

## Change as "Appropriate Adaptation": Administrative Adjustment to European Environmental Policy in Britain and Germany

**Christoph Knill and Andrea Lenschow**

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### Keywords

implementation, public administration, environmental policy, neo-institutionalism, U.K., Germany, political science

### Abstract

This paper is looking at European environmental policy from the "second image reversed" perspective. Specifically, it investigates the conditions under which we see administrative change in the EU member states as a consequence of the implementation of EU environmental policies. We adopt a comparative research design – analyzing the impact of four environmental policies in Britain and Germany – to trace the conditions for adaptation in the context of different administrative structures and traditions. As a starting hypothesis we adopt the institutionalist expectation that administrative adaptation depends on the "goodness of fit" between European policy requirements and existing national structures and procedures. On the basis of our empirical evidence we further refine the notion of "goodness of fit" by looking at the level of embeddedness of national structures in the overall administrative tradition from a static and dynamic perspective. Furthermore, we develop an explanatory framework that links sociological and rational choice variants of institutional analysis.

### Kurzfassung

In diesem Papier betrachten wir EU Umweltpolitik aus der "second image reversed" Perspektive. Wir untersuchen, unter welchen Bedingungen die Implementation von EU Umweltgesetzgebung in dem Mitgliedsstaaten zu Strukturveränderungen in nationalen Verwaltungen führt. Ein vergleichendes Forschungsdesign, das die Auswirkungen von vier EU Umweltgesetzen in Großbritannien und Deutschland untersucht, ermöglicht es uns, die Bedingungen für effektive Anpassung in einem Kontext verschiedener Verwaltungsstrukturen und -traditionen zu erkennen. Die von der Institutionalismustheorie geprägte Erwartung, daß der Grad des Anpassungsverhaltens vom Grade der Übereinstimmung zwischen europäischen Anforderungen und den vorhandenen nationalen Strukturen und Praktiken abhängt, stellt unsere Basishypothese dar. Im Verlaufe der empirischen Analyse entwickeln wir dieses "goodness of fit" Konzept weiter, indem wir die Einbettung nationaler Strukturen in die vorherrschende Verwaltungstradition von sowohl statischer als auch dynamischer Perspektive betrachten. Weiterhin entwickeln wir ein Erklärungsmodell, das die soziologischen und "rational choice" Varianten institutionelle Ansätze versucht zu verbinden.

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## 1. Introduction

National administrative traditions differ widely within the European Union (EU). This holds true not only for aspects of administrative structure and organization, but also for patterns of administrative practice in regulatory intervention and administrative interest intermediation. At the same time, the regulatory content of national policies shows an impressive degree of convergence. The most important source for this development within the EU is the growing influence of supranational policy-making.

In contrast to EU activities of "negative integration" (Taylor 1983), e.g. the abolition of trade barriers, it is one property of "positive integration", for instance in the field of environmental policy, that concrete regulatory and administrative implications are transmitted via the policy instruments defined in respective EU legislation. The employment of these EU policy instruments may have more or less fundamental repercussions on well-established regulatory arrangements at the national level.

Depending on the compatibility between domestic administrative arrangements and these supranational administrative implications, adaptational pressure on national structures will emerge. Hence, the question arises whether the EU's increasing engagement in positive integration by means of regulatory policies will result in administrative convergence in Europe.

It is the intention of this paper to analyze the concrete implications of supranational policy-making on national administrative arrangements. What are the effects of supranational policies on well-established administrative patterns? Under which conditions can we expect administrative change, and more specifically convergence of administrative arrangements?

To answer these questions we draw on empirical results from the implementation of EU environmental policy in Britain and Germany. In this context we focus on four pieces of European legislation with far-reaching administrative implications, namely the Directives on Drinking Water, Access to Environmental Information, Environmental Impact Assessment (EIA), and the Environmental Management and Auditing Systems (EMAS) or Eco-Audit Regulation(1). The selection of Britain and Germany allows us to assess the implications on national administrative arrangements in a comparative fashion as their respective structures and practices tend to be diametrically opposed (cf. Héritier/Knill/Mingers 1996).

As an analytical baseline we adopt the institutionalist hypothesis that administrative adaptation depends on the "goodness of fit" between European policy requirements and existing national structures and procedures; i.e., adaptation is likely to be resisted in cases of "misfit" between the two levels. This hypothesis is based on the understanding that institutionally grown structures and routines prevent easy adaptation to exogenous pressure (Krasner 1988; DiMaggio/Powell 1991; March/Olsen 1989). Our chapter will support this general insight; however, we will illustrate the need to further elaborate on the notion of "goodness of fit" in order to give it explanatory value. For this purpose, section two introduces the empirical material in some detail and indicates the limits of an institutional analysis assessing the pressure for change on the basis of a static and "punctuated", policy-specific institutional comparison.

In section three we introduce an institutionalist framework which proves more successful in explaining the adaptive performance in Germany and Britain. We build on the concept of the "logic of appropriateness", implying that domestic administrative change can only be expected as long as EU policies are not challenging the institutionally deeply entrenched core of national administrative traditions, but are requiring only changes *within* this core (i.e., changes that may be substantial but do not contradict the logic or philosophy behind administrative structures and practices). In other words, we define "appropriateness" in a macro-institutional context. Secondly, we conceive of "appropriateness" as a dynamic rather than static phenomenon. Depending on the national capacity for administrative reform generally, general (macro-level) national administrative traditions may "move" over time due to domestic developments; this in turn may alter the scope for "appropriate adaptation" to European requirements independent of any policy specific occurrences. In this section we will also tackle the utility of and the link between the sociological and the rational choice variants of historical institutional approaches,(2) the former frequently suffering from undue determinism, the latter from problems of providing only *ex post* explanations due to complexities in the relevant actor constellations. We suggest that the sociological notion of "appropriateness" provides the first condition for domestic change; a supportive (institutionally framed) actor coalition plays the role of the second condition. We will further elaborate on the kind of cases that require an investigation of the second condition. Section four interprets our empirical evidence in light of this theoretical framework

## 2. The Empirical Story and Puzzle

In this section we establish the pressures for structural change emanating from EU regulations which we determine on the basis of the "goodness of fit" between EU regulations and domestic institutional settings in the respective policy area. We proceed by briefly characterizing the administrative structures of Germany and Britain and then summarize the content and administrative requirements of the legislation in question. Our intention here is to introduce the empirical material and to show the need to further specify the notion "goodness of fit". An evaluation of the adaptive reaction to the EU legislative and administrative challenge in Germany and Britain shows that a punctuated and static perspective will not do.

