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2021 **Kateřina Cimalová**

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Europeanisation of making of environmental policy in the Netherlands

Master's thesis

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Declaration

1. I hereby declare that I have compiled this thesis using the listed literature and resources only.
2. I hereby declare that my thesis has not been used to gain any other academic title.
3. I fully agree to my work being used for study and scientific purposes.

In Prague on 04.05.2021 Kateřina Cimalová

References

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Abstract

Integration in the European Union (EU) in terms of the legal as well as economic spheres has grown in depth, scope and speed since its establishment. The EU has significantly affected various fields of policies within its member states, including the environment. This is understood as the 'Europeanisation process'. The Netherlands, considered one of the pioneering countries to establish environmental measures, has approximately 80% of its legislation in the environmental field derived from European legislation. The thesis seeks to answer how Dutch environmental policy has been affected by the EU over the past twenty years. The implementation process of three environmental directives is analysed concerning water, biodiversity and air, to understand this process. The concept of Europeanisation and the related theory of goodness of fit is applied to argue that the implementation process of European environmental directives in the Netherlands is effective if there are no major adjustments necessary in the national setting, i.e. there is no policy or institutional misfit between domestic and European legislation, and no veto players impede the process. On the other hand, the implementation process is significantly more complicated if the directive needs extensive transformations. It is concluded that the EU has shaped the structure of the Dutch environmental policy, however, the ease of the implementation process of the selected directives is not only affected by the 'goodness of fit' or the presence veto players, but there are other factors affecting how smooth the process is.

Abstrakt

Evropská integrace z právního i ekonomického hlediska se od svého počátku značně probloubila. Evropská unie (EU) významně ovlivnila různé oblasti politik v členských státech, včetně politky environmentální. Tento process je chápán jako „evropeizace". Nizozemsko, považované za vůbec jednu z průkopnických zemí zavádějících environmentální opatření, má v současné době přibližně 80% svých právních předpisů v oblasti životního prostředí odvozených od evropských právních předpisů. Tato práce se primárně snaží odpovědět na to, jak byla holandská environmentální politika ovlivněna EU za posledních dvacet let. Proces implementace tří environmentálních směrnic týkajících se vody, biodiverzity a ovzduší, je analyzován. Koncept evropeizace a s tím související teorie 'goodness of fit' je aplikována na argument, že proces implementace těchto

environmentálních evropských směrnic v Nizozemsku je účinný, pokud nejsou nutné žádné zásadní úpravy, tj. neexistuje politická nebo institucionální neshoda mezi domácí a evropskou legislativou a zároveň žádní veto hráči nejsou v opozici implementace. Na druhou stranu je proces implementace výrazně komplikovanější, pokud směrnice vyžaduje rozsáhlé transformace. Na základě analýzy bylo zjištěno, že EU významně formovala strukturu nizozemské environmentální politiky, avšak proces implementace vybraných směrnic není ovlivněn pouze 'goodness of fit' a přítomností veto hráčů, ale existují i další faktory ovlivňující tento process.

Keywords

Environmental policy, Directives, Implementation, Netherlands, Europeanisation, Goodness of fit

Klíčová slova

Environmentální politika, Směrnice, Implementace, Nizozemsko, Evropeizace, Goodness of fit

Title

Europeanisation of making of environmental policy in the Netherlands

Název práce

Evropeizace environmentální politiky v Nizozemsku

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Hereby, I would like to express my gratitude to my supervisor doc. PhDr. Jan Karlas, Ph.D., M.A., whose expertise was invaluable in formulating the core ideas behind this master thesis and its methodology, and from whom I have received a great deal of support throughout the process of writing.

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List of abbreviations

AAQD – Ambient Air Quality Directive 2008/50/EC

EC – European Commission

ECJ – European Court of Justice

EU – European Union

IPO – Interprovincial Consultation (Interprovinciaal Overleg)

NEPP – National Environmental Policy Plan

RBMPs – River Basin Management Plans

SPA – Special Protected Area

WFD – Water Framework Directive 2000/60/EC

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Introduction

Environmental policy in the Netherlands has been on many levels profoundly interconnected with the European Union (EU). Since the second half of the 1980s, European integration in terms of legal as well as economic perspective has grown in depth, scope and speed (Arnoldussen, 2019 p. 208). At the same time, the pressures between domestic diversity and European integrity have been highlighted. Advancement of European laws has uncovered a number of underlying pressures between the harmonisation of community laws and member state governments' desire to preserve a level of sovereignty over key aspects of decision making (Green Cowles, et al., 2001). Taking into account integration perspective, the differences between individual member states have altered into levels of compliance, or deviances from the common European standard. Since the EU seeks to move towards supranational policies, the level of compliance or variance in polices and styles of regulation becomes a significant interest. The regulatory influence of the EU has been more apparent, and a lot of research has been executed around the question of what factors drive EU policy-making forward (Arnoldussen, 2019 p. 208). However, the overall effectiveness of environmental policy in the EU depends on the individual member states and to what extent they are willing to adjust to the supranational pieces of legislation, one of them being directives. This willingness is affected by a number of factors, which may enable or impede the implementation process of the directive (Haverland, 2000). These factors have so far not been clearly identified in academic research, which offers an interesting case to study implementation.

Two main reasons why environmental policy provides for a worthy study field have been identified. First of all, it is a policy area which has been to a high degree Europeanised and where the European Commission carries extensive autonomy both legislative as well as executive, and it exerts strong influence over the member states. Since this area involves significant adaptational pressure, it creates a room to empirically assess the level of Europeanisation (Melidis, 2020 pp. 198-199). Additionally, the environmental policy is also an ideal case for applying the goodness of fit approach, which might provide enough analytical leverage in those policy spheres, where the EU governance is organised from top to down and it is driven by compliance.

This paper generally intends to provide a more comprehensive framework in order to explain the domestic influence of EU policy making. This master thesis shall to explore how the

Dutch environmental policy has transformed as a result of the legislation of the European Union, whether and how it has been 'Europeanised' since the beginning of the millennium, by examining implementation of three environmental directives - the Water Framework Directive 2000/60/EC, the Directive 2008/50/EC on ambient air quality and cleaner air for Europe and the Directive 2009/147/EC on the conservation of wild birds. Europeanisation is in this thesis understood as a process through which European legislation – i.e. directives, directly impacts domestic structures, measured through the process of implementation. This thesis intends to contribute to Europeanisation literature by operationalising the goodness of fit strategy theory complemented by the presence or absence of veto players. The theoretical background based on research especially by Börzel (1999; 2002), Börzel and Risse (2006), Knill et al. (1998; 2002) and Haverland (2000) is employed. The *institutional fit* and *policy fit* are analysed together with the presence of *veto players* during the implementation process of the directives, to consider whether the implementation was successful, i.e. whether it was implemented adequately and on time. In other words, for successful implementation of the directive, it is needed for it to be compatible with Dutch environmental policy. There should be *institutional fit*, *policy fit* and no significant *veto players* present. It is hypothesised that the implementation process of European environmental directives in the Netherlands is smooth if there are no major changes necessary in the national setting, and veto players, which could obstruct the process, are absent. On the other hand, the implementation process is significantly more complicated if the directive calls for extensive adjustments, and if there are veto players present. The research is conducted around a central research question. It has been formulated as follows:

How has the Dutch environmental policy been affected by the European Union over the past twenty years?

The thesis is divided into four chapters. Following the introduction, the first chapter offers general evolution of the environmental policy in the EU, as well as in the Netherlands to provide background on the topic. In the second chapter, concepts discussed in this thesis are explained. *Implementation*, which is best fitted for the purposes of this paper, is distinguished from *transposition* and *compliance*. Theoretical level of Europeanisation and the goodness of fit theory, as well as veto players is examined based on a literature review, revisiting some of scholarly perspectives within the field, leading to formulation of hypotheses for this study. Chapter two is followed by methodological framework and analytical technique, where the

research design employing a qualitative approach is explained, and variables applied in this paper are clarified. The fourth chapter contains the analytical part, wherein the three environmental directives (water, biodiversity, air) are examined, the variables are employed and the theory of goodness of fit is tested. Table 1 shows the overview of directives studied and their core standards.

Table 1 Overview of directives studied and their core standards

Directive name	**Core standards**
Water Framework Directive 2000/60/EC	Provides a general framework for integrated water basin management in Europe, with the goal of 'good water status' by 2015
Directive 2008/50/EC on ambient air quality and cleaner air for Europe	Replaces four previous directives. Sets limit values for pollutants to be met by a specific deadline, and establishes a framework for the assessment and management of air quality
Directive 2009/147/EC on the conservation of wild birds	General aim of long-term conservation and protection of wild bird species, safeguarding biological diversity.

1 General introduction to Dutch environmental law

1.1 EU and environmental policy

Globally measured, environmental politics have shifted from being a minor field of interest to become a pivotal concern within the area of politics over the last several decades. Despite its originally economic reasons and its delayed concerns for the issues related to the environment, the European Union has become one of the most crucial international actors in the environmental field. Over the course of past forty years, since the adoption of the First Environmental Programme in 1973, the EU has developed one of the world's highest environmental standards and expansive legislation. The area of environmental issues has consequently become one of the major spheres where the EU intervenes (Laky, 2019). Acknowledged in treaties since 1986, environmental policy was arranged around the assumption of sustainable development and prompted an establishment of a strong legislation, funding and control on the EU level (Mathis, 2016). Decision making power has been transferred from domestic level to regional bodies. Today, majority of environmental policies are being formed on the European level, rather than by national institutions. Environmental topic is of a great importance in current political and academic debates. It is also an area where the EU has been deeply involved, yet at the same time, there is a great level of variety to be observed. Therefore, environmental policy appears to be a fertile ground for research not only for its content, but also due to its enormous impact on the domestic arrangements. Since the early beginnings, European law-making has produced an expansive body of environmental policies which establish some of the global most rigid regulations and standards (Jordan, et al., 2004 p. 2).

The EU seeks to target the environmental protection in majority of its sectors including water, air quality, waste disposal, conservation of species, use of chemicals etc. When it comes to climate change, the EU becomes a global leader in international negotiations, establishing strategies and successful implementation of the Paris Agreement and the EU's Emissions Trading System. EU environmental policy is considered one of the policy areas encompassing innovation in legal and government approaches (Selin, et al., 2015 p. 2). It is also a sphere where the concept of Europeanisation in terms of national legislation occurs. Due to Europeanisation, law making and decisions that were originally taken on domestic level by local officials, now involve supranational authorities and encompass a considerably

more multi-level system of decision making regarding the environment (Flockhart , 2008 p. 6).

Generally, there is an agreement that Europeanisation has benefited most of the countries in Europe by putting environmental regulations in place. In the past century, the Netherlands was a pioneering country in environmental debate. Some of the Dutch policies were taken by the EU as an inspiration and 'Europeanised' as they proved to be effectively functioning (Andersen, et al., 1997 p. 210). The Netherlands has for a long time been a precursor in environmental policy field, in dealing with environmental pressures as well as in coordinating efficient environmental governance together with regional authorities and civil society (Directorate-General for Environment, 2017 p. 4). The country is characterised by a very high density both in terms of population and economic activity. Thus, there have been intense pressures on the environmental protection in the country. Given the thin border between the water and land, environmental protection has become a matter of rather serious concern (OECD, 2003). Approximately 80% of Dutch legislation today in the environmental field is derived from European legislation ("EU Legislation")

1.2 Environmental law in the Netherlands

Environmental law in the Netherlands has been intensely developing since the beginning of 1970's. Initially, it was a collection of rather fragmented laws, directed at many various policy fields, which as the time went, produced coordinative measures in the late 70s and even integrative measures at the beginning of the 1990s (Gilissen, et al., 2009 p. 6). Back in the days, the Netherlands together with Germany and Denmark was considered the engine of European environmental policy. In the 1970s and 1980s, the EU environmental policy was formulated based on national policies of countries such as the Netherlands, which had already developed effective policies (Andersen, et al., 1997 p. 32). At the time, if the Netherlands had not been a member of the EU, its environmental policy would not have been much different. Therefore, the impact of the EU could be seen as fairly limited. Rather, the country exerted much greater effect by 'exporting' its own policies. However, ever since then, majority of environmental regulations have been on a regular basis updated. A significant number of these changes have been made in order to accommodate EC Directives (Gilissen, et al., 2009 p. 6).

The Netherlands is a small country, while at the same time it is highly populated. Today with an average of 511 people per km2, it is one of the most densely populated countries of the EU as well as one of the most densely populated countries worldwide (Plecher, 2020). The Dutch have had well developed industries, concentrated agriculture and strong traffic. There has also been an excessive consumption level, which together with its geographical situation, surrounded by other heavily industrialised regions raises the question of environmental intervention (Andersen, et al., 1997 p. 210).

