

## THE ENVIRONMENTAL POLICY: A GOVERNANCE MODEL?

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### Abstract

The Environmental Policy was in its prime during the 1980s but after the 1990s, as several economic problems appeared, the countries did not have the strength to support this policy anymore. However the environmental issues still remain pressing due to the changes in society. Is there a governance model in the environmental policy? At first sight we would say it is due to the multiplicity of actors that shape the decisions at the European and national level that we can observe a governance model but we will see if this conclusion overlaps with the result of the research. We insist first of all on the Drinking Water Directive and afterwards on the Water Framework Directive. .

### Keywords

Governance, multi-level governance, network governance, environmental policy, water framework directive, Romania, cooperation.

## 1. WHAT DOES GOVERNANCE MEAN?

The theory of governance has appeared as alternative to market and state. Governance is, according to Rhodes, “a change in the meaning of government, referring to a new process of governing; or a changed condition of ordered rule; or a new method by which society is governed” (Rhodes, Rod. 1996. The New Governance. Governing without Government. In *Political Studies* 44, pp. 652-667 *apud* Stoker 1998, p. 17). Governance changes the rules of the game, offering new instruments through which the society can be differently and effectively governed. In this regard the boundaries set between the private and public area become blurred and the concept of governance points to “the creation of a structure or an order which cannot be externally imposed but is the result of the interaction of a multiplicity of governing and each other influencing actors” (Kooiman, J. and M. Van Vliet. 1993. Governance and Public Management. In *Managing Public Organisations*, K. Eliassen and J. Kooiman eds., 2<sup>nd</sup> ed., London:Sage, p.64 *apud* Stoker 1998, p. 17). As characteristics of governance, we are going to use the classification made by Gerry Stoker (Stoker 1998, p. 18):

- Governance implies a multiplicity of actors: the public, private and voluntary sector work together to deliver public policies to the citizens. The influence of the state becomes challenged;
- The boundaries between the private and public sector become blurred and the responsibilities as shared between a multiplicity of actors namely: voluntary groups, non-profits, non-governmental organizations, community enterprise and community-based organizations;
- The actors involved in the governance process are dependent on each other, establishing a horizontal relationship;
- Inside the governance we can identify self-governing networks of actors. The governance network comes to replace the government though the regimes, which are made up of “actors and institutions that gain a capacity to act by blending their resources, skills and purposes into a long-term coalition” (Stoker 1998, p. 23).
- Governance does not minimize the power of the state, but offers it another aim, namely that of managing a network made up of different actors.

### 1.1 How is governance expressed at the level of the European Union?

The question that arises is the following: how does the concept of governance apply in the case of the European Union?

We should in this case understand the context in which the necessity for governance appeared. The Commission, which is the main executive body of the Union, can launch legally binding legislation and supervise the accomplishment of the objectives stipulated in the legislative act. Due to the enlargement of the Union and the lack of democratic accountability of which the Union has in several times been accused, the Commission started to adopt different instruments in order to make the decision-making process more transparent to the civil society. In this regard, it started to ask for expertise and to consult different stakeholders before launching a proposal, as well as negotiating with the Committee of Regions, the Economic and Social Committee, trade unions, private businesses, local institutions, the voluntary sector and even citizens. The non-governmental sector started to get involved in the process of decision-making and even to make pressures for their wishes to be accomplished. Many of them opened offices in Brussels in order to keep an eye on the issues at stake, every time prepared to get involved and to lobby different European institutions early as the proposal was being discussed. These changes should not come as a surprise, as the Commission mutually recognized the need to share the responsibility.

All in all we can say that the traditional Community Method has been replaced by the Open Method of Coordination, allowing regional level and non-governmental actors to get involved in the decision-making process. In this context, we should see these changes as expanding from the supranational to the local level that is a vertical relationship, not being based on hierarchy, but on shared responsibility. At the same time, we can also observe the relationship between the public, private and voluntary sector, in this case on a horizontally kind of approach, a network which is characterized through interdependence of resources and knowledge. This vision I have just portrayed finds its expression in the two components of the governance namely the multilevel governance and the network governance, terms I will above analyze in detail.

