

'Missing link' or 'link gone missing'? Agencies, Europeanisation and the politics of policy making¹

TED 5, Budapest 2-3rd February 2012

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INTRODUCTION

Implementation studies demonstrate how the implementation phase of the policy making process is far from a neutral and technical procedure. Rather the translation of policies into action is highly politicised, hence reflecting the politics of policy making. The implementation stage is complex in national policy issues but is further complicated in the implementation of EU policy since this takes place within a framework of multi-level governance and a broader array of actors and institutions. Arguably, such complexity provides a rationale for agencies to develop their role as policy advisers and dominant implementing agencies within the national administration. This paper explores the role of the Environmental Protection Agency (EPA) in Ireland and how its role has evolved in the politics of the policy process. The Agency was established in 1993 (with the addition of an Office of Environmental Enforcement in 2003) and it is responsible for a broad range of tasks in the areas of pollution control and sustainable development. It plays a vital role as a 'link in the chain' of successful implementation since it works downwards with local authorities through regulatory enforcement and capacity building, across the administration in assisting the Department of Environment, Community and Local Government, and upwards through its participation in networks of national regulatory agencies. Taking into account the EPA's role in EU environmental policy and the agency's (first) formal review in 2011, this paper explores the politics of policy making through the lens of Europeanisation and traditional implementation theory.

The discussion is organised in two main parts. The first outlines how the puzzle of implementation theory is informed by the concepts of multi-level governance and Europeanisation. The three step model by Risse, Cowles and Caporaso (2001) is introduced as a mechanism to explore Europeanisation and domestic structural change. The second part of the paper applies the model to the case of environmental governance, the implementation of EU environmental policy in Ireland with a particular focus on the role of the Environmental Protection Agency as a facilitating institution to bring about domestic change and improve implementation.

THEORETICAL QUESTIONS: IMPLEMENTATION AS EUROPEANISATION

No 'one best way' to conceptualise implementation

Implementation has long been regarded as the 'achilles' heel' or 'missing link' of the policy making process (Pressman and Wildavsky, 1973). This is poignant in the context of the European Union where numerous authors have referred to the notion of an EU 'implementation deficit' or 'implementation gap' (Haverland et al 2010; Mastenbroek, 2007; Knill, 2006; Tallberg, 2002; and Lampinen and Uusikylä, 1998) whereby the stated goals of a policy or piece of legislation do not translate into the desired outcomes. The trials and tribulations experienced by practitioners and observed in academic scholarship are reflected in the theoretical debates. The literature presents over thirty years of research, yielding numerous conceptual contributions and hundreds of studies endeavouring to explain how public policy decisions are translated into action (Hill and Hupe, 2009). Divergences in methodological standpoints, however, led to the demise in 'implementation' as a recognised field of study or sub-discipline, even though it remained a significant issue for practitioners. 'Implementation studies' enjoy periodic revivals and debatably have become re-conceptualised and studied in conjunction with several parallel, overlapping, and highly relevant conceptual approaches. These include public management (Lane, 2009), institutionalism (Cowles et al, 2001; Mastenbroek, 2005), networks and network management (O'Toole and Meier, 2010), regulatory styles (Knill, 1998),

¹ Draft paper.

Europeanisation research (Versluis et al, 2011; Falkner et al, 2005) and, 'suspicion among its proponents [that] it lives on in the new alias of governance' (Cairney, 2009: 355) wherein the literature on multi-level governance and the politics of policy making observes implementation across more than one administrative layer. Such approaches potentially expand and complement knowledge about translating policy into action even if, arguably, they divert attention away from implementation in the narrow sense. In considering the contemporary milieu of implementation settings it is evident, for example, that networked, collaborative (partnerships), and interorganisational implementation settings are 'clearly the rule rather than the exception' (O'Toole and Meier, 2010:324). Likewise, adequate internal management and hierarchy remain important criteria for both public organisations and the effective management of implementation (Hill and Lynn, 2005; Olsen, 2006). This would suggest that revivals of implementation prescriptions should take cognisance of both organisational factors (top down) and policy factors (bottom up).

An emergent focus of implementation studies is the translation of EU legislation into action. The EU is more institutionalised than an international organisation and is equipped with strong enforcement powers, including legal and financial penalties. A key question is how do traditional implementation approaches apply to the EU given it is *sui generis*? The fact that much implementation theory emanated from the federal system of the USA is not a coincidence since the diffusion of powers between different levels of government is a recipe for implementation challenges (Dimitrakopoulos and Richardson, 2001). However, classical implementation literature ('top-down') deals with the designation of a clear centre of authority which is difficult to translate to the 'multi-centred' EU system. The EU, its policy making process, the number of decision points, structure, and concerns about delegation and accountability, undoubtedly militate against securing the features of "perfect implementation" alluded to by Hood (1976) in early implementation studies. The term 'governance' as opposed to 'government' is more applicable to 'the art of governing in the EU' because of the absence of a hierarchical centre of political authority and the emphasis on collective problem solving (Laffan, 2002:85-89). The EU is also problematical since national governments are both agents of the European Commission and, by virtue of their membership of the European Council and Council of Ministers, simultaneously its principals (Bergman, 2000: 416).

However, these challenges make the EU system an interesting research laboratory for studying implementation or the 'politics of policy making'. EU implementation studies have also been motivated by conceptual developments in multi-level governance, the significance of intergovernmental relations, the phenomenon of Europeanisation and advances in institutional theories (Sverdrup, 2007:198; Knill and Lenschow, 2000). EU implementation studies are therefore conditioned by the absence of a specific theory to explain implementation in the EU whereby the Europeanisation school comes closest to emulating a specifically "European approach" to studying implementation (Versluis et al, 2011; Knill, 2006). Hence, the investigation of translating EU policies into action leads to further methodological questions in implementation research. One of the questions arising in traditional implementation research is where does policy formulation end and implementation begin? Goggin et al (1990) comment (with reference to the United States) that the intervening levels in a political administrative system have legitimate claim to engage in policy formulation and speak of federal 'messages' rather than federal policies. Hill and Hupe (2009: 144) argue this is similar in EU implementation policies since what is seen as policy implementation across administrative layers is in fact policy formation given there are distinct processes of reformulations.

They argue that:

"while some policies are formed and implemented within one domain of judicial authority (an American state using an agency for implementation) , in other policy processes a variety of political administrative layers can be found, on several of which the (co-) formation of the policy involved takes place. Thus one could, alternatively, introduce the concept of 'multi-layered policy co-formation' here." (ibid)

However, this view does not appear to subscribe to (or specifically acknowledge) the fact that member states have previously participated in the policy making process through their engagement within the EU institutions ('uploading'). But what it does illustrate is their difficulties in 'downloading' the outcomes of this process. Rather than strictly (co)-formation the changes and implementation challenges arising from EU related decisions can be attributed to the phenomenon of

'Europeanisation' as a top-down process within a system of multi-level governance (which stimulates bottom up features). The challenges arising from implementation in the member states demonstrates the realities of how the EU as a political system actually functions.

What may also be interpreted from the literature is that more studies on implementation are necessary to assist theoretical developments. Versluis (2007:50-51) comments that studies on the implementation of European legislation are numerous, yet narrow in perspective, since many of them focus predominantly on the legal aspects of implementation. Some considerable attention is paid to the transposition into domestic legislation, yet the practical implementation (or 'law in action') remains a 'black box' (Versluis, 2007; Mastenbroek, 2005). Thus there is relatively little insight into how regulators enforce European legislation and how the regulated comply with it. Further explanations of the role of agencies – both at EU and national levels – as an EU 'implementation related activity' (Versluis et al, 2011) could contribute.