The most prevalent environmental issues affecting the country has been the loss of biodiversity, climate change and the exploitation of natural resources. Even though the Netherlands has adopted significant measures, it still combats with atmospheric nitrogen deposition fragmentation of the habitat, and the loss of farmland bird populations, many of these problems are a result of the Dutch extensive intensified agricultural production, which has gradually developed over the years (Zoppi, 2019). More than half of the country is under a constant threat of flooding both from rivers as well as from the North Sea. In order to protect the land from flooding, there are 3 291 km of dikes and dams, 268 km of dunes, and 808 artificial water works. 3 000 polders have been drained to make the country habitable (van Rijswick, et al., 2012 p. 262).

As a result of its geographical position, the country has been highly interested in protective European environmental measures. Since these measures are directly aimed at the sources of pollution, while establishing the same limits for neighbouring countries, EU environmental policies appear to be among the most effective for the Netherlands. Significant efforts have been made in the country in order to organise environmental policy. Policy packages, instructive doctrines and recommended plans flourished around the 1980s. Especially the National Environmental Policy Plan (NEPP), issued in 1989, gained broad international recognition. The NEPP was openly propagated by the Dutch government in the international arena, including the EU. The Netherlands also held firm positions in a number of international negotiations, which together with the NEPP gave the country a reputation as one of the most progressive countries in terms of environment conservation in Europe. The Dutch were the front-runners in establishing environmental policy of the EU, simply out of self-interest as well as necessity (Andersen, et al., 1997 p. 210).

However, at the beginning of the 1990s, the Netherlands began to lack behind as the new various environmental directives were implemented with significant delays and problems (Rood, 2005 p. 7). This leading role was starting to bring more disadvantages than benefits. According to a Dutch principle known as "wet van de remmende voorsprong", which can be literally translated as the "law of the inhibitory lead", suggests among other things, that fitting an EU directive into an already well established system of environmental regulations is more difficult than introducing a new one (Vixseboxse, et al., 2006 p. 1). The new millennium has brought a number of significant changes in practically all areas, including the environment. With an ever growing globalisation there has been a greater interconnectedness in the environment, economy as well as social conditions. These facts have contributed to more efficiency in implementing environmental, economic and social policies, both on a global scale as well as at a local level (Ibid).

In the Netherlands, a noteworthy portion of the specific environmental rules are set by the EU in regulations and directives, which are further implemented into Dutch law by means of reference legislation (Gaastra, 2020). Majority of environmental legislation is included in the Environmental Management Act. This piece of legislation provides a legal framework and it defines the roles of various bodies of the state and establishes an integrated process in managing the environment. Today, the Dutch environmental policy is to a large extent affected by EU law. Thus, the Dutch regulatory framework oftentimes stems from, or is amended by, new EU directives and regulations. These are either applied in a direct sense or they might be incorporated into national law by amending existing acts or creating new ones (Wieland, et al., 2012 p. 7). The basis of environmental policy in the Dutch jurisdiction is based on article 21 of the Constitution, which declares that the government carefully supervises, whether the land is habitable, as well as it is concerned with protecting the environment. Essentially, the Environmental Management Act (*Wet milieubeheer*), the Environmental Permitting (General Provisions) Act (*Wel algemene bepalingen imgevgsrecht*) and other related regulations and decrees establish the common set of rules in the field of environment (Gaastra, 2020).

Since 2017, legislation regarding environment has been on a national level in the competence of the Ministry of Infrastructure and Water Management and the Ministry of Economic Affairs and Climate. As the scope and depth of environmental legislation has grown over the last few decades, most of the local governments have taken part in regional bodies, which

have been authorised to prepare decisions stemming from environmental law and to manage monitoring (Ibid).

2 Theoretical Framework

The purpose of this chapter it to provide a theoretical framework, which would help to answer the central research question. First and foremost, concepts related to the topic are explained, these include: *directives, transposition, compliance, implementation* and *timeliness*. The following part reviews a section of literature, which covers survey of scholarly sources. These studies are only published in the English language. The literature review focuses on environmental policy researches related to *Europeanisation*, even though it refers to other policy areas as well. To better grasp the theoretical frameworks of developments in the studied field, first the concept of Europeanisation is discussed, followed by a related *goodness of fit* theory, which evolved within the Europeanisation literature. Ultimately at the end of this chapter, hypotheses are formulated based on the literature covered.

2.1 Concepts

2.1.1 Directives

EU directives are understood as the 'actual laws of the EU'. The key target is to harmonise divergent national laws within the single market. Once established by the EU, national authorities are required to implement the directive into national laws (Bailey, et al., 1997 p. 28). Member states are only given a due date, rather than clear guidelines on the means through which the requirements are to be fulfilled. This certain level of freedom in implementation of the directive is to give the member states enough space for manoeuvre, where they can utilise the best form to suit domestic needs habits (Ibid).

Generally, the primary goal of environmental directives is to benefit the environment. There might be certain overlaps between individual directives, which can lead to possible conflicts. However, more synergies have been observed rather than problems. Area of agreement between the directives is principally observable in the subsequent domains of implementation: adoption of measures, monitoring, reporting, financing and international cooperation (European Union, 2016 p. 11).

2.1.2 Transposition

There is a number of legal instruments which the member states can employ in order to transpose EU directives. Besides statutory law or a law adopted by parliament, there exist measures signed by a minister (e.g. ministerial decrees, ordinances and regulations) and, in certain countries, legislation signed by a head of the state or a prime minister. These include Royal decrees (in the Netherlands), or Presidential decrees (in Greece). These instruments are generally organised by administrative bodies within the state bodies such as ministries or implementing agencies. Whether the legislation is to pass is dependent on the national procedure. While a statutory law has to be adopted by parliament, the other legal instruments might be approved by non-parliamentary actors (minister, the government etc.) (Steunberg, 2006 p. 301).

Transposition of directives in the member states involves first the adoption of new regulations, based on the EU directive, and second, amendments of existing laws to be in accordance with the new needs. The transposition of a directive is an initial stage for a national implementation of European policies, however, it frequently needs further interpretation (Franchino, 2004 pp. 286-287).. The degree to which this is required is often up to each directive and depends on the content. It might offer a variety of options, the way how targets are reached or the provisions regarding the implementation of national procedures. Certain directives, and specifically those used as policy instruments often give some room in achieving given goals, because they are more concerned about the results rather than the process of getting there. Directives in some cases also provide member states with substantial discretion, particularly if the implementation calls for specific or technical knowledge (Ibid, p. 287).Thus, the EU is not so much concerned with the uniformity of application process but rather with the outcomes, which the member states are obliged to achieve, but can pursue appropriate means and principles suited for their constitutional systems.

2.1.3 Compliance

European environmental and nature conservation policies are legally binding for the member states. Since the principle of Community loyalty is established in Article 20 of the Reform treaty, the countries of the EU are required to do their best in order to meet the obligations of the EU law and to avoid non-compliance in any way. If the member states fail to comply, which might manifest in a way that the EC is not satisfied with the degree to which the

measures and goals are fulfilled, they have to face settling disputes over Community law (Dieperink, et al., 2012 p. 166). This can be done through infringement proceedings initiated by the EC before the European Court of Justice (ECJ); as well as through preliminary ruling procedures carried by national courts, as enshrined in Articles 251, 258 and 260 of the Treaty on the Function of the European Union (European Union, 2020). Eventually, MS can be disciplined and forced to conform the EU Law.

To directly measure compliance of a directive, it has been done by measures of the timeliness and correctness, frequently constructed around information gathered from legal documentation, reports of governmental and non-governmental organisations, media coverage and interviews. This in-depth method guarantees that the measures are valid rather than not, which although implies that only a small number of directives or countries can be examined (Treib, 2014 p. 17).

2.1.4 Implementation

Implementation carries various meanings. Building on Bailey (2002), who pinpoints the importance of proper interpretation of implementation, to avoid misconceptions in this paper, the term is defined. According to Bekkers, implementation is understood as a range of different processes and actions, which occur when a new community law is introduced into a national system (Bekkers, et al., 1993). According to Duina, implementation differs in terms of speed and extent applied both on transposition and application. Speed of transposition suggests the period necessary for a state to bring the EU law into national law. Extent of transposition represents the level to which the EU directive is translated into national law and the number of modifications required of the national law. On the other hand, speed of application connotates the time that is needed for a member state to apply the new national law. The extent of application indicates the extent of objectives that have been reached in practice given by the directive (Duina, 1997 p. 156).

In the Netherlands, the implementation process of European directives has certain particular aspects. EC law does not specifically determines the way of how the implementation should be carried out. Rather, it only indicates the form in which the regulation ought to be transferred into national legislation. In terms of directives, the Netherlands chooses the form of implementation procedure. Since there is no specific procedure for implementation of EC

regulations, there is no procedural grip during the process. Many decisions, such as involving different actors into the process are solved by internal decisions. How a rule is converted is examined on a case-by-case basis. In some cases, the introduction is done by a law, in other cases ministerial regulations or decisions (Ministerie van Buitenlandse Zaken).

For the purposes of this research, implementation is understood as a formal stage of adaptation focusing on issues of transposition, legal requirements or formalisation of standards. Implementation is seen as a process, which urges to consider a longer period of time, unlike transposition, which is an act of legally transposing a law. The implementation process involves wide range of actors, which do have different ways of interpreting and applying legislation, while playing different roles during the implementation (Wiering, et al., 2020). Implementation does not consider outcomes, for example it is examined whether considerable adaptations in water management were necessary in order to implement a directive, however, it does not examine potential effects because such an impact assessment lies beyond the limits of this project. By looking at the implementation itself rather than outcome further highlights, that establishing plausible causal relationship between the EU and domestic changes, is difficult. The effectiveness of implementation is understood as the level to which the transposition itself as well as the legal process at the domestic level correspond with the goals set by the EU law.

2.1.5 Timeliness

EU directives must be transposed into the national system within a specified deadline (Publications Office, 2018). The directives also set specific dates for the implementation process. To assess compliance with a directive, transposition performance in terms of timeliness with the requirements and deadlines provided by the three chosen directives in water, air and biodiversity area. Timeliness in this paper is understood as a timely achievement of the dates given by the directive as well as timely transposition into the Dutch legal system. If the deadlines are not met, years of delay from the official date given by the directive is considered (Wiering, et al., 2020).

2.2 Europeanisation

In the study of European integration, Europeanisation has arisen as a chief subject. It asks new and crucial questions related to the nature of the integration process, and how it affects the member states. Furthermore, it highlights the relationship between them. Thus, the

integration process or its interaction with the politics of member states cannot be fully understood separately, but rather they have to be accounted for both together (Bache, et al., 2006 p. 12).

The term ‘Europeanisation' is frequently used in academic literature, yet there is no common agreement on what precise meaning it actually carries (Graziano, et al., 2012 p. 37). Given the proliferation of recent academic literature, the concept is broadly related to the influence of the EU on its member states. It is also one of the major themes in EU scholarship. Conversely, as is often the case with emerging perspectives, the term ‘Europeanisation’ is contested. For example, there is not even common ground on correct spelling of the concept. English academic literature uses both versions – ‘Europeanisation’ as well as ‘Europeanization’. Both ways are accepted, but for the purposes of this thesis, the word ‘Europeanisation’ is used for the sheer preference of British English.

In the literature, several definitions of Europeanisation can be found. For example Risse et al. (2001 p. 3). propose, that Europeanisation ought to be understood as ‘the emergence and the development at the European level of distinct structures of governance’.

Probably the most generally accepted definition is the one by Radaelli (2004 p. 3)., who suggests that:
“Europeanisation consists of processes of a) construction, b) diffusion and c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public policies”.

However, according to Olsen (2002 p. 945)., selecting the one and only definition of Europeanisation is unnecessary, as long as the assumptions behind the concept remain clear. He goes on to argue that Europeanisation should be seen as a collection of model-building puzzles, as opposed to a quest for definition.

The very origins of Europeanisation can be traced to an article written by Peter Gourevitch (1978) on ‘international sources of domestic politics’. Nonetheless, the roots are definitely more fragmented than a single academic article. Most of all, it emerged from an increasing

awareness that the EU's importance in the politics of its member states is gaining strength. At the time, theories of European integration were unable to explain these domestic effects. Therefore, scholars were to find something that would. This forethought first developed among scholars pursuing the implementation of law and policy. Hence, some of the initial research work was carried out by consultancy and law bodies, even though the term 'Europeanisation' was not used (Jordan, et al., 2004 p. 4).

Despite its partial ambiguity, Europeanisation has become strongly grounded and has gained a strong theoretical base probably for its focus on domestic political change. Thus, Europeanisation has been applied as an analytical tool in order to explain domestic changes. In Europeanisation literature, the main goal is to understand if, why and how domestic policies change under the pressure of EU integration (Graziano, et al., 2012 p. 39). If Europeanisation is defined as adaptation to EU integration, it is the explanatory definition of the phenomenon. Thus, Europeanisation ought not to serve as a source of hypotheses which can explain the domestic adaptation. Other theoretical approaches are needed in order to find answers in understanding domestic adaptation process. According to Bulmer (2008 pp. 46-47), the very majority of academic authors apply institutional theory to apprehend the empirical concept of Europeanisation.