## 1.2 What does multilevel governance mean?

The term of multilevel governance was first employed by Gary Marks in 1992, due to the developments in the EU structural policy after the major reform in 1988. Multilevel governance, as seen by Marks, is “a system of continuous negotiation among nested governments at several territorial tiers”. In this context the “supranational, national, regional and local governments are enmeshed in territorially overarching policy networks” (Marks, G. 1992. *Structural Policy in the European Community*. In *Europolitics: Institutions and Policymaking in the “New” European Community*, A. Sbragia ed., Washington: The Brookings Institute *apud* Bache and Flinders 2004, p. 2). The term “multilevel governance” acquires in this context two dimensions: a horizontal one, namely the increased interdependence between government and non-governmental actors, and a vertical one, referring to the contact between the several tiers of decision, namely the supranational, national, regional and local level. However there are dangers that need to be specified namely the attention paid to the “hollowing out” of the state (Marks and Hooghe 2004). Another danger is related to the fact that multilevel governance might still presuppose hierarchy (Rosenau 2004).

In the end we will say that Peters and Pierre consider the multilevel governance to be a “Faustian bargain” as “informal patterns of political coordination could in fact be a strategy for political interests to escape or bypass regulations put in place explicitly to prevent that from happening” (Peters and Pierre 2004, p. 85).

## 1.3 What does network governance mean?

Why did network governance appear? In this regard, Sørensen and Torfing offer us a pertinent explanation, namely they claim that “the argument prompting the rise of governance network research is that policy, defined as an attempt to achieve a desired outcome, is a result of a governing processes that are no longer fully controlled by the government, but subject to negotiations between a wide range of public, semi-public and private actors, whose interactions give rise to a relatively stable pattern of policy making that constitutes a specific form of regulation or mode of coordination” (Sørensen and Torfing 2007, p. 4). We can in this context say that the society has come to

be characterized by fragmentation, complexity and dynamics, the network governance has appeared as a viable solution, forming contacts between parts of the society, namely public-private partnerships, strategic alliances, dialogue groups, consultative committees and inter-organizational networks. Network governance, as defined by Sørensen and Torfing, has the following characteristics (Sørensen and Torfing 2007, pp. 9-11): “a relatively stable horizontal articulation of interdependent, but operationally autonomous actors<sup>1</sup> who interact through negotiation which take place within a regulative, normative, cognitive and imaginary framework that is self-regulating within limits set by external agencies<sup>2</sup> and which contributes to the production of public purpose”.

#### **1.4 The Environmental Policy and the concept of governance**

As stated by the European Union, the member states have, as a rule, an implementation deficit. As regarding the environmental policy, in 1995 20% of all infringements were registered in the area of the environmental policy (Commission of the European Communities, DG XI. 1996. *Implementing Community Environmental Law. Communication to the Council of the European Union and the European Parliament*. Brussels: European Commission *apud* Börzel 1998, p. 537). Why is the environmental implementation due to fail? There are two possible explanations: the first one regarding the structure of the policy-making in the EU and the second one concerning the particularities of the policy making process inside the EU (for more details, see Börzel 1998, p. 537). We must mention the fact that the environmental policy is a shared responsibility; that means that eventually the costs for the implementation will be bared by the member states. The failure of the implementation in this context takes a rather different turn, namely the fact that some states are better prepared to share the costs for the implementation than others, due to their

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<sup>1</sup> Actors depend on each other and act on a voluntary basis, not being submitted to superiors. The resources are unequal but the relationship is horizontal as each other need the resources and capabilities of the other in order to produce the desired outcome.

<sup>2</sup> The actors are neither part of the public sector nor submitted to the rules of the market, the desire to change or build a specific policy on the basis of their own resources and knowledge and within a specified framework.