Top-Down Europeanisation: the three-step model

Europeanisation is the term used to refer to the method by which studying interactions between the EU and its member states have shifted towards a focus on the policy process. EU implementation studies play an important role in our understanding of 'Europeanisation' (Sverdrup, 2007; Falkner et al, 2005; Knill and Lenschow, 2000). Implementation is an example of the broader phenomenon of Europeanisation since implementation refers to the processes through which European norms are transposed, adhered to and enforced at the domestic level (Sverdrup, 2007; Falkner et al, 2005). Implementation is also affected and conditioned by the various levels of government from supranational to local. Transposition takes place at the national level but practical application and enforcement is generally delegated to sub-national authorities and other executive (or regulatory) agencies outside the central government hierarchy. Due to their relative autonomy these agencies can be well placed to work 'double hatted' in the sense that they interact directly with the European Commission in enforcing EU law, while at the same time they perform traditional tasks as agents of national ministries (Martens 2005:1). But they are not exclusive actors in implementation.

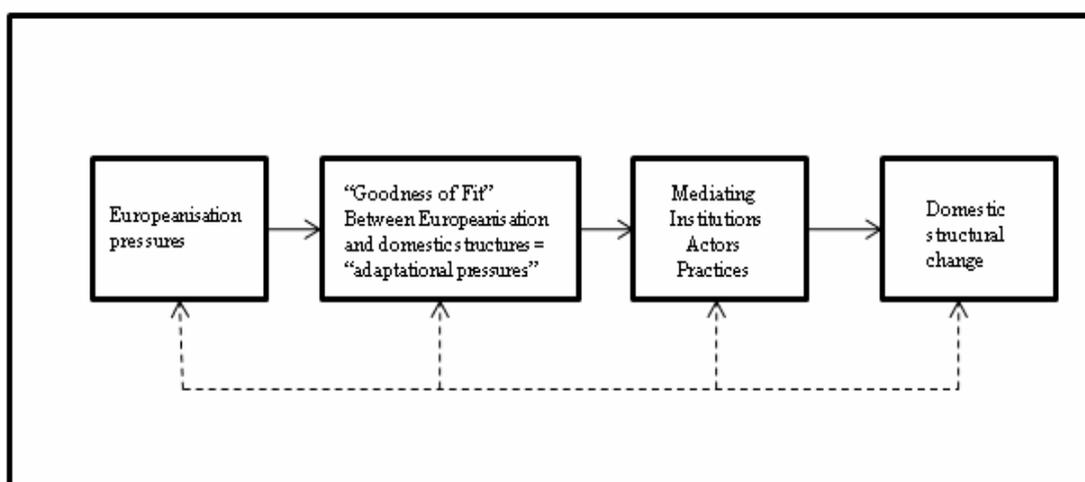
With the public administration turn in EU studies to focus on Europeanisation, questions related to processes and dynamics of implementation and institutional accounts became prominent. This is relevant for studying the implementation of EU policy since efforts to give effect to EU commitments can induce institutional change (as opposed to co-formation). Top-down perspectives of Europeanisation have informed a number of empirical studies by investigating the pressures exerted by the EU and the ways in which member states respond. Radaelli (2006: 59-60) comments that studies of the top-down approach focus on the chain of 'pressure from Europe on the member states and investigates intervening variables in order to gauge the reactions and change at the domestic level.' Central to these explanations in the literature is the 'goodness of fit' which utilises the frameworks of new institutionalism (Börzel and Risse, 2003; Knill and Lenschow, 1998). The goodness of fit thesis stresses that institutional change at the European level is likely to intersect with pre-existing institutions in the member states. It assumes that there is a clear European policy, which can be fully understood at the domestic level, and within which domestic actors are able to express particular preferences. The pressure of the EU on the member states varies according to the degree of misfit between the supranational policies and institutions and their national (and sub-national) counterparts (Börzel and Risse, 2003).

Knill and Lenschow (1998) were amongst the first to posit that domestic change is determined by the congruence or 'fit' between Europeanisation processes – understood as institutional norms, rules, regulations and procedures - and their domestic equivalents. For example, when an EU directive is in line with the current policy legacy of a country and with the organisation of interest groups, it is likely to be well implemented. When it envisions major policy shifts and the re-organisation of interest groups, it is more likely to suffer from poor implementation. In other words, the closer the 'fit' between European policy and the domestic policy the fewer adaptational pressures with less impact or change necessary to existing policy. Alternatively, 'misfits' occur in instances where EU policy requires significant pressures for change and where states may oppose such change. This may arise when public administrators, economic and social actors are not willing to bear the burden of implementation. As soon as the gap between existing arrangements and external requirements becomes too big

("misfit"), it is anticipated that implementation within the existing institutional framework will yield ineffective results. The incorporation of integrated policy measures requires comprehensive legal and administrative adaptation to preserve the consistency of the EU regulatory framework. Adaptation is often rendered even more difficult because administrators tend to be reluctant to give up traditional problem solving approaches and policy instruments which they have considered effective (Knill and Lenschow, 2000). Only where adaptational pressure is moderate, thereby requiring adaptation within the constraints of core traditions, will successful adaptation be likely. It is assumed that such change is mediated through a range of domestic factors including political elites (change agents or norm entrepreneurs), institutional veto points and organisational culture and learning.

Risse et al (2001:6) elaborate on this with a "three step model" of Europeanisation. The model recognises that misfit and adaptational pressure constitute a necessary but insufficient condition for change and that the nature and likelihood of domestic change can only be explained through domestic mediating factors.

Figure 1 Europeanisation and domestic structural change



Source: Risse, Cowles and Caporaso (2001:6)

In other words adaptational pressures must pass through and interact with facilitating and/or obstructive factors specific to the member state. Börzel and Risse (2003) clarify this further by identifying two alternative mechanisms or paths of domestic change that correspond to two institutional logics. The 'logic of consequentialism' follows a logic of redistribution and hypothesises that EU policy and institutional prerequisites may strengthen or weaken domestic actors by providing resources such as expertise or political legitimacy. According to this rational choice account the likelihood and nature of change will be determined by the differential empowerment of actors and conditioned by two structural mediating factors. The first is the existence of veto points within the political system which may inhibit the ability to reach agreement on the need for domestic adaptation. The second is supporting formal institutions which can facilitate change by empowering agents with material and ideational resources with which to exploit EU level opportunities for change (Börzel and Risse, 2003:64-65). Alternatively domestic change may occur as a consequence of changing norms, values and preferences of actors arising from greater interaction and processes of socialisation and learning triggered by EU membership. The 'logic of appropriateness' is underpinned by a sociological institutionalist perspective, the nature of which is affected by the influence of 'change agents' or norm entrepreneurs, such as advocacy coalitions or epistemic communities, that mobilise in order to persuade and facilitate the redefinition of interests and identities by domestic policy makers. In addition, cooperative informal institutions (norms, values, standard operating procedures) will shape adaptation depending on whether they are compatible with those prevailing within the EU (ibid: 68).

However, the idea that misfit constitutes a necessary condition for change has become contested in the literature (Versluis et al, 2011). The hypothesis that the goodness of fit/misfit with existing policies predicts the ease of implementation is not sufficiently supported by empirical research (Haverland, 2000; Knill and Lenschow, 1998) and has been criticised as the number of Europeanisation studies grows. It has also been described as too static an explanation (Mastenbroek, 2007). Although goodness of fit *by itself* is insufficient to explain implementation performance, the perspectives it represents remain useful to investigate in conjunction with features of traditional implementation theory (top down). Even a seemingly good legal fit may be accompanied by practical misfit if national legal provisions are not enforced. This places an emphasis on understanding institutional dynamics in more detail. The Europeanisation literature complements traditional implementation approaches inherent in 'top down' and 'bottom up' models. Top down Europeanisation can be reflected upon in conjunction with tracing the politics of policy making, adequate causal theory, the role of a dominant agency and the sequences or 'links in the chain' considered in traditional implementation studies.

CASE STUDY AND ANALYSIS

European Integration

Given its high degree of institutionalisation and regulatory density, environmental policy is a likely case for Europeanisation (Börzel, 2007). The three step model by Risse, Cowles and Caporaso (2001) provides a vehicle to explore the role of the EPA in the challenges arising from adaptational pressures experienced in pursuit of the implementation of EU environmental policy in Ireland. Domestic adjustment (to secure implementation) is only to be expected in cases where a 'misfit' exists between the European rules and the domestic situation, and by the availability of mediating factors to stimulate implementation. Mediating factors fall into the framework of new institutionalism and implementation theory can provide insights into the factors that influence implementation/non-implementation.