### 2.1. German and British Administrative Arrangements in Environmental Policy

To assess the "fit" or "misfit" of European legislation and national administrative traditions, we distinguish two analytical categories characterizing administrative arrangements: *regulatory style* and *regulatory structures*. Regulatory style we define as patterns of interaction between administrative and societal actors and distinguish between two dimensions, namely the mode of state intervention and administrative interest intermediation. We distinguish between two ideal types, namely an interventionist and a mediating regulatory style. The latter is characterized by an emphasis on self-regulation and procedural rather than substantive requirements; it implies high discretion and flexibility for the administration in applying the law. The application of rules follows an inductive logic; i.e. regulatory requirements are derived from the specific circumstances of the particular case. Accordingly, patterns of interest intermediation are shaped by pragmatic bargaining, informality, consensus, and transparency. In contrast, the interventionist ideal is characterized by command-and-control type regulatory rules defining substantive objectives that leave administrative actors only limited discretion and flexibility. The corresponding patterns of interest intermediation are more legalistic, formal, adversarial and closed (cf. van Waarden 1995). With respect to *regulatory structures* we focus on the vertical (centralization versus decentralization) and horizontal (concentration versus fragmentation) distribution of administrative competencies with the respective patterns of administrative coordination and control.

A comparison of German and British arrangements in environmental policy along these two dimensions reveals more or less polar national characteristics. Regarding the dominant regulatory style, Germany approaches the interventionist ideal type whereas Britain reflects the mediating type more closely. More specifically, Germany is a European "leader" in terms of command-and-control environmental regulation and its insistence on uniform substantive standards. Patterns of interest intermediation tend to be formal and legalistic, with informal bargaining between regulatory authorities and industry taking place under the "shadow of the law". Access for third parties is quite restricted, allowing for participation only in legally specified cases (Winter 1996, Lenschow 1997).

British practice, by contrast, favors flexible policy instruments which leave greater discretion to consider particular circumstances, such as local environmental quality, available technology and the economic situation of the regulated polluter. Here the procedural aspects circumscribing the individual negotiation between regulating authorities and industry in light of these local circumstances are emphasized. Patterns of British administrative interest intermediation are pragmatic and lean towards consensual and informal relationships. However, in contrast to the mediating ideal type, transparency of the consensual bargaining is low in order not to jeopardize the rather "chummy" and "cozy" relationships (Vogel 1986; Jordan 1993; Knill 1995).

Fundamental differences also exist between German and British regulatory structure in the environmental policy field. In Germany it is characterized by a high degree of decentralization and

fragmentation. Decentralization is rooted in Germany's federal structure, implying a functional division or interlocking of competencies between the federal (policy formulation) and regional level (implementation and practical application). The high degree of administrative fragmentation becomes evident in structures that split administrative tasks according to the affected environmental media – air, water, soil (Pfeiffer 1991).

The regulatory structure in the UK can be equally characterized as decentralized and fragmented; nevertheless important differences to Germany exist. Britain has reformed its formerly highly centralized system into a sectorally, rather than functionally, fragmented and decentralized system with a range of autonomous, rather than interlocked, institutional actors. Hence, the Department of the Environment devolved implementation competencies to a whole range of different inspectorates and authorities at the central and local level. Whether the central or the local level has responsibility for implementation depends on the specific policy area, but whoever is in charge enjoys broad administrative autonomy. In other words, there is no hierarchical control or inspection of local authorities' day-to-day activities by central government, implying high variation of local authority performance throughout the country (Steel 1979, 34; Weale 1996, 127f.).

Table 1

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## **2.2. Administrative Implications of Environmental Legislation**

The administrative implications of the four pieces of environmental legislation under study pose different adaptation challenges in Germany and the UK. The 1980 *Drinking Water Directive* binds member states to comply with defined guide values and mandatory values (maximum admissible concentration and minimum required concentration) regarding a range of parameters linked to water for human consumption (Haigh 1996). The Directive also establishes how often and by what means monitoring should be carried out. The Drinking Water Directive reflects the interventionist ideal type. This becomes apparent in the substantive and hierarchical instruments defining quality standards. These uniform and hierarchical specifications imply quite formal and legalistic patterns of administrative interest intermediation

The *Access to Environmental Information Directive* was adopted in 1990 and is part of the Commission's attempt to make environmental information more easily available to the public in order to reduce enforcement and monitoring difficulties experienced with EU environmental policies. To make the performance of both public authorities and the regulated industries accountable to the public, the Directive requires relevant authorities holding information on the environment to make this information available to the persons requesting it. The *EMAS Regulation* establishes a management tool allowing European companies to evaluate the environmental impact of their activities.<sup>(3)</sup> Companies voluntarily adopt an environmental policy and conduct an environmental review. The company's environmental statement is validated by an officially appointed, independent and accredited environmental auditor. Both, the Information Directive and the EMAS Regulation point to the mediating ideal. The EMAS Regulation does so by emphasizing industrial self-regulation by the voluntary introduction of an environmental management system. The Information Directive equally falls in this category with its procedural requirements aiming at open and transparent patterns of administrative interest intermediation and hence, a strengthening of the opportunities of third parties to control public and private economic actors.

The 1985 *EIA Directive* obliges developers of defined public and private projects to provide information to the competent public authority in the area of the environment regarding the



environmental impact of the project. This information must be taken into consideration by the public authorities responsible for the authorization of the projects in question. The EIA Directive is characterized by both mediating and interventionist elements. While the requirement to carry out an EIA is specified in a hierarchical way, the Directive's focus on procedural aspects and public participation corresponds to the mediating ideal type.

Considering structural arrangements, potential implications are limited to the EIA Directive and the EMAS Regulation. Thus, the integrated approach characterizing the EIA procedure requires a concentration or at least coordination of administrative control responsibilities. EMAS Regulation does not require the adaptation of existing structure but the establishment of new structures as member states must create competent accreditation and certification bodies.

Table 2

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### **2.3. The Constellation of EU Policies and National Arrangements: Assumptions and Empirical Evidence**

The contrasting implications of the four EU policies for national administrative arrangements suggest different adaptive responses in both countries. The Drinking Water Directives "fits" the German interventionist regulatory practice; in this context it demands the introduction of specific measurement techniques which appear a minor adaptive challenge. The UK regulatory style, in turn, stands in sharp contrast to the legally binding quality standards required by the Directive. On the other hand, the UK administrative structures and procedures "fit" rather nicely with the requirements of the EMAS Regulation and the EIA Directive. The EMAS Regulation allows Britain to build further on already existing management systems; the EIA Directive is equally a practice already in use though demanding some more vertical coordination in the UK. Both pieces of legislation demand much further reaching adaptations for the regulatory style and structure in Germany. Here, the interventionist style may hamper the adaptation to self-regulatory practices in the EMAS case; the vertical decentralization and horizontal fragmentation contradict the integrated logic behind the EIA Directive. The Information Directive finds no regulatory equivalent in either country, suggesting resistance to the adaptation challenge in both cases.

On the basis of these patterns of "fit and misfit" we may expect easy administrative adaptation in the German Drinking Water case and in the British EMAS and EIA cases; resistance to administrative reform seem more likely with respect to implementing the EMAS Regulation and the Information and EIA Directives in Germany, as well as the Drinking Water and Information Directives in the UK. We will see that this expectation does not correspond well with the empirical evidence.