polity system. The policy at the level of the European Union does not involve only the Commission and the member states, but also many other actors like sub-national authorities or interest group. Some of them might even have representation in the Committee of Regions or the Economic and Social Committee. We can claim the fact that the sub-state actors might also have a word to say in the decision making process but many of them don't have the necessary resources (manpower, expertise, organizational capacity) to get directly involved in the formulation of a particular policy (Keating, Michael and Liesbet Hooghe. 1995. By-passing the Nation-State? Regions and the EU Policy Process. In *Policy Making in the European Union*, J. J. Richardson ed., London: Routledge *apud* Börzel 1998, p. 539). Another important thing that must be mentioned is the fact that at the level of the European Union, the directives often bring together several different regulatory approaches. That means we do not have a single path that can be followed, but several and each country must choose the right one. In this case the member states try to include the European directive in their national law, but according to the traditional approach. It is easy to understand why many countries try to absorb as much as possible a particular policy, and not spend too many resources on the change of instruments. However, when a particular policy is totally different from the national one that means the pressures are high. As Börzel states: "The more an EU policy challenges or contradicts the problem solving approach, policy instruments and policy standards of corresponding policies at the national level, the higher the adaptation pressure for a member state in the implementation process and the higher the costs involved" (Börzel 1998, p. 539). We must also not forget that the Commission monitors the state of the respective policy and as soon as it registers misfit, can release the infringement procedure. The resources of the Commission are thus limited to a certain extend and relies mostly on the information from the national representatives. (for more details, see Börzel 1998, p. 539). The implementation has to be bared by the national states, especially by the sub-national authorities, namely regions, provinces and municipalities. They however must offer their infrastructure in order to accomplish the conditions of the policy. In this regard they must also be in dialogue with non-governmental organizations and business groups, with which they can share the costs for the implementation. So we must not be surprised for the reluctance to implement a European policy, taking into account that many sub-national actors are not

even part of the decision-making process at the European level. What should a polity system look like in order to fully integrate the European policy into the national context? In this regard it is very important that the different levels of the government cooperate and last but not least the private and public sector must also be engaged in a partnership, so that they can share the costs of implementation of a particular policy.

In order to prove the point I have earlier mentioned, I will make a comparison between Spain and Germany's implementation of the Drinking Water Directive (80/778/EEC) and I am going to insist on two particular regions namely Comunidad Autonoma de Catalunya and Bundesland Bayern. But first I will introduce the environmental policy.

## 2. A BRIEF HISTORY OF THE ENVIRONMENTAL POLICY

The Environmental Policy was not listed under the priorities at the beginning of the European Community. However, due to the changes in the society and the environmental pressures, the policy found its way into the EU treaties and even gained a recognized importance (Steigenberger 2010, p. 6). Beginning with the 1960s the first environmental measures were implemented. The Single European Act included the environment in the EEC Treaty but was not listed with the other objectives of the Community. The Maastricht Treaty finally included the environmental protection among the objectives pursued by the European Community. Furthermore, a qualified majority voting system was implemented for the environmental policy, also giving in this context the European Parliament more control in the process of decision-making. The Amsterdam Treaty included important changes for the environmental policy namely the specifications of a "harmonious, balanced and sustainable development" and a "high level of protection and improvement of the quality of the environment"<sup>1</sup>. The treaty also mentioned the need for the environmental issues to be integrated with other related policies namely the transport, the energy and the agriculture. The Treaty of Lisbon brought some important changes that are worth mentioning: the energy policy is

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<sup>1</sup> Now mentioned in art 3.3 TEU.

incorporated into the primary law (art. 194 TFEU); the climate change has been listed under the objectives of the environmental policy (art. 191.1 TFEU); the citizens' initiative has been incorporated into the legislative act (art 11.4 TEU); all EU bodies institutions and authorities were obliged to guarantee the access to information; the legislative power of the European Parliament through the ordinary legislative procedure has been extended in several policy fields namely agricultural and fisheries policy, research and trade (Steigenberger 2010, p. 6). The Environmental Policy pursues the following objectives (Art. 191 TFEU): preserving, protecting and improving the quality of the environment; protecting human health; prudent and rational utilization of natural resources; promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change. Furthermore, the principles mentioned by the environmental policy are: high level of protection principle (art 3.3 TEU and 191.1 TFEU); prevention principle (191.2 TFEU); rectification of damage through the Principle of Correction at Source (191.2 TFEU); integration principle (art 11 TFEU). The most important documents that shape the future of the environmental policy are the Environmental Action Programs (EAP), which "are medium-term programs and strategic policy documents which reflect the fundamental elements of contemporary environmental thinking and problem perceptions, as well as strategic policy orientation" (Steigenberger 2010, p. 25). The programs are not binding; they offer the member states a path or direction to follow. We are not going to list the 7 EAPs here, we are just going to mention some important aspects namely: the member states are asked to fully implement the directives brought into force by the Commission<sup>1</sup>; the environmental policy must be integrated with other related policies as transport and agriculture; the environmental policy must be shaped taking into consideration the internal market; the partnership between the Commission and the member states must be enhanced regarding especially the environmental exchange of information and instruments; use of market instruments as taxation, pricing and charging.

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<sup>1</sup> To give an example, up to 2015, the Water Framework Directive (2000/60/EC) must be fully implemented by all member states.

