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ENVIRONMENTAL POLICY IMPLEMENTATION
CASE STUDY: GERMANY

Master's Thesis

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I declare I have written the master's thesis independently.

All works and major viewpoints of the other authors, data from other sources of literature and elsewhere used for writing this paper have been referenced.

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ABSTRACT

The main problem for evolving the effective implementation of legislation of the European Union lies in the tie between administrative size and national policy requirements. The dependence on governments for implementing European Environmental Policies signifies political pressure and legal transposition. Those are crucially thrilled by national policies and legislations, which may diverge essentially country to country. This master's thesis will focus on the implementation of EU Environmental Policy in Germany. More precisely, it is the interplay of its effective implementation according to the European Union 2020 environmental directives. One of the main arguments in this thesis is how much political pressure affects the effective implementation in those countries. The most important part of the thesis is to show the power of the public opinion in the case of implementation. The economy is another important argument depended on implementation failures or non-compliance. Though the economic processes are skipped, some of the implementation problems in the environmental theory are used as a contribution to the thesis.

Key Words: Environmental Policy Implementation, European Union, implementation failure, environmental protests, governance.

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Table of Abbreviations and Terms

BMU	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit
CO ₂	Carbon dioxide
EC	European Commission
ECJ	European Court of Justice
EU	European Union
GDP	Gross Domestic Product
GHG	Green House Gas
NGO	Non-governmental Organizations
NMS	New Member States
SEA	Single European Act
TEU	Treaty of European Union

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INTRODUCTION

This thesis investigates the roots of widely known failure of the implementation of environmental issues in European legislation. Potocnik in his speech, says even though compliance of implementation may strengthen the legitimacy and process of the integration, non-implementation costs economically and socially. (EC Speech...2011) This master's thesis will include an analysis on the German national government and how they will affect implementation performances of environmental policy. This implementation performance will be shaped with the respective policy culture. Moreover, under which conditions, the transposition of the European legislation among German national environmental policy is presumably to be efficient or not.

Efficiency of a national transposition of the environmental policy of the European Union could ease the understanding of the research. Both legal transposition and practice of supranational scale have specified goals in the European legislation. The countries may fail not reaching these goals, which is called the implementation failure. Hence, it is corresponding to the goals rather than the degree of environmental quality failures that are relevant to here. Concentration on the process of institutional implementation allocates this research from a traditional implementation study. The implementation of the European Union Environmental Policy in Germany effectuates the experimental concentration of this research. Environmental policy is a place where the implementation failures are especially common. (Commission... 1996) Germany lets the thesis search the role of administrative capacities' due to being open to feedback. To support the research design, it is chosen infringement cases of European

Court of Justice (ECJ) from 2014 and analysed with the failures of Article 260 of the European legislation. Assuming that the implementation performance decreases with the compatibility between supranational legislation and national regulations, it is expected that the effective implementation of a given policy in one country contradicts with an inefficacious contribute in the other. (Knill & Lenschow 2011, 51) For instance, the reasons of the hole on the ozone layer are still discussed by the authorities. Even though some scientists claim that the greenhouse gas emissions are the reasons of the hole of the ozone layer, the idea is not proven yet. Therefore, some of the countries even didn't sign the contract of the Kyoto Protocol. Together with this claim, the European Union members try to make a balance in their air. There are reasons why the members of the European Union countries may not reach the targets on the reduction of the CO₂ emissions to the air. The possible reasons are tried to explain in the case study part. In that regard, the emission trading system is occurred by the European Union. If there is a reduction of the CO₂ emissions, the country gives away its right to use the CO₂ more to another one. This contradicts the idea of protection of the environment. Moreover, it contradicts the protection of the clean air in the different members of the European Union. As well as developing members of the European Union, it may be said that the economy of the developing countries are much more important than the environment of them. Meanwhile, it is accepted that the developed countries such as Germany, emits less CO₂ to the air. Therefore, they give the opportunity to others to use the coal in the fabrics, companies or etc. In this case, time is changing and there is a new discussion on the increase of the usage of the coal. But, this discussion will not be in my thesis according to the research idea.

Besides them, the governance of the policies in the national governments is important when it comes to achievement of the 2020 targets of the European Union. In this case, the eco-labels and green products become very important to understand the situation in the member states of the European Union. As it is discussed before, the governments prefer protecting their economy. The green products in the Single European Market are seemed as a discomfort by the national governments. In this case, the implementation of the policy could be failed. On the other hand, it is seen that the public appeal is very positive for buying the green products. The theory of the environmental policy implementation shows that public support is very important

contradiction to the policy actors' speeches. Politicians give promises, but the citizens in Germany prefer listening to the records from the administration of the Environmental Agencies. (Report... 2008) Although the reports from the administrations of the governments are included true information, the mechanism of the European Union is different. They prefer searching the true transposition of this legislation among the national one. In that part, the NGOs and other governmental organizations have specific responsibility. They show behind the mirror of the governments. On the other hand, the poor implementations of the governments are not good grades in regard transposing of the policies. The European Commission sues the governments according to the misfit of the implementation of the policies. It is a slow process, but the cases might show the importance how the members reach the targets of the European Union.

1. RESEARCH DESIGN

The main aim of the thesis is to investigate whether Germany fulfils the 2020 Environmental Directives of the European Union (EU), in case it did identify the main contributing factors for this advancement. Furthermore, the results of this analysis will also contribute to a new perspective in the environmental policy as a whole.

On the other hand, the theory of environmental policy implementation and governance theory are added to the thesis to prove the hypotheses.

The questions on the methodology and hypothesis will be answered in the continued pages.

1.1. Theoretical Review

In order to show the different theoretical perspectives on the policy implementation through literature review has been conducted. Since the research is focused of the problem of the policy implementation, it is a must to define the concept. Tosun (2013, 253) defines the concept of the implementation of the EU law as follows:

“The implementation of the EU law has three dimensions: the adoptions of requested measures before a specified deadline (notification), conformity to the

EU act in question (transposition), and its correct integration into the national legal order (application).”

The idea of the thesis is searched in this stay. Transposition of the EU environmental policy law is the main research argument in order to understand the member states’ behaviour. It is searched that this behaviour makes the governments successful in case of transposing the environmental law.

On the other hand, the enforcement of the EU law is ‘legally binding’. Moreover, the author agrees on the importance of the integrity of the environmental policies. (Knill 2006, 331-75)

Börzel (2001, 303-324) criticises due to reaching the targets of the European Union environmental policies, certainness of enforcing the law is the whole organisation’s problem. Jordan and Liefferink (2003, 3) argue that every state has some problems in integrating the European law into their national legislation. Dominance of making a policy and implement it to the national regulatory create problems.

According to Schimmelfennig and et al. (2004), pressure on the government makes the policy adoption decrease in the case of national interest. Adoption of a new legislation replaces with the role of the governmental legacy. The legacy could be unbalanced by the new legislation.

On this regard, the authors compare the European Union-15 (countries) and NMS (New Member States) due to the behaviour of the post accession period. (Falkner, Oliver, & Holzleithner 2008, 1-27) Pre-accession time is important for the author to explain the importance of the post-accession period. Post accession is an obligatory record for the mentioned countries to succeed on. In this case, Germany is investigated in the fourth chapter. The responsibility of the post accession requires namely the institutional investment and higher ‘susceptibility of ashamed’.

Another article explains the gap between law and real action with variable conditions considering the research on Czech Republic, Hungary, Slovakia and Slovenia. (Faulkner, Treib, Hartlapp, & Leiber 2005, 12-20) The differences of the reality and the law carry a big gap which is called “world of compliance”. The authors

analyse them as they are “world dead letters”. Therefore, the world of compliance is considered as a further possibility.

Besides them, Jordan and Tosun (2013,250), have a different view about the policy implementation ‘misfit’. They take the attention to the Europeanization literature. Reason for the extension of the adaption pressure is searched on the supranational policy making and domestic factors. Adaptation pressure in the direction of the implementing the policies, is good for them to have an effective implementation. The new members of the EU have the pressure of adaptation. Even transposing the law among national regulations is complex; the politicians make commitments on the policy legislation.