Following the expansion of Europeanisation literature over the last two decades, the concept has well developed at the conceptual and theoretical levels. The early research focused on the 'bottom up' understanding of Europeanisation as an emergence of various structures of governance at the EU level, meaning that Europeanisation starts at the level of member states, and consequently produces effects on the European level. However, the works published especially since the beginning of the 21st century, have been increasingly more concentrated around the effects of the EU on its member states and the means in which these countries adapt to Europe. This approach represents a rather top-down effect, whereby obligations stemming from the EU level generate transformations of various aspects at the domestic level (Dieperink, et al., 2012).

In broader terms, the concept of Europeanisation is best utilised as explaining the relationship between the EU and the member states. There are two aspects to the relationship. First, the effect of the EU on the member states and second, the member's effect on the EU. Given that the 'effect' relates to changes in policies, politics and polity both at the EU as well as

domestic level as a direct result of integration process, usually presented as emergence of new policies and institutions. The concept of Europeanisation is useful to understand such top-down and bottom-up effects (Ibid).

Whether an environmental EU policy is successful, depends on the implementation and enforcement of environmental legislation. There has been a change in the use of strategies, but a transformation is contingent on the presence of particular institutional structures at the national level, which might be able to either facilitate or impede the process of implementation. Thus, institutional changes cannot be easily understood as 'effective adaptations' to changes in the institutional field (March, et al., 1996). Generally, the adaptation process is incremental even though it does not challenge the very structure of current arrangements. Generally, Europeanisation is considered more of a conceptual framework, than a pure theory. The concept, however, draws on a number of theoretical and explanatory schemes, such as the theory of goodness of fit (Dieperink, et al., 2012).

2.3 Goodness of fit theory

One of the most influential theories regarding the mechanisms of domestic change is the theory of 'goodness of fit', central to the top-down understanding of Europeanisation (Green Cowles, et al., 2001). It attempts to explain implementation problems that emerge when the EU orders member states to do what they are unable to do, or what they choose not to do. Essentially, it seeks to explain changes in member states' policies in response to pressure from the EU and in compliance with their requirements. Börzel as well as the authors contributing to Green Cowles et al. (2001). have focused on this approach. The goodness of fit theory, which relies on historical institutionalism, argues that current systems are resistant to change. The implementation process of EU directives in member states is smooth if there are no major changes necessary in the national structures. On the other hand, the implementation is rather slow if the directive needs greater adjustments in the domestic structures (Börzel, 1999). This approach represents a more top-down perspective.

Börzel (2002) argues that EU policies are unlikely to trigger a considerable domestic structural transformation. Such change can only occur if there is a significant 'misfit' between the European policy and the national policy. Nevertheless, this sort of misfit does not automatically induce the structural change either. Since member states seek to lower adaptational costs, they might strive for non-implementation or absorption of such policies

instead. On occasions when the costs of non-implementation are higher than the costs of adaptation, domestic actors may adjust their strategy and enable necessary legal changes that eventually lead to domestic structural change. However, other factors must as well be considered. According to Europeanisation theories, EU policies tend to be responsible for the various ways in which they affect domestic political processes and structures (Börzel, et al., 2006). Thus, the EU policies are expected to generate structural change within member states in case that they misfit the corresponding domestic policies and trigger enough adaptational pressure 'from below and from above' in order to prohibit non-implementation and to push public authorities to adjust to legal and administrative requirements for effective implementation.

The roots of the goodness of fit theory stem from the Héritier's (1995 p. 278). research. She argues that member states attempt to upload their policies to the EU, because they seek to embed their laws into the EU legislation. By uploading their own legislation, states try to minimise the costs of adaptation. This assumption was later expanded into the process of adaptation - in cases that member states fail to upload their own policies, the process of adjusting to the new EU legislation will not be very welcomed and might produce delays for the reason of high adaptation costs. Therefore, it is expected that implementation depends on the 'goodness of fit' between the existing legislation on the domestic and the European level (Ibid).

Duina (1997) argues that the timeliness and the level of EU compliance are based on the fit between a directive and two domestic institutions - the interest groups and previous national policies. He believes that a directive that corresponds to these is implemented quickly and efficiently. On the other hand, implementation is poor if a directive needs significant changes in policy and reorganisation of interest groups. Falkner et al. (2004) further highlight a possibility, that even in case of a small misfit, compliance with a given directive might occur due to administrative shortcomings or problems of interpretation.

Börzel et al. (2006) claim that the pressure for institutional and policy adaptation is the effect of the level of 'fit' or 'misfit' between the national and European policies and institutions. Accordingly, the greater the degree of 'misfit' between the two, the more pressure there is for domestic reform. The pressure prevails until the acceptable level of 'fit' is achieved.

In order to measure the level of suitability and to estimate future patterns of compliance, various authors compare EU requirements and domestic policies. Frequently, scholars employ policy fit, to pinpoint the compatibility of national and EU policies, but distinguish it from institutional fit (Knill, et. al., 2002), which emphasises the harmony between national institutions and institutional demands of European directives (Börzel, 1999).

Proceeding with the research, Knill et al. (1998; 2002), focus on institutional fit. They introduce regulatory style and regulatory structure. The lower the fit between the regulatory style and structure of an EU directive and the existing regulatory style and structure in a member state, the more probability for inadequate implementation to occur.

With regard to this, the following hypotheses have been formulated in helping to answer the main research question and to prove the logical link between the directive's fit/misfit and its implementation performance:

Institutional fit, as defined by Knill, et al. (1997; 2002) examines regulatory style and regulatory structure. The lower the fit between the regulatory style and structure of an EU directive and the existing regulatory style and structure in a member state, the more probability for inadequate implementation to occur, based on which the first hypothesis has been formulated:

1) *H1*: *Implementation of an environmental directive is effective, if the institutional fit is high.*

Policy fit, as primarily understood by Börzel (1999) is the conflict between the new EU legislation and corresponding national legislation, which carries significant financial and administrative burdens. If the two policies corresponds, the policy fit is high and the implementation. This helps to formulate the second hypothesis:

2) *H2: Implementation of an environmental directive is effective, if the policy fit is high.*

2.3.1 Intervening variables

However, several works have disconfirmed the argument of the goodness of fit. For example in an early research, Knill et al. (1998) focus on domestic administrative traditions. The hypothesis is that the degree of implementation is institutionally framed. They apply the goodness of fit argument on the data on the implementation on four environmental directives in the United Kingdom and Germany. Yet they come to conclusion that only three out of the

eight researched cases correspond with the hypothesis. Thus, the authors come to conclusion that the goodness of fit hypotheses by itself is not sufficient to explain the implementation process.

According to Mastenbroek (2005 p. 1110), the theory is 'rather static in nature'. Reasonably, national bodies might not strive to maintain the status quo. Rather, they might be interested in transforming the relevant existing policies as well as institutions and therefore use the EU for national motives.

Lastly, evidence against the goodness of fit theory also comes from Falkner et al. (2005 pp. 289-291)., who report a failure of the argument, on the study of implementation of six labour directives. Based on the research, only 22% of the cases are in accordance with the fit/misfit hypothesis. They find, that in Denmark, Ireland and the UK, there were high misfits, but transposition was smooth, while Germany and France, struggled with complying with several well-fitted directives. The authors suggests, that the role of domestic politics and implementation culture must be considered, which brings us to towards auxiliary variables (Ibid).

Those authors, who support the top-down view of Europeanisation have suggested to explain the causal process through which the processes on the European level lead to domestic change. Accordingly, Europeanisation needs certain adaptation pressure to follow between the EU and its member states. In the absence of this pressure, Europeanisation cannot, from the logical point of view, occur. Strictly speaking, a 'misfit' is seen as a necessary condition for Europeanisation. In reaction to criticism, supporters of the goodness of fit approach have accommodated the theory. They acknowledge, that the presence of misfit is not a sufficient condition for Europeanisation (Börzel, et al., 2006). This realisation has sparked a debate about the different types of intervening variables. Thus, a number of scholars have therefore maintained the hypothesis while presenting supplementary hypotheses allowing for a change in the domestic policy. Some studies regard the goodness of fit as a necessary condition for domestic change. They introduce intervening variables which mediate between the EU adaptation pressures and the way member states respond to them. Depending on a selected approach, different mediating variables are applied. For example Börzel (2002) further introduces administrative capacity, which corresponds to staff-power, expertise, coalition building etc., which can affect the uploading and downloading of EU policies.

Risse et al. (2001) suggest that if adaptational pressure is high, the presence of mediating factors affects the degree to which the domestic change can be expected. Five mediating factors are developed in the study, which include multiple veto points, formal institutions, organisational culture, differential empowerment of actors as well as learning process.

Knill et al. (1997 p. 12) argues that if political salience of the given issue is low, the perception of adaptation pressure transforms from moderate to low. Strictly speaking, governments tend to be less attentive towards tow salience policies and the likelihood that the related legislation is neglected, or considered as being sufficiently resolved by given administrative arrangements. Verluis' research on the Safety Data Sheets Directive has demonstrated that the low salience of this subject resulted in poor practical implication (2007).

2.4 Veto players theory

Several authors have highlighted, that the presence of veto players of different types, in combination with goodness of fit theory, plays an important role in hindering the implementation process of EU directives into national systems. The theory of veto players has received significance in the field of comparative politics. The basis of the work has been represented by Tsebelis (1995), who offers a rather useful approach to the study of policymaking. In the article, he discusses the effects of veto players on the maintenance of a status quo policy agenda, wanting to avoid significant changes. Essentially, a higher number of veto players followed by a greater distance between them, is likely to produce better policy stability and lower the chances for substantial policy change. Similarly, if the veto players (political parties in this case) share the same opinion on share policy preferences, then the chances of policy change increase.

Within Europeanisation research, the veto argument has been most frequently linked to an article by Haverland (2000). Member states are obliged to implement EU policies, and therefore, the government in each MS is the primary (potential) obstacle to implementation – a veto player. Nonetheless, during the various stages of the implementation process, there might be other actors, whose consent the government needs in order to be able to proceed. Meaning that even in cases where national governments are in favour of complete implementation, the existence of veto players, who possess the capability of blocking the

process can complicate or entirely deadlock the implementation. As Haverland suggests (2000), the intervening variable is the presence or absence of institutional veto points. Europeanisation can turn rather problematic if there are enough institutional veto points in the hands of those opposing the EU policy, even if the adaptational pressure is essentially low.

Facilitating formal institutions are also able to encourage domestic structural change. Green Cowles et al. (2001) suggest that presence of facilitating formal institutions may provide the essential resources to enable domestic adaptation. The existence of mechanisms which allow for political and administrative cooperation, presents an example of facilitating formal institutions. These include for example regular meetings of EU experts of administrative units and governments to develop common positions (Bursens, et al., 2007 p. 8). Veto players can object the EU directive and therefore limit the capability of the domestic institutions to implement and meet the obligations set by the EU legislation. Thus, government reluctance in implementing the policy may not be caused by the lack of will, but rather as a result of being held back by the veto players (Radaelli, et al., 2003 p. 46).

Veto players, or their presence during the implementation process has been by several authors highlighted as an important condition to explain occurrence of implementation problems, which leads to the third and final hypothesis:

3) *H3: Implementation of an environmental directive is effective, if the number of veto players during the implementation process is low.*

2.5 Implementation literature

Implementation of EU environmental policy and related laws, has received substantial attention among academic scholars, as well as in the European Commission. To illustrate, the Commission recently collected data in order to seek the reasons behind deficits in environmental policy implementation (European Commission, 2019). In the implementation research, several of EU scholars have focused on the way of implementing environmental legislation in the member states, both on the national as well as regional level. A part of this research field has been dedicated to studying compliance with the EU law and the reasons behind possible burdens in national implementation (Bondarouk, et al. 2018; Börzel, et al., 2010; Cavoški, 2016).

According to Smith (2018 p. 8), there are ten possible factors which can have an effect on whether member states implement EU legislation in a proper way. She highlights that only 'goodness of fit' and the 'institutional decision-making capacity' have received substantial coverage in the literature.

According to Haverland (2000 p. 86), who studied the implementation of the packaging Waste Directive in the UK, Germany and The Netherlands, suggests that the presence of institutional veto points that the government faces when implementing EU polices, tends to affect the quality and pace of the process, regardless of various levels of 'fit' or 'misfit' between the domestic and the EU policy.

Bailey's (2002) research is a reaction to Haverland's work. It is an attempt to shed light on why some member states adjust better to EU environmental law than others, by also applying the theory of goodness fit. When it comes to environmental objectives, he argues that the goodness of fit has been a primary determinant of successful implementation. As Haverland, Bailey examines the implementation Packaging Waste Directive in the UK and Germany. However, he comes to a different conclusion, i.e. goodness of fit is more important than the presence of institutional veto points. It is argued, that the importance of adaptation pressure depends on the understanding of implementation. For evidence, he presents an argument that domestic institutions played a negligible role in ensuring practical implementation. And while institutional vetoes are significant during the transposition phase, national resistance is often spurred by low policy fit during both legal and practical implementation (2002 p. 791).