## 2.1 Spain and environmental policy making

Spain joined the EU in 1986 and up to that time the environmental policy was not a priority. Due to this fact, Spain had no problems of integrating the EU environmental legislation into the national law. However, this process of transposition was a burden for the Spanish administration. We must also add the fact that Spain has a problem regarding the actual implementation of the environmental policy. The responsibility concerning the environmental policy is shared between the central state that incorporates the law into the national frame, the *Comunidades Autonomas* (CCAA – Autonomous Communities) and the municipalities that are responsible with the application and enforcement. However there is no real collaboration between the 2 layers, they actually find each other in competition. Another important thing to mention is the fact that CCAA were previously not included in the policy-making process at the national level. The conflict between these 2 layers gave birth to implementation problems, as the responsibility is continuously shifted from one to the other. In May 1996 the *Ministerio de Medio Ambiente* (Environment Ministry) has been created. The Spanish state has been regarded as interventionist and heavy regulating. Another weakness is the fact that the decisions taken do not include societal actors and the environmental policy making in Spain has been regarded as “a non-cooperative, interventionist and reactive policy style” (Börzel 1998, p. 542). The environmental policy in Spain relies on a reactive-problem solving approach using regulatory, command and control instruments.

## 2.2 Germany and environmental policy making

In Germany the environmental issues have gained the public support in the 1970s<sup>1</sup>. The Democratic Federal Government elaborated environmental programs and introduced the *Umweltbundesamt* (Börzel 1998, p. 543). The environmental policy is the responsibility of the central state that integrates the environmental act into the national one and the *Länder* (lands) that are

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<sup>1</sup> We must add the fact that the implementation of the environmental policy is low compared to the Netherlands, a benchmark in this issue.

responsible with the implementation. The German style relies on cooperation and joint decision making. The cooperation allows for a uniform implementation. The Federal Ministry for the Environment has been created in 1986 and every Land has its own Environmental Ministry. Unlike Spain, in Germany the responsibility is shared between public and private actors. In this regard we can name advisory bodies, expert groups, consultative committees and the implication of the industry and experts, and as a consequence the formulation and implementation reach a high level of harmonization. We can also observe collaboration between the industry and public authorities, a relationship which is also shaped by the NGOs. Although as style, the German state is also interventionist and hierarchical, it recognizes the benefits of the NGOs that can provide further expertise, resources and new instruments.

### **2.3 The Environmental Policy in Romania**

In Romania the environment has become an issue of national interest in 1990, being put on the agenda by the former Ministry of Environment. The first official act regarding the environment was published in 1992, namely the National Strategy for Environmental Protection, which has been updated in 1996 and 2002. Beginning with 1996, the European policy began to shape the national strategy. The Environmental National Strategy pursues the following goals: the conservation and improvement of human health, the sustainable development, the pollution prevention, the conservation of biodiversity, the conservation of cultural and historical heritage, the “polluter pays” principle and the stimulating work environment recovery. The objectives were the short term ones (by 2000), the medium ones (up to 2005) and the long term ones (by 2020). In 1999 came into force The National Program for EU accession. Between 1999 and 2003 the strategy has accompanied by other documents, namely “The Report on environmental conditions in Romania” and in 2002, “The National Waste Management Strategy”. One program launched by Romania was the so called “Clean Romania”. It was promoted by the Romanian government in 2002 and the aims were to improve the state of the environment and the integration of the UE principles into the national law. The Objectives of “Clean Romania” were: protecting and conserving the natural resources and build environment in line with sustainable development requirements; ensuring an integrated waste management; raising education