Beginning with Germany, we observe two that two "misfit" cases result in the expected slow and insufficient administrative responses, one "misfit" case, however, triggered a surprisingly high level of adaptation and finally, and one "fit" case resulted in rather unexpected adaptive problems. To be specific, our expectations regarding a resistance to the required administrative reforms with respect to the EIA Directive are supported. Several legal proceedings suggest that Germany has exploited legal ambiguity in the Directive with restrictive implementation. The EIA was integrated into existing authorization procedures without adopting an integrative approach which would have implied an overhaul of administrative structures. More specifically, the integrated cross-media concept embodied in the Directive presumes comprehensive, centralized and concentrated consent procedures and structures (Commission 1993: 101), whereas in Germany "[a]dministrative processing of a project is medium specific both vertically and horizontally, and consequently

uncoordinated..." (Pfeiffer 1991: 57, cited in Héritier/Knill/Mingers 1996: 297).

Equally, the narrow interpretation of the administrative requirements implied in the Information Directive, circumventing an otherwise needed reorientation of administrative practice, corresponds with our initial hypothesis. Germany transposed the Directive in a way limiting the number of the affected administrative actors as well as the number of potential information requests, thereby minimizing the adaptive challenge (cf. Lenschow 1997; Scherzberg, 1994; SRU 1996). The degree of German resistance becomes evident in view of the legal proceedings already brought to the ECJ.

Turning to the surprises, the Drinking Water Directive, where we would have expected "easy" adaptation revealed surprising problems visible in a much delayed formal transposition of the Directive in 1986; the pesticide parameters were included only in 1989 and then incompletely; the final transposition took place in 1990. The delay occurred to a large extent because Germany insisted on nationally ironing out inconsistencies inherent in the Directive. The measurement procedures prescribed in the Directive were found incapable of performing the fine measurements required to detect the small parameter values called for. While other member states transposed and implemented the Directive even though they were quite incapable of measuring whether they were in compliance with the set quality standards, Germany delayed the transposition until it could ensure adequate measurement. The reference to "goodness of fit" does not explain this strategy as implementation did not require actual procedural or structural reforms, only a marginal relaxation of already present procedural activities and controls.

The EMAS Regulation demands some institution building, but, more importantly, its voluntary and self-regulatory elements contradict the prevailing interventionist and legalistic regulatory style in German environmental policy. Against this background, the emergence of Germany as the "European champion" in implementing the EMAS scheme represents the second German surprise. By November 1996 there were almost 350 registered sites, compared to the "runner up" Austria with more than 30 sites (Bouma 1996). "Goodness of fit", as applied so far, obviously is not sufficient to account for the German performance.

The limitations of the fit-misfit dichotomy as an explanatory framework become even more evident when considering the British case, where only the response to the EMAS Regulation corresponds to our expectations. EMAS is compatible with the British preference for self-regulation and procedural instruments and was integrated in the already existing structures relatively smoothly. Britain built on administrative structures already in place to implement the national environmental management system based on British standard 7750 and the ISO 9000 quality management system.

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All other measures under investigation reveal surprising responses in Britain. First, although the EIA Directive's procedural character and its structural requirements seemed to imply no particular adaptation problems, Britain resisted to engage in the marginal adaptive requirements. The EU Directive came close to British practice where

... the developer already had to supply certain information; the public already had the chance to comment; the planning authority already went through a mental process in arriving at a decision which involves considering the information supplied by the developer and other; and when decisions was taken it was published (Haigh 1996: 11.2-14).

The Directive departed from the British model only in requiring slightly more formal procedures and

coordination, particularly between the planning procedures (which are the responsibility of local authorities) and industrial process authorizations (which for larger plants is conducted by the Environment Agency). Britain opted to integrate the EIA procedure merely in the local planning procedures without such facilitating coordination (Knill 1997). Furthermore, environmental impacts are given no priority compared to other considerations in the planning process. New prioritizing would have required a somewhat more formal regulatory framework to constrain the wide discretion traditionally given to the planning authorities; this was not adopted.

The second British surprise relates to the substantial administrative reforms facilitating the successful implementation of the Drinking Water Directive. These adaptations include a more substantive orientation in state intervention, a shift toward more formal and legalistic patterns of administrative interest intermediation and significant investment programs in order to meet the EU requirements (Maloney/Richardson 1995, 145; Haigh 1996, 6.10-8; Knill 1997).

Finally, British adaptations to the Information Directive have been far more proactive than expected. In this respect the British administration went even beyond the requirements of the Directive, which merely calls for the "passive" provision of information following public requests. The Directive's requirements are interpreted in a rather wide sense, including an active information policy of the regulatory authorities in order to raise the general interest of the public in environmental information (Knill 1997). Even though the British preference for procedural law corresponds with the nature of the Information Directive, in the past "procedural regulation" was limited to contacts between the regulator and industry and excluded the general public. Hence, the British adaptation to the Directive surprises in substance and degree.

In summary, this section revealed that the "goodness of fit" concept is either insufficient or underspecified to explain national reactions to the pressures for structural change emanating from EU legislation. Only three of eight cases correspond with our initial expectations. In the following section we will develop a more capable explanatory framework by grounding the "fit-misfit" terminology in sociological institutionalist writing, adding a dynamic perspective to this literature and delineating a connection between sociological and rational choice institutionalism.

### **3. The Impact of Europeanization on National Administrations: A Dynamic Model of "Appropriateness"**

Let us proceed by specifying the concept "goodness of fit" by grounding it in the sociological institutional "logic of appropriateness". This logic is rooted in a deeper institutional perspective than the one applied so far, taking account of the embeddedness of administrative structure and practice in the administrative history and the overall state and legal tradition. We shall indicate how this framework can be linked to the "competing" rational choice institutionalist perspective.

#### **3.1. A Refined Concept of Adaptation Pressure**

Starting from the proposition that administrative adaptation follows the "logic of appropriateness" (March/Olsen 1989), administrative traditions structure the process of adaptation to new institutional arrangements by affecting not only the strategies, but also the preferences of relevant actors; i.e. new demands are assessed in light of existing rules and standard operating procedures which provide "meaning" to administrative actors. On the basis of this institutional assumption, we hypothesize that domestic administrative change depends on the institutional depth and scope of the required adaptation. Change is more likely, if the adaptations required by European policies can be achieved by adjustments following the "logic of appropriateness"; these constitute change *within* rather than change *of* the core of national administrative institutions.



To assess the institutional scope of adaptation pressure, it is not sufficient to rely upon the "punctuated" fit or misfit of European and national arrangements. Rather the institutional scope and hence the degree of adaptation pressure increases with the extent to which challenged administrative arrangements are institutionally embedded. The extent to which sectoral styles and structures represent core patterns of national administrative traditions depends on their embeddedness into the general institutional context defined by the state tradition as well as the legal and political-administrative system.(4)

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### **Sociological Versus Rational Choice Institutionalism**

The institutional literature is a growing and quite diverse field (cf. Hall/Taylor, 1996). The reader may ask why we choose the sociological version as a starting point and not a rational choice, institutionalist perspective on administrative change. The latter understands domestic administrative change or resistance as the result of the strategic interaction of rational actors in the context of the opportunities and constraints provided by national and supranational institutions. Administrative change or maintenance is understood as the result of a power struggle between national actors whose resources might be significantly altered under the influence of Europeanization (cf. Moe 1990; Knight 1992).