Europeanization period for the NMS is found significantly important. Authors believe that the NMS are responsible of the post accession period with how to implement the EU Law (Knill & Tosun 2009, 1). Andonova (2003, 1-224) believes that the domestic institutional structure determines the European legislation how to be implemented. Further, the question asked domestic institutional framework is depended on the bureaucratic structure of the NMS countries. (Hille & Knill 2006, 531-552) Others say the same thing. (Steunenbergh & Dimitrova 2007) Scholars considered pre-accession policy alignment performance is important when it comes to the post accession time for making an effective contribution to the law. Scholars’ attention is drawn to the administrative reform and intensity of ‘acquis conditionality’. (Schmelfennig & Sedelmeier 2004, 669-687)

On the other hand Grant et al. (2000, 12-20) in their book and Munro (2011, 6) in her thesis contribute on the policies’ appropriateness and progressiveness concerned little, rather be unwillingness to transpose of the implementation law and enforce according to legislation.

In this thesis, the environmental policy implementation challenges of Germany are pointed out. Germany is seen very successful country in case of post-accession time. It is good to know their method for the NMS to challenge their own policy dynamics relevant to the environmental policy of the EU. In this case the administrative body of Germany is investigated, whether the size of it is important. It

was very hard to find the authors' opinion on it. Only one article was saying the importance of the administrative bodies of the governments. (Knill & Tosun 2009) Although, I agree, the proper administration of environmental projects should be considered as a result of transposing the environmental policies. Especially, the governments of EU countries should work together in carrying out environmental projects. In this regard, the EU has 7th action programme. This programme is considered a better implementation after 2020. In the long term, the aim is set a resource efficient, green and competitive low carbon economy in the EU. Moreover, it is studied in the fourth chapter of the thesis.

The 'world of compliance' takes time therefore, I argue that the new member states have the pressure of adaptation. Also, they might have linguistic problems at the beginning of the transposition of the implementation. I agree that the problem occurs with enforcing the law according to the EU legislation, because each member has different concerns on their own environmental legislations. Therefore, it is also important for the European Court of Justice to check the countries' situations on the environmental issues rather produce the laws. On the other hand the bureaucratic structure is seen important to show the relevant idea. Together with them, I also want to point out the importance of the support from the citizens of the EU member states.

1.2. Objectives of the Research

Effective policy is important. The governments have obligations to transfer the policies even though the number of the cases is really high.

On one side, the politicians prefer giving promises, but on other hand the countries have different stories about the environmental cases. Therefore, the countries are trying not to make mistakes in the implementing process. However, most of the cases are about the application problems. If this continues, the implementation would not be powerful anymore. The EU plays an intermediary role on the negotiations. The organisation doesn't want 'pick fights'. Negotiations are the places, where the

countries recommend the international policies. Political pressure becomes more valuable than the wishes for the climate changes.

Moreover, the administrative capabilities of the environmental policy agencies became influential on the bases of the effective implementation in the countries. Agencies have become a part of the implementation process. There is a need for a wide capacity of the administration to be able to continue to make a better implementation.

As a conclusion, the aim of the research is to investigate the effectiveness of policy implementation in the area of the EU Environmental Policy; in particular, the question is to *‘what extent the Member States are able to implement effectively the environmental policy directives?’*

During the preliminary research, I have tried to compare the number of the cases of the environment issues which were sent to the ECJ. Especially infringed Article 260 is concerned on my search. The size of the administrative structure is another argument for my research. Raising the administrative capability on the bureaucracy could help implementing the legally binding legislation.

1.3. Hypothesis

Experimental evidence of the hypotheses is questioned. Moreover, political situations at the impact of policy dynamics and general policy dynamics in Germany are investigated.

Public support and the administrative capability of national agencies help to understand how countries success with the environmental directives. The countries are failed of enforcing the policies. Indeed, compliance is defined with three terms. Those terms are notification, transposition and application, as it was already explained in ‘Introduction’. The terms are needed to be succeeded by the members. Otherwise, the policies don’t overlap with each other, called ‘misfit’ in the scholarly literature. To put

it another way, the non-compliance of a policy implementation drag the countries to the failing of a policy. The hypotheses are emerged with the bases of the literature on the misfit of the policies. It is measured with two hypotheses are as follows:

1) Hypothesis 1: If there is a high public support for the policy, the policy implementation will be successful.

Public appeal has shown that the environmental issues are a global problem of utmost importance, which requires an international cooperation. It shouldn't be accepted to be any country's individual problem. The lack of water on the Earth is a well-known fact. Resources have become really important while the countries are industrialized. As well as we need technology, we need also energy sources and basic needs for human. The mirror of the policy changes on the environmental will is basically made by people. For a better implementation, public appeal could be helping to find where to realise 'acquis communautaire'. Analysis questioned the importance of the environmental protection inside the boundaries of the EU countries. The answers of the questionnaire approve the humanistic perspective of the citizens. According to that research, it is said that the EU as a supranational organisation should have the responsibility on finding solutions for the environmental problems. It is a common saying that policy is made for the public will.

2) Hypothesis 2: If there is a wide capacity of administration service, there will be a higher level of policy implementation.

Member states are administrated by the national governments. The administrative bodies of the member states adopt the law into national legislation. After signing the Kyoto Protocol for environmental protection, the policies on the environment had a big improvement. In the Treaty of the EU, sanctions are found insufficient in the case of the infringement of the implementation of a policy. However, the project about the environmental issues becomes internationally important. Member states should work collaboratively. After the EU's 6th action programme on the environmental protection, project has been enforced into the legislation, it continued immediately with the 7th action programme has been provided, which aims to improve implementation procedures.

1.4. Methodology

Data in this researching paper is taken and used from both, primary and secondary sources. Explanation of data is added to graphics used in this work.

Most of data is taken and verified from European Commission (EC) database. (I.e. infringement cases, Article 260 of the Commercial code establish... implementation charts for the member states by European Commission legal web side.¹)

Additionally, secondary sources are obtained by the online articles, and books. EC charts based on institutional data are also added into the first chapter.

Most of the materials are accessed from websites of the national environmental agencies'. Local newspapers are also included the research.

The case study method of Germany has been used in order to prove the success of EU environmental policy on national level.

1.5. Short Description of Chapters

Research design is explained in the first chapter. In the second chapter, I have explained the theory of the environmental policy implementation, on the basis of the research question. The chapter was written in five sub-titles which explain the reason

¹ It is possible to see comparing Article 260 infringements and infringement cases for different member states in the web site:

The charts are copied only if they are the necessity for the research.

of the failures of the policy implementation. In the next chapters, it will be seen that it has economic aspect.

In the third chapter, economic aspect of the environmental issues is introduced as an empirical part to the theory. Both positive and negative sides are investigated for the EU countries.

In the fourth chapter, the main arguments of this master's thesis have been manifested. In this case, public opinions on environmental issues and administrative capability of the agency are searched. The solution of the thesis is maintained.

In the fifth chapter of this thesis, analysis of data will be provided. This chapter is designed as a discussion of the arguments in the thesis. The idea behind the successes and failures of the environmental policy implementation is compared for each situation.

The thesis ends with a conclusion of the research. This part contains my own comments to the hypotheses. The analysis of results and recommendations are added.²

² I added those four paragraphs as well, according to the Methodological Guide directives.

2. POLICY IMPLEMENTATION CHALLENGES

According to the most observed problems with policy implementation, there are three main conditions that cause implementation failure. The first condition is politicians. They give promises to the people and then they fail in accomplish them. The second step is legislation should be 'legally binding'. Last but not least, is the public appeal in EU becomes compatibly ahead of others.

The first argument of the policy implementations is to accomplish with 'acquis communautaire' with the other policy makers. According to Potocnik in his speech (2011), using different objectives is good for the resource efficiency achievement. (EC Speech...2011) The importance of the implementation could be understood with its side effects such as economic and social sides.