level and awareness of population in an environmental spirit. The Program searched to promote the public-private partnerships and the cooperation with the local authorities and civil society. In this regard we can name: ministries, employers' associations, national environmental associations, the higher education institutes, environmental NGOs, children and youth organizations. The transposition of the EU law to the national one has come to be incorporated beginning with 2003. The institution in charge with the building of the National Action Plan for Environmental Protection (PNAPM) and which monitors the implementation is the National Environmental Protection Agency. The National Action Plan for Environmental Protection is an instrument for the implementation of the environmental policy in Romania. The document contains also large national or regional projects, the other local projects being included in the databases of local environmental action plans developed at the county level. The Strategy document has been updated in 1999, 2003, 2005 and 2008. For the period 2008-2009 a report has been presented regarding the state of project propositions. The Sustainable Development Department, which is part of the National Environmental Protection Agency, was responsible with collecting of information on implementing stage of the project proposals contained in PNAPM. The following factors were taken into consideration: the status of implementation of project proposals, the completed project effects on the environment and human health, difficulties in funding or implementing projects, extend to which local authorities were involved or supported the project implementation, propositions of beneficiaries, local authorities and environmental agencies on improving conditions for project finance. The PNAPM report contained 357 proposals in 2008 and the unrealized projects were higher than the ones accomplished or in progress. The reason for that are the following factors: lack of inadequacy of local support, complicated procedures for accessing funding, lack of information on fund raising. A very important thing to mention is the fact that the local authorities have been involved in the project implementation and exchange of information of interest to each institution. The European Institute of Romania - a public institution whose mission is to provide expertise in the field of European Affairs to the public administration, the business community, the social partners and the civil society - launched in 2009 a program named "Implementation of EU environmental policies by local government". The training had the aim of

showing the students what the European environmental policy and sustainable development mean and what kind of instrument the national institutions need in order to successfully implement the environmental policy.

### 3. THE HISTORY OF THE WATER FRAMEWORK DIRECTIVE

The EU adopted in 2000 the Water Framework Directive (WFD) that sets an overall objective for all surface, groundwater and coastal waters to reach a “good status” by 2015 (Scheuer 2005, p. 126). The WFD requires the member state to report the environmental progress, being also helped by the Commission to take part in a Common Implementation Strategy that would help them reach higher results. The objectives stated by the WFD are the following: prevent further deterioration and enhance the status of aquatic ecosystems and associated wetlands; promote sustainable use of water; enhance protection and improvement of the aquatic environment; reduce pollution of surface and groundwater. Especially by “priority” and “priority hazardous” substances; mitigate the effects of floods and droughts (Frederiksen *et al.* 2008, p. 104). The tools and measures promulgated by the WFD are the following: the River Basin Management Plan (RBMP); Public participation<sup>1</sup> and Water Pricing (Scheuer 2005, p. 131).

#### 3.1 How did Spain implement the Drinking Water Directive?

The Spanish government adopted in 1980 The Directive on the Quality of Water on Human Consumption (Börzel 1998, p. 544). Four years before joining the Union, Spain had already promoted a list of standards for the drinking water quality and certain procedures that would ensure the compliance. We can say that the EU legislation did not pose any pressures to the Spanish government, as it had already been prepared for such a change. The problem would be the implementation of the measures. The Catalan authorities, the water suppliers or the environmentalists, none of them have noticed the non-

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<sup>1</sup> Here we can list the involvement of the society and in this regard the process must be transparent.

compliance of implementation. However, at the level of the region it is well known the fact that often there are not enough resources to monitor the drinking water quality. On the one hand, the Catalan government states that the central state has the responsibility to ensure that the municipalities are coping with the task, but on the other hand the central state says that *Comunidades Autonomas* have the responsibility to ensure that the municipalities are monitoring the water quality. As we can see there is a responsibility shifting that does in no way prove that the directive has been implemented in the manner that the Commission desired. On the other hand, there is no proof of non-compliance at the local level.

### **3.2 How did Germany implement the Drinking Water Directive?**

At first sight, the Directive would be easy to be adopted in the German context, but there are certain procedures that were not implemented as they should have been. First of all, the German government adopted the directive after 6 years, namely in 1986, after they have already acquired the necessary technology to detect the pesticides and nitrates values mentioned in the Directive (Börzel 1998, pp. 544-545). After this period, the Bund and the Länder agreed to properly enforce the standards for pesticides from 1989, in order to minimize the costs. The Commission considered the implementation unsuitable and in 1989 forwarded the case to the European Court of Justice. Being under pressure, the German government finally agreed to fully adopt the water drinking policy in 1990. The costs were paid by the local water suppliers, which had also to pay for the pollution made by others. In order to avoid such a situation in the future, the local water providers and the potential polluters agreed to cooperate. In Bavaria for example the water local supplying companies developed a certain "nitrate program", through which the farmers and water companies could better cooperate and in which the latter offers expertise in order to help the farmers reduce the level of nitrates in the water. If we should compare the 2 cases, we would say that the Spanish case relies mostly on regulation and binding laws but no forms of cooperation. In contrast, although the German state has been seen as interventionist, it offers the possibility of cooperation, as the one between the local water suppliers and farmers.