Notwithstanding the explanatory value of this approach, rational choice institutionalism tends to suffer from the need to account for high empirical complexity, prohibiting an accurate attribution of resources to the diverse sets of actors involved and hence, a accurate *ex ante* analysis of administrative change. In other words, the explanatory value of this argument is usually limited to analyzing administrative change from *ex post*. One could certainly argue that this deficit can be overcome by thoroughly investigating the general resource potential of national actor coalitions relevant in particular policy areas. In the environmental field, for instance, criteria like the environmental awareness of the population or the political strength and influence of environmental organizations have been used as indicators for the existence of strong actor coalitions supporting domestic changes in light of European legislation. But, such generalizations pose more questions than they answer in our context, given its necessarily partial look at the (potentially) relevant actors. How can we explain administrative resistance in Germany despite its reputation as environmental "leader" with a strong and influential environmental movement, whereas many changes took place in Britain, a country known as environmental "laggard"? And how can we explain variations within the same country, given these generally applicable conditions?

By using the sociological perspective as a starting point we hope to provide a better cut at *ex ante* hypothesizing. At the same time, however, we need to guard against undue institutional determinism. Let us emphasize therefore, that the sociological approach does not contradict the relevance of rational actor coalitions. Institutions provide a stimulating, restricting or enabling context for individual or corporate action (Mayntz/Scharpf 1995, 43), hence making some courses of action and outcomes more likely than others. However, following the "principle of decreasing levels of abstraction" (*ibid.*), we pursue the more parsimonious framework, taking recourse to more actor-focused, rationalist explanations only where the sociological concept of "appropriate logic" is insufficient. Below, we will more clearly delineate the kind of cases where such step down on the ladder of abstraction is necessary.

In the meantime, let us remark that a "coalition argument" based on rational choice institutionalism is in fact implicit in the logic of appropriateness argument: Due to their institutional standing, actor coalitions supporting administrative change in accordance with European requirements are more

likely to be successful if European implications remain within the "logic of appropriateness" than if the boundaries of appropriateness are surpassed. In the latter case, i.e. proposed changes of the core, stable institutional equilibria are challenged and threaten to undermine the institutional base of strong vested interests, hence provoking their intense opposition. Challengers face the additional difficulty of having to act from outside the institutional core. Supporters and opponents to adaptation within the core, on the other hand, are likely to be of similar institutional standing and reform-minded actors have the additional benefit of the European backing. Hence coalitions in favor of change operate in a more supportive institutional context raising their chances of success.

### **A Dynamic Perspective**

The institutional scope of adaptation, however, may not be satisfactorily captured by a static comparison of European requirements and national structures. Administrative traditions are not entirely static, but may – depending on the structural potential for national administrative reform – be subject to change, which can alter the "logic of appropriateness" on the policy-specific level and hence the institutional scope of European adaptation pressure.

The structural capacity for national administrative reforms – which are the result of high level political decisions rather than administrative decisions affecting the implementation processes we spoke about so far – depends on the number of institutional veto points (Immergut 1992, 27) the relevant actors have at their disposal in order to block political and societal reform initiatives. The number of veto points is firstly affected by aspects of the political system, including the party system (single party versus coalition governments) and the degree of political decentralization (unitary and centralized systems versus federal systems with a strong linkage of policy-making at the federal and regional level). Second, the number of veto points increases with the extent to which administrative activity is based on legal and formal requirements. Administrative changes thus requires to go through formal procedures, a process which encourages participation and open conflict of interests, hence working against swift, single-handed institutional reorganization. Third, the more comprehensive and fragmented administrative structures, the more difficult it is to implement reforms "from above" (Benz/Götz 1996).

Given this dynamic conception of adaptation pressure, we can formulate a further hypothesis, namely, that administrative adaptation to European requirements is more likely in member states with a high potential for administrative reform. National dynamics may inadvertently allow for effective adaptation to EU requirements which previously reflected core challenges to administrative traditions.

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In sum, our institutional and dynamic conception of adaptation pressure allows us to distinguish between three levels of pressure. We classify pressure as *high*, if EU policy is contradicting core elements of administrative arrangements. *Moderate* adaptation requirements, on the other hand, relate to cases where EU legislation is demanding only changes within the core of national administrative traditions rather than challenging these core factors themselves. In contrast to instances of moderate and high adaptation pressure which both imply more or less far-reaching administrative changes, *low* pressure for adaptation is given if member states can rely on existing administrative provisions to implement European legislation. Given the dynamic conception, the level of adaptation pressure may shift as a result of national reforms; i.e. national reform developments may alter the institutional scope of European requirements.

### **3.2. Linking Adaptation Pressure and Domestic Change**

According to the three levels of pressure, we are now able to identify different paths, where adaptation following the "logic of appropriateness" is likely to bring about either administrative change or resistance.

### **Contradiction of the Core: Administrative Resistance**

In cases where European policies imply contradictions of the administrative core, resistance to change is likely. As all institutional approaches suggest, well-established institutions and traditions not easily adapt to exogenous pressures. Apart from the rare cases of external shocks or fundamental performance crises, institutions remain stable even in a changing environment (cf. Krasner 1988; DiMaggio/Powell 1991; March/Olsen 1989). In such cases it follows from the "logic of appropriateness" that we observe only very limited and symbolic adaptations.

### **Change Within a (Changing) Core: Accepted or Neglected Adaptation?**

Moderate pressure implies that the adaptations required can be achieved by changes *within* the institutional framework without challenging its core. Actual adaptation may require substantial but no "fundamental" reforms. On the one hand, the limited institutional scope of European requirements may be defined in a "static" national institutional context with fixed core structures and principle. In such cases moderate adaptation pressure implies that supplementary or complementary elements are to be added to the existing regulatory approach. On the other hand, we need to consider cases where initially high adaptation pressure due to core contradictions between national and European practices is reduced to moderate pressure in the context of independent national administrative reforms. These general national reform dynamics may alter the "logic of appropriateness" at the sectoral or policy level, so that adaptation to EU requirements in these specific areas can now be achieved within a changing core. Let us emphasize that this last point is far from stating the obvious, as the performed sectoral adaptations take place following the parallel impetus of European policy requirements and the changed overall domestic institutional context; neither one of these impeti would have done alone.

Furthermore, we suggest that it is in cases of moderate adaptation pressure where an exclusive focus on institutional factors may render only insufficient results and where a satisfactory explanation of adaptation performance may require a lower level of abstraction, namely the independent analysis of actor coalitions within the given policy context. This hypothesis appears reasonable as the "institutionally more open" situations of moderate adaptation pressure are less able to "determine" coalition formation and behavior than situations of high or low pressure. Hence, in situations of moderate adaptation pressure, the extent to which administrative change takes place depends on the nature of the specific actor constellation.