Step one of the model relates to European integration. The existence of a comprehensive environmental *acquis* developed since the 1970s. The multi-levelled politics of EU policy implementation is crucial to understanding the puzzle since EU policy decisions taken in Brussels are implemented in the member states and shaped by their practices (Versluis et al, 2011; Knill, 2006). According to Article 17 (TFEU) the European Commission is responsible for overseeing the application of Union law under the control of the European Court of Justice. The Commission is a small administration so this is highly challenging and the environmental *acquis* itself is representative of broad, ambitious and complex legislation. Problems with implementation have led to the impression of 'a Union that is not delivering' (Groenleer et al 2010) and evidence in the environmental policy sphere indicates that attention has shifted from the creation of new rules towards improving policy instruments and the way rules are implemented. The White Paper on European Governance [COM(2001)428 final] alludes to new administrative reform suggestions to overcome such challenges through setting up coordination units within central governments to improve enforcement and encouraging national courts to take a more active role in controlling the application of Community rules (Petter Graver, 2002). The establishment and use of independent regulatory agencies at EU level was also advocated in order to improve the way rules are applied across the Union in a harmonised fashion (Commission of the European Communities, 2001). This builds on a trend intensified during the 1990s whereby specific tasks are delegated to independent agencies (Majone, 2000). In line with the agencification trend under the rubric of NPM reforms they constitute a variety of organisations that perform functions of a governmental nature and which often exist outside the normal departmental framework of government (Lane, 2009). with the aspiration of improving the way rules are applied across the Union. The development of ex ante methods have also complemented agencies through initiatives in "capacity building" networks, training in EU law, benchmarking excellence and twinning arrangements as examples of new instruments to improve implementation effectiveness. This has been referred to as taking 'the form of a highly developed 'management-enforcement ladder' – a twining of cooperative and coercive measures that, step by step, improve states' capacity and incentives for compliance' (Tallberg, 2002:632). In the environmental sphere an association called the Implementation and Enforcement of Environmental Law (IMPEL) was established. IMPEL originated in 1993 as an informal network of European

regulators and authorities concerned about environmental implementation and gained credence over time. It provides a framework for policy makers, environmental inspectors and enforcement officers to exchange ideas, and promote the development of enforcement structures and best practices on the ground.

A significant part of the Commission's role in addressing persistent shortfalls in the transposition of directives into national law is systematically opening infringement proceedings against member states for failing to notify binding measures on time. In the sphere of practical implementation, however, it is claimed that the Commission is not comprehensively informed about the national variances that arise (Bailey, 2002; Versluis, 2007). This adds to the rationale for the delegation of tasks to agencies because member states do not always comply with their obligations with regard to implementation of EU law and the European Commission is not in the position to ensure the efficient and flexible implementation itself. (Groenleer et al 2010). Environmental policy is representative of an area whereby the implementation stage is highly unlikely to be an automatic process, since it involves the coordination, planning, resources and support of a range of actors in both the public and private spheres (Knill, 2006). . The Commission's enforcement work has also developed a strategic own-initiative aspect from the 1980s onwards, progressing into an interest in citizen complaints as a means of ascertaining how well environmental legislation is translated into practice (Cashman, 2010). But how does the dedicated environmental agency created at EU level – the European Environmental Agency (EEA) - align to prescriptions to improve implementation in practice? Evaluations and academic commentary indicate that while the agency was assigned limited autonomy, it has matured into an accepted position at the European level (Groenleer, 2009:214). This contrasts with criticism that the agency's inception (1989) and early years evolution (from 1993), likened the development of an agency "without teeth" (Bomberg and Peterson, 1999). In relation to environmental policy implementation it would appear that the agency has a modest role.

Overall, the EEA's remit is to undertake environmental measurement and verification which is quite removed from direct enforcement activities. The formal provision of reliable and comparative information at the European level is important in the context of policy making to protect the environment. However, a research capacity and the development of networking activities reflects the development of horizontal relationships with member states (Groenleer, 2009:219) as opposed to emulating the vertical relationship the Commission has with the member states in its actions to ensure that environmental legislation is effectively complied with. This indicates limitations in the delegation of activities from the Commission to the EEA. Its establishment, however, can be regarded as emulating the trend to support effective and efficient policy implementation, particularly in areas requiring technical and scientific expertise (Majone, 1997). This would suggest that European level agencification has distinguishing features in comparison to the 'agency fever' stimulated by NPM reforms and trends that witnessed a proliferation of implementation agencies with varying relationships with their parent departments in terms of autonomy and accountability (see Pollitt et al, 2001; Pollitt and Bouckaert, 2004). The politics of EU policy making in a system of multi-level governance also leads to a variance in agency creation, design and features – facilitative and restrictive. Recent academic commentary refers to two sets of restrictions in the effectiveness of EU agencies, namely the relationship between agencies and the member states and the other in respect to agencies relationships with the Commission (Groenleer et al 2010). In relation to the EEA there would appear to be a positive trajectory in these relationships. In respect to implementation the ensconced horizontal networking between national agencies and the EEA provide opportunities to assist the Commission with its vertical relationships concentrating on securing compliance of EU legislation in the member states. This reflects the potential development of the 'double hatted' nature of national agencies referred to by Martens (2005). They are likely 'local agents' given their relative independence and this makes them well placed to participate in multi-levelled policy making structures.

Adaptational Pressures

Step two of the model refers to fit/misfit and the arising adaptational pressures. What is clear in the Irish case is that the environmental *acquis* has almost wholly shaped Irish environmental policy and that Ireland is a 'downloader' of this policy rather than taking a pro-active stand as an 'uploader'

(Flynn, 2007; Connaughton, 2010). Hence, European influence is significant for any domestic adjustment in the environmental field.

Firstly, some background on the Environmental Protection Agency (EPA) itself and its place in the institutional framework. The EPA was established in 1993 as the primary environmental regulatory body in Ireland. This was significant as it heralded the adoption of a new approach to the regulation of industry and championing the conservation of the natural environment. A key motivation for its creation and supporters was that the agency should be independent. This goal was a significant departure in the experience of the Irish administration and not based on extensive prior experience (Shipan, 2003). A dominant feature of its operation was the introduction and management of an Integrated Pollution Prevention Control (IPPC) licensing system (in anticipation of a forthcoming EU directive) for emissions. This was significant as it amalgamated all environmental impacts into a single license and prompted a major change to environmental regulation. This shifted an onus of responsibility onto the commercial entity to defend its technology and practises. In 2003 an Office of Environmental Enforcement (OEE) was created as a separate office within the EPA with a further remit to monitor the performance of local authorities.

The entrenchment of agencies, such as the EPA, as part of the architecture of Irish public administration appears to have developed in an ad hoc fashion. Agency establishment is influenced by a combination of drivers, including new public management, regulatory reform and Europeanisation. Within the remit of the central level of administration, the EPA joins a list of commercial and non-commercial state agencies which are regarded as instruments for development, regulation and delegated policy tasks.² The overall system of government is unitary and highly centralised, modelled on the Westminster tradition and characterised by a strong central executive with subordinate local authorities answerable to and financially dependent on the centre. Although established for practical reasons and regulatory governance, the non-commercial agency sector is regarded as having emerged unsystematically and led to another tier of administrative bodies in addition to government departments and local authorities (Hardiman and MacCárthaigh, 2010; Hardiman and Scott, 2010) joining what was long coined an “administrative jungle” (Chubb, 1992). The fact that so many agencies have responsibility to advise and contribute to policy, in addition to the usual practice of being delegated service delivery or regulatory functions, differs from the practice of other countries (Verhoest et al, 2007). Hence, while central control has remained a principal feature of the public administration it is not reflected in a streamlined institutional framework (Hardiman and MacCárthaigh, 2010). In the realm of environmental policy, the EPA is the dominant agency and plays an important role both upwards through its interactions with the Department of Environment and downwards in its regulatory oversight of local authorities. In several ways it falls into the thrust of the comment by Verhoest et al 2007 in that it can be interpreted to have both advisory and regulatory functions. The agency plays a crucial role in attempts to design a satisfactory implementation structure for the process of translating EU environmental legislation into action in Ireland. It is argued, however, that while the agency has consolidated its role in environmental governance and stimulated improvements in Ireland’s record of implementing EU environmental legislation, it has been frustrated by the structural shortcomings inherent in the pre-existing institutional framework. The structure for translating directives into action is designed by the central government Department of Environment, Community and Local Government, who perceives itself as a policy maker and not with the actual responsibility for implementation. Rather, implementation is a focal responsibility of the thirty-four primary local authorities.