According to the theoretical review of the research, it approves that the cost of a non-implementation is a big problem. Failure of a policy is the responsibility of the politicians. Only few politicians are interested in the real numbers. Instead of realizing the scarcity of the legislation, the preference of the politicians is to transpose the newer version of the EU legislation. Therefore, there becomes some misfit in the implementation of the policies. Coming with the question of the effectiveness of a policy could be sounded a standard. However the most of the member states struggle with the influence of permanent transformation of the environmental protection rules.

2.1. Political Pressure

Policy implementation used to be a ‘political problem without a political solution’ in 1970s. Potocnik (2011), Pressman and Wildavsky (1973) started to look into the issue of the political pressure. At the beginning of the 1980s, the policy implementation problem has some difficulties. First of all, most of the politicians give promises to the community. In the 1980s, there were a few politicians to saying the truth about the failures of implementation. (Tosun 2013, 250) The Commission tries to make decision with the member states. For a policy that makes a dispute between the states, the method is to solve in between them beforehand rather than being taken to the ECJ. Another reason for the policy implementation process to be conducted relies on the need for closer cooperation between the European Commission and member states.

In this way the member states have a chance to discuss and solve the situation. Politicians have an important role in this case. Rather than having big fights between the members for implementing the policies, they find political solutions. However there is a need for completed implementation. Not only the member states, but also the NGOs, and other different actors should be working cooperatively.

Such as the reports, which are presented to the European Commission, are important. After the reports are sent to the Commission, the checks of reports are provided. This process is slow because of number of members. Also, the members don’t choose to say what the failure of the policy is. To tell the truth about the implementation problems, is to be achieved the targets of the EU. Policies transposed to the national legislation by the EU may not be taken as a ‘genuine legally binding’.

Non-implementation of the policies has a cost in the EU. Both economic and social costs are important for the states. Those costs sometimes are taxation on a green product or a payment from a government to keep the environment stable. Even the member states obey the rules of the EU legislation. However the integration process is divided on two: top-down, bottom-up. On one hand, the EU enforces the policies to

the member states among the environmental implementation policies. On the other hand, the member states make contribution to the legislation of the EU, as well. The implementation may not be compulsory although there is a must to enforce legislation among the national legislation. The political pressure to the Commission may not be enough for the member states to show their attitude about the legislation. In this case, there shows up some infringement cases between the European Union legislation and national legislations of the governments. Infringement cases are important in order to understand the importance of the administration of the German government. Therefore, they are included in this part.

2.2 Infringement Cases

Either national or international implementation problems could be the subject of the Commission. Therefore, the ECJ is the responsible organ for these cases. The infringement of the implementation level of the policies is deliberate. The Commission has two ways to solve the cases: lump sum and penalty sum. With lump sum, the EC requires a total amount for the implementation deficiencies. Penalty sum is asked as a daily payment from the governments to finish it. The stones of the way that achieves the targets of the policy implementation are infringement cases. Those cases are included to non-implementation situation. The more cases the European Commission has, the more legislation they should revise. In this way, the EU members will get to the targets commonly.

An article analyses the differences between the southern and northern countries from their infringement cases. In the European data source, it is shown that the number of infringement cases is higher in the southern countries than the northern countries. Like a proof of that in the environmental protection in the European data, there are 1860 cases. (Infringement...2014) It is possible to conclude from that the northern countries are more successful in the case of the implementing environmental policies among

their national legislation. Put it another way, the administration services work harder than the southern countries.

To determine the problem of the implementation, the infringement cases remain strong. The balance between the members should be obtained with development of the environmental legislations. European Economic Union, in 1973, puts protection on the first environmental rule. Since then, the environmental issues have been observed into a supranational organisation.

The problem with adopting the policies, the member states could just take the law rather than a 'genuine legal implementation'. Therefore, in the future, the member states could be found the responsible actor for non-compliance. Analysing the ECJ decisions, it is known that they produce more laws than implementing them. Completed implementation is not fully controlled by the Commission. And the law-makers remain strong with this. The member states have some transposition problems for the environmental issues. Every member has their own problems. This is not only about the adoption of the law, but also about how could be implemented to the national legislation. Members have a right to have changes on environmental targets. For instance, comparison between Germany and Romania, they have their different opinions of the targets on reducing the greenhouse gas emissions. Germany puts the target of the reduction to 30% till 2020. On the other hand, Romania hasn't reached the target of 20% on the base year of 1990. ([See. European Commission Environmental Legal Enforcement web page](#))

The data is taken from the EC in 2014. In the Figure1, it can be seen that infringement cases are less than the year before. (See. Appendix1. Figure1. Infringement Cases from the European Union Countries)

There are 334 letters which are considered as complaint letters from the members to the Commission. As seen Germany has 13 cases, even the population of the employees who work in the Federal Environment Ministry are not so high. (Legal Enforcement... 2014) Nevertheless the Commission carries the legal power of the compliance with the Court of Justice judgement. (Jordan & Adelle 2013, 103)

November 2014 data shows us that the most infringed cases are in Greece. (36) After all, Romania (30) and Spain (30) are followed by. Although previously, the members have closer numbers of complaint letters in the Commission, 2014 table has varied numbers of the infringement cases.

Italy (18) has decreased the number of letters in this case comparison to last year data. Although the number of Polish complaint letters stays the same number, Slovenia (14) and Slovakia (12) reduced the numbers of letters which were sent to the court. Together with them, the United Kingdom (16) and France (19) have the similar numbers of letters due to the previous year. (Commission... 2014)

On the other hand German (13) letters stayed almost the same numbers. (See. Appendix1. Figure1. Infringement Cases from the European Union Countries)

Effective implementation becomes fairly better than the other one. It is hard to compare two countries in the case of the supportive publics. Although the institutional configuration is one of the best in member states, Germany has almost the average number of infringement cases. Public opinion stays very strong in each country. On the other hand each government has almost the same amount of environmental rules.

Article 260 asks a payment from the Member State which hasn't complied with its obligations under the Treaties. Nevertheless, the EU might ask the lump sum or the penalty payment. The EU puts the legislation due to the environmental facts of the Member States. In this case, the ECJ usually cares little checking to the transpose of Member States implementation because of time consuming. (Jordan & Tosun 2013, 253) But as seen on the chart, the Member States are hold on less cases at the Court than the States send the complaint letters to the Court. It is seen from Figure 2. , the case numbers stay almost the same matching to the previous year. (Commission... 2014) (See. Appendix2. Article 260 Cases (end 2014)) The EU behaves tolerantly to the countries due to the non-compliance of the policies.

The Treaty of European Union (TEU) doesn't guide how the infringement cases should be recorded or sentenced. Thus, that is unclear. The financial payments seem to be effective in infringement cases. To move forward to the case, the ECJ expects from the members a completed implementation. However, it is tolerated if there are

partially-implemented policies in the transposition process. Germany is not sued although there are complaint letters from 2014. This is a result of the political pressure on the environmental protection issues for both countries. In Germany, there is a tax system according to the usage of the greenhouse gas emissions. This system is available for every member of the European Union. It is called 'Emission Trading System'.

2.2.1. Transposition of Law

There are three dimensions of policy implementation: politicians, legislation and public appeal. This study is primarily concerned with the transposition of the law into the national legislation.

While some are good at implementing policies, some have obstacles which are not overlapping with national legislation. Because of 'commitment to policy intention' rule, the governments have to implement effectively to the national legislations. It is known that the policies could fail. Failures of the policies could be varied on the basis of the governmental perspectives. Some national legislation still have linguistic problem. Put it another way, it is possible to mention that some of the governments might misinterpret the legislation of the European Union. On the other hand, developing countries are having different situations in their environmental policies. Even though the governments want to transpose the directives of the EU, the economy of the states is also should be considered. As it is discussed about the environmental politics, the developed countries could have a better implementation. Besides them, there is having still problems in the case of the profit of the fabrics. Such as emission trading system, it has given some errors also like we said in the aviation protests. Even developed countries could have some regulative errors. Such as in the fabrics, the NGOs are complaining about the credits given from the emission trading system doesn't work in the process properly. This means Germany has a problem in the regulations of the European Union law. Although there is a high level of conformity

on the European legislation by the governments, the political actors deny explaining the failures through environmental issues. Basically, the governments never sue a case to another due to the facts of the poor implementation. However, the European courts have some of the infringement cases. This is a pressure on the policy actors as well. Poor implementation could be revised by the governments to an effective implementation. Implementation misfit is as a meaning 'misunderstanding the legislation'.