### **Confirmation of the Core: Compliance Without Change**

If the constellation of European requirements and national administrative traditions implies no or only negligible adaptations to administrative arrangements, EU policy can be seen as a confirmation of national core arrangements. This holds especially true for cases where national arrangements exactly reflect or even go beyond the supranational provisions. In these cases we expect no administrative adaptation as none is called for.

## **4. Empirical Evidence: The Implementation of EU Environmental Policy in Two Member States**

Based on the analytical framework developed, we are now able to explain and interpret empirical

findings drawn from the implementation of EU environmental policy in Germany and Britain.

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#### 4.1. Germany: The Constraints of “Static Appropriateness”

As indicated, in Germany we find a dominant pattern of administrative resistance to change. This holds especially true for the Directives on EIA and Access to Information, whereas the case of Drinking Water reflects initially inappropriate adaptation leading to delayed implementation. Effective adaptation can only – and somewhat surprisingly – be observed for the EMAS-Regulation. How can we explain these findings which only partly correspond with the policy-specific "goodness of fit" argument? We shall argue here that in Germany a thick institutional core combined with low structural capacity for administrative reform narrows the options for reform within the "logic of appropriateness".

Two cases corresponded with our initial assessment of "goodness of fit". Looking at the level of institutional embeddedness we arrive at an even better understanding why the adaptation pressure in the Information and EIA Directives were considered so fundamental as to prevent administrative adjustments.

The requirements of the Information Directive stand in sharp contrast to the German tradition of restricting access to administrative data to parties directly affected by administrative activities. Within the German state tradition, the civil service is accountable to the state and to the law rather than to society, hence implying no particular necessity for administrative transparency (König 1996). Moreover, the *Rechtsstaat* principle places its emphasis on the protection of subjective individual rights rather than the participation of the public in administrative decision-making. Access to administrative decision-making therefore is limited to these cases, which are – given the legalistic approach – exactly specified by administrative law (Winter 1996). Germany's resistance to respond to the European adaptation pressure is not surprising in this national context of "appropriateness".

Similarly, institutional core principles stood in the way of effectively responding to the adaptation requirements implied in the EIA Directive. While the cross-media approach embodied in the Directive implies a horizontally integrated structure, German arrangements are characterized by far-reaching horizontal medium-specific fragmentation (Pfeiffer 1991). These arrangements show a high degree of institutional breadth, since they are tightly linked to a multi-tier hierarchical structure at the regional level; i.e. horizontal fragmentation is embedded in vertically integrated, but horizontally segmented procedures and structures. Given these arrangements, administrative adaptation following the "logic of appropriateness" was not sufficient to comply with European administrative demands: Although progressive national legislation was enacted to formally comply with the Directive, subsequent specification of the legislation by Regulations and Circulars significantly reduced the scope of the Directive, effectively not making much difference for the German traditional authorization practice which remains based on a single-media approach. German officials sometimes admit the desirability of a cross-media approach, but the difficulty of unraveling a complex system in the distribution of administrative responsibilities rooted in the German federal and horizontally fragmented structure stood in the way of seriously considering such reform (Lenschow 1997).

The need to consider institutional embeddedness with the meaning it provides to administrators becomes particularly obvious with respect to the implementation of the Drinking Water Directive. Taking a narrow perspective on adaptation pressure, the requirements of the Directive were fully in line with the sectoral arrangements in Germany. Thus, the Directive and the German regulatory style

are based on substantive and uniform standards reflecting the precautionary principle. Nevertheless, Germany was confronted with adaptation requirements which would have resulted in – at least partly – relaxing the policy objectives pursued in its interventionist regulatory style. This pressure emanated from the fact that the measurement procedures prescribed by the Directive were insufficient for detecting breaches of certain quality values defined. Given this inconsistency, Germany delayed transposition of the EU legislation until it could ensure adequate measuring procedures (ibid.).

The German resistance seems to be a quite "appropriate" form of non-adaptation in light of the strongly embedded legalistic and interventionist approach, influencing not only administrative practice but defining the administration's *raison d'être*. Thus, the combination of hierarchical intervention "from above" and legalism is deeply rooted in the German state and legal tradition, which presupposes a superior role of the state *vis-à-vis* society; the binding of the administration to the law (following the principle of the *Rechtsstaat*) traditionally serves as a substitute for democratic representation. The binding of the administration to the law implies that, as a general rule, the scope and mode of administrative activity is specified by law. Public administration serves the application of the law rather than policy-making, hence possesses comparatively little flexibility and discretion when implementing legal provisions (Ellwein/Hesse 1989, 392; Peters 1995, 137). Although administratively unproblematic, adopting the EU drinking water provisions would have undermined the very philosophy of the German regulatory system. Obvious legal inconsistencies as contained in the Drinking Water Directive would have significantly weakened and delegitimized the German regulatory logic of intervention.

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The EMAS Regulation represents the one case where EU adaptation requirements were fully accepted despite an apparent "misfit" with existing practices in environmental policy making. This positive response can be explained by two factors: First, if looking beyond environment specific regulatory practice the institutional scope of adaptation pressure remained within the core of administrative traditions. From such wider perspective, administrative adjustments were less fundamental than they first appeared, and hence doable. Second, effective adaptation to European requirements was strongly supported by national actors.

The moderate institutional scope of European implications lies first in the fact that EMAS provides an additional regulatory instrument supplementing the tools already in place rather than replacing existing core arrangements; i.e. the interventionist approach in Germany. In addition, the supplementary requirements implied by the Regulation correspond with another important element of the German state tradition, namely, the tradition of corporatist arrangements which are reflected in a whole range of intermediary organizations that partly assume public functions and partly represent private interests (Lehmbruch 1995). Hence, if stepping outside environment-specific regulatory practices and considering general patterns of industrial policy the idea of industrial self-regulation as advanced by EMAS is not in contradiction with the core of German administrative traditions.

As outlined in the analytical framework, however, the fact of only moderate adaptation requirements does not automatically imply administrative reform. We hypothesize that this now depends on the degree of support by national actors which is no longer pre-determined by institutional conditions. Despite certain discussions on the concrete implementation, the political arena was characterized by broad support for the Regulation from both industrial and environmental organizations, which in part could be traced to the fact that the Regulation happened to resonate with concurrent national debates on "slimming the state" and deregulation (Lenschow 1997).<sup>(5)</sup> A policy coalition formed favoring the intentions of the Regulation and, specifically, supporting patterns of corporatist self-regulation, in which both administrative, industrial, and environmental actors are represented



(Héritier/Knill/Mingers 1996).

In sum, the German case reveals limited administrative adaptivity to effectively comply with European requirements. This can be traced to the high level of institutional entrenchment of sectoral regulatory styles and structures (cf. Drinking Water and Access to Information). Furthermore, German administrative traditions are relatively “static”; i.e. resistant to fundamental change (cf. EIA). Administrative reform takes generally the form of an “ongoing process” (Seibel 1996), including minor adaptations remaining within rather than altering the “logic of appropriateness”. The major reason for this development lies in the limited capacity for administrative reform, which in turn is a consequence of the high number of institutional veto points provided by the federal system with its policy linkages, the fragmented and differentiated administrative structure, and the dominance of formal and legal procedures (Benz/Götz 1996). Surprising instances of administrative adjustment occur if different “core principles” meet in policy border cases such as EMAS, indicating the need to adopt a broad perspective at the notion of “goodness of fit”.