Ancygier (2013) explores the reasons for the inefficient implementation of two European renewable energy directives in Poland, by examining the role of different actors and their channels of influence at the European and national level. He finds that the goodness of fit between the domestic status quo and new EU legislation, proved to be correct to a significant extent. However, he also discovers that the interest of the actors shaping the energy policy in Poland were to blame for the inefficiency (2013 pp. 378-379).

More recent studies exploring the misfit approach argue for a supposed profound shift in policy style, represented by a 'new generation' of environmental directives, for which are typical more long-term and process-oriented obligations, offering the member states a greater variety of approaches and different means for implementation. For example Liefferink et al.

(2011) examine the implementation of the Water Framework Directive, and find that the goodness of fit theory was less adequate for this policy style because of the generous room for national discretion in achieving the goals set by the directive.

Frederiksen et al. (2017) studied the transposition and implementation of the Habitats Directive in Denmark, Greece, the Netherlands, and Romania, and the role that institutional misfits played in successful implementation processes. They find that the goodness of fit theory appears to be a valuable framework for understanding the adaptation pressure on the domestic system. The authors confirm that misfits posed obstacles to timely implement the Habitats Directive in the selected countries – even though the extent and the effects differed in each case.

To summarise, all of the above-mentioned literature is of great interest, however, the authors often limit their research to a comparative analysis between individual member states rather than focusing on a single country in depth or over a period of time. While this has been done for different policy fields[1], the environmental policy in the Netherlands remains in this sense unexplored. Even though logic by nature, it has been established by synthesising the literature findings, that the goodness of fit theory by itself does not offer clearly persuasive results, and the criticism of the theory cannot go unnoticed. It has been understood, that fit/misfit is a necessary determinant, and must be present for achieving an outcome, but its presence is not sufficient to obtain that outcome. As proven by later studies, if more variables are introduced and joint with the fit/misfit, the explanatory strength significantly increases. Thus, for the validity of the research findings, deriving from the reviewed literature, this thesis examines *policy fit*, *institutional fit* and the presence or absence of *veto players* during the implementation stage of a directive into Dutch national legal system. If these three factors are combined together, i.e. if there is a significant policy misfit, institutional misfit and veto players, it can provide enough leverage to obstruct the implementation process. The effectiveness of implementation is understood as the level to which the transposition itself as well as the legal process at the domestic level correspond to the goals set by the EU law.

[1] See for example Hartlapp (2009) for *Implementation of EU Social Policy Directives in Belgium*

3 Methodological framework and analytical technique

3.1 Methodology

This master thesis is a country case study engaging in environmental policy making in relation to the Netherlands. The particular focus is on the concept of Europeanisation of the environmental policy therein, applying the theory goodness of fit. Case study research offers the possibility to perform an in depth investigation of a single country, with the goal to render a more detailed description of the specific institutional setting in order to better understand the context wherein the researched relationship will be interpreted. Qualitative analysis has been a preferred method for studying Europeanisation. Use of quantitative methods has been rather limited within the discipline. Therefore, this thesis will focus on empirical qualitative understanding as well, which can provide valuable insights into the nature of the given concept on to what extent has national policy making been influenced by EU laws and policies as well as the other way around.

Based on the character of the thesis as an empirical case study, the study respects an assumption regarding a number of hypotheses in order to illuminate the nature of implementation processes. However, the extent of this paper is limited which does not allow it to research the wide spectrum of factors reflected in the literature. This thesis shall contribute to the understanding of the Europeanisation of Dutch environmental policy through a study of three selected European directives and their implementation. While the thesis provides a historical background to a certain extent, the main focus will be on the twenty years timeframe between the years of 2000- 2020. This time frame has been chosen to provide enough room to cover the most recent and comparable information, because new directives are not introduced very frequently and the process of implementation often takes several years. Three areas of environmental field have been selected for this thesis, more specifically these include water, air and biodiversity. European directives within these areas and their implementation will be considered to assess the level of domestic structural change, in relation to the goodness of fit. Thus, a rather detailed knowledge of the ex-ante and ex-post situation will be examined. These include the Water Framework Directive 2000/60/EC, the Directive 2008/50/EC on ambient air quality and cleaner air for Europe and the Directive 2009/147/EC on the conservation of wild birds. These directives have been selected to offer a representative image of environmental policy field in the Netherlands as they have also been

the most profound directives within their respective areas over the given time frame period. The argument of goodness of fit will be tested and the implementation process will be explored. This thesis operationalises the goodness of fit theory complemented by the presence or absence of veto players. The theoretical background based on research especially by Börzel (1999; 2002), Börzel and Risse (2006), Knill et al. (1998; 2002) and Haverland (2000) is employed. The *institutional fit* and *policy fit* are analysed together with the presence of *veto players* during the implementation process of the directives, to consider whether the implementation was effective, i.e. whether it was implemented adequately and on time. In other words, for successful implementation of the directive, it is needed for it to be compatible with Dutch environmental policy. There should be *institutional fit*, *policy fit* and no significant *veto players* present. The institutional fit/ misfit depends on the regulatory style of the EU directive and traditional regulatory structures at the domestic level. The level of policy fit or misfit stems from the difference between the member state's existing legal policy structure, and the difference and requirements contained in issued EU directives. Given the fit of the directive, an ex ante hypotheses can be developed on patterns where change in the domestic arrangements is either highly possible or might hypothetically arise, thus, whether the directive is efficiently implemented. In order to begin with testing the fit/misfit hypotheses, the level of required adjustments has been assessed for the three selected directives from Chapter 2.

1) In the first explanatory step, a regulatory style and regulatory structure of a directive is considered in relation to usual regulatory style and structures of the Netherlands to assess the *institutional fit*. The legal compatibility between regulatory traditions at the domestic level is compared with the policy style and structure of the directive, to reveal possible misfit between the two.
2) In the second step, the compatibility of the EU directive with domestic policy setting ("*policy fit*") is considered.
3) In the third step, the presence or absence of *veto players* during the implementation period is examined to complement the fit/ misfit argument, to reveal possible challenges in smooth implementation.

3.1.1 Methodology challenge

A possible challenge for methodology is the issue of equifinality, which suggests that researchers ought to differentiate between domestic changes caused by Europeanisation and changes resulting from different phenomenon, such as other impacts on the international and domestic field. For example, significant developments may be induced by substantial political events or new governments. In order to prevent such a potential misconception, a number of research strategies has been suggested, including process tracing, comparative case study designs (Mendez, et al., 2008). In order to minimise this methodology challenge, the thesis examines the implementation of three directives, within three fields of environmental policy (water, air, biodiversity) in a single country since the year of 2000 to generalise conclusions across time and space and to offer a genuine comparative potential.

3.1.2 Data collection

It is explored to what extent has the Dutch policy been influenced by looking at pre-existing policy background, and the outcomes it has had from the theoretical perspective in order to assess the level in which Dutch goals have been realised or not. A variety of sources is utilised, majority of which are classified as document records and reports. Given the scope of this research, that is examining the environmental policy and implementation of three directives within the field, the data in this thesis are predominantly secondary sources, collected from policy documents and statistics from the Dutch government and the EU. Dutch and English sources are primarily used, the EU website, the *Eerste Kamer (First Chamber)* and the Tweede Kamer (Second Chamber), and the Dutch *Rijksoverheid (Government)* offer for a great variety of information. *Planbureau voor de Leefomgeving* (Environmental assessment agency) is a state agency, which provides the Dutch government with advice on environmental policy. It also serve as a source in this thesis to shed light on the environmental fields pre and after implementation of the selected directives. Policy briefs and reports issued by respective Ministries offer a substantial source of information on the implementation process. The European Commission further issues annual reports on implementation of the EU directives. Even though secondary data is more abundant, it holds certain weakness of intrinsic bias of the author, and therefore is out of researcher's control. In order to eliminate this generalisation and possible bias as much as possible, this thesis only employs established and verifiable sources.

3.2 Variables

3.2.1 Institutional fit

Institutional fit or misfit, as first identified by Knill, et al., 1998, as well as policy fit and misfit (Börzel 2000), which is discussed below, have been identified as central factors in understanding why certain directive implementation processes are problematic more than others. To evaluate objective fit or misfit between EU legislation and national regulatory traditions, we distinguish two categories of administrative arrangements: *regulatory style* and *regulatory structures.* Taken from this perspective, European policies are forced to face traditional institutional regulatory structures at the domestic level. If the policy's regulatory style and the national regulatory structure match, that is, if the adaptational pressure is low, then the implementation process should be achieved without significant problems and within the given timeframe. In member states with a policy style alien to negotiation and participatory governance, the generation of EU directives, which emphasise significance of public participation, voluntary agreements, economic instruments, access to information and flexibility for regional diversity, has posed severe problems of institutional adaptation (Knill, et al., 1998 pp. 596-597). Thus, effective implementation is contingent not on the *regulatory style* per se but on the degree of institutional fit with existing *regulatory structures* and practices. For the purposes of assessing the institutional fit / misfit in this thesis, regulatory style and regulatory structures of the three environmental directives will be considered against the regulatory style and regulatory structures of the environmental policy in the Netherlands. For the purposes of assessment, institutional fit is considered high if regulatory style and regulatory structure of the directive and the Netherlands match. On the contrary, if there are significant discrepancies, low level policy fit is assigned.

Regulatory style

According to classification by Knill, et al. (2002), regulatory style is understood as the mode of intervention and the level of administrative interest, between administrative and societal actors. Knill, et al. distinguish between two ideal types, namely an *interventionist* and a *mediating* regulatory style. While the former style is characterised by command and control, the latter is characterised by an emphasis on self-regulation and procedural rather than substantive requirements. It further indicates great discretion and flexibility for the administration in applying the law. However, this categorisation allows for 'hybrids' of the styles as well (2002 p. 38). The *command and control* pattern refers to a direct regulation in

an industry, essentially, it strictly prescribes what is permitted and what is illegal. For example, it imposes limits to the permitted level of pollution (Junquera, et al., 2016 p. 1). By establishing legally-binding standards, it assumes hierarchical structures of intervention and on the national level, rather formal and legalistic patterns of administrative interest intermediation. The 'command' in this sense is the standards that must be complied with, set by the authority – the EU; while the 'control' points to the negative consequences of possible sanctions if compliance fails. Rather than prescribing uniform standard, the *procedural type* lays down detailed conditions on achieving a certain goal. For instance, if the directive's target is to ensure free access to information on the environment, then the procedural approach sets conditions for making the information accessible, as well as involving appeals against cases when information is not provided. Hence, the possibility for closed communication arrangements between regulatory authorities and the regulated industry significantly decreases (Knill, et al., 2002 pp. 18-19). Finally, even though self-regulation allows for a certain level of flexibility in domestic compliance, a clear alteration in the regulation in favour of self-regulation within concerned industries can be observed. As opposed to interventionist top-down approaches, the state's primary role is to enable self-regulatory practises by providing the formal structure for auditing (2002 p. 19).

Regulatory structures

Knill's classification regarding regulatory structures considers the vertical (centralisation/ decentralisation) and horizontal (concentration/fragmentation) distribution of administrative competencies with the respective patterns of administrative coordination and control (Knill, et al., 1998 p. 597). When looking at a regulatory structure of a directive, it is considered whether it calls for centralisation or decentralisation, and respectively, what kind of administrative coordination and control it requires. The same applies for the regulatory structure of the state and the policy field. The Dutch traditional regulatory structure is considered decentralised, it is organised as a unitary decentralised state. It is renowned for its accommodation and consensus seeking, which is embedded in a long tradition of polder politics in a highly fragmented system, where collaboration among the leaders of various denominations regularly occurs, together with corporatist negotiations among the state and lower level actors such as employers and unions (van Nispen, et al., 2015 p. 33). The administrative and legal environment in the country carries typical patterns of corporatist interest representation, which are manifested in stability, comprehensive organisation,

orientation towards common interests, and last but not least a consensual or problem-solving style of decision-making. Policy shapers in the Netherlands tend to form informal relationships with public actors, which can further impact the bargaining process and negotiations. There is emphasis on consensus. An important characteristic of regulations is that the state has often collective sovereignty over policy-making and applying the policy in accordance with organised market interests. The same holds for European legislation and the exact features of Dutch corporatism can be seen at political and administrative levels (OECD, 2010 pp. 13-14). Many professionally based consultative actors have grown up over the last years, and several of these organisations have been given numerous regulatory functions. However, the environmental policy had traditionally had a different approach to other fields, as it was more centralised. In the Netherlands, there was a long history of predominantly top-down structure of environmental policies, and a general support for policies of command and control nature until at least the mid 1990s. Until then, Dutch environmental policy was seen as far reaching and progressive, nevertheless, the consequences of the command policies started to upset Dutch stakeholders, as they were struggling with more obstacles every day. This growing dissatisfaction slowly led to a transformation within the policy system, resulting in decentralisation, deregulation and more market oriented approach, where negotiation with other involved actors is preferred, similar to other areas (van Roo, 2017).