The governments announce the reports of policy failures. Together with the governmental institutions, the EC has reports of non-governmental organisations (NGOs'), and other policy actors'. These policy actors could be the experts on the different scientific departments about the environmental protection issues, citizens of the European Union or the professionals appointed by the European Commission. They put them together and present the final. Also, the Commission has other way of seeing the implementation of policy: on-site visits. This takes time. Sending data may not be so certain.

All of them together, it might make pressure on the member states. Non-implementation of the policies is a well-known reality. It is important to analyse the problems of the implementation. The reason of that is to get to a solution to my hypothesis.

National governments often conclude on partial implementation. However, it might not be possible for the government to achieve that. The EU cannot force the member states to have the law 'legally binding'. If a country decides to maintain with the EU legislation, it is a must for each structure of the national institutions. This could be said it's opposed to the independence of the states. The EU chooses to be a bridge between the member states rather than to be a supranational organisation. Transposing of the law is discussing situation between the authors at the European cases. For the integration process, the member states try to make the legislation 'legally binding'. But for the policy implementation, the process is argued to be as a 'commitment of the policies'. In this case, there is a good example why the laws are 'legally binding. Germany failed on the recycling of waste electrical and electronic equipment. Therefore, the ECJ is sent a penalty payment to the government of Germany. On one

hand this payment is a mirror to the policy commitment failures. On the other hand, paying the debts makes the governments escape from the failures. And this could help a better implementation.

2.3. The European Commission

The European Commission is responsible for the economic and social sides of the policies. This thesis considers the European Commission activities and the cases of the national governments. To make it shorter, the German cases about the environmental protection policies are in the thesis according to the research topic. To make an effective implementation, the Commission has to work collaboratively with the members of the Union. The Commission has a key role in order to start the negotiations with the members. Members usually find their own solutions on the environmental problems. In these sessions the Commission is criticised of not being innovative. On the other hand, this situation is right for adapting the members into the process and obtains the ideas about the rules.

The EU has three point processes for the implementation of the policy: notification, transposition and application. The notification is the adoption of requested measures before deadline. The transposition is the conformity to the EU act in question. Moreover, the application is the correct integration of the legislation among the national legal order. (Tosun 2013, 250) The members are taking the laws and enforce them into their own legislation. Together with that, the Commission is taking care of its legislation with checking their transposition. NGOs, Green Parties and etc. are control mechanisms when transposing to the environment directives.

2.3.1 Joint action

Tosun (2013, 250) mentions in her article when the environmental policies first analysed according to Wildavsky and Pressman. In 2011, Potocnik in his speech asks to use the acquis for having a better implementation rather a non-implementation because of the costs. (Commission... 2014) Therefore, the researchers make a bridge between the political actors and policy promise into action. Politicians make promises. This is complexity of joint action. It is seen in each failure of the members of the Union. Even the politicians don't prefer saying the policy failures. To be realistic, some of them do that. In this study, this situation is shown up with the public news and appeals. In Germany, most of the citizens believe the policy promises might stay still. They also know some of them may not be reached by the government. Therefore, public tendency is shown to the administrative capacity of the government. (Report... 2008) The political actors make the commitments weak. It is usually fixed by the scientists who work for the environmental agency of Germany. Thus, the size and the qualification of the administrative services are important.

On the other hand, complexity of the 'joint action' affects the reaction from the European Commission. The Commission decides according to the political actions among national legislation. Each national regulation is taken time for the Commission to control. Put it another way, the decisions are made slowly and enforced indirectly. Public opinion on this subject is a real limit for the law-makers and the politicians. It could be said that the public appeals make the legislations more accurate rather than opinions of the politicians.

2.4. Kyoto Protocol

Part of the Protocol is added in this study. It could be seen above and below. The importance of the Protocol is also mentioned in the case study part as a help to the study.

Under the Kyoto Protocol, 37 industrialized countries and the European Community (the European Union-15, made up of 15 states at the time of the Kyoto negotiations) commit themselves to binding targets for GHG emissions. The targets apply to the four greenhouse gases carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulphur hexafluoride (SF₆), and two groups of gases, hydro fluorocarbons (HFCs) and perfluorocarbons (PFCs). The six GHG are translated into CO₂ equivalents in determining reductions in emissions. These reduction targets are in addition to the industrial gases, chlorofluorocarbons, or CFCs, which are dealt with under the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer. Under the Protocol, only the Annex I Parties have committed themselves to national or joint reduction targets (formally called "quantified emission limitation and reduction objectives" (QELRO) – Article 4.1). Parties to the Kyoto Protocol not listed in Annex I of the Convention (the non-Annex I Parties) are mostly low-income developing countries, and may participate in the Kyoto Protocol through the Clean Development Mechanism (explained below). The emissions limitations of Annex I Parties vary between different Parties. Some Parties have emissions limitations reduce below the base year level, some have limitations at the base year level (i.e., no permitted increase above the base year level), while others have limitations above the base year level. Emission limits do not include emissions by international aviation and shipping. Although Belarus and Turkey are listed in the Convention's Annex I, they do not have emissions targets as they were not Annex I Parties when the Protocol was adopted. The other parts of the Protocol are skipped due to the facts of the research.

The member states have different perspectives on the environment. In China, usage of the industrial fabrics is more important than reducing the greenhouse gas emissions from the air. However, China is not the EU member. That's why it can be

said; developing countries try to improve their economy rather making contribution to the environment will.

After Kyoto Protocol, most of the European countries made some changes on their legislations for the environment. Nevertheless, the USA rejected to sign the contract, because of not believing in its own causalities. It could be meant that the environmental protection is still a second major problem of internationally. For the climate change, the members of the Protocol have to exceed some barriers. China and the USA are the two sides of this Protocol, since they are the biggest polluters of the World. However, the environmental policies are made for every country in the world as an international matter.

In this part; I explained the social part of the theory of the environmental policies of the EU. After that, the new part will be about economic side of the theory of the environmental policy of the EU.

3. NEW INSTRUMENT OF THE EUROPEAN UNION

In this chapter, the governance of the German environmental agency is handled. As an addition, EU 2020 targets are included in this part. With that, the German government has investigated on the achievements or failures of the directives. Another important part is provided by explaining the importance of the EU Single Market. The economy of a government changes the attitude of that country to their reliance to the EU legislation. Therefore, it is significant to give the green product usage as an argument for the governance of the member states. Together with that, a new instrument in 1997 is presented by the EU Single Market to the members of the EU. It is called ‘Command and Control’ strategy. With this strategy, it is tried to make a balance between the economies of each EU member states. If there is a balance between the governments’ legislations about the environmental protection issues, the EU members reach the targets of the EU 2020. Thus, such as German government, there are some examples on the achievements of the EU directives. On the other hand, the NGOs or international organizations have the opportunity to share the idea of making a balance of economic successes between the members. It is needed public support with the administrative successes, as well. The citizens of the member states of the EU are important to show the reaction about the environmental policies whether they are effective.

3.1. European Union 2020 Targets in the Environmental Policy

According to the EU 2020 targets, the member states are asked to adopt and implement their policies. The mission of the union is able to reach the targets on the carbon dioxide emissions due to the factors of the Green House gas (GHG) Emissions.

Three main targets are presented in the EC:

- 1) It is asked to have 20% reduction in the Green House emissions from 1990 levels
- 2) 20% rise on the share of the energy consumption made by the renewable energy sources.
- 3) A 20% rise of the European Union (EU) energy efficiency. (Climate... 2014)

3.1.1. Main Concerns of the European Union 2020 Targets

As it is explained above, the EU tries to reduce GHG emissions and increase the usage of the renewable energy sources for 20% till 2020. EU Member States are concerned on the climate change. Therefore under the Copenhagen Accord, it is discussed if there is a possibility to keep global warming less than 2 degrees. (EU Single...& Climate... 2014)

Besides the EU 2020 Targets are beneficial for the environment, as a supranational organisation, the EU asks to increase the percentage of the targets from 20% to 30%. On the other hand, the costs of the targets will help revive the economic activity. The fixation or change on the usage of energy could reduce the cost of the spending of the carbon emissions. For instance reducing the level of carbon use from 20% to 30% will decrease the energy spending.