Börzel and Risse (2003: 58) assert that adaptational pressure need not result in a strong Europe-conforming response but that such pressure is a necessary but not a sufficient condition for domestic change. In the environmental case, EU legislation was left without being transposed or else “implemented” via instruments that were regarded as inappropriate by the European Commission³ This led to a backlog and poor compliance in areas such as EIA, water, habitats and waste

² Examples of commercial SSBs include the ESB (electricity supply) and Bord Gais (gas). Non-commercial SSBs include Teagasc (agricultural advice and research), Forfás (national policy and advisory board for enterprise, trade, science, technology and innovation), Fás (training), Bord Fáilte (tourism).

³ Departmental circulars.

management. The steady output of EU directives and programmes during the 1980s also played a part in creating a demand for an independent regulatory agency. At the core of many challenges was the failure to design a proper implementation structure for environmental legislation. Until the late 1980s the transposition of environmental legislation was generally interpreted as informing the relevant authorities of new administrative procedures resulting from EU policy developments via circulars and memos on an ad hoc basis. This method was used as 'gap filler' pending the introduction of formal legislation or as a means of avoiding the parliamentary draftsman in areas where the 'targets' of a particular directive were predominantly civil and public servants. It was regularly used in the environmental policy sphere to effect changes in practice at the local authority level and a possible explanation is that in most instances no pre-existing legislation existed. Following the Single European Act 1986 the Commission began to use Article 226 infringement proceedings more aggressively. The ECJ made it clear that any 'environmental directive containing mandatory requirements could not be implemented through "non binding" national measures, in particular by administrative provisions' (Krämer, 2006). What tended to replace this in the Irish case is a tendency to transpose the European directives almost word for word into Irish legislation (Connaughton, 2010:135) and the quality of legal transposition is generally overlooked (Flynn, 2007:140). Hence, a balance needs to be struck between the timeliness of transposition and effectiveness of the legislation transposed. Criticism, citizen complaints and notifications of infringement proceedings tended to be refuted by consecutive Irish ministers who pointed to relatively good transposition and ignored compliance issues. Simultaneously, environmental degradation began to accelerate in Ireland due to the increase in development from the 1990s and changes in consumption patterns.

Lateness and poor application has resulted in Ireland acquiring a poor record in the implementation of environmental directives. An illustration of this is the ECJ judgement against Ireland in 2005. In Case C-494/01 the ECJ referred to Ireland's failure to adhere to environmental laws and standards as 'general and persistent in nature'.⁴ On 26th April 2005 the ECJ gave judgment against Ireland on the failure to adhere to implementing several directives, in particular the waste framework directive. Some of this non-compliance went as far back as 1977. An investigation of complaints concerning unauthorised waste activities in Ireland in the period 1997 to 2001 finally led to these proceedings and it was argued that Ireland had tolerated illegal waste activity and poor environmental practices. The ECJ examined each complaint via EPA reports, newspaper articles and correspondence. Although 'the European Commission was satisfied with legislation - Waste Management Act 1996 - that had eventually been introduced, they proceeded on the basis of Ireland's substantive failure to comply with directives' (Collins, 2009). In other words an operational implementation failure was evident due to late transposition and a vacuum in domestic legislation for twenty years. The judgment in the *Commission v. Ireland* of 26 April 2005 demonstrates that it is primarily for the national authorities to conduct the necessary on-the-spot investigations and facilitate the Commission in ensuring that EU legislation is applied. This is an important role for the Environmental Protection Agency. Ireland's response was to attempt to address the fragmented nature of waste management and strive towards a more systematic and coordinated enforcement. In this the EPA has played key role. The dilemma is summed up in the comment from an official, '[Case] 494-01 occurred because there were no resources, no targets, no monitoring and the bulk of complaints coming from Ireland was more than all the other countries put together' (Private Interview).

Linked to these governance issues was the misfit and ambiguity inherent in the role of local authorities to take responsibility for implementing EU directives. There are too many local authorities and in practice policies and performance are variable. As the principal unit of local government the application of EU environmental rules is discharged at this level. A key adaptational pressure was the

⁴ The volumes in environmental cases have led to a new development in the procedure: the ECJ has accepted that the Commission can bring a case of a more general character, without having to establish each specific infringement. See Case C-494/01 *Commission v Ireland* [2005] ECR I-3331 para 27-39. In regard to fines and periodical payments, the first such penalty was in fact imposed in an environmental case, against Greece, concerning the dumping of waste in Crete. See Case C-45/91 *Commission v Greece* [1992] ECR I-2509. The follow up case was Case C-387/97 *Commission v Greece* [2000] ECR I-5047. The ECJ found that the failure to comply with the obligations resulting from the waste disposal directive could by the very nature of that obligation, endanger human health directly and harm the environment and must be regarded as particularly serious. According to Jacobs (2006: 201) the procedure for fines and penalty payments proved effective and there have been very few cases in which fines have been imposed.

established role of local authorities as agents of development in their given territory. This gave rise to a conflict of interest between the role of local authorities as local referees over sustainable planning and their wider agenda of promoting economic development (Shipan, 2003). In the scenario of 'jobs versus environment' local authorities were found to drop their environmental objections and henceforth lost their credibility as environmental regulators since they were both 'gamekeepers' and 'poachers'. The domestic approach focussed on minimal pollution control standards and the propensity to 'turn a blind eye'. Its regulatory framework was bureaucratic and unwieldy and had failed to regulate industry (Taylor, 2005:162). The institutions charged with environmental governance were not fit for purpose and local authorities themselves were polluters who were exempt from many of the controls they were responsible for enforcing. A practical problem was lack of awareness, inadequate resources and a dearth of expertise to deal with technical complexity. All of which dealt a blow to the credibility of local government to effectively discharge an environmental role.

The introduction of the EPA as a means to upgrade an ineffective institutional framework to manage policy emanating from Brussels does appear to be a principal driver for its establishment. The EPA has placed environmental data and monitoring in the public domain and it is directly linked to the EEA. Commentators have, however, recommended prudence in attributing too many domestic initiatives to EU influence, since the creation of the agency and shift to integrated permitting can also be attributed indigenous learning about policy developments in the UK (Taylor and Horan, 2001). It may be argued that the EPA reflects a 'domestication' of administrative options in a Europeanised policy area.

The Agency was established by legislation. The Environmental Protection Agency Act 1992 was enacted on 23rd April 1992 and the agency was formally established on 26 July 1993. The key functions of the agency are outlined in Section 52 of the Act: to promote and coordinate environmental research; promote environmentally sound practices; provide advice to the central government as well as the local authorities on environmental issues; and serve as the liaison to the European Environment Agency (Section 52(1) Environmental Protection Agency Act 1992 http://www.irishstatutebook.ie/1992_7.html). As noted above independence was critical for the advocates of the Agency and championed by the Minister of State, Mary Harney, who introduced the legislation which was supported by a range of political parties. "With such a wide range of functions and powers it is essential that the Agency...possess a strong and independent management" (). The Agency's autonomy is underpinned in the legislation by an executive board and support for an expert staff. It has sole and direct responsibility for licensing and it was clarified in the Oireachtas debates that it is an offence to lobby any member of the board or employee to influence it improperly (Seanad Éireann, Volume 127, 23 January, 1991; Environmental Protection Agency Bill, 1990: Second Stage(resumed)). Shipan (1993) contends that while the Act did not explicitly contain the word "independent" it did clearly intend that the EPA would be independent.