### 3.3 Romania and the Water Framework Directive

The institutions that have as responsibility the water directive are the Ministry of Environment and Water Management (Directorate for Water Resources Management), the National Administration "Romanian Waters" with its eleven Water directorates and the National institute of Hydrology and Water Management. Now we are going to list the responsibilities of each institution. The Ministry of Environment and Water Management is responsible with the water management and risk management regarding the waters in Romania. The Romanian Law as regarding water rests upon the law number 310/2004 which modifies and completes the law of waters number 107/1996 which incorporates the provisions of the Water Framework Directive 60/2000/CEE. The Ministry of Environment has under his supervision many other ministry branches, two of them being: the General Direction of Policies, Strategies and Projects for Water, Forestry and Fishing and Management Direction and Control of Water Resources and Fisheries. The Ministry of Environment works closely with the "Romanian Waters" National Administration, which have under its duties that of developing the directory schemes for planning and managing river basins, and implementing the EU directives in the field of water. We can thus state that the Government is in charge with the transposition of European water directives in the national law but the National Administration "Romanian Waters" is in charge with the drafting of the Water Management Plans and with the implementation of the water directives. The National Institute of Hydrology and Water Management is an agency under the surveillance of the National Administration "Romanian Waters". It is a national authority in hydrology and water management. This institution offers expertise and operational services of national and international public for the protection of socio-economic wellbeing of people. Under its duties we can name the fact that it is in charge of the implementation of modernization programs of the national hydrological system. For each river basin there is a basin committee in charge which brings together different types of actors: state, local communities, water management units, representatives of industry and agriculture and NGOs (Funaru 2010).

## 4. CROSS-BORDER AND INTERNATIONAL COOPERATION

In order to see how cooperation actually works, we are going to analyze two cases of cooperation, namely that between Germany and the Netherlands, which is a case of cross-border cooperation. Afterwards we are going to concentrate on two more cases of cooperation involving Romania and listed by the European Commission.

### 4.1 Cross-border cooperation: Germany and the Netherlands

As we have stated earlier the WFD stipulates that up to 2015 all water bodies of Europe must be in a good ecological and chemicals status. The task in this regard was the delivery of a River Basin Management Plan by the two countries. Our object of analysis will be the river Vecht that is part of the WFD-district of the Rhine-East, being also marked as a transboundary river basin district. The two countries were asked to build a river basin characterization report but the water managers did not work together and as a consequence the three reports resulted were very different and very hard to put together as an integrated whole. The parts however have been put together by a consultant, because the time was running quite late. The reason for this happening can be explained by the differences in the two countries regarding the regime and the different national perceptions upon the problem. Furthermore the WFD asked for a monitoring system that should include chemical and biotic indicators. In this regard the Dutch and German managers came together in order to harmonize the three different guidelines for monitoring. The calibration of the system proved impracticable but in the end the German and Dutch dates could be converted. As regarding the stakeholder satisfaction, the Dutch experts were particular satisfied with the attitude of the German partners. On the other hand, the German system acted in harmony with their policy style that is precise handling of hierarchical and legislative requirements. We can say that the result of the negotiations was satisfying but we must not forget the delays and the mismatch of strategy. On the other hand the results of the cooperation were minimal. We must also note that the emphasis was more on securing national compliance and less on cross border coordination. We are now going to see why the cooperation did not lead to an integrated water management, but the national dominant component was actually preserved. On the one

hand, the number of the actors involved in water management in Germany is large and they also differ when it comes to composition, tasks, responsibilities and legal composition. Another element that proves to be important is the fact that different actors are involved in the policy making and in the implementation process. The German implementers might not have been involved in the cross border cooperation, which leads us to the supposition that many of them might have proven not to have the necessary financial resources. The Dutch example on the other hand proves pragmatic, in the sense that actors responsible with the formulation of the policy are also responsible for its implementation. Furthermore, different stakeholders are also involved in the policy making process, for example the farmers, an aspect that is very useful. If we talk about the resources, the German emphasis was set on the epistemic resources that are knowledge, science and exhaustive analysis. On the other hand the emphasis of the Dutch took into account many other factors like: technical and expert resources and political and societal support. Another important thing is the style of policy making which is very different in the case of the two countries. The German system is hierarchical, formal and legislative. The German policy culture insists on the professional expert views and exhaustive analysis. On the other hand, the Dutch political culture is informal and horizontal. If we are to look at the discourse, we can identify a slight sign of conflict between the two countries, as they came to blame each other regarding the source of pollution.