3.2.2 Policy fit

As established by the literature, a policy misfit occurs, when an EU policy poses considerable administrative challenges to existing domestic legislation and the implementation into national legislation carries significant financial and administrative burden (Börzel, 1999). In agreement with scholars such as Knill (1997), Knill et al. (1998) and Haverland (2000), policy fit / misfit can be understood as the need to adapt national policies because of an occurring conflict between the EU policies and corresponding national legislation. The policy fit/ misfit theory only addresses the existing legislation at the time of formal transposition. As a starting point to test the policy fit, the degree of required adaptations for implementation of a directive has been assessed. Following Falkner's et al. (2004 p. 398) classification used in their research on enforcement and application of six European Union labour law Directives in fifteen member states, a high degree of policy misfit is attributed to a case, if completely new legal rules and significant changes or innovations are necessary to implement the directive

into national legislation. On the contrary, if less change is required, only a medium or low level policy misfit is assigned.

3.2.3 Veto players

The concept of veto players is related to the number of actors required to carry out decisions, in this case, referring to dealing with EU policy issues. Veto players might impede national implementation in response to European pressure (Haverland, 2000; Börzel, et al., 2006; Héritier, 1995). Those domestic actors which possess veto power are able to fully or partially block adaptation. Likewise, the number of veto players defines the dimension of the 'domestic win-set'. The more veto players are involved, the smaller the size of the domestic win set, which leads to the government having stronger bargaining power (Putnam, 1988; Börzel, et al., 2006). Therefore, when the political power is divided among many actors, more complications emerge in mobilisation of enough actors to perform changes. Conversely, the less veto players exist, the smoother it is to create the national 'winning coalition'. This coalition is an essential condition for adjusting and adopting EU policy (Bursens, et al., 2007 p. 7). From a narrow perspective in implementing a directive, a veto player is first the national parliament. The national parliaments, however, go hardly ever against a government proposal in transposing an EU directive. Dimitrova and Steunberg define more public veto players, including interest groups, political parties or local governments (2000 p. 215). For the purposes of this thesis, an actor is considered a veto player if it, be it on formal or informal basis, has some authority to decide on policy. In addition, a veto player is seen as policy specific if its participation is contingent on the field in which a particular policy is adopted. As this context varies a policy from policy, the structure of veto players changes accordingly (Steunberg, 2006 p. 317).

4 Analytical Part

4.1 Water Framework Directive 2000/60/EC[2]

First of all, the background and content of the WFD is discussed, followed by the assessment of the institutional fit of the directive. Next, underlying differences between the domestic policy setting and the directive are observed to assess the policy fit. Further, the presence of veto players during the implementation is examined, as well as the proper timeliness of the implementation. It is concluded with a summary overview and answers to hypotheses. This part deals with the implementation of the Water Framework Directive from the preparation stage, through when it came into force until implementation of the first stage of river basin management in 2009.

4.1.1 Background and content

Europe's interest in water legislation can be traced to 1975, when the European Communities set a framework of standards for rivers and lakes used as a supply of drinking water. Further in 1980, fixed quality targets were established for drinking water, followed by measures on the quality of other waters such as for fish, bathing or groundwater. Meanwhile, the major emission control apparatus was the Dangerous Substances Directive. In 2000, EU water governance experienced a significant consolidation phase resulting in the approval of the Water Framework Directive, with the goal to promote a more universal stance towards water policy, while extending existing legislation (European Union, 2016 p. 5).

The WFD is a type of a framework directive, integrating a number of formal regulations related to water, while trying to coordinate the governance of water ecosystems in the member states with normative and organisational principles (Mostert, 2020). The WFD provides a general framework for integrated water basin management in Europe, with the goal of 'good water status' by the year of 2015, extended by maximum to 2027, as stated in the Article 4 of the Directive (2000). In other words, it seeks to enhance the ecological and chemical status of water bodies, or to at least improve their ecological potential.

[2] Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy

The goal is to be achieved through various economic tools, including cost-effectiveness analysis, water planning at hydrological rather than administrative scales, the involvement of nonstate actors, and last but not least a common strategy to support member states in implementing the directive (Boeuf and Fritsch, 2016 p. 1). Besides these normative standards and qualitative targets of ensuring a good water status, the subsidiary principle of the directive leaves enough room for goal setting, measure selection and policy instruments to the member states, while providing procedural tools and guidelines for this process (Wiering, et al., 2020 p. 3).

The Dutch have had a long history of successfully managing water systems. According to 2014 OECD's statement, the country can serve as a best practice example for the world in water governance (OECD, 2014). Nevertheless, what ought to be improved is the protection of water quality, as given by the Water Framework Directive (WFD). The long history of water governance provided the Netherlands with experience and expertise throughout the centuries. Its geographical position established by draining the sea makes it vulnerable to flooding. Thus, there have traditionally been efforts for improving flood protection (Kidd, et al., 2014 p. 295). The implementation of the first wave of EU directives has been rather smooth, with a single exception of the Nitrates directive (Commission of the European Communities, 2003). The Netherlands was active in the developing of the WFD and the approach of the Directive seemed to be well fitted with the Dutch one, which however, did not turn out to be the case, as it will be discussed below (Kidd, et al., 2014 pp. 204-206). The European Commission has closely consulted Common Implementation Strategy with national water management, and has provided guidance on those parts of implementation of the WFD, which are left for the member states (Ministerie van Verkeer en Waterstaat, 2004).

4.1.2 Institutional fit

To assess the institutional fit of the WFD, the regulatory style and regulatory structures of the WFD is considered in relation to Dutch traditional regulatory style and regulatory structures. On the basis of this analysis, the WFD is characterised as a hybrid directive. Based on the classification of Knill et al. (1998; 2002), the WFD carries some characteristics of 'command and control' supporting the interventionist regulatory style, while laying significant emphasis on cost efficiency, processes of interagency negotiation and, to some level regional diversity and public participation. The nature of the command and control arrangement in the WFD is

especially present in strict monitoring and reporting obligations, rather specific requirements in terms of content and procedure for the river basin management and programmes of measures, the decrease of variety of dangerous contaminants as well as the environmental quality goals for surface and groundwater (Fitness Check of the Water, 2019 p. ii). Simultaneously, there is a number of key aspects in the directive, which necessitate a new style of decision making beyond the water community. This style calls for a more open approach and wider participation (Common Implementation Strategy, 2003 p. 9). It manifests through the requirements for transparency and implementation of the WFD, practical implementation of the river basin management, public participation as well as more flexible deadlines for implementation and standards for so-called heavily modified water bodies, cost efficiency and specific natural, socio-economic and institutional aspects in every region (Fitness Check of the Water, 2019 p. 37). Essentially, the WFD requires complex negotiations over future nature of water bodies and measures for achieving good water status, among a wide range of policy makers, based on the inputs of interest groups as well as a larger public. For the Netherlands, sectoral decentralisation and fragmentation is typical, while often lacking top-down coordination of local activities. While the WFD carries strong character of centralisation, the WFD also emphasises certain level of fragmentation, in that it requires participation of more actors and negotiation on the domestic field, which correspond with a long tradition of Dutch polder politics in a highly fragmented system, where collaboration among the leaders of various denominations regularly occurs (van Nispen, et al., 2015 p. 33).

Thus, the regulatory style of the WFD is a combination of the command and control and the interactive, negotiating approach. Having considered past tradition of command and control in the environmental policy field in the Netherlands and the current consensus and market orientation style, medium fit has been found. While the directive does carry certain top-down characteristics, which are ever more divergent from the Dutch style, it also allows for wider participation and negotiation, which fit better with the Dutch pro-consensual orientation. The WFD allows for decentralisation to some level regarding regional diversity and public participation, yet significant concentration of power over decision making remains in the hands of the Dutch Ministry of Infrastructure and Water Management, which is alien to traditional Dutch fragmentation. Thus, having considered both regulatory style and regulatory structure, it can be concluded that the institutional fit of the WFD into the Dutch system is of medium nature.

4.1.3 Policy fit

The Netherlands was active in developing the WFD together with the EU and the approach of water regulation given by the Directive at first seemed to be well fitted with the Dutch legislation (Kidd, et al., 2014 pp. 204-206). Thus, there was an initial thought among policy makers and practitioners that the existing Dutch legislation would already meet the aims required by the WFD. Nevertheless, the more the implementation of the WFD advanced, the more questions were raised about the exact obligations stemming from it. This uncertainty led to a rather modest level of motivation, initially noted in the first river basin management strategies (Dieperink, et al., 2012 pp. 164-168). Furthermore, the existing Dutch water legislation was more comprehensive than the WFD (ten Heuvelhof, et al., 2010 p. 14). It was also strongly focused on water quantity (in terms of safety) rather than ecological water quality, which was precisely the goal of the WFD (van der Heijden, et al., 2014 p. 327). The desire to retain existing policy led to a rather complicated coordination between existing goals and interests and requirements of the WFD (ten Heuvelhof, et al., 2010 p. 14). It was believed that the existing approach to water safety would be fitted for water quality as well. That not being the case, the implementation of the WFD was perceived as a technical issue (van der Heijden, et al., 2014 p. 327). The WFD called for high profile changes in already well established administrative structures and practices at the state level. The WFD did not provide an explicit framework on the basis of which it could be determined whether the requirements have been met. The interpretation of the scope of the WFD required a lot of regional, interdepartmental and national coordination (ten Heuvelhof, et al., 2010 p. 14). It required the Dutch to transform the management of its water quality in rivers from the province-level to a newly established 'river basin authorities'. Even though this was only one of the provisions, it resulted in a major restructuring within the department of water management, a body which existed for over two hundred years, and which conferred administrative interests in the conventional governing arrangement. The sudden transformation made it difficult to keep the roles and rules of the involved parties clear for everyone during the implementation process. For the Netherlands, the implementation of the WFD meant considerable adaptations in its water management, and according to the 2005 policy letter of the Dutch Ministry of Infrastructure and Water Management[3], it was difficult

[3] Ministerie van Verkeer en Waterstaat

for the country to meet the needs of the WFD (Decembernota KRW/ WB21, 2005 p. 35). It can be concluded that a low degree of policy fit occurred in the case of the WFD implementation into national legislation.

4.1.4 Veto players

In the Netherlands, there is an evidence of significant interest involvement in the implementation of the WFD, where the number of veto players was rather high. This is relatively common, since the Dutch system is decentralised, allowing for a number of groups to get involved in the implementation process. Even though the European Commission (2007) stated that the only competent implementation authority was the Ministry of Infrastructure and Water Management and a centralised approach to implementation could have been possible, the Dutch government chose to proceed on the lowest governmental level possible, while letting societal interests to voice their opinion (Rozenberg, 2007 p. 30).

In March 2003, the Minister of water management introduced a bill to the Parliament to proceed with the implementation of the WFD, which sought to primarily deal with administrative issues, including for example a delineation of different basin districts in the country (Smit and Dieperink, 2008 p. 17). Nevertheless, some of the members of Parliament, especially those from the Christian-democratic party with links to the agricultural sector, saw this as an opportunity to criticise the bill. According to them, the process was too bureaucratic and they required a more open approach (Mostert, 2020 p. 4). Later that year in November, a so called Aquarein report was published on behalf of the Dutch Ministry of Agriculture, Nature and Fisheries, on the expected risky effects of the WFD for Dutch agriculture, nature and fisheries. The report argued that it would not be possible to achieve the highly ambitious goals of the WFD, as understood by Dutch environmentalists, even if the agricultural sector were fully halted, meaning that all of the agricultural area would have to be removed from production. (van der Bolt, et al., 2003). The report did not take into consideration the option of designating water bodies as artificial or even heavily modified, nor accepted the chance of extending deadlines or setting lower objectives (Mostert, 2020 p. 5). Yet, this publication led to a substantial political turmoil, because the Parliament declined to even review the formal decision on transposing the WFD into national legislation in this stage. The Parliament was not only confused by the technical and complicated nature of the Aquarein report and the miserable consequences it had outlined for agriculture, but also by

the enormous agitation that arose around it in the press, as well as a large wave of reactions of the agricultural lobby, resulting in an impassable obstacle. Instead of looking for opportunities to achieve the WFD goals, they stood on the defensive position (Neven, et al., 2006 p. 72). The Parliament stated that the WFD transposition will not be allowed until the Ministry provides a memorandum expressing the Dutch ambitions (Tweede Kamer der Staten-Generaal, 2004). One of the authors of the Aquarein study later reported, that the primary goal of the publication was to open up the bureaucratic nature of the implementation process and put it higher on the political agenda (Behagel and Turnhout, 2011 p. 305). According to a representative of the LTO – the national agricultural organisation, at a conference where the Aqaurein was discussed, the implementation process had been left to ecologists, scientists and civil servants, who 'only care for water quality' (Hagendoorn, 2004 pp. 32-33). Plenary discussion for the bill was originally scheduled for December 2003, however, Parliament removed it from its agenda as a result of the Aquarein report (Mostert, 2020 p. 4). Consequently, the transposition into national legislation was delayed, resulting in the EC sending a formal notice to the Netherlands. On the contrary, the report provided a fertile ground for additional discussions in the Parliament on the potential costs and effects of the WFD, while putting the WFD implementation high on the political agenda (van der Heijden, et al., 2014 p. 327). Essentially, the agricultural lobby gained certain success. In 2004, the Minister for Water management submitted a nota explaining the Dutch ambitions regarding the implementation of the WFD, suggesting, that the Netherlands would not do anything stricter than what the EU required (Mostert, 2020 p. 5). Existing land use would not be changed, deadlines would be extended as possible and there would be great use of ways to designate water bodies as artificial or heavily modified (Ministerie van Verkeer en Waterstaat, 2004). A substantial level of veto player participation was reached during the implementation stage. Particularly, worries emerged from the agricultural lobby and business groups, that the harsh nature of the WFD could lead to a 'frozen' economy. Considerable lobby from various business and economic interests groups let the government to succumb to domestic pressures (Rozenberg, 2007 p. 30).