CO₂ emission taxes which are paid for the fuel could be reinvested to be able to obtain a growth on the environmental activities and jobs.

“The risk of carbon leakage with a 20% target in current circumstances is comparatively lower than assumed in 2008. EU energy-intensive sectors as a whole would be in a slightly better position if all pledges under the Copenhagen accord were fully implemented. However, continued uncertainties about the implementation of the Copenhagen Accord justify maintaining the measures already agreed to help energy-intensive EU industries – free allowances and access to international credits.” (Ibid)

The EU stands by the level of the GHG emissions from 7% below 1990, in 2005 to 10% below in 2008. These results are obtained by the climate policy action and high energy prices. Because of the 2008 crisis, the reduction in the emissions is accelerated. (Ibid)

The aim of the EU till 2020 is to reduce the emission -14% compare to the 1990 levels. Also with the additional policies, the EU could meet the 20% renewable energy target and limited additional regulatory, fiscal measures and to international credits without recourse.(Ibid)

The cost is interpreted by the European Union for the climate and energy package 70 billion euro till 2020. This cost includes the achievement of the 20% GHG reduction and 20% renewable energy target in 2020. With this package, the higher expenditures are, the higher directives for the economy will be towards lower-carbon activities. (Ibid)

All of a sudden, the 2020 projected Gross Domestic Product (GDP) is one third less (48 billion euro---0.32% of projected 2020 GDP) than it is estimated. The benefits of the package is to make the GHG emissions cost depressed by the crisis. To increase the energy efficiency investments causes to decrease the demand of projected energy. On the other hand, the effects of the crisis will change the trading circle lower the carbon prices and costs in 2020.(Ibid)

Combating climate change could ease the government revenue from the public finances and release itself one of the public funds.

Since the First Action Programme of 1973, there has been six action plans in the European Union. The seventh action programme includes resource-efficiency, compatible greenhouse gas reduction, and renewable energy increase. The programme should be supported by the governments in order better implementation to be accomplished. (Commission... 2014)

The interest of the implementation is to reach the solutions of political targets. On the same vein, the political actors gave promises. Targets of the implementation could be found as an international need. In this regard, the possible economic action stays important to have a better implementation. The governments choose always the easiest way to accomplish the policy directives. Therefore, governments compete with each other to have a better economic position. Altogether, it is important to learn the cost of the policies according to the economic activities of the governments.

3.2. Policy Input

According to Barnes & Barnes (1999, 9-11), the study shows that the bureaucratic strength is high and bureaucratic action is less dependent on the possibly unstable political input, the process of alignment towards the EU once started and can go on smoothly’.

Bureaucratic strength is a good tool for the member states. This flexibility of the political integration is used for transposition of a policy. For that, there are different actors in this case. And those actors behave differently. This is called the bureaucratic action. The division of those two terms should be understood to make an importance on the policy dynamics. Different policy actors made the differentiation on the policy dynamics. Therefore, it is likely to destabilise political inputs with using requirements for the bureaucratic extension.

Transposition of the legitimation is the contingency factor of the compliance issues. In the enlargement process, the European Commission plays the main role in creating

new the environment policies. The environmental policy is connected with the policy transposition on one hand.

The positive effects and negative effects of the compliance issue in the environmental protection is the basic idea of the law. Article 260 says that the supranational law is changing with the influence of the local law.

Nevertheless, policy transposing process is such a time-consuming process depended on the political actors.

Lampinen and Uusikyla (1998) try to solve the variation of non- implementing policy problems by the Member States of the EU. In their opinion, willingness to implement and capability to implement the policies adopted from the European Union Law could be the main division of the structure. The member states which are willing to implement the policies are politically more stable. Also, they have huge support for the EU Law activities. On the other hand, the Member States which are capable for the implementation of the policy have the high degree of corporatism. Political institutions are carrying the legislation transposed by the EU. Lampinen and Uusikyla (1998) consider the cooperation for the government and interest groups are very important when they try to explain it in order to obtain the stability and necessary predictability.

3.3. The Cost of the Policy

As seen from above, for the states, the economy has a priority at the international arena. After the realisation of the importance of an international union, people started to concern cooperative economic improvement. With the support of the scientists who work on solutions of the climate changes, the Member States started to put some extra amendments on their policy. National legislations transpose the policies if there is a need for them. The governments consider mostly their state's benefit from the policy. The citizens of the European Union member states are the main customers of the policy amendments.

The customers are the mainstay of the policy revision. The cost of the policy is varied on the ECJ's decisions or effectiveness of them. Environmental issues firstly held on the Kyoto Protocol. Although some of the member states ratified the Protocol, some of them didn't. This protocol could be thought as a beginning in the policy changes on global warming. Now on governments are working on the reduction of the global warming to 1.5 centigrade degree. (Paris Agreement... 2015) On the other hand, the experts warn even though there are problems to be changeable in governmental positions, the global warming could be still. Together with this, this policy costs to the countries billions. Therefore, the policy failure is accurate.

In 'New directions and old problems' book, the author argues that policy changes are decided to make them with self-regulation. People would like to join with their own ideas. (Knill 2000, 4) On one hand this could be very powerful if the ideas are supported from everybody and regulations are close to the normal life of the citizens.

On the other hand, the author says even the self- regulation is a new instrument in the policy implementation process; the strategy also has some errors in it. (Golub 1997, 1-16) It could not be concluded the governments are the main actors of a better implementation without a non-supportive citizens. The strategy of self-regulation of the policy should be tried till it is decided not enough to accomplish the transposition of the policies. Otherwise, the cost of the policy for the governments is getting high. The European Court of Justice wants to produce laws. They don't want to make patches on the laws. The Court can only decide if there are complaint letters or they make a visit to the countries to learn how the policy implementation process is. But still this process is very slow. Altogether there are 28 member states in the EU.

Knill also argues comparing to the old improvements; the new instruments have considerable implementation deficits. The authors both argue on the new policy approach and implementation effectiveness. (Knill 2006, 331-75) (Golub 1997, 1-16) While the governments make changes on the national legislations, the union waits for the domestic feedback from the members.

“The weakest point of the organisation is not to make institutional requirements or modify the institutional context for strategic interaction.

Nevertheless, the aim of the Europeanization as a phenomenon is to get the domestic beliefs and expectations around the member states. These beliefs and expectations are thought to turn into the preference and strategies of the domestic actors. Institutional adaptations become with the development of the changes on the domestic beliefs. According to the Knill and Lehmkuhl, this method is based on the cognitive process of the domestic beliefs.” (Knill & Lehmkuhl 1999, 3)

As understood from above, it is arguable that the feedback from the national governments may not be so helpful. According to the administration of the governments are needed to succeed in implementing the policies under environmental protection. Together with the contribution of the administration services, the public believes are shaped. Although there are misfits of the implementation of the policies, it is accepted that this is helping to the institutions to take strategic interaction to the improvements of the policies of the environmental protection.

According to Knill et al.’s arguing is to put the preferences, strategies of the domestic actors according to the domestic beliefs.(Ibid) Therefore, domestic actors have to work on that. In the field of Europeanization, domestic actors play an important role for pushing the enforcement or taking away the enforcement. They could be usually individuals, groups, or organisations.

3.4. International Organizations

Participation of the Community of the EU citizens to the international organisations is ‘problematic’. The EU has a significant place in the Community. A member state hardly accepts to agree upon a common position with its presence.

Nevertheless, the participation of the Community to the international organisations is ‘problematic.’ Agreeing upon a common position for the member states was not easy. The recognition of accepting an international personality carries a big importance. (Knill 2006, 331-75)

3.4.1 Public Opinion about Kyoto Protocol

According to Brechin (2003, 6) analyses, public opinion in Germany, 73% of the population found it hard to respect to the data coming from the Gallup International Institute in 1993. He shows that the public opinion about the environment problems has been already occurred.