Mediating Factors

Step three of the model identifies the mediating factors that influence the impact of Europeanization and domestic adjustment. Börzel and Risse (2000) argue that some degree of misfit presents the member state with adaptational pressures and that where there are some facilitating factors, such as actors or institutions, responding to these adaptational pressures, Europeanisation is likely to occur. In this case the advent of the Agency to improve Ireland's implementation performance is in itself a facilitating institution. However, some of the criticism directed to the Agency's effectiveness may be explained by key mediating factors. These factors may influence the efforts to orient domestic adjustment through support or opposition to achieving effective compliance with EU environmental legislation. They also contribute to an explanation towards why and how the functional and technical advantages that should arise from the delegation of implementation tasks to agencies may be constrained in practice. The discussion considers organisational culture and differential empowerment of actors, political conflicts and elite learning.

The theory stresses that regulatory agencies in particular are referees that should be as free as is practicable of partisan political direction or conflicts of interest. Political and organisational culture is an important mediating factor for understanding what shapes how the Agency fulfils its remit in

preserving the environment and an oversight in EU environmental policy implementation. Political and organisational culture shapes the 'logic of appropriateness' that filters how actors can legitimately pursue their interests. Irish political culture denotes the strong centralisation of government institutions, weak local autonomy and a particular brokerage and policy style. Academic commentary also suggests that securing the desired implementation outcomes may be frustrated by the political motives of key actors in implementation (Dehousse, 2008; Pressman and Wildavsky, 1973). In respect to ascertaining the effectiveness of the EPA role in implementation, the opinion of a senior Commission official comes to mind:

There are so many things to get right. It is a rubik's cube issue where you move in one direction you risk creating undesirable consequences in another area. Implementation was designed by the Department who see themselves as policy makers but not with actual responsibility for what happens (Interview, Environment DG).

The quote above alludes to the evasion of responsibility and a reality that the EPA's role may be frustrated or misunderstood by other actors in implementation, fuelling the 'politics of blame' for poor environmental governance. The discussion below attempts to unpack mediating factors inherent within the Irish system which will condition domestic change and the EPA's governance role.

- **Political and organisational culture: centralisation the role of central government control**

Some commentators have pointed to the creation of the EPA as a mechanism through which politicians could take credit when results are positive and shift blame when negative results/scenarios arise (Shipan, 2003; Taylor, 2005; Flynn, 2007). It was also noted in the above discussion that the environment is not a high salience issue in Irish politics or policy priorities. However, it is increasingly an important function of the Department of Environment, Community and Local Government. Central to the operation of Irish government departments is the principle of ministerial responsibility. In the Irish case it is clear that the Department is responsible for policy. In terms of the Agency's regulatory independence the legislation creating it in 1992 does, however, contain qualifiers that could potentially diminish that aspect. Two features that may be emphasised are the dependency on the Minister for Environment in respect to budget and staffing increases and that the Act presents the government with the opportunity of dismissing any of its Directors (Shipan, 2003) It is the government that appoints the Director General, board of directors and advisory committee members of the EPA which tends to exclude rather than develop a distinctive role for the Oireachtas committee system.

Flynn (2007:42) in his study of the EPA's performance during the 1990s asserts that "the legislative framework is replete with ministerial discretion and opt out clauses that are features which sit comfortably within the Irish style of policy making." For example, the Agency is not assigned a prominent role in the planning system and there is no statutory obligation on the part of the EPA to request reports from local authorities (who are unlikely to announce their own shortcomings). In terms of independence a view offered in a private interview in 2009 was that the 'EPA leadership tends to reflect the mindset of the minister. [It was] never the intent but that has been the practice. At the moment it is proactive but what happens when that minister is not there' (Private Interview).⁵ An industry viewpoint was articulated as:

In fairness the EPA would be held in high regard. We see them as the natural home of the regulator. They know what is going on and they have good knowledge of the industry. But they are only implementing policy remember. It is not their fault. We often say to them 'you cannot do this because it affects a,b and c over here. They say 'that is not our role- we implement this policy as best we can.' It goes back to the Department; you must go back to the Department. (Private Interview)

For environmental directives there is no statutory requirement for the EPA to be consulted but there are informal arrangements that allow for effective input from the EPA on the development of legislation and advice provided on request to government departments (Connaughton, 2010). The Review of the EPA published in 2011 asserted that the EPA is not the sole organisation responsible for the protection of the environment in Ireland and that the transposition of EU directives remains largely with Government departments. It also acknowledged that effective environmental governance

⁵ The Minister at the time of interview in 2009 was John Gormley, Green Party.

must be coordinated and called for the establishment of a high level Environmental Governance Network for this purpose (DOEC&LG, 2011:13).

- **Political culture and learning: localism and brokerage**

In Ireland environmental issues continue to be a source of political conflict and contested logic at the local levels of governance. Key groups upon which support for environmental initiatives depend are political parties (and their representation at national and local level), business and the NGO sector. Regarding the first group, if a political party is in government then in accordance with a top-down implementation perspective they are entitled to defend/steer policy because they are democratically elected (Hogwood and Gunn, 1984). A difficulty in the Irish case is the parochial behaviour and motivations of locally elected representatives which is identified as the mediating factor of political culture. The “all politics is local” adage is very relevant to the Irish case where, arguably, the operation of the PR-STV electoral system in multi-seat constituencies provokes competition between politicians of the same political party in a local constituency. In comparison to other states it also puts significant pressure on national politicians, since if they fail to concentrate on the local constituency they may lose their seat (O’Toole and Dooney, 2009:91).⁶ This was referred to as the ‘mild schizophrenia of political leaders and representatives in Ireland’ by one local authority interviewee (Private Interview). The structure of the electoral system aids the possibility of disputes within political parties about the siting of infrastructure such as ‘super dumps’ or politicised issues like nature conservation and water. In this instance clearance points in the implementation process can be hampered by locally elected councillors acting as veto players.⁷ The Irish political system is not typically characterised by formal veto points since the authority of government with a majority in the Dáil (lower house) is strong. The nature of the Irish electoral system, however, promotes the mobilisation of partisan veto players and can even pit members of a political party against each other. Arguably, the socialisation of locally elected councillors in EU matters is also less developed than Ministers who run a department or TDs who participate in parliamentary committees. The dominant features of localism and brokerage in the political system, also influence whether they are less likely to accept the premise of the superior order of EU law within their own constituencies. To compound this, a deep rooted support for sustainable development remains too shallow to offset their mobilisation to oppose unpalatable planning decisions. The fact that the EPA does not have an explicit role in planning is seen as a deficiency by environmental lobby groups.

- **Differential empowerment of actors: industry and NGOs**

Europeanisation theory stresses “structural changes can lead to a redistribution of power capacities among the relevant actors in a political, social and economic system” (Risse et al, 2001: 11). The question arises did the arrival of the EPA disturb the distribution of power among domestic actors (industry, farmers, NGOs) and how has its effectiveness been shaped by them. Although not regarded as subject to partisan interference the Agency has been regarded as adopting a soft regulatory relationship with industry whereby “environmental standards [are] resisted by those well organised and connected” leading to a scenario where “pollution can be justified” (Taylor, 1998). “Negotiated compliance” is the term used to describe the engagement with the interest groups in the agricultural and business communities which have considerable clout in the domestic policy making process (Taylor, 2001). The inability of the Agency to counteract or pursue prosecution and enforce stricter environmental standards has frustrated environmentalists who are residual actors in the overall policy making process. In particular they have regarded the awarding of IPPC licenses as a “license to pollute” (NESC, 2010). Other commentary acknowledges the technical nature of the IPPC licensing system and suggests that some aspects of the EPA role may be misunderstood (Scannell, 2006: 2).