4.1.5 Timeliness

Transposition performance was examined, identifying to what extent this complies in terms of timeliness with the requirements and deadlines provided by the WFD. The WFD entered into force on December 22, 2000, establishing strict timeline which the member states have to follow in Article 25. The Netherlands, as well as other member states, were required to

identify river basin districts and related competent authorities for the application of WFD rules by December 22, 2003 and to transpose the directive into national legislation by the same date. Decisively, a draft version for river basin management plan were to be submitted by December 2008 and a final plan by December 2009 according to articles 11 and 13 of the WFD. Article 4 of the WFD (2000) states that Member States must take measures to achieve certain environmental objectives for surface water, groundwater and protected areas. These objectives were to be achieved no later than 15 years after the entry into force of the WFD. This objective is expressed in ecological quality. For surface water and groundwater, however, it is explicitly stated in Article 4 that this period may be extended twice by six years under certain conditions (ten Heuvelhof, et al., 2010 p. 15). There are three implementation periods - 2009-2015; 2016-2021 and 2022-2027 (Rijksoverheid, 2020). Transposition completeness was based on the transposition of the provisions for designation, protection and conservation, and timeliness was assessed as years of delay from the deadlines given by the directive.

There is a clear indication, that due to the publication of the Aquarein report, the transposition into national legislation was delayed, resulting in a formal notice from the EC. Even though the due date for transposition into national legislation was on 22 December 2003, by the end of May 2004, the country was one of the member states that had not notified the EU and did not provide any information regarding the transposition yet (European Commission, 2004 p. 2). Eventually, on 7 April 2005, the bill to enable the transposition of the WFD was finally adopted, resulting in one and a half year delay after deadline. Table 3 illustrates a timeline of the WFD implementation in the Netherlands for better understanding. In sum, 723 surface water bodies were acknowledged, out of which 711 were designated as artificial or heavily modified. For 625 surface water bodies and seven groundwater bodies, the deadline for achieving the conservational goals was postponed (Mostert, 2020 p. 5). As is often the case, tension occurs between multi-actor processes and hard deadlines (ten Heuvelhof, et al., 2010 p. 15). Yet, many measures were adopted to ameliorate the water status, including for example construction of nature friendly banks and adaptations of water works to allow fish migration (Projectteam stroomgebiedbeheerplannen, 2009). In spite of challenges and significant lobby from economic interest groups, the country managed to adopt the following first part of the river basin management plans (RBMPs) before the deadline in December 2009 (Mostert, 2020 p. 5).

Table 2 Timeline of the implementation of WFD in the Netherlands

Date	**Milestones**
1997	Provisions for the implementation begin
December 2000	The WFD enters into force
November 2002- July 2003	Establishment of coordination structures at national and river basin level
March 2003	WFD bill to facilitate implementation is suggested
November 2003	Aquarein report is published
December 2003	Official deadline for transposition into national legislation
April 2004	Policy note on Dutch ambitions is published
April 2005	Adoption of the WFD bill
December 2009	Adoption of the first RBMPs
December 2009	Official deadline for adoption of RBMPs

Source: Author's chart based on Mostert, 2020 p. 4

4.1.6 Summary of findings

All of the abovementioned analysis suggests, that the Netherlands experienced significant issues during the implementation stage of the WFD, including delays up to one and half year following the official transposition date, as well as struggles with the adoption of the first part of the river basin management plans. For clarity, the findings have been arranged into the Table 4. The institutional fit has been assessed as medium, the policy fit has been low, and the presence of veto players has been confirmed. While institutional misfit did not seem to play a decisive role, analysing the policy fit suggests, that the specific content of the WFD and its misfit with existing policies in the water policy area in the Netherlands, bearing high administrative costs, was one of the key explanations for the country to be faced with implementation problems. Conflicts and opposition during the legislative process were then decisive for delays. In this case, the hypotheses have been confirmed for policy fit and the presence of veto players, while institutional fit remains debatable.

Table 3 WFD findings

Directive	**Institutional fit**	**Policy fit**	**Veto players**	**Implementation**
Water	Medium	Low	Yes	Difficult

4.2 Ambient Air Quality Directive 2008/50/EC[4]

The following part deals with implementation of the Air Directive of 2008 since its negotiation phase until the legal transposition in 2009. To start with, the Ambient Air Quality Directive's background and content is reviewed, followed by the regulatory style of the directive which is compared to tradition regulatory structures within the policy to assess institutional fit. Subsequently, underlying differences between the domestic policy setting and the directive are examined to evaluate the policy fit. Thereafter, the presence of veto players during the implementation is examined, as well as the proper timeliness of the implementation. Eventually, the final part contains a summary overview, and answers to the three hypotheses.

4.2.1 Background and content

The issue of ambient air quality is transboundary by nature. Therefore, it is logical that the EU has a role to play (Wiering, et al., 2020 p. 22). European regulation of air quality, as we know it today, was formulated in the 1990s, when directives of the 1980s were updated. In 1996, the Framework Directive on Air Quality came into force, which has been considered a genesis of air quality legislation. This directive did not limit any specific standards for air quality, but it predominantly provided harmonisation of methods and objectives, and prepared the ground for a number of daughter directives, which would contain specific standards (Arnoldussen, 2019 p. 211). There were four daughter directives for specified pollutants, nevertheless, the framework Directive of 1996 and the Daughter directives 1, 2 and 3 were submerged into the Directive 2008/50/EC on Ambient Air Quality and Cleaner Air For Europe Directive -commonly referred to as the AAQD, with the Daughter directive 4 to be subsumed later (Environmental Protection Agency). The AAQD's primary goal is to define objectives for ambient air quality, which would reduce and prevent harmful effects on human health as well as the whole environment. The directive identifies certain (minimum) limit and target values to be met by a specific deadline, and establishes a framework for the assessment and management of air quality with regard to particular pollutants (Williams, et al., 2015 p. 1). In doing so, it seeks to increase cooperation between the member states in

[4] Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe

eliminating air pollution, and it further provides measures for the assessment of air quality in the states as well as for obtaining information on ambient air quality to reduce air pollution (European Parliament, Council of the European Union, 2008). More specifically, the goals established by the AAQD entail substantive provisions such as standards for the concentrations of particulate matter in the air, as well as significant procedural requirements, which are intended to subsidiarily influence the anticipated policy outcome through the transformation of policy processes. Therefore, the AAQD highlights the importance of assessment, monitoring and sustainability of the ambient air quality through a variety of systematic plans, while pushing the member states to engage in public communication on their quality measures (Bondarouk and Liefferink, 2017 p. 733). The standards from the old directives remain in force. In addition, standards and measurement obligations for the finer fraction of particulate matter have been included. What is also new is the approach to regulate the average urban background concentration of particulate matter. This is intended to reduce the exposure of people to particulate matter on a large scale, in addition to limiting high local concentrations along, for example, streets and roads (Compendium voor de Leefomgeving, 2012).

Air quality has been to a large degree affected by industrial activities in surrounding countries, however, the Netherlands has also had an extensive chemical and petrol industry as well as large and intensive agricultural sector (Keijzers, 2000 p. 179). For the country today, air quality is an important issue. As a result of its small size and geographical position, there is a large impact from neighbouring countries and the country is interested in regulating emissions on the EU level. At the same time, the Netherlands has to deliver a considerable effort itself in order to comply with the norms (Wiering, et al., 2020 p. 22). Unlike the water systems, where the Netherlands has had centuries of experience in managing the difficult mix of land and water, which allowed water levels to be carefully controlled, the country was not as much experienced in regulating air quality. However, following the rising wave of environmental awareness, the Air Pollution Act passed in the 1970, which was the first step in defining the national boundaries of the ecological arena regarding the air quality. Indeed, this law marked the beginning of regulation, which provided comprehensive legislation to manage various aspects of the air quality (Keijzers, 2000 p. 180). Implementation of air quality standards was nowhere as harsh in any other member states as it was in the Netherlands, which may be partially attributed to a wider legal protection in the country, based on the General Administrative Law Act (*Algemene wet bestuursrecht*) (Backes, 2006).

In the country, EU environmental directives concerning air pollution and regulation are implement in the Environmental Management Act (*Wet Milieubeheer*) and the Activities Decree (*Activiteitenbesluit*) (Rijkswaterstaat).

4.2.2 Institutional fit

To assess the institutional fit of the AAQD, the regulatory style and regulatory structure of the directive is considered in relation to Dutch traditional regulatory style and regulatory structures. Various conceptions form EU legislation as regards regulatory styles (Knill, et al., 1998 p. 599). The AAQD is considered rather administrative than political directive, which has been formulated to adapt older EU legislation to a contemporary legislative setting. From this perspective, the AAQD is characterised as using command and control instruments to achieve regulation, especially by setting (minimum) standards and requirements on ambient air quality. Along these lines, the AAQD establishes strictly binding environmental goals with extensive leeway for selecting specific measures at domestic level, while offering enough room for discretionary policy making following the principle of subsidiarity. In addition, it syndicates procedural provisions targeted at efficient policy outcomes, such as the obligation to frame ambient air quality plans and programs, together with requirement at enhanced participation, including for example information rights for the public, possibly leading to empowerment of wider public (European Parliament, Council of the European Union, 2008). Based on the classification of Knill et al. (1998; 2002), regulatory style of the AAQD is considered of the interventionist nature, this is apparent especially in the substantive and top-down means defining particulate matter standards. Comprising fundamentals of increased technical guidance on how to consistently measure air quality makes this directive more regulatory than deregulatory. Such uniform and hierarchical requirements suggest rather formal and legalistic style of administrative interest intermediation. Since the European Court of Justice can take action and member states can be penalised for non-compliance, makes the command and control nature more prominent (Versluis , et al., 2010 p. 59). The AAQD calls for decentralisation and fragmentation of managing ambient air quality, districts and municipalities are given the power to decide over important steps. The AAQD requires crosscutting coordination, both in horizontal terms (regarding coordination with spatial planning or transport policies) as well as vertical (in terms of close cooperation between individual levels of the state). Since high concentrations of particulate matter are manifested locally, the AAQD explicitly states that the member states are to designate subnational zones to facilitate problem solving. Therefore, subnational

entities like municipalities or rural districts are given the responsibility and status which they had not had before. Prior to the AAQD, nor cities nor districts carried the prime obligation for solving air quality problems (Bondarouk and Liefferink, 2017).

Taking into account past tradition of interventionist style and the command and control type in the environmental policy field in the Netherlands in the past and the current consensus and market orientation, the AAQD requires a degree of top-down management. However, the AAQD establishes decentralisation in a sense that the government does no longer serve as a single decision body over air quality. It also allows for procedural provisions targeted at efficient policy outcomes, allowing for consensual law making. Since the regulatory structure in the Netherlands is of decentralised nature and is open to horizontal fragmentation, this distribution of administrative competencies among more actors appears to bring no complications. Therefore, it can be concluded that the institutional fit of the AAQD is rather high.