Barnes (1999, 115-122) puts out that the sustainable development of the environment is needed also public participation on the development and monitoring process.

The NGOs provide the data about the environment. The organisations work collaboratively with public. Both organisations are interested in feeding opinions or they try to monitor the policy. In another word, the organisations care about the role of the policy implementation at the national level.

Due to the gathering information from the NGOs, the EC supports for the assistance. This way of obtaining access to the scientific expertise for the Commission could be cost-effective. (Ibid) There are funds to assist and amend the legislation about non-trade barriers. A new funding programme is established. (Ibid)

The author concludes that objectives of the EU are in early consideration of the problems of the national legislation, so only the enforcement and implementation are successful. He reminds the reader for the evaluation process to build a wide-ranging reports and analysis of the review respect to the adaptation of the legislation. According to the author, the more commitment to the sectorial policies integrates to the legislation, the easier to fulfil the national legislation. (Golub 1999, 120)

Barnes (1999, 115-122) mentions that the ECJ is the 'resort' of the policy misfit process. With the infringement cases considering the environment issues, have shared responsibility with the ECJ.

Challenges, implementation and enforcement come with the complexity of the technical problems. Every interpretation is different for varied national legislations.

Otherwise, the difficulties are not absent; the EU's environmental policy will not approach its goals such as environmental protection and economic development. (Ibid) On the other hand, it could be said some of them could achieve. Now, the command and control strategy is glimpsed.

3.5. Command and Control Strategy

What was determined in the new strategy is positive. The strategy is shown that the implementation is cost-effectiveness and flexible. To make it easier, it should be understood that the European Union tries to make the policy with balanced to every member states. One to create the balance in the strategy is really hard. There are both developing and developed countries in the member states of the EU. Creating a balanced strategy between the national legislations is hard. Each member has a different situation on the building of the fabrics which produce too much carbon gas emissions to the environment. Some countries prefer releasing CO₂ to the environment. They consider mostly their financial commitments to their citizens.

Command and control strategy is checked by the European Parliament. Besides that, it is not possible for the institution to ensure about the consequences. There is an 'eco- label, eco- audits' system. According to Golub (1997, 2), this system is aimed to produce more green products in order to protect the environment. Also, citizens of the EU like and search for this kind of products. This is the considerable effort for the law-makers. The support for the green products is not going to stop. On the other hand, it is helping to reduce the CO₂ emitters from the fabrics. The fabrics will need to use renewable energy to produce a better product.

Due to the domestic legislation, eco-labelling or eco-audit might be 'problematic'. This method could make a distraction on the products of the common market. The difference between market price and domestic price creates a 'non-compliance' problem in the economic issues of the member states. Golub (1997)

explains after given responsibility to the large regions, the strategy of ‘command and control’ organises the amendments to reach the standardised targets. At the end, licences for the institutions and ensures a compliance among the monitoring and sanctions.

Together with the citizens, the NGO’s mission is important to control this mechanism. If there is the misfit on the implementation, they are responsible for being a mirror to the EC.

The mission of the NGOs is to work with the national policy makers and business groups. Innovations for the environmental protection have to get supported with the policies of the EU. The NGOs are the backbones of the Compliance policies to reach the targets of the union.

Policy implementation process starts with the notification process. In this level, the EU law is adopted by the member state. Transitional countries are supported with the control mechanism of these organisations to be able to obtain ‘compliance’. (Börzel 2000, 141-162)

3.6. New Innovation for Public Support

Environment surveys show us the level of public believes in the case of transposed policies. The real liability is owned by the public authorities.

Recently there became a new instrument considering as a new implementation approach. This is the combination of the procedural regulations, self-regulation, public participation and voluntary agreements.

Establishing a new trend in the environmental policy implementation is resulted from improvement in effectiveness of the EU. There are two improvements on the new instrument. The first one is to release the member states to have a compliance with the European Union Law, till finishing the regulations on their own policies. The second

one is about strengthening the public accession or self-regulation to the policy implementation process.

Golub (1997, 2) considers the public accession as a new instrument for the environmental policy implementation. According to new instruments; the government makes a prescription of the regulation. The “command and control” mechanism firstly gives the responsibility across the large regions, secondly organises the amendments to reach the standardised targets and at the end licences to the institutions and ensures a compliance among the monitoring and sanctions. In the common market, technical and uniformity solutions make an unfair competition between member states. Some of the member states have isolated, peripheral or sparsely populated regions. Due to the fact, these countries don’t need to pay too much for the implementation. According to Golub (1997, 3), market-based requirements reduce the effectiveness of the implementation.

Labels, eco-taxes and eco-audits let the consumers assist on the environmental improvement voluntarily. This gives a unity to the consumers rather than a confrontation.

As it is looked on the industrial case, the mixed motives involve into the free rider problems dealt with small and large firms together.

On the NGOs’ side, the new instruments helped a lot to the simplification of the regulation. They pointed out that the revision of the legislation is confirmed by the experts. The new instruments are perceived to be a ‘safeguard’ rather than to fulfil an obligatory regulation. (Ibid)

The European Parliament is also supported the new instruments. The command and control strategy is believed to be flexible and cost-effectiveness.

Eco-labels are preferred to paying taxes. As it is concluded from the Polls, people are willing to buy green (renewable, natural, etc.) products. Several member states started to achieve ‘green’ success. Together with that, they had an achievement on the implementation of the EC trade. Eco-labels could be a distraction for the EC products which could cause damage to the common market. The national producers had a hard

time not to mix the eco-labels and national labels. Some say that the strategy of labelling is having economic and legal obstacles. The discussion on the necessity of the eco-labels continues.

On the other hand, the cost of the eco-audits is found equal to the command and control system in Germany. (Ibid)

3.7. The EU Single Market

In order to understand the economic part of the European Union, the Single Market is investigated in the next chapter. The aim of the Single European Act is to protect the national laws among the environmental laws. (Hildebrand 2005, 34)

When it comes to the EU Single Market, Article 130r puts the importance of the national legislation. The Article 130r says that the member states are independent to accomplish the directives with their own provision, under stringent standards. (Koppen 2005, 76)

Under the Article 100, the whole legislation is carried out by the member states. With the Maastricht Treaty, the Single European Act (SEA) was exercised on the European level. (Weale 2005, 127)

Besides them, signing or discussing on the multilateral agreements created a fear on the differentiation of the national implementation. Thus, the Commission allows the member states to work unilaterally in negotiation and implementation. Non-trade barriers would be well defined with the environment protection. The achievement of the environment protection wasn't mentioned in the Treaty. (Sbragia 2005, 204)

As the last word to this subject, the differentiation on the environmental implementation rules between the member states is needed to discuss more. On the

other hand, the agreements are strict on transposing the laws. Therefore, it is hard for the governments to achieve the implementation successes.

4. CASE STUDY

Germany is widely accepted as a more developed country among the EU members. Therefore, it is important for this thesis to explain German environmental protection issues and legislation. It is understandable that the Germany has a big influence in the case of environmental protection issues in the EU. Closing all of their nuclear power plants is the aim till 2022. Nowadays, the usage of the coal is widely discussed in the German society. (The Energy Collective... 2014) Closing the nuclear power plants is also questioned by another article. It is argued that the 2020 targets will not be achieved if the coal usage increases. (Reflects... 2015) This is a big reflection in the emission trading system, because, the clean energy in the air will be decreasing.

4.1. German Administrative Capacities

The Federal Ministry for the Environment Nature Conservation, Building and Nuclear Safety (Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit-BMU) is the main institution where all the environment issues are solved. The German Federal Environment Ministry released the International Climate Initiative (IKI) connected within the resolution of Bundestag in 2008. With the initiative and resolution, German Government with transition and emerging and developing countries tried to make compromise on the environmental issues. The meaning of the policy is to balance the biodiversity.

