedelmeier, 2004; Sedelmeier, 2006) have suggested that socialization has not been a primary force for external governance so far, the lack of an accession perspective may increase the importance of this factor relative to conditional incentives. Probably, this has to do with the

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<sup>16</sup> In fact, the list of EEA member states already includes some non-EU countries: Iceland, Norway, Switzerland, Turkey, Liechtenstein,

<sup>17</sup> Nevertheless, Albert Weale, Geoffrey Pridham, Michelle Cini, Dimitrios Knstadakopoulos, Martin Porten and Brendan Flynn have argued that though the EEA formal remit is concerned primarily with the collection and standardization of data, “one could argue that it has the potential to be a powerful force for the Europeanization of environmental policy, not least given the concerns that are often expressed about poor implementation of international agreements being disguised by the practice of countries collecting the data on their own performances” (Weale et al., 2000: 4).

fact that the potential of socialization is not so dependent on the role that the environment plays in the whole ENP, but on other factors, the political will of proactive actors being one of them.

Indeed, the analysis of the actual impact of the socialization mechanisms should be made on a case-by-case and basis and it should take into account a number of country-and issue- specific variables. Evidently, this kind of study is far beyond the reach of this paper. Outstanding among the variables that should be considered are those identified by Frank Schimmelfennig and Ulrich Sedelmeier, who mention the legitimacy, identity and resonance of EU norms, as well as the perception by partner countries that the Union's rules can help solve some domestic problems (Schimmelfennig and Sedelmeier, 2004: 668).

## Conclusions

This paper has argued on the premise that the European Neighbourhood Policy does not only aim at promoting cooperation between the EU and its partner countries; it is not about quantitatively improving the status quo. Rather, it seeks to introduce a more qualitative change: its focus is on transferring norms. It aims at promoting external governance, or at Europeanizing neighbours, as it has been termed. In order to achieve this, the European Union proposes an exchange between itself and its partners: commercial and political benefits in exchange for the alignment of neighbours with certain policies in a range of priority fields. Around this particular trade-off, a whole set of sticks, carrots and socialization devices have been set up, both in order to provide incentives and to convince.

The focus of the paper has been on the projection of this particular scheme upon the transfer of environmental norms. In this regard, we have forwarded a number of thoughts. First, the set of instruments provided by the ENP is neither sufficient nor adequate to encourage the adoption of environmental policies and legislation. To put it bluntly, transfer cannot be expected to happen in any systematic way. This is mostly due to the collateral role that the environment plays within the ENP scheme. Certainly, the bulk of ENP-related incentives applies only to issues that play a structural role within the bargain that articulates neighbourhood policy (see section 2).

Only two kinds of incentives have been found to be potentially relevant for the transfer of environmental norms. First, the European Neighbourhood and Partnership Instrument (ENPI) embodies the promise of more economic resources to fund cooperation between the EU and its neighbours, including on environmental issues. Nevertheless, although the resources provided by the ENPI may facilitate the implementation of the decision to adopt EU norms, they are not, however, meant to encourage that decision in the first place. They can promote cooperation on specific environmental projects, but they are not so likely to promote the transfer of norms. Second, some partner countries might see the adoption of environmental norms as part of an overarching strategy to strengthen their relationship with the EU. Compared to an enhanced access to internal market, a more flexible visa regime or strengthened cooperation to manage protracted conflicts, these are most certainly secondary and subsidiary incentives.

Moreover, it is far from clear what the EU wants its partners to do, in environmental terms, in exchange for ENP-benefits. As contained in Action Plans, the commitments are insufficiently clear and inadequately determined; they are not expressed in a mandatory form, and the disincentives for instances of incompliance are not put forward in a credible vein. In sum, the carrots offered to neighbouring partners in the context of the European Neighbourhood Policy do not seem to be able to promote norm transfer in any significant way.

The socialization mechanisms appear to be somewhat more promising. As argued above this has possibly to do with the fact that their effectiveness depends more on the skills and will of the particular individuals and bureaucracies that have to exploit them, or the specific circumstances of given neighbours, and less on the general structure of the ENP. Thus, the neighbourhood policy provides the EU with a few ways to empower reformist actors within partner countries and to influence the way they frame environmental policies. However, this is not without caveats. It must be recalled that, in previous instances of norm transfer and external governance, socialization has been found to play a secondary role (see section 4.2). Only a determined use of these opportunities both by EU institutions and domestic actors within the ENP partners will

allow for a contribution to the transfer of environmental norms to be made. In other words, no systematic transfer of rules must be expected, but ENP certainly improves prospects.

Finally, some more general conclusions can be reached from the analysis put forward in this paper. The environmental dimension of ENP can be seen as a particular case of a wider category, namely, the category of all the other collateral dimensions of the European Neighbourhood policy. In effect, a similar diagnosis can apply to other issue areas, as far as a good deal of the ability to promote norm transfer depends on the relationship between particular policies and the bargain that the EU is suggesting to its partners. There is also reason to think that the transfer of these “fringe–issue” rules will depend mostly on socialization mechanisms, which have been found to be weaker and less predictable than material incentives. In short, the European Neighbourhood Policy might be narrower than expected when launched.

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## Interviewees

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*Parur Hovhannisyan*: Mission of Armenia to the European Union, Counsellor

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*Viacheslav Kniazhnytskyi*: Mission of Ukraine to the European Union, Counsellor

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