4.2.3 Policy fit

Historically, in the country, implementation of the ambient air quality policies has been characterised by a significant level of legal ambiguity. To give an example, expert opinions varied to a great degree on what was and what was not permitted under the EU law since the Framework Directive on Air Quality of 1996. For instance, with the previous air quality daughter directives, the Netherlands took a stance of way stricter air quality standards than other members states, leading the country to struggle with the standards it had established. This was later justified as a result of ambiguity of the EU legislation (Priemus, et al., 2009 p. 1167). The Netherlands traditionally regulated emission levels of industries or products, in contrary to setting air quality standards as given by the AAQD. This suggests, that the country primarily relied on new technology developments in concerned industry in order to fulfil desired environmental standards and preferably achieve their harmonisation at the EU level to establish a playing field for the relevant sector. Following this conflict regarding devolution of responsibility and this misfit, a rather hesitant implementation could be expected. However, there had been an ongoing transformation already prior to the transposition of the AAQD. The move towards air quality standards harmonisation began already with the previous Daughter directives. Member states needed to implement only those parts of the AAQD into their legal system, if there was a substantive change from previous directives. This is clarified in the legal text, as well as in the relevant EU treaties

(Hart, 2020 p. 11). Since the AAQD was presented as a continuation or a 'built-up' on top of the previous Daughter directives, it was not expected to bring significant changes in terms of legal and administrative planning. Indeed, this proved to be the case, as the Dutch legal system was already well suited for the introduction of the AAQD, and it was not necessary to make any extensive adjustments. Even though it was not to remain completely in a status quo, as the Directive of 2008 brings certain new principles and measures, such as the allocation of coordination towards districts and municipalities. However, this responsibility transfer did not mean major financial or administrative obstacles, as it did for example during the implementation of the WFD, when a number of whole new administrative bodies had to be established (van der Heijden, et al., 2014 p. 327). The one thing Netherlands mostly struggled with regarding the AAQD was the minimum standard limits, but it had not to do so much with policy fit as with the actual values of the set by the policy. Thus, it can be concluded that a rather high degree of policy fit occurred during the implementation stage of the AAQD, as the conflict between the Directive and the corresponding national legislation was low.

4.2.4 Veto players

Already during the negotiations phase with the EU, the Netherlands was convinced that the standards which were to be set for nitrogen dioxide and particulate matter would be difficult to follow, based on experience with previous Daughter directives' standards (Rood, 2005 p. 20). The Netherlands was struggling with far-reaching economic backlash as a result of emission control. It needed time to find stability and accommodate needs of the business sector. From the year of 2004, the Dutch judiciary started impeding infrastructure plans as a result of non-compliance with the ambient air quality standards. Following these high profile court cases, the Netherlands was obliged to significantly step up its efforts. At the time, the secretary of state Pieter Van Geel attempted to persuade other member states, that more time was necessary to comply with the new provisions (Arnoldussen, 2019 p. 215). The European lobby undertaken by the Netherlands is explained in detail in his letter to Parliament (Tweede Kamer der Staten-Generaal, 2006). The country lobbied against the proposed limit values since 2005, when the proposal of the AAQD was first published. The Dutch goal was first and foremost to obtain some extra time for member states to comply with the directive's requirements. The Netherlands allied with other countries including Germany, Hungary, Poland and the Baltic States to form a blocking minority. Eventually, the Netherlands voted against the proposal of EC on the new air quality standards in the Council of Ministers

together with Poland, which was an unprecedented move in such a consensual tradition of the Council, where negative individual votes rarely happen (Finke, 2017 p. 339). In the European Parliament, the country managed to close more desired alliances. Dutch experts and policy makers together with Members of the European Parliament from Germany were quite influential, as they prepared a number of reports to undermine the AAQD proposal. For example, one of them argued that the baseline assumptions in the models were incorrect, which supported the call for postponements (Jimmink, et al., 2004 p. 33). Ultimately, even though the minimum standard values were maintained, certain exceptions for particulate matter were added and three and five years delays were permitted. Furthermore, these deadlines could be extended upon presentation of a comprehensive national program. Thus, member states could pro-long the risk of infringement procedures many years down the road (Boeve, et al., 2013). The Netherlands, therefore, achieved significant success by obtaining advanced concessions from the EU, not only for itself but also for the other member states. During the transposition of the AAQD into national legislation, no presence of any other veto players, which would obstruct the process, has been identified.

4.2.5 Timeliness

Transposition performance was examined, identifying to what extent this complies in terms of timeliness with the requirements and deadlines provided by the AAQD. The Environmental Management Act (*Wet milieubeheer*), which legally transposes the AAQD, was submitted to the House of Representatives (*Eerste Kamer*) on 19 February, 2009 and on 10 March of the same year to the Senate (*Tweede Kamer*). Voting in both houses was a simple formality and the bill was published on 29 March, and eventually came into force on 9 July 2009, without any delays (Eerste Kamer, 2008). The Directive, which entered into force in May 2008, sets dates for the attainment of limit values. However, it also offers the possibility of postponement of the compliance with the given limit values, so called derogation, where limit values might remain above the limit, to which the Dutch have largely contributed by their active participation and lobbying during the negotiation phase with the EU. The Netherlands knew from the beginning that it would certainly be unable to meet the minimum standards for limit values for particulate matter and for nitrogen dioxide of the AAQD before the deadline and made use of the possibility written in Article 22 to postpone the due date (European Parliament, Council of the European Union, 2008). The member state must demonstrate that the limit values will be met after the deferral period. For particulate matter a derogation was possible until 2011; for nitrogen dioxide a derogation until 2015 was

possible (Compendium voor de Leefomgeving, 2012). Already in July 2008, the country had submitted a request to the EU asking for a postponement. In 2009, the European Commission granted a derogation for both particulate matter and nitrogen dioxide, based on the National Cooperation Programme Air Quality (*Nationaal Samenwerkingsprogramma Luchtkwaliteit*), which should have made sure that the Netherlands would comply with the norms at a later date (Compendium voor de Leefomgeving, 2012). This Cooperation Programme presents all measures that the government, municipalities and districts have completed as well as those that have been planned to be done in order to improve the ambient air quality within the time limits (Rijkswaterstaat). The later due dates of 2011 and 2015 respectively appeared to be sufficient as the country managed to comply with the set limits. To conclude, there were no delays during the legal transposition phase as the Netherlands formally adopted the *Wet milieubeheer* and following the derogation, it was able to conform to the new deadlines.

4.2.6 Summary of findings

The implementation of the AAQD in the Netherlands suggests, that the country did not experience any significant issues during the implementation stage of the AAQD, and no transposition delays were realised. This ease of implementation can be partially attributed to the country lobbying for changes during the making of the directive. The country made use of the option of derogation in the Directive and followed the postponed deadlines. For simplicity, the findings have been summarised into the Table 5. Having looked at the implementation, the institutional fit has been assessed as high, the policy fit has been high as well, and the presence of veto players has not been confirmed. Veto players have only been identified during the negotiations phase with the EU, while the actual transposition and implementation did not see any veto power to intervene. Following the AAQD analysis, the hypotheses have been confirmed as overall, a link can be established between the institutional and policy misfit and the presence of veto players and the perceived difficulty of implementation of the directive.

Table 4 AAQD findings

Directive	**Institutional fit**	**Policy fit**	**Veto players**	**Implementation**
Air	High	High	No	No difficulties

4.3 Biodiversity - Directive 2009/147/EC on the Conservation of Wild Birds

The following section analyses implementation of the Directive 2009/147/EC on the Conservation of Wild Birds, commonly referred to as the Birds Directive. For the purposes of this analysis, the Directive 2009/147/EC is considered separate from its previous version - the Directive 79/409/EEC, to match the comparative time frame of this thesis. To start with, the Birds Directive's background and content is reviewed, followed by the regulatory style of the directive which is compared to tradition regulatory structures within the policy to assess institutional fit. Subsequently, underlying differences between the domestic policy setting and the directive are examined to evaluate the policy fit. Thereafter, the presence of veto players during the implementation is examined, as well as the proper timeliness of the implementation. Eventually, the final part contains a summary overview and answers to hypotheses.

4.3.1 Background and content

More than one third of wild birds species from the total of around 500 living in Europe, are currently not in a good conservation status. The Birds Directive, formally known as Council Directive 2009/147/EC on the conservation of wild birds, seeks to protect all of the wild bird species naturally occurring within the territory of the European Union. Since these birds are often migratory, protection can only be ensured if states cooperate across borders. Urbanisation, intensive agriculture, forestry and fisheries have fragmented their habitats and have reduced their food sources. Degradation and the loss of habitat have been the most serious threats to the conservation of wild birds. Even though unsustainable hunting and trapping practices may have largely contributed to the idea for the Directive, the real catalysator was the agricultural and regional development and their detrimental effects on habitats, which strengthened the need for EU-wide action (Directorat-General for Environment, 2004 pp. 7-8). In April 1979, the nine then member states adopted the Directive 79/409/EEC on birds conservation, which is one of the oldest pieces of environmental legislation in the EU, and it also became its major keystone. The original Directive from 1979 turned out to be rather ambiguous after it had gone through several modifications. Therefore, it was replaced by the Birds Directive in 2009. Essentially, Directive 2009/147/EC is a codification of the Directive 79/409/EEC, where legal texts, which were amended several times have been replaced by a consolidated text. Codification does not allow for substantive changes to the relevant legal texts to be applied (Noordzeeloket, 2020 p. 153). The Birds Directive emphasises the protection of habitats for wild bird species, it establishes a network

of Special Protection Areas (SPAs), which are the best suited land areas for these species. The SPAs are also included in the Natura 2000 ecological network, which was set up under the Habitats Directive 92/43/EEC (Directorate-General for Environment, 2019 p. 6). The Birds directive specifically places obligation on the member states to take all measures necessary in order to maintain the birds population, which particularly corresponds to their scientific, ecological and cultural needs. Member states are also required to consider economic and recreational needs (such as recreational hunting). The Birds directive initiates two types of protection. The first set of measures deals with habitat conservation, while the second type deals with the protection of the species themselves, introducing ban on deliberate disturbance, killing and capture or trade with wild birds within the borders of the EU. The Habitats directive and the Birds directive form the foundation of EU's biodiversity policy today and complement each other, as the protection measures stated above are mirrored in the Habitats Directive, which protects another 1500 species other than birds as well as habitat types. The implementation of the Birds and Habitat Directives in the Netherlands significantly contributed to increased attention in nature conservation (European Parliament, Council of the European Union, 2009). The purpose of the Birds Directive is long-term conservation and protection of wild bird species, safeguarding biological diversity. This is done through the designation of Natura 2000 areas and the protection of species. Member States have a result obligation to bring the species to a favourable conservation status (Broekmeyer, et al., 2016 p. 9).

In the Netherlands, the obligations stemming from the Birds directive have been incorporated into the Nature Conservation Act, *Wet Natuurbescherming,* on 1 January 2017. Formerly, the designation of protected areas in the Netherlands was incorporated into the Nature Conservation Act - *Natuurbeschermingswet* 1998. The protection of specific species in the Netherlands was incorporated in the Flora and Fauna Act. These laws, together with the Forest Act, have been replaced by the Nature Conservation Act 2017 ('Vogel- en Habitatrichtlijn' 2020)

4.3.2 Institutional fit

To assess the institutional fit of the Birds directive, the regulatory style and regulatory structures of the Birds directive is considered in relation to Dutch traditional regulatory style and regulatory structures. Based on the classification of Knill et al. (1998; 2002), the Birds directive is a mediating type of a directive, allowing for a rather large degree of self-

regulation. It allows for procedural measures and high flexibility. The Directive allows to establish a consultation process with public which would be in accordance with their own administrative rules (MEMO, 2006). An important point to highlight is, that unlike the WFD and AAQD, the Birds directive does not set a binding deadline by which the goals must be achieved (European Parliament, Council of the European Union, 2009). The Birds directive is of a rather general nature, leaving enough room for the Netherlands to apply the most suitable methods to implement the directive while realising the necessary goal of biodiversity conservation (Verschuuren, 2010 p. 17). Therefore, the directive to a great extent allows the Netherlands to adjust to its regulatory arrangements. The Directive will have fully achieved its goals when all of the essential biodiversity has been restored to an adequate status, which roughly corresponds to the year of 2050. Thus, the exact speed of achieving these goals depends to a large extent on how thoroughly the directive is implemented as well as other policies (Mazza, 2015 p. 13). The directive allows for entrustment of tasks to decentralised local authorities such as provinces, municipalities and water boards are responsible in addition to the central government for implementation of the Birds directive. The 12 Dutch provinces work together in the Interprovincial Consultation (IPO). The IPO works on advocacy and consults with the various authorities and social organisations. However, the member state remains responsible to the EU for correct implementation. Numerous supervisory powers have remained necessary in the relationship between central and local government, to ensure effective implementation of the directives (de Boer, et al., 2010 p. 39).

Institutional compatibility of the Birds directive can be rationalised by the fact, that the existing regulatory arrangements in the Netherlands were well fitted with the European requirements. Therefore, there was a low pressure for further domestic adjustment (Ibid, p. 39-40). Since the Birds directive in its different forms had already existed since 1979, the Dutch eventually established regulatory arrangements, which were in accordance with the EU requirements. Thus, for the codified version of the Birds directive of 2009, successful compliance was achievable without significant legal or practical adjustments (Directorat-General for Environment, 2004 p. 8). There was no domestic persistence, which could emerge from the fact that EU's requirements would clash with fundamental patterns of national administrative traditions, being deeply institutionally embedded. The institutional compatibility of the European and Dutch arrangements allowed for a smooth transition of adjustments.