⁶ The assertion of whether the PR-STV multi-seat constituency system encourages localism is discussed in the Irish politics literature. Adshead and Tonge (2009: 111) note that Ireland’s STV method results in ‘a highly personalised and localised electoral competition, where issues of national policy often take second place (or may be considered equally important) to the issues of local concern’. The constituency role is a central feature of the Irish political system. Marsh et al (2008: 260) state that an analysis of voter surveys indicate that voters consistently attach more importance to choosing a TD who will look after the local needs of the constituency than to anything else. Whereas Chubb (1992) alludes to brokerage as deeply rooted in Irish experience and famously referred to public representatives ‘going about persecuting civil servants’ (1963; 1992) to access services (complaints or requests) for local constituents.

⁷ Tsebelis (1995) distinguishes between institutional veto players and partisan veto points. Institutional veto players are akin to veto points where there are constitutional and jurisdictional opportunities or capacity for particular actors to impede the achievement of a particular law or policy (Sabatier and Mazmanian, 1979: 491).

Domestic adjustment: Implementation as Europeanisation

This section of the paper attempts to assess any changes in the Irish record of implementing EU environmental policy and how the EPA may have contributed to them. The second step of the analytical framework adduced that adaptational pressures led to the development of the EPA in 1992 and the introduction of the OEE in 2003. These institutional initiatives largely arose due to the flow of EU legislation that was not adequately complied with and the lack of credibility attributed to local authorities in their role as regulators. However, has implementation improved? Has the Agency contributed to improving environmental governance? In the words of one European Commission official:

Ireland tends to make reforms to how it manages the environment only *in extremis*, i.e. because there is an ECJ case, and then it tends to do so in a way that minimally changes the status quo. Many problems stem from the fact that environmental duties are devolved to local authorities without clear and credible mechanisms to ensure effective performance (Irish legislation is written in such a way as to disconnect the DOELG/Minister from responsibility for how legislation is implemented in practice). (Private Interview)

Overall, it is evident that the adaptation of the Irish administrative system to give effect to EU environmental legislation has been ad hoc (Flynn, 2007; Connaughton, 2010) and it is predominantly the enforcement interventions of the European Commission that has prompted developments towards a more dependable governance structure for environmental policy (Cashman, 2010). The role of the EPA has not fundamentally disturbed the relationships between institutions and the local authorities remain principal actors. The Agency's performance is not without criticism but it has become embedded within the system as a 'facilitating formal institution' and through their expertise the staff have developed the capacity to become 'norm entrepreneurs' and 'boundary spanners' within the multi-level system of governance EU legislation is filtered through. The impact of the Agency to influence domestic change is discussed under reputation, effectiveness in enforcement and capacity building.

The argument that the EPA 'managed rather than conserved the environment' (Taylor and Murphy 2002: 91) was discussed under the differential empowerment of actors whereby Europeanisation can result in opportunities for particular groups due to a redistribution of power and resources. It is argued that the EPA has not disturbed the patterns of interest intermediation and asserts an independent role that is sometimes misunderstood due to the technical nature of the licensing system and the legislation that underpins the Agency's remit. The Agency has received both praise and criticism for its role and environmental conflicts are symptomatic of a wider challenge. This was acknowledged by the National Economic and Social Council (NESC) in a strategy report that noted 'progress on solving a number of important environmental problems in Ireland is blocked by tensions between social groups and sectors that, in turn, frequently induces an element of policy sclerosis' (NESC, 2005: 109). A solution is seen in nurturing this greater understanding of sustainable development with more effective domestic conflict resolution and decision making mechanisms (NESC, 2010). Better institutional repertoires and public commitment is all the more important in an era of straitened public finances.

Perceptions have also served to undermine the Agency's reputation since a number of its personnel have spent a portion of their careers lobbying for business or working in industry. This is true of two of the EPA's Director Generals. As Flynn (2007) asserts, there is no claim of improper conduct but the Agency tends to take a "reputational hit" in relation to its role as an independent regulator. The current Director is a former employee of Indaver which has been at the core of highly contested decisions to grant licenses for incineration. Critics argue that the Agency is a "front for Irish business" (Flynn, 2007) and is cautious to respond to environmental conflicts (Taylor, 2001). The expertise resident in the Agency is not questioned but rather that the established patterns of interest intermediation are not disturbed. Flynn (2007), in his assessment of Ireland's willingness to move from a development oriented trajectory to embrace sustainable development, stresses that only one of the twelve advisory committee members need be from an environmental organisation.

As noted above, one of the reasons for the establishment of the EPA and the OEE was the discredited performance of local authorities. This prompts consideration of whether implementation improved, whether change occurred and was this attributable to Europe. While the induction of the EPA may not be wholly attributable to Europe, it would appear that the Office of Environmental Enforcement (OEE) is. The ECJ case C-494/01 examined compliance with directives as far back as 1977. During the first half of the 1990s, post EPA establishment, the Commission focused on some critical weaknesses in terms of the application of formal environmental requirements in Ireland, in particular the exemption of local authority landfills from authorised permits and external control (Private Interview). These lapses were addressed through the introduction of EPA licensing in the Waste Management Act 1996. However, from the late 1990s the Commission noted that the EPA was introducing the licensing system very slowly (processing license applications over three and four year periods), de facto allowing sub-standard landfills to continue functioning (Private Interview). Where court action was taken against illegal operators, the penalties imposed were almost always very low compared to the potential illicit profits to be made. The European Commission also noted failure to enforce waste rules effectively for illegal waste disposal by private parties and this coincided with the privatisation of waste collection and waste infrastructure.

This example points to the continued dominance of the pre-existing institutional actors- local authorities - in environmental policy implementation. It also suggests that the EPA was not very effective in exercising its powers of sanction it had against local authorities. The Agency spent its first decade on the technicalities of IPPC licensing and only later oriented more overtly to an enforcement role. Ministers were also tardy in issuing policy directives in terms of what local governments should do in cases such as the uncovering of illegal dumps. In 2003 the failures of local authorities to execute their environmental duties combined with general difficulties in enforcing EU legislation prompted the establishment of the Office of Environmental Enforcement (OEE). One EPA official commented

‘There is a lack of understanding when it comes to technical EU environmental legislation. There is an imperative that there is someone like the agency that can come in or that the government can come in. I think they [local authorities] have been insulated for quite a number of years, no one can prosecute us and we can make decisions to suit our own budgets and whatever’ (Private Interview)

The Agency now takes approximately twenty prosecutions a year and has a special investigations unit which along with the Gardaí deals with evidence collection on indictment (Private Interview). It issues directions to local authorities and 600-700 notifications on non-compliance to industry facilities every year. The Agency undertakes a ‘carrot’ and ‘stick’ role in its relationship with the local authorities. In its oversight it engages in both capacity building work and criminal prosecutions and has resulted in a far more structured system for the enforcement element of implementation. In 2005, for the first time, a number of local authorities were prosecuted by the OEE. When asked whether the OEE goes far enough, a senior government official commented, ‘It has been a sea-change since the OEE was established and it has certainly moved things along. ...The OEE is perhaps the most significant development at that time’ (Private Interview).

The capacity building aspect of the EPA’s activities is reflective of Tallberg’s (2002: 632) reference to a ‘management–enforcement ladder’. The Office of Environmental Enforcement is central in providing direction to local authorities dealing with the EU regulatory framework. A training programme for local authority enforcement staff was introduced which aims to lead to greater confidence in taking prosecutions. The Environmental Enforcement Network is also coordinated by the EPA. It not only brings together the waste enforcement officers in local authorities but also other agencies with a role in enforcement, including the Garda Síochána and border officials. ‘The focus of this network is to achieve a higher and more consistent standard of enforcement across Ireland, ensuring that those who flout environmental laws are made to pay for their actions’ (Private Interview). Although prompted by the difficulties in satisfactorily implementing EU legislation, the enforcement network is one of the first attempts in a member state to replicate the IMPEL model (Private Interview). Networking between the various levels of government has become more pronounced and the EPA is in regular contact with local authorities. One local actor referred to the EPA’s approach as academic though they professed to have a cooperative relationship with it.

[The EPA is] becoming more down into the mud of dealing with what is there and becoming more demanding of local authorities in terms of what is being fed back to them, timelines and particularly monitoring on standards of monitoring and evaluation (Private Interview).