## 4.2. Britain: The Opportunities of “Dynamic Appropriateness”

While the German case revealed a general pattern of resistant adaptation, the British adaptation record is not less puzzling, given the UK’s reputation as environmental “laggard”. Thus, apart from the EIA Directive, all other measures under study are implemented effectively by means of often substantive administrative changes. We suggest, that in contrast to Germany, Britain is characterized by a higher potential for dynamic core developments which may alter the “logic of appropriateness”.

The high capacity for initiating and implementing administrative reforms emerges as a result of the low number of institutional veto points and the strong position of the central government within the British political system: “Britain has ... the fewest formal or codified restrictions on government action of any liberal democracy” (Dunleavy 1993, 5). What is more, the organization of public administration is not based on a comprehensive hierarchical system, but on a loosely coupled system of special authorities which evolved gradually over time (Peters 1995, 138). This reduced level of institutional breadth makes administrative restructuring easier to achieve.

The structural potential for dynamic developments became particularly evident in the reform policies of the Thatcher government, which had profound implications on British public administration. To improve efficiency and effectiveness of the public sector, policies were directed at administrative reorganization, management reforms and privatization; with all of these elements potentially challenging existing administrative traditions. Important structural changes were introduced with the *Next Steps* initiative. It implied the creation of semi-autonomous agencies responsible for operational management, separating these management functions from policy-making functions which remained the responsibility of the relevant departments. Private sector management and performance regimes introduced noteworthy operational reforms. The performance drive, but also the need to compensate for lacking democratic control of the independent agencies, led to a tendency to make the agencies’ activities more transparent and accountable to the public. A further feature of national reforms was the privatization of public utilities, including the nationalized energy and water supply industries. Regulatory regimes were created to control the market activities of these privatized utilities (Hood 1991; Knill 1995; Rhodes 1996).

The dynamic developments at the national level implied important changes in administrative core characteristics concerning regulatory style and structure. As a result of the establishment of performance-oriented regimes and the creation of independent regulatory bodies, we saw a shift

toward more formal, legalistic and open patterns of administrative interest intermediation. These shifts in regulatory style can also be associated with changes in intra-administrative relations. Thus, the relation between the new agencies and their sponsoring departments are defined in formal contract-like documents. Moreover, the establishment of independent agencies implies a formalization of intra-administrative coordination, which, in turn, may reduce the leeway for informal interaction between administrative and private actors, at least in cases where the latter are now regulated by different (e.g., economic and environmental) agencies. Finally, both privatization and agencification have far-reaching structural implications, leading to a “trimmed down” but increasingly fragmented public sector (Rhodes 1996).

National reforms had important consequences for the British response to the Directives on Drinking Water and Access to Information. In altering the "logic of appropriateness", they allowed full adaptation to European requirements, which prior to national reforms had been resisted as they exceeded the scope of "appropriate" change.

To begin with the Drinking Water Directive, especially the uniform definition of legally binding quality standards was in contradiction with the traditional regulatory style characterizing British water policy. State intervention was based on the procedural principle of *wholesomeness*, which was never legally defined by numerical standards. The principle reflected a flexible approach allowing for high administrative discretion to adapt control requirements in light of the particular local situation. Moreover, the regulatory approach was based on a system of self-regulation by the publicly owned water suppliers which were not only responsible for the provision and control of drinking water, but also for the regulation of their industrial discharges stemming from sewage treatment. Given the concept of industrial self-regulation, access for third parties, such as consumer and environmental groups, was almost ruled out (Maloney/Richardson 1995).

The sectoral regulatory style corresponded with the general British “policy style” (Jordan/Richardson 1982), rooted in the tradition of the “society-led state” (Badie/Birnbaum 1983, 83). The emphasis on flexible regulation and administrative discretion finds its expression in the legal system with its preponderance of procedural regulation and the missing comprehensive system of public law principles to guide and control administrative action (Damaska 1986, 25).

Given the contradiction between these institutionalized features of the sectoral regulatory style and the European Directive, administrative adaptation following the "logic of appropriateness" was unlikely to lead to effective implementation. Indeed, Britain first transposed the Directive only in a formal and very restrictive sense, leaving its regulatory practice basically unchanged; a strategy which led to ineffective results and infringement proceedings initiated by the EU Commission (Haigh 1996).

This initial picture, however, changed significantly after the national administrative reforms. These favored the effective implementation of the Directive in two ways. First, they reduced the institutional scope of European requirements. Second, they strengthened the position of national actors supporting effective implementation.

The impact of national public sector reforms in the area of water policy is related to the 1989 privatization of the water industry and the establishment of a fragmented regulatory structure. Privatization led to the institutional separation of the regulatory functions from the function of water provision which previously were both fulfilled by the publicly owned water companies. The regulation of the industry’s operations was transferred to three regulatory bodies being responsible for economic and environmental regulation as well as the control of drinking water provision. A first consequence of these reforms was a shift from self-regulation based on flexible and procedural requirements towards a more formal, legalistic regulatory style based on substantive, performance-related criteria. This shift was moreover facilitated by the fact that privatization implied

that the economic costs of compliance with European standards (which were enormous given the lack of investment in control technology up to that point) no longer interfered with the Conservative government's objective of reducing public spending (Knill 1997).

Besides the impetus for a more interventionist style, privatization had a second consequence which favored the persistence of regulatory flexibility and discretion which make up traditional components of the British administrative tradition. Flexibility was necessary to facilitate the privatization in the water sector as it contributed to the minimization of economic uncertainties stemming from potential infringement proceedings initiated by the European Commission seeking compliance with EU water legislation (Knill 1997). Flexible handling within the context of the new, binding quality standards is achieved through the concept of *legal undertakings* which water suppliers can submit to the regulatory authority in the case of a breach of standards. The undertakings establish the kind of improvements operators need to accomplish within a given period of time in order to achieve the binding standards. This occurs in light of the local situation, such as the quality of the water source, and practicability, in terms of available technology and needed water supply.

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Hence, national reforms changed the scope for "appropriate" adaptation to European requirements; the modified regulatory approach is still based on local environmental quality, sound scientific evidence and cost/benefit considerations but introduced a more formal and legalistic streak to administrative practice. Actual adaptation is due not only to the British dynamic context of appropriateness, and hence a lesser felt adaptation pressure, but, in the end it was a consequence of a more supportive actor constellation as a result of the institutional changes introduced by national reforms. The abolition of self-regulation in favor of a fragmented system of environmental and economic regulation strengthened the voice and influence of environmental and consumer groups, hence provided a new institutional context in which actors reacted to the EU impetus for administrative change and pushed for sectoral reform in compliance with the European objectives (Maloney/Richardson 1995)(6).