German government works with different projects supported by the European Union; such as International Climate Initiative, whose purpose is to reduce the carbon emissions, to make forest degradation, and to mitigate the GHG conserve the biodiversity. (Research... 2014) In this case, it is said that the trust to the governmental organizations by the German citizens are powerful.

Federal Authorities are divided three sub-agencies: 1) Federal Environment Agency 2) Federal Agency for Nature Conservation 3) Federal Office for Radiation Protection. In total there are **3000 employees** in those federal authorities. These authorities also work with independent advisory bodies:

Environment Agency (Umweltbundesamt-UBA) was established 22 July 1974. Since 2005, the agency is located in Dessau- Roblau. **1400 staff** works in the agency. The aim of the agency is to provide support for the Federal Environment Ministry. The field of the agency with regard to is climate protection, air quality control, noise abatement, waste management, soil conservation, environmental chemicals, and health- related environmental issues. The agency itself tries to provide environmental research support by the Federal Environment Ministry and coordinates the environmental research by the federal authorities and helps awarding the Blue Angel eco-label, which is also called the oldest label, offers manufacturers and traders to show the environmental advantage of their products. (Eurofins... 2014) This could be helpful for the Single European Market. Keeping in the mind the factor of the importance of the economic benefit for the government is more significant. Meanwhile, the eco-labelled products are the preference of the public. Administration of the environmental protection in Germany has made the green products valuable. In this case, the capability of the government is fairly enough for them to transpose the EU legislation among the national legislation.

Together with the other member states of the EU, Federal Environment Agency (UBA) joins different forums such as World Health Organisation for air quality management and air pollution control and the forum of the drinking water research. Besides that, the agency arranges meetings in its own authorization.

Federal Agency for Nature Conservation (Bundesamt für Naturschutz-BfN) was established in 1993. The aim of the agency is to be the scientific authority of the federal level for national and international nature conservation and landscape management. The agency is located in Bonn and has branches in Leipzig and on the island of Vilm. In total there are **290 employees**.

Federal Agency for Nature Conservation (Bundesamt für Naturschutz-BfN) is responsible for giving advices to the Federal Government. Providing support for federal development programmes, approving imports and exports of protected animals and plant species are one of its duties.

At the end, the results assist for decision making in the legislative process and sustain the practical work of administrative authorities and nature conservation associations.

The Federal Office for Radiation Protection (Bundesamt für Strahlenschutz--BfS) is aimed to ensure the safety and protect the humans and the environment from the ionising and non-ionising radiation.

This agency deals with the effects of the x-ray diagnostics in the medical sector, the safety of the use in the nuclear technology sector. Also this task concerns protection against ultraviolet radiation.

However every member state carries their own administrative size, in respect to their Environmental Agencies. And there might be a difference between them. The differentiation between member states is another reason to have a better implementation of the European Union (EU).

According to given data about the German Environmental Administration, the amount of the workers in this area is enough to implement the policies. Environmental protection is accomplished in Germany by very careful steps. In the investigation process, the calculated workers in the service, is approximately **5000** personnel. With a support to the governmental institutions, there are lots of NGOs. Although pressure of the environmental innovations by those organisations to the government is too high, the costs of the environmental protection processes are deterrent for the community. That's why the government puts newer taxes especially on aviation and the institutions

where it produces considerable amount of CO₂. This is also another tool for the European Union emission trading policy.

The legislation doesn't fix the deficiencies. The political solutions stay insufficient, either. Social integration of the environmental directives is certain in the European legislation. On the other hand, transposition of a law makes some difficulties. German government has a hard working environmental agency in the case of protecting the environment, even though there are such situations where German administrative body get difficult. For instance, the scientific investigations would be a barrier in front of the European legislation. Closing some of the nuclear power plants is a very cumbersome idea. However the government still keeps the institutions under the name of 'independent advisory bodies'. (Independent... 2014) (See. Appendix3. **Table1**. Independent Advisory Bodies)

As well as the stability of the German political system makes the transposing the law easier than other countries, the expectations on the administration service is very intensive. Also the political pressure on the environmental administrative bodies is high.

The Green Party actively works in the legislative and practise implementation process. Currently, the Green Party is found out the carmakers' deceiving the authorities according to the emissions reduction rule. However the German transport minister was denied the claims. (Independent... 2015) Although the success of the implementation process of the environmental directives was not so big, they lost the seats in the Parliament in 2013. The political pressure on the politicians is very high. Merkel's attitude to the environmental policy implementation from directives of the European Union is important. The balance of the transposing policy to the national legislation is clear. Non-compliance is a big issue for each government especially in the new member states. It is seen that the numbers of the infringements explain that there are mistakes in the implementing the European Union environmental legislation among their national legislation. (See. Appendix1. Figure1. Infringement Cases from the European Union countries)

4.2. Public Support

One and the most important directive in the 2020 targets is the CO₂ and greenhouse gas emissions reduce. Public support section is divided in three parts. They are carbon tax protests, auctioning and aviation protests. There will be the implementation failures and successes of the reduction of the greenhouse gas emissions in Germany.

Increasing number of transposing the laws is important. Basically this is dependent on how much support the public gives to the legislation. The public should be well-informed about the environmental protection issues. Each member state has their own legislation; national states are independently discussing the policy from the union even though policy is binding for all. There wouldn't be a good implementation without a public support. Least industrialised countries compared to the others will ask different regulations from the others.

Most of the European countries ask for a well-designed protection of their environment from the legislators. Legislative body of the EU is also responsible for the checking the failures and successes. However the strategy of obtaining the legislation might be problematic regarding to the states. A supportive community could be defined by the people who are able to or are willing to live a better conditioned place.

Different survey reports, NGO researches (such as the Green Peace Organization, some locals in Germany), and scientific sources (articles including the results of the public appeals cited before) are used to ensure the public support affect the implementation of environmental policy. Even with this information, it is still hard to understand the dependence of implementation success to the public appeals. The most reliable sources from the public's view are the ones based on scientific researches. These documents will measure the effectiveness of the public in order to implement the policies into the national legislation. The higher percentage of policy

implementation is for the environmental protection provides a well-qualified environment.

The European Union tries to put a policy that every member state can implement.

Public opinion should show the reliability to the decisions of the Council of the European Union. Comparison between surveys made in EU27, EU15 and NMS12, shows that the public is the one who believes in an improvement of the environmental issues. The survey is made between the years of 2004 and 2007. Year by year, the citizens believe in the scientific conclusions about environmental surveys, such as climate change, energy lacking, etc.

Confidence in the EU based on environmental issues is 10% by 2007 and 12% by 2004. Year by year, the confidence for the EU targets on the environmental issues are decreased. On the other hand, national governments also lost their reliability by 2007.

In German case, the environmental protection associations (Green Peace Organisations, World Wildlife Fund etc.) are taken as the most reliable source (50%) due to the environmental problems. (Report... 2008)

For each member, the percentages of the rate of the solution on environmental problems have to be taken into account in different ways. In regard of the reaching the targets of the union, German people trust environmental protection associations' advice. The legislation tries to make a compromise within each member states in regard of the environmental protection.

In this report, with the governmental and scientific sources, there were also other sources taken into consideration about the environmental innovations. The newspaper and television news became less trusted to the people. On the institutional bases, there are similar public opinions about the protection of the environment. (Ibid)

Conclusion from the report is that the mistrust of the knowledge affects the human attitude through the environmental implementation rules made by the EU. If the public accepts the environmental rules of the European Union legislation, some of the members could reach the targets of the union. Some of them may not reach them,

because the limits of the targets are different. The economic activity of the country could be a reason for that. In this case the industrialised countries will lead the targets even further.