These developments resonate with the view that officials employed at the agency level in the national administrations are more likely to evoke intra-sectorial modes of coordination than officials employed at the ministry level (Trondal, 2000). While these developments do not resolve all implementation challenges, they do represent 'implementation as evolution' where learning is emphasised to enable coalition building (Majone and Wildavsky, 1979) and denote the existence of facilitating formal institutions to handle change (Risse et al, 2001). An EPA official referred to 'getting away from a situation where there was no guidance, no regulation, no enforcement to a situation where you are about to close it out because you can prove a systemic approach to the regularisation and enforcement of waste activity' (Private Interview). This provides evidence that the Agency is now assisting more proactively with effective implementation but the number of local authorities and their difficulties with enforcement capacity is an impediment to aligning environmental regulation in Ireland with the targets of EU legislation.

In terms of domestic adjustment, there is also evidence of elite learning which assists with better implementation and also reflects European influence. The EPA is networked with its other agency affiliates in Europe and its officials have perhaps the most potential to act as 'norm entrepreneurs' in the environmental field. For example, 85% of EPA staff has technical expertise with 15% holding PhDs, 70% a Masters qualification and 15% a primary degree (Private Interview). Whereas, the Department is staffed with generalists and this dearth of environmental expertise, particularly environmental lawyers, has been considered a weakness by the European Commission. The 'street level' actors at local authority level remain largely divorced from the EU policy making process and struggle in terms of expertise on EU affairs. This indicates the challenges with the pre-existing institutions. This is acknowledged in the comment of an interviewee representing industry:

There are always difficulties in dealing with the practicalities of an industry where there are technologies coming left, right and centre. I wouldn't expect the Department to be familiar with all of that but they set the policy and rules so must give us some direction.... Department officials have an historical knowledge because they have worked there a long time, what happened etc. but it is a highly technical specialised area. You have to have expert advice and where do you seek that advice and spend money on securing the right advice. .' (Private Interview)

A growing part of the EPA's role is interacting with the European Commission on compliance and assisting the Department in responding to formal complaints or legal cases being taken by the EU. The EPA staff attend hundreds of national and international meetings annually where they represent the Irish administration as the competent authority for the enforcement of a wide range of legislation or where the Department does not have technical expertise (Private Interview). Given this input into the more "downstream" aspects of dealing with EU directives it would make sense if the EPA's role as an adviser into the more "upstream" aspects of negotiation and legislative development were more formalised. Officials in environmental enforcement are more likely to be specialists rather than generalists. In line with conditions prescribed by Sabatier and Mazmanian (1979:494) in top down implementation theory it is critical that leaders of the implementing agencies possess substantial managerial and political skill and remain committed to statutory objectives.

CONCLUSION

This paper has considered the role of the EPA by exploring its position in the politics of policy making arising from Europeanisation. The discussion has spotlighted the role of the EPA as an agency that is part of a network of regulatory agencies linked to the EEA and forming part of the agencification developments in Irish public administration. The politics of policy making was explored by using the three step model by Risse, Cowles and Caparaso (2001) as a lens through which to view the factors influencing the Agency's role in Europeanisation as implementation. These were considered within the context of the EPA's establishment under legislation as an independent agency. It is concluded that Europe has been a dominant influence in both the Agency's establishment but also in how it has developed its role in environmental governance. In its early years the EPA was criticised for being a

'watch-dog not a blood hound' in its regulatory endeavours (Taylor, 2001) but it has grown into its institutional role and broadened its remit with the introduction of the Office of Environmental Enforcement in 2003 and greater engagement in learning. The findings also indicate that while the pre-existing administration has not significantly altered its demarcations or responsibilities, the role of the Agency has been asserted by the necessity to deal with ECJ judgements and criticisms from the European Commission of the Irish administration's compliance record.

References

- Bailey, I. (2002) 'National Adaption to European Integration: institutional vetoes and goodness-of-fit', *Journal of European Public Policy*, 9(5), 791-811.
- Bergman, T. (2000) 'The European Union as the Next Step of Delegation and Accountability', *European Journal of Political Research* 37(3), 415-29.
- Bomberg, E. and J. Peterson (1999) *Decision Making in the EU*, Basingtoke: Palgrave.
- Börzel, T. (2007) 'Environmental Policy' in Graziano, P. and Vink, M., eds. (2007) *Europeanisation: New Research Agendas*, Basingstoke: Palgrave, 226-238.
- Börzel, T.A. and Risse, T. (2003) 'Conceptualizing the Domestic Impact of Europe' in Featherstone, K. and Radaelli, C.M., eds., *The Politics of Europeanization*, New York: Oxford University Press, 57-80.
- Börzel, T.A. and Risse, T. (2000) 'When Europe Hits Home: Europeanisation and Domestic Change', *European Integration on Line Papers*, 4:15 (2000) www.eiop.or.at/eiop/texte/2000-015.htm
- Bursens, P. (2002) 'Why Denmark and Belgium Have Different Implementation Records: On Transposition Laggards and Leaders in the EU', *Scandinavian Political Studies*, 25(2), 173-195.
- Cairney, P. (2009) 'Implementation and the Governance Problem: A Pressure Participant Perspective', *Public Policy and Administration*, 24(4), 355-377.
- Cashman, L. (2010) *The Implementation of EU environmental legislation in Ireland: A twenty year retrospective*, Brussels (unpublished paper).
- Chubb, B. (1992) *The Government and Politics of Ireland*, (third edition), London: Longman.
- Collins, A. (2009) *Waste Legislation and Case C-494/01: Commission of the European Communities v Ireland*, presentation to career development seminar on EU environmental policy for legal practitioners, Europe House, Dublin, 29th January 2009.
- Commission of the European Communities (CEC) (2001) *Governance in the European Union: A White Paper*, COM (2001) 428 final, Brussels: CEC.
- Connaughton, B. (2010b) 'The Politics of Environmental Policy' in Rees, N., Quinn, B. and Connaughton, B., *Europeanisation and new patterns of governance in Ireland*, Manchester: Manchester University Press, 122- 144.
- Cowles, M., Caporaso, J. and Risse, T. eds., (2001) *Transforming Europe: Europeanisation and Domestic Change*, Ithaca, NY: Cornell University Press.
- Dehousse, R. (2008) 'Delegation of powers in the European Union: the need for a multi-principal model' *West European Politics*, 31:4, pp.789-805.

Dimitrakopoulos, D.G. and Richardson, J. (2001) 'Implementing EU Public Policy' in Richardson, J., ed. *European Union – Power and Policy Making* (second edition), London: Routledge, 335-356

Environmental Agency Review Group (2011) *A Review of the Environmental Protection Agency* presented to the Minister Phil Hogan, May 2011.

Falkner, G., Treib, O., Hartlapp, M. and Leiber, S. (2005) *Complying with Europe: EU Harmonisation and Soft Law in the Member States*, New York: Cambridge University Press.

Flynn, B. (2007) *The Blame Game: Rethinking Ireland's Sustainable Development and Environmental Performance*, Dublin: Irish Academic Press.

Goggin, M.L., O'M. Bowman, A., Lester, J.P. and O'Toole Jr., L. (1990) *Implementation Theory and Practice – Toward a Third Generation*, Illinois: Scott Foresman.

Goggin, L. (1986) 'The "Too Few Cases/Too Many Variables" Problems in Implementation Research', *The Western Political Quarterly*, 39(2), 328-47.

Groenleer, M., Kaeding, M. and Versluis, E. (2010) 'Regulatory governance through agencies of the European Union? The role of the European agencies for maritime and aviation safety in the implementation of European transport legislation' *Journal of European Public Policy*, 17:8, pp.1212-1230.

Groenleer, M. (2009) *The Autonomy of European Union Agencies: A Comparative Study of Institutional Development*, Delft: Eburon.

Hardiman, N. and MacCárthaigh, M. (2010) 'Organising for Growth: Irish State Administration 1958-2008', *The Economic and Social Review* 41(3), 367-93.

Hardiman, N. and MacCárthaigh, M. (2008) *The Segmented State: Adaptation and Maladaptation in Ireland*, Dublin: UCD Geary Institute.