The Information Directive provides another case, where national reform dynamics changed the "logic of appropriateness", hence allowing for effective implementation of supranational legislation. The requirements of the Directive to provide access to environmental data held by public authorities stood in sharp contrast to the British tradition of secrecy which almost entirely excluded access and participation opportunities for third parties with respect to environmental regulation (Vogel 1986). This tradition of secrecy can be understood against the background of the British state tradition, namely the supremacy of Parliament. Since the executive power is subject to parliamentary control, administrative accountability towards society is seen as being sufficiently guaranteed (Steel 1979; Burmeister 1990).

Given this high level of adaptation pressure exerted by the Directive on traditional British arrangements, one would not have expected substantial reforms. However, the Directive was implemented in a way that in part even went beyond European provisions. The Environmental Protection Act of 1990 requires regulatory authorities to establish so-called public registers which contain all relevant permitting and operational data as well as the results of emission monitoring for all processes falling under the Act. These arrangements exceed the requirements of the EU Directive which provides only a passive right of information on request, whereas the British rule grants an active right of access to information implying even greater demands on the administration. The Directive applies to all environmental data, however, while the public registers cover only certain data pertinent to authorization procedure. In so far, certain legal adaptations were still necessary in the UK, which were, however, willingly accepted (Knill 1997).

As in the case of drinking water, effective adaptation was favored by two factors. First, administrative reforms directed at opening up government and increasing administrative accountability implied that access to environmental information no longer reflected a challenge of administrative core arrangements, since this core has been itself subject to dynamic changes. Hence, effective adaptation to European requirements was possible within a modified "logic of appropriateness".

Second, the fact that this adaptation actually took place can be traced to the broad support in favor of public access to environmental data by national actors. The institutional opportunities for the latter to influence administrative change had significantly increased with the administrative changes introduced in the context of national reforms. The impact of the changed institutional environment can be inferred from previous domestic occurrences. The Royal Commission on Environmental Pollution as well as environmental organizations and the Campaign for the Freedom of Information had urged for the adoption of more transparent environmental information and reporting practices in Britain already since the mid-1970s but, they were ignored in a national context still characterized by a secretive regulatory style. Similar resistance we would have expected had a EU Directive required more open practices at that time. Administrative change became possible as the regulatory core in Britain moved toward accountability and opening-up government. These general dynamics created a more favorable institutional framework for domestic environmental policy entrepreneurs to voice their demands and they gradually modified the government's receptivity to action (ibid.).

Whereas in the previous two cases the reduction to moderate adaptations was necessary to facilitate administrative reforms in accordance with EU legislation, pressure for administrative change was very low from the start in the case of the EMAS Regulation, which confirmed existing administrative arrangements in Britain. This was due to the fact that the adoption of the EU Regulation took place at about the same time as the institutionalization of the British environmental management system, even using the British example as a reference point (Héritier/Knill/Mingers 1996). Before this background, the adaptations required by EU legislation were minimal as they merely demanded the introduction of additional elements to the national system based on British Standard 7750, rather than the change of this standard. Moreover, with respect to structural requirements, the UK could rely on administrative structures already in place to implement the national system as well as the ISO 9000 quality management (Knill 1997). Hence, the minimal adaptations occurred without resistance.

In contrast to the three pieces of European legislation analyzed so far, the UK's reaction to the EIA Directive has been quite hesitant. Although the institutional scope of the Directive's provisions would have required only moderate changes, i.e. did not challenge administrative core arrangements, adaptation at the national level led to ineffective results as a consequence of missing support from national actors.

The British version of Environmental Impact Assessments existed already since the 1970s, albeit on a legally non-binding and unsystematic basis. Nevertheless, the European Directive came quite close to the British arrangements with respect to the requirements regarding public participation, the information to be supplied by the developer of a project, as well as the balancing of this information supplied by the developer and others by the planning authorities (Haigh 1996). The Directive departed from the British practice, however, in requiring more formal procedures and centralized coordination. Rather than adjusting to these demands, Britain integrated European requirements into its existing planning procedures violating the objectives of the Directive. Firstly, due to the lack of coordination between central and local authorities within the British political system (Rhodes 1991),



there is no linkage between the EIA (where responsibility lies with the local level) and the industrial process authorization (which for the larger plants lies with the central Environment Agency) (Knill 1997)(7). Secondly, as a result of the “easy” approach towards implementation, environmental impacts are given no particular priority compared to other considerations in the planning process. In light of the wide discretion traditionally given to the planning authorities, the latter have broad leeway in balancing the results of the EIA against other information to be considered, such as financial and economic interests (Alder 1993, 212).

The neglected adaptation to only moderate institutional requirements implied by European legislation can only be understood looking at the actor constellation operating in a more general policy context in the UK during the mid 1980s, that is, during the time of the EIA implementation. Generally, the political influence of environmental organizations was low and environmental awareness of the general public relatively weak. The few political access points for environmental policy entrepreneurs hindered effective mobilization in this issue area (Knill 1995). Furthermore, to the extent that we witnessed some issue salience and concern with environmental pollution this was focused on debate about SO<sub>2</sub> — a context where Britain had been proclaimed to be the “dirty man of Europe” (Héritier/Knill/Mingers 1996). With respect to the rather “dull” EIA, which could not easily be linked to environmental disasters, there was no public pressure keeping the political level “honest” in adjusting to the Directive.

In sum, apart from the EIA Directive, which was not directly affected by the national reform developments, the British responses to adaptation pressures exerted via EU environmental legislation reveal the progressive effects of its relatively dynamic administrative tradition. The high capacity for administrative reform increases the probability for successful adaptation by changing the “logic of appropriateness” and reducing the institutional gap between European requirements and existing national arrangements, and hence the now more broadly defined “goodness of fit”. Secondly, the British case has illustrated the need to investigate the second condition of supportive actor coalitions in cases of moderate adaptation pressure, tilting the performance positively in the drinking water and information cases, while preventing adaptation in the EIA case.

## 5. Conclusion

In this paper we analyzed the process of administrative adaptation in Germany and Britain in the context of implementing EU environmental policy. The demand for administrative adjustments on the national level, and hence pressure toward structural convergence in Europe, is rising with the increasing trend toward positive integration in the EU. “Positive”, regulatory policies often imply concrete administrative requisites for successful implementation, hence – depending on the nature of the respective national administrative structures and procedures – they may exert considerable administrative adaptation pressure in the EU member states.

It was our intention to investigate the conditions under which adaptation pressure actually results in administrative change at the national level. Our analysis is based on the institutionalist literature and it tries to make three related arguments. First, the general institutionalist reasoning assumes that administrative responses depend on the “goodness of fit” between EU requirements and domestic structures. We warn against a too narrow interpretation of the fit/misfit categories. Applying a static, policy-specific and “flat” perspective – ignoring general institutional dynamics, the macro-context defined by the overall state and legal tradition and the deep meaning they provide to sectoral administrative actors – we could explain only three of our eight cases.