As a conclusion, we can identify a cooperative attitude but the cooperation was slow and fragmented. The national component prevailed and that would be the reason why no sign of integrated water management can be identified (Wiering *et al.* 2012, 2660-2663).

#### **4.2. Bilateral RO-HU cooperation on the Management of the Someş/Szamos Transboundary aquifer**

We are now going to bring two examples of successful cooperation that appear in the report published by the European Commission on the implementation of the WFD regarding the good practices as identified by the member states. In this regard we are first of all going to refer to the transboundary cooperation between Romania and Hungary on the management of the Someş. The steps that have been taken so far are the delineation of the groundwater body, the

exchange of methodology used in the two countries and the assessment of the qualitative and chemical status. The cooperation has been going on since 2007 and the authorities involved in the project are the following: Ministry of Environment and Forests, Romania; Ministry of Environment and Water, Hungary; National Administration "Romanian Waters"; National Institute of Hydrology and Water Management, Romania and Someș-Tisa Water Basin Administration. A common database has also been established. The experts have also changes information on the methodologies used for determining the natural background values and the threshold values and also for the assessment of the chemical and quantitative status, although on the Hungarian territory a downward trend in water levels in the monitoring wells has been identified (European Commission 2012, pp. 43-44).

#### **4.3 ICPDR: Implementing of the EU Water Framework Directive in the Danube River Basin-Fostering Transboundary Cooperation between EU and non-EU countries**

The International Commission for the Protection of the Danube River (ICPDR) started in 1998, being based on the Danube River Protection Convention, dated in 1994. The WFD came into force in 2000 and by that date only two of the countries were EU member states. However all fourteen states (including the non-member states) agreed to construct a common river basin management plan. The first Danube River Basin Management Plan was published in 2009, following the standards of the WFD. We must also state the fact that the Danube River Basin District is the most international river basin in the world. The cooperation between the states began in 2000, following the standards of the WFD. The ICPDR is an international organization which is made up of 15 members<sup>1</sup>. The Decisions are taken by the Commission, made up of the Heads of Delegations, which meets twice a year. The work of the ICPDR is made by the expert groups. Furthermore many more actors can contribute to the work and take a part in the meeting with the chance to influence the outcomes, namely representatives from different international organizations, stakeholder groups and NGOs. Another important thing is the fact that ICPDR does not

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<sup>1</sup> 14 countries and the European Union.

only deal with the Danube River itself, but with the whole basin<sup>1</sup>. The aim of ICPDR is to promote an equitable water management, in this regard insisting on the conservation, improvement and rational use of waters. The fourteen countries have managed to work together<sup>2</sup> in order to elaborate the first Danube River Basin Management Plan, which was finished in December 2009<sup>3</sup> and which is “a leading example of cooperative efforts of countries to manage water resources”. The outcomes of this cooperation will lead to the reduction of pollution and the improvement of aquatic habitats. A very important thing that must be improved is the integration of the measures into other related policies<sup>4</sup> because the good state of the waters cannot be achieved unless these sectors do not integrate water protection into their initiatives (European Commission 2012, pp. 25-27).

## 5. CONCLUSION

Our analysis tried to bring to light the characteristics of the Environmental policy and the methods through which the states managed to implement such a directive, namely in our case the Water Framework Directive. As we have seen, the national component remains and it is hard to build cooperation, going further away from the characteristics of the national state itself. The polity of every state, as stated, shapes the decisions. Governance, as term, can be found in both forms, the multi-level and the network ones, but mainly in countries that have an horizontal tradition. I believe that the polity of the respective country influences very much whether governance will emerge or not. I do not agree with the opinion of Tanja Börzel stating that the countries in the South have an implementation problem and the Nordic ones do not. As we have seen all countries have implementation problems and are pressed by the European Commission to offer more information regarding the results. The

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<sup>1</sup> Here we can include major tributaries, transitional and coastal waters of the Black Sea.

<sup>2</sup> Romania has become a member of the Union in 2007.

<sup>3</sup> The Danube River Basin Management Plan can be found on the website of the National Administration “Romanian Waters”.

<sup>4</sup> For example, navigation, energy, agriculture.

dependence of the European Commission on expertise and information is well known, as the capacity of monitoring is very low.

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