Hardiman, N. and Scott, C. (2010) 'Governance as Polity: An Institutional Approach to the Evolution of State Functions', *Public Administration*, 88(1), 170-189.

Haverland, M., Steunenberg, B. and Van Waarden, F. (2010) 'Sectors at Different Speeds: Analysing Transposition Deficits in the European Union', *Journal of Common Market Studies* 49(2), 265-291.

Haverland, M. (2000) 'National Adaption to European Integration: The Importance of Institutional Veto Points'. *Journal of Public Policy*, 20(1), 83-103.

Hill, M. and Hupe, P. (2009) *Implementing Public Policy*, 2nd ed., London: Sage.

Hogwood, B. and Gunn, L. (1984) *Policy Analysis for the Real World*, Oxford: Oxford University Press.

Hill, C. and Lynn, L.Jr. (2005) 'Is hierarchical governance in decline? Evidence from empirical research' *Journal of Public Administration Research and Theory*, 15:2, 173-95.

Hood, C. (1976) *The Limits of Administration*, London: John Wiley and Sons.

Knill, C. (2001) *The Europeanisation of National Administrations: Administrative Patterns of Institutional Change and Persistence*, Cambridge: Cambridge University Press.

Knill, C. (1998) 'European Policies: The Impact of National Administrative Traditions', *Journal of Public Policies*, 18(1), 1-28.

Knill, C. and Lenschow, A., eds. (2000) *Implementing EU Environmental Policy: New Directions and Old Problems*, Manchester: Manchester University Press.

- Knill, C. and Lenschow, A. (1998) 'Coping with Europe: the impact of British and German administration on the implementation of EU environmental policy', *Journal of European Public Policy*, 5(4), 595- 614.
- Krämer, L. (2006) 'Statistics on Environmental Judgements by the EC Court of Justice', *Journal of Environmental Law*, 18(3), 407-421.
- Laffan, B. (2002) 'Ireland and the European Union' in Crotty, W.J. and Schmitt, D. eds. *Ireland on the World Stage*, UK: Longman, 83-110.
- Lampinen, R. and Uusikylä, P. (1998) 'Implementation Deficit – Why Member States do not Comply with EU directives?', *Scandinavian Political Studies*, 21(3), 231-251.
- Lane, J-E. (2009) *State Management*, London: Routledge.
- Majone, G. (2000) 'The credibility crisis of European regulation' *Journal of Common Market Studies*, 38:2, 273-302.
- Majone, G. (1997) 'The new European agencies: regulation by information', *Journal of European Public Policy*, 4:2, 262–75.
- Majone, G. and Wildavsky, A. (1979) 'Implementation as Evolution' in Pressman, J.L. and Wildavsky, A. *Implementation*, (2nd edition), Berkeley: University of California Press, 133-177.
- Martens, M. (2005) 'Double-hatted agencies on the European scene? A case study of the IMPEL network,' *Arena Working Paper Series 12/2005*, Oslo: Centre for European Studies, University of Oslo.
- Mastenbroek, E. (2007) *The politics of compliance: Explaining the transposition of EC directives in the Netherlands*, Wageningen: Ponsen & Looijen BV.
- Mastenbroek, E. (2005) 'EU compliance: Still a black hole?' *Journal of European Public Policy*, 12(6), 1103-1120.
- NESC (2010) *Refinding Success in Europe: The Challenge for Irish Institutions and Policy*, Dublin: NESC.
- NESC (2005) *NESC Strategy 2006: People, Productivity and Purpose*, Dublin: NESC.
- Olsen, J.P. (2006) 'Maybe it is time to rediscover bureaucracy', *Journal of Public Administration Research and Theory*, 14:1, 1-24.
- O'Toole, J. and Dooney, S. (2009) *Irish Government Today*, 3rd ed., Dublin: Gill and Macmillan
- O'Toole, J. and Meier, K. (2010) 'Implementation and managerial networking in the New Public Governance' in Osborne, S. (ed.) *The New Public Governance: Emerging perspectives on the theory and practice of public governance*, London: Routledge, pp.322-336.
- O'Toole Jr., L.J. (2000) 'Research on Policy Implementation: Assessment and Prospects', *Journal of Public Administration Research and Theory*, 7(2), 263-288.
- Peterson, J. and Bomberg, E. (1998) *Decision-making in the European Union*, Basingstoke: Palgrave.
- Petter Graver, H. (2002) *National Implementation of EU Law and the Shaping of European Administrative Policy*, *Arena Working Papers WP 02/17*, Oslo: University of Oslo.
- Pollitt, C. and G. Bouckaert (2004) *Comparative Public Management*, Oxford: OUP.

- Pollitt, C., Bathgate, K., Caulfield, J., Smullen, A., and Talbot, C. (2001) 'Agency Fever? Analysis of an International Policy Fashion' *Journal of Comparative Policy Analysis*, 3:3, 271-290.
- Pressman, J.L. and Wildavsky, A. (1973) *Implementation*, Berkeley: University of California Press.
- Radaelli, C.M. (2006) 'Europeanisation: Solution or Problem?' in Cini, M. and Bourne, A K., eds., *European Union Studies*, Basingstoke: Palgrave, 56-76.
- Radaelli, C.M. (2003) 'The Europeanization of Public Policy' in Featherstone, K. and Radaelli, C.M., eds., *The Politics of Europeanization*, New York: Oxford University Press, 27-56.
- Sabatier, P. and Mazmanian, D.A. (1981) 'The Implementation of Public Policy: A Framework of Analysis' in Mazmanian, D. and Sabatier, P. eds. *Effective Policy Implementation*, Lexington: Lexington Books, 3-35.
- Sabatier, P. and Mazmanian, D. (1979) 'The Conditions of Effective Implementation: A Guide to Accomplishing Policy Objectives', *Policy Analysis*, 5(4) 481-504.
- Scannell, Y. (2006) *Environmental and Land Use Law*, Dublin: Thomson Round Hall.
- Shipan, C. (2003) *Independence and the Irish EPA*, Dublin: TCD Policy Institute.
- Sverdrup, U. (2007) 'Implementation' in Graziano, P. and Vink, M., eds. *Europeanisation: New Research Agendas*, Basingstoke: Palgrave, 197-212.
- Sverdrup, U. (2003) 'Compliance and Styles of Conflict Management' *Arena Working Paper 08/3*, Oslo: University of Oslo.
- Tallberg, J. (2002) 'Paths to Compliance: Enforcement, Management, and the European Union', *International Organisation*, 56(3), 609-643.
- Taylor, G. (2005) *Negotiated Governance and Public Policy in Ireland*, Manchester: Manchester University Press, 149-189.
- Taylor, G. (2001) *Conserving the Emerald Tiger: The Politics of Environmental Regulation in Ireland*, Galway: Arlen House.
- Taylor, G. (1998) 'Conserving the Emerald Tiger: The Politics of Environmental Regulation in Ireland', *Environmental Politics*, 7(4), 53-74.
- Taylor, G. and Horan, A. (2001) 'From cats, dogs, parks and playgrounds to IPC licensing: policy learning and the evolution of environmental policy in Ireland', *British Journal of Politics and International Relations*, 3(3), 369-392.
- Taylor, G. and Murphy, C. (2002) 'Environmental Policy in Ireland' in Taylor, G., ed., *Issues in Irish Public Policy*, Dublin: Irish Academic Press.
- Trondal, J. (2000) 'Multiple institutional embeddedness in Europe: The case of the Danish, Norwegian and Swedish government officials' *Scandinavian Political Studies*, 23:311-41.
- Verhoest, K., McGauran, A.M. and Humphreys, P.C. (2007) 'To Agencyify or not to Agencyify? A More Systematic Approach to the Creation of Irish Agencies', *Administration* 55(1), 149-180.
- Versluis, E. et al (2011) *Analysing European Union Politics*, Basingstoke: Palgrave.

Versluis, E. (2007) 'Even Rules, Uneven Practices: Opening the 'Black Box' of EU Law in Action', *West European Politics*, 30(1), 50-67.