Second, we suggest that it is useful to structure the analysis according to the principle of "decreasing level of abstraction" (Scharpf/Mayntz 1995) and in this context combine the sociological and rational choice institutionalist approaches. The sociological "logic of appropriateness" (March/Olsen 1989), if applied in the macro-institutional context of state and legal traditions, provides a good first cut at an explanation of national responses to adaptation pressures – and the first condition in our explanatory framework.

In light of the varying institutional scope of EU requirements, we distinguish different "adaptation paths". In cases where European policies require fundamental institutional changes which cannot be achieved by adaptations following the "logic of appropriateness" we expect national resistance to administrative reform. The German reactions to the Information and EIA Directives fit this category. In cases of low adaptation pressure; i.e., high correspondence of EU requirements with domestic administrative arrangements, we expect no resistance to the minor adjustments that may nevertheless be called for. The British "easy" adaptation to the EMAS regulation fits this case. In cases of moderate adaptation pressure, however, where European legislation requires adaptations that remain within the national scope of "appropriateness", we find that the sociological concept is insufficient to explain the varied adaptation results observed in the case studies.

In these cases of moderate adaptation pressure we find that a more actor-centric institutionalist perspective provides us with the necessary clues (cf. EMAS in Germany; Drinking Water, Information and EIA in Britain). Our choice to look at the complexities of actor coalition formation only as a secondary factor, follows the principle of "decreasing abstraction" and reduces the risk of being confined to *ex post* explanations. By delineating the conditions under which a lower level of abstraction is needed for a sufficient explanation, namely in "institutionally more open" situations of moderate adaptation pressure, we provide a structured link between sociological and rational choice approaches. Hence, by choosing a sociological institutional perspective as a starting point we do not reject the explanatory value of the "coalition argument"; rather we integrate it in an explanatory framework aiming at reducing complexity.

Third, our comparative analysis pointed to the need to apply a dynamic perspective on adaptation pressure and appropriateness. In fact, we suggest a general conclusion regarding the extent to which different administrative systems are at all capable to respond to adaptation demands defined in Brussels. The distinctive characteristics of different political systems have an important impact on a country's general ability to comply with EU requirements within the national "logic of appropriateness". Thus, the low adaptation capability found in Germany is the result of a thick institutional core combined with low structural, political capacity to induce administrative reform. This constellation increases the potential that European legislation contradicts administrative core arrangements, which cannot be adjusted within the scope of "appropriateness". By contrast, adaptation capability is much higher in Britain, where the general capacity for national reforms creates potential opportunities for changing the "logic of appropriateness", hence allowing for effective adaptation to initial core challenges. Note however, that this national dynamic is coincidental rather than purposefully linked to policy specific adaptation. This dynamic explanatory framework sheds additional light on the British Drinking Water and Access to Information cases.

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## Endnotes

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(1) 80/778/EEC; 90/313/EEC; 85/337/EEC; Regulation (EEC) No. 1836/93.

(2) Many authors in the neo-institutionalist tradition distinguish between three institutionalist approaches, namely the historical, sociological and the rational choice variants. The "distinction" of the historical institutionalist approach is its eclecticism, borrowing from rational choice and sociological logics (cf. Hall/Taylor 1996). In this paper we take the historical perspective as a base line and attempt to more systematically deal with the impact of institutions on rational decision making on the one hand and on shaping the frames of reference of policy actors on the other hand. Hence our use of the two types of institutional analyses under the common "header" of historical institutionalism.

(3) For the purpose of this research it is not necessary to distinguish between EU Directives and Regulations. On the one hand, the level of concrete implementation demands of these two legal instruments is often less distinct as the legal format suggests. More importantly, as we are interested merely in the comparison between countries and not that between different environmental policies in one countries, the legal format matters little for our analysis.

(4) Please note that the level of adaptation pressure is defined independently of the position adopted by the national government during the decision making phase of the respective piece of legislation. Even though national governments hypothetically may wish a change of national practices and act accordingly on the EU level, we assume that the implementing administrative actors react on the

basis of their institutional entrenchment. This definition of adaptation pressure allows us to limit the scope of our analysis to the implementation phase. The political will of the government – which may be deduced from its position during decision making – become relevant in cases of more ambiguous, moderate adaptation pressure, however (see below).

(5) In this context it is currently discussed to what extent EMAS may play a role in accelerating the authorization procedure for industrial plants. Interestingly, this issue linkage provided the crucial factor for the support of the Regulation by the industry (Héritier/Knill/Mingers 1996).

(6) The environmental regulator (the Environment Agency) is generally quite responsive to environmental interests, whereas OFWAT, the economic regulator, fulfills the basic task of consumer protection. In recent years, the relation between both agencies was rather conflictive, especially with respect to the balance between quality improvements on the one hand and the extent to which these improvements may result in increasing water charges to be paid by consumers. These conflicts, however, contributed to increased regulatory transparency, hence favoring the perception of and adaptation to European requirements (cf. Maloney/Richardson 1995).

(7) Despite the unitary structure of the state, this division of responsibilities leaves local authorities a certain room for own initiatives and activities, since there are no local agents of central government which coordinate and influence the activities of local authorities (Rhodes 1991, 85).

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## Table I

### German and British Administrative Patterns in Environmental Policy

	Germany	Britain
<b>Regulatory Style</b>	„ <i>Interventionist Ideal</i> “	„ <i>Mediating Ideal</i> “
<b>State Intervention</b>	<ul style="list-style-type: none"> <li>• hierarchical</li> <li>• substantive</li> <li>• low flexibility/discretion</li> </ul>	<ul style="list-style-type: none"> <li>• more self-regulation</li> <li>• procedural</li> <li>• high flexibility/discretion</li> </ul>
<b>Administrative Interest Intermediation</b>	<ul style="list-style-type: none"> <li>• formal</li> <li>• legalistic</li> <li>• more adversarial</li> <li>• closed</li> </ul>	<ul style="list-style-type: none"> <li>• informal</li> <li>• pragmatic</li> <li>• consensual</li> <li>• closed</li> </ul>
<b>Regulatory Structure</b>	<ul style="list-style-type: none"> <li>• functional decentralisation</li> <li>• sectoral fragmentation</li> <li>• hierarchical coordination</li> </ul>	<ul style="list-style-type: none"> <li>• sectoral decentralisation</li> <li>• sectoral fragmentation</li> <li>• lacking hierarchical coordination of local activities</li> </ul>

## Table II

### Administrative Implications of the Policies under Study

	Regulatory Style	Regulatory Structure
<b>Drinking Water</b>	<i>Intervention Type:</i> hierarchical, uniform, substantive, low flexibility <i>Interest Intermediation:</i> formal and legalistic	neutral, organisational rather than structural implications
<b>Access to Information</b>	<i>Intervention Type:</i> procedural <i>Interest Intermediation:</i> transparency	neutral, organizational rather than structural implications
<b>EIA</b>	<i>Intervention Type:</i> hierarchical, procedural, high flexibility <i>Interest Intermediation:</i> (limited) public participation	concentration and coordination of administrative competencies
<b>EMAS</b>	<i>Intervention Type:</i> self-regulation, procedural, high flexibility <i>Interest Intermediation:</i> not directly affected	building up new administrative structures

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