4.3.3 Policy fit

When the Birds Directive was adopted in 1979, it was born out of recognition of national efforts to safeguard migratory birds, whose protection would be generally ineffective, unless these efforts were coordinated with protection in other parts of the species' range (Beunen, 2006 pp. 605-606). The Birds Directive demands that the member states take suitable actions in order to guarantee that the quality of habitats, where the wild birds naturally occur, does not deteriorate and further, that there are no distressing elements for the species for which the site has been designated. Should a new building project in the near proximity of a SPA be initiated, it will be authorised by the competent authority only after it has been assured that the area will not be affected. The Directive demanded Member States to adapt - before May 1981 – their national and respective regional legislation in a number of strategic aspects. The Birds Directive required that national laws were properly applied in practice, in order to maintain the birds populations (Directorat-General for Environment, 2004 pp. 7-8). Assistance is provided by the EU, on the way of implementation of the rules and provisions given by the Directive. While this guidance is not legally binding, it offers specific measures and recommendations for the rules to be in line with the obligations stemming from the Birds directive (Papoulias, 2016).

Over the years, much progress has been made in terms of transposition and implementation. The Netherlands was one of five Member states, where a court ruling had to intervene for failing to fully and adequately transpose the Directive (Directorat-General for Environment, 2004 pp. 7-8). There was no legislation on wild birds species protection in place in the Netherlands prior to the introduction of the Directive in 1979. Therefore, no direct legal clash could have occurred with existing legislation. At the time, the main challenge was the socio-economic effects the Birds Directive could have had, such as being an obstacle to a road connection or project building (Goedhart, 1998 p. 209). A Court judgment of 13 October 1987 passed the Dutch Government a formal notice, that it should submit, within two months, its observations on the subject of the infringement of prescribed Articles. The Netherlands, however, failed to transpose the Directive and did not properly inform the Commission on its progress. In this case, the Court had to rule for the second time because the country had failed to comply with the previous judgments (European Court of Justice, 1992 p. 549).

Despite this initial apparent lack of adequate transposition in the Netherlands, recent years have seen no major overhauls of national legislation (European Union, 2015 p. 63). The Dutch nature and birds conservation laws nearly mirror the European legislation (Beunen, 2006 p. 11). While gradual changes have been made to the Directive, these were however, predominantly related to secondary legislation regarding particular conditions for hunting, impact evaluation and the maintenance of specific habitat areas, which were further accommodated by the government (Directorate-General for Environment, 2019). The 2009 amendments and the introduction of the 'new' Birds directive, are predominantly a result of the enlargement of the EU (Environwatch EU, 2009). The majority of changes concerns the annexes of the Directive. Primarily, new typical and endangered species and habitats in the new member states have been included into the annexes with a limited number of geographic exceptions granted (European Parliament, Council of the European Union, 2009). The Netherlands was not faced with any new significant necessary adjustments stemming from these changes nor the introduction of the new Birds directive caused any policy misfit. Thus, it can be concluded, that the policy fit was high.

4.3.4 Veto players

While in the past, the Netherlands struggled with implementation of the 1979 Directive, causing delays and leading to court procedures (European Court of Justice, 1992 p. 549), the situation has become relatively more stable over the last twenty years. As previously mentioned, the 2009 version of the Birds directive was a codification of the previous arrangements, from which no significant changes emerged for the Netherlands as the majority of them related to the new member countries (Möckel, 2014 p. 392). By not posing any substantial challenge, opposition did not have the need to voice its disagreements. No interest parties have been involved and even though the bill needed the formal approval of both chambers, there were no issues. As no deadline had been established by the Directive for the transposition, no delays could have occurred. Followingly, the respective changes have been implemented into the Nature Conservation Act 2017 ('Vogel- en Habitatrichtlijn' 2020). In this case, non-governmental organisations mainly contributed to the provision of information and to putting problems in policy development and implementation on the agenda in order to influence the practical implementation process (de Boer, et al., 2010 p. 40). Every now and then, the Directive raises problems in terms of practical implementation as among others, it requires, that new building projects in near vicinity of the SPAs are carefully considered. Several times, the implementation of the Birds led to delaying of planning processes and

court clashes between interest groups and Dutch courts. Convincing arguments are needed to allow such project plans in these areas and in which case the Netherlands must inform the EU (Beunen, 2006 p. 2). However, if only the Birds directive 2009 is considered, it can be concluded that no veto players were present who would obstruct the process and cause delays in transposition or implementation.

4.3.5 Timeliness

Transposition performance was examined, identifying to what extent this complies in terms of timeliness with the requirements and deadlines provided by the Birds directive. Initially, The Birds directive 1979 caused serious struggles with transposition and implementation of the regulatory framework. As a matter of fact, it is even difficult to pinpoint the exact date of transposition completion, as the Directive requires adoption of a variety of secondary and tertiary legislation on top of the primary legislative acts. This side legislation was adopted over a much longer period followed by several amendments (European Union, 2015). The reported delay, does not reflect the time until complete transposition, but rather the indispensable integration of the EU law into domestic legislation. No resolute transposition deadline was assigned by the 2009 Directive (European Parliament, Council of the European Union, 2009). The newest amendments were made in 2019 with Regulation (EU) 2019/1010 , which seeks to align reporting obligations in the field of environmental legislation among the member states. It also requires the member states to submit a report every six years to the European Commission on the application of the measures under Birds directive (Publication Office, 2020). The Netherlands managed to deliver the report in a timely manner (EEA, 2021).

4.3.6 Summary of findings

Based on the analysis of the Birds directive of 2009, it is apparent that the Netherlands did not experience any significant issues, as this was a codified version of the previous Birds directive. There were neither problems with transposition, as there was no transposition deadline given by the ‘new’ directive. The Directive also does not set a binding deadline by which its general goals must be achieved. No difficulties of implementation occurred following the 2009 Directive, but this is justifiable by the fact, that in the Netherlands, it had been implemented decades ago and the Dutch legal system in the field of biodiversity had already adjusted. For that reason, the institutional fit has been assessed as high, the policy fit

has been high as well, and the presence of veto players, which would in any way obstruct the new legislation has not been confirmed. For clarity, the findings have been summarised into the Table 5. However, our hypotheses have remained questionable, because on one hand, the results confirm the hypotheses, i.e. implementation of an environmental directive is effective, if the stated conditions are valid. However, perhaps the results should not be directly compared to those of the WFD and AAQD, and rather be considered separate as the implementation process in this case cannot be seen as complete and innovative.

Table 5 Birds directive findings

Directive	**Institutional fit**	**Policy fit**	**Veto players**	**Implementation**
Biodiversity	High	High	No	No difficulties

4.4 Explaining Implementation Success and Failure

Environmental policy is a wide field offering an interesting perspective and there are diverse types of examples within its subfields. As the analysis of the three environmental directives suggests, a great variation in implementation can be observed. While some directives cause no obstacles and the implementation is rather smooth, other directives are substantially more difficult to implement and such process can get lengthy and complicated. Several options on how to get around this phenomenon have been possible. This thesis has identified three main factors to explain implementation success or failure. These have included institutional fit, policy fit and the presence or absence of veto players. Table 6 demonstrates the summary of findings for the WFD, AAQD and Birds directive. Each directive has revealed specific results, which indicates that no implementation is identical. Yet, based on the findings, certain patterns can be detected. Looking back at our hypotheses, it could be confirmed, that if there is no major misfit between the directive and domestic legal and institutional system, and if there are no veto players, the implementation is likely to be more effective. However, regarding the ease of implementation, other factors could be by all means identified, which the scope of this thesis was unable to cover. If there appear implementation problems during the implementation, it is then more difficult to address the real reason behind the complications, as it often can be a rather entangled collection of sources of disputes.

Table 6 Summary of findings for WFD, AAQD and Birds directive

Directive	**Institutional fit**	**Policy fit**	**Veto players**	**Implementation**
Water	Medium	Low	Yes	Difficult
Air	High	High	No	No difficulties
Biodiversity	High	High	No	No difficulties

Conclusion

To conclude, this master thesis sought to primarily answer the main research question: *How has the Dutch environmental policy been affected by the European Union over the past twenty years?* It has done so by analysing effectiveness of the implementation process of three environmental directives in the country. More specifically, by applying the concept of Europeanisation, and the theory of goodness of fit and veto players.

In the Netherlands, the consequences of EU involvement within the environmental field are very apparent. Absolute majority of European legislation is superior to Dutch domestic legislation. As the study suggests, most of national legislation today has been derived from the EU and it has to conform to the Community. European influence is also over the years remarkably increasing throughout the whole territory. Following the trend direction, it can be expected that this 'Europeanisation' will continue in a similar manner. This study on implementation of three environmental directives has provided valuable insights about the effects of the European Union on the environmental protection in the Netherlands. The country is in general accustomed to rather willingly implement community legislation in a timely and proper manner. Nevertheless, from time to time, it also has to face cases, when implementation happen to be problematic and less effective than perhaps initially anticipated.

From the beginning of the very origins of environmental legislation, the Netherlands has walked a long way. The country has always been involved in environmental protection, more than some other countries, primarily due to its specific nature of managing water and land. As a result, it was also rather active in establishing the more complex European legislation. The Dutch environmental legislation has over the last twenty years accommodated to the European system. But the country has also played a significant role in European policy making. By engaging in the process-making at the EU level, it has been able to reduce to some extent the discrepancies between the domestic arrangements and those required by the EU. As seen on the cases of WFD and AAQD, the Netherlands was directly engaged with the EU during the negotiations phase of the directives, which at least partially led to their approval and diminished clashes which could have been even greater. This was not the case of the Birds directive of 2009 simply because the codification did not pose any obstacles and brought changes predominantly for the new member states. Therefore, the Netherlands did not categorically need to be involved in the process. Within the fields of air and biodiversity,

much legislation had been established prior to the beginning of the millennium. The Birds directive and to some extent the AAQD, introduced in 2009 and 2008 respectively, did not bring much changes in terms of structure and administration of already existing policies. On the other hand, the WFD from 2000 was rather different in this sense as it was a completely new type of legislation piece. By this time, all of the discussed environmental fields – water, air and biodiversity have established structured legislation in the member state.

Based on scholarly literature, several factors have been selected as the variables which could account for the differences in implementation performance of European Directives. Three hypotheses have been proposed to describe the process mechanism of directive implementation. The research implies, that for the first directive, i.e. the WFD, the institutional fit was not resolutely in accordance with the hypothesis . However, the policy fit suggests, that the specific content of the WFD and its misfit with existing policies in the water policy area in the Netherlands, was one of the key explanations for implementation problems. Presence of veto players during the legislative process was then decisive for delays. In this case, the hypotheses have been confirmed for policy fit and the presence of veto players, while institutional fit remains disputable. Following the second directive - the AAQD, which did not demonstrate any particular implementation problems, the hypotheses have been confirmed as overall, a link could be established between the institutional and policy misfit and the presence of veto players and the perceived effectiveness of implementation of the directive. For the third directive – the Birds directive, hypotheses have remained disputed, because while, the results show support for their confirmation, that is the implementation of an environmental directive is effective, if the observed conditions have been met. Nonetheless, the direct comparison of results with the other two directives perhaps does not offer enough veracity.

Limitations of this study must be taken into consideration. Comparing a codification of the Birds directive with introduction of completely new directives such as the WFD or to some extent the AAQD, which summarises and updates previous air directives, might pose a challenge to comparability of the data. However, the findings still allow for assessment of our hypotheses. These can be logically concluded, as a link can be established between the institutional and policy misfit and the presence of veto players and the perceived difficulty of implementation of the directive. In the real world, hybrid mechanisms are more often represented, with other factors in role, which cannot be accounted for in a traditional research

of such nature. It is therefore, imperative to not take the implementation process of the directives as in a vacuum being determined only by policy fit, institutional fit or the presence or absence of veto players. While these factors have been accounted to play a role to some extent, it is essential not to limit them to those.

The scope of this thesis allowed us to rather deeply explore the implementation process of the three directives to shed light on how the EU affects the environmental policy in the Netherlands. To suggest an idea for future research, it would be interesting to compare, how the environmental field in the country further develops and whether implementation becomes smoother, as the EU policy and the Dutch policy continue to converge.

Summary

In the Netherlands, the consequences of EU involvement within the environmental field are very apparent. Absolute majority of European legislation is superior to Dutch domestic legislation. The Netherlands, considered one of the pioneering countries to establish environmental measures, has approximately 80% of its legislation in the environmental field derived from European legislation. Over the last years, the country has become generally accustomed to rather willingly implement community legislation in a timely and proper manner. This study on implementation of three environmental directives has provided valuable insights about the effects of the European Union on the environmental protection in the Netherlands. The implementation process of three environmental directives has been analysed concerning water, biodiversity and air, to understand this process. While it has been confirmed, that the implementation process of environmental directive in Netherlands is effective if there are no major adjustments necessary in the national setting, i.e. there is no policy or institutional misfit between domestic and European legislation, and no veto players impede the process. It is concluded that the EU has shaped the structure of the Dutch environmental policy, however, the ease of the implementation process of the selected directives is not only affected by the 'goodness of fit' or the presence veto players, but there are other factors affecting how smooth the process is.

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