4.2.1 Carbon Tax Protests

The carbon tax is enforced to be able to make a solution for the environmental protection from the industrial companies. The first policy put into force with the influence of Kyoto Protocol. The Kyoto Protocol asked the member states to change their environmental policy in order to reduce the Greenhouse gas emissions. As a side effect of the crisis, the EU decided to lower the price of the gas. Even before lowering the price, some problems have been with the adoption of the policy from especially oil and coal companies. The effectiveness of the implementation is measured with the correct integration of the national legal order. If there is a problem in the application, the process should be shown with the public support or appeals. Therefore, the tax protests are important for the integration of the policy. In the case of the environmental implementation policy, the subject will be divided two categories: companies' and the organisations' ideas of the 'misfit' problem are given relevant to the hypothesis. The effectiveness of the implementation will be questioned with the failure of the policy. As a developed country, Germany puts on the more important coat. This means that society will help to the other communities. The developing countries need help to gain encouragement for making a better condition on the case of making a contribution to the environmental protection. The territory of the country has the most important sources. The expectation is not more than 2020 targets of sources per countries. There are few sources in the policy implementation. The coal industry has to buy so many certificates to be able to challenge for the policy. The effective implementation should be divided with the usage of the tools on the environmental protection. The carbon taxes are one of the tools in the case of the European environmental policy. As well as other members of the Emission trading system has dealt with the transposition problems, Germany is issued to have a problem in the case

of transposition of the law. Due to the lack of information in the case of notification and application disorders, they will be skipped.

The system ensures the principle of 'polluters pay'. Companies are usually the factors of biggest polluters in regard of greenhouse gas emissions. It seems that the carbon taxes are well-enforced in the country. It is hard to argue on the case of the protests of the carbon taxes.

The industrial installations in Germany mostly are doubted with the effectiveness of their economy rather conformity to the EU act. The theory doesn't explain the economical side of the taxation. The effectiveness of the implementation could be asked from the companies or environmental protection organisations in the country.

Public appeals address a shortcoming in the case of carbon taxation in Germany. Nevertheless, the scholars would like to point out that the policy is not well-implemented to national legislation as well as written formally.

Instead of public support, the public protests are too much for emitting CO₂. To put all the investigators' and managers' ideas together, it could conclude that they are against to enforce the 20% target of the CO₂ emissions. Therefore, the effective implementation failed.

4.2.2 Auctioning protests

Auctioning is another tool for implementing the emission trading policy. This instrument tries to find the best economic direction on the carbon taxation. The industrial settle ups suffer the process of the transposing the policies. The companies are taking these challenges in the case of reducing the emissions of CO₂. The auctioning would be negotiated between the national and international countries. These countries need to buy or receive some of the emission credit or allowances from the companies which are taken by the others. Auctioning protest is contradicted to the national interests. Industrially developed countries are a very contradictive situation.

The managers of these companies are not willing to use the system. On the other hand, conservationists are rebellious. Despite allowances being very big, there is a huge amount of emissions in the companies. Public might not address the real numbers of the auctioning. But the employers would go to the strike because of the fact that the expenditure of the companies will increase, and the outcome of the process will be ended with the failure of the policy. The policy should be a tool to protect the human and environment well.

According to the NGO protests, they basically argue that the emission trading system doesn't work smoothly in Germany. In the compliance process, the politicians would prefer enforcing the policies into their legislations. Germans are good at the application of the policies. However, integration of the policies is mostly succeeded in Germany rather than other countries in the European Union. (See. Figure2. Article 260(end 2014)) The steel industry is a cheap industry nowadays; they need to buy a lot of certificates to be able to integrate with the EU legislation. Because it is cheap, the industry doesn't have a need to pay too much for the allowances. (5 euros per tonne) Also, it is hard to check the certificate if it is convenient for the industry. This is a doubt for the customers. And it is possible to cheat on the pollutant's report. Also first allowances were freely distributed to the relevant companies. The environmental organisation (BUND, Friend of Earth Organisation) tries to put the regulation on the level of 2 billion reductions on the emissions. Steel Industry Company in Germany argues in order to increase the price of emission, per tonne and the abundance on the politics. The emission trading doesn't work according to the environmental organisations because nobody is compelled to cut the greenhouse gases. Another argument is to increase the renewable energy. Developed countries try to reach the targets. Nevertheless, the developing countries are trying to improve their economies rather than protecting the environment. Even, some of the countries try to protect the environment; it is hard to protect the environment from economic interests. (Emission Trading... 2014) Oil companies brought too much expenditure. Developed countries helped out the developing countries to clean the waste from their industries. Dutch firms have moved the nitroxide to the EU. They succeed with the environmental improvement more than environmental benchmark in EU.

Dominance on the environmental organisations is not very active. However, they try to make a compromise on the policies. The government is not coercive on this case.

4.2.3 Aviation Protest

Aviation strikes in Germany are a signal for the environmental protection activities. Those activities are accepted by the national legislations on the carbon emission from the airplanes or flying vehicles. The factor of the airplanes is the same as the companies' complaining. The logic of the emission allowances could be more understandable with the exchange of currency. At the moment, the polluting is very cheap. There is still time for a better environment, or with other words, there is still time for better environmental protection. Even though the political pressure is too high when it comes to adopting the policies into the national legislations, the environmental protection is not very well-implemented.

EU legislation is currently changing. It is found that if the European Union puts a strict emission allowance on the policy, the policy implementation would be more effective. The airplanes suggest a certain market price to invest the technology and so on. 2008-2012, The Commission should be paid, but the amount of money is too cheap. And the airplane also has a better opportunity to take allowances from the system rather than setting a new technology which is more expensive.

There is better binding the emission trading. Travelling releases too much CO₂ into the atmosphere. With the aviation process, there is 4-5% emission release in the aviation. It is hard to follow how many airplanes emit the CO₂. Therefore, it is not a barrier to the companies to buy and give allowances to others. Air transport through the EU is tried to enforce due to the Protocol of Kyoto.

The scheme is covered energy, ceramic, iron, etc. companies have the emission limits. The aviation has some limits on the CO₂. The higher allowances, the market

price will increase, that makes the renewable energy increase the market price. Low price airlines ask a preferable tax from the passengers. Ticket prices will be limited. They also invest clean energy sources in airplanes. Adopter wings are searched for the environmental protection. 10% of the energy efficiency is reduced. And till 2020, the target will be 20% with this. Better traffic control is also another good reason not to release too much CO₂ into the air (12%). 10 years less fragmented space, navigation devices, new circulation are especially reducing the CO₂. Aircraft can move over without any delays. It is calculated 180 billion annually another vital disaster for the environment, even before 2020.

5. DISCUSSION OF RESULTS

As set up by the hypothesis, the administrative capability is an important factor for implementation of policies. The research is provided with theory of the environmental policy implementation. Moreover the bureaucratic structure for the member states is explained to show the economic aspect. It is suggested that solution in the future implementation are economy and institutionalisation.

Data is renewed and rewritten from the legal web sides of the member states of the EU. The link is added at the end of this page.

All the countries have different cases of environmental protection. By population, Germany is almost the biggest country in comparison. On one hand the politics has big influence in this case. But on the other hand the bureaucratic structure is not so differentiated due to the facts of the administration type.

It is found from the size of the institutional basis, Germany has 5000 civil servants. They are still having implementation problems. On the other hand Germany is further away from the targets even before 2020. Nevertheless, German puts its target on the increase of the renewable sources higher than other member states of the EU. Political pressure is dominant on the implementation of the policies. It could be concluded that the country is shown up a winner of the transposition of the environmental protection policies. When it is seen from the news and papers, the government is considered the environmental protection. It is also explained with the European Commission's 'joint action' rule. The government makes the implementation among the European Union

standards. Germany has already reached 2020 targets of all. On the other hand, there might be problems according to the practical part of the implementation. Together with that, the public support helps in the case of regulations. It is understood from the protests of the emission trading policies.

It is suggested that if there is a higher public support, the implementation will be higher. According to the data from German cases, it is possible to say that better implementation exists. However there is some non-compliance of the implementation due to the European Environmental policy. The NGOs argue that the policy implementation is just written on the paper. There is not an improvement on the implementation of the environmental directives to the legislation. Even the legal paper is written as a good qualified transposing process, the reality shows different numbers.

One of the most important directives in this case is emission trading system. This system is also limited in the Kyoto Protocol. As well as the Kyoto Protocol has some limits, the European Commission is included into its actions among the environmental protection.

On the other hand, there is a different mechanism on the environmental protection. These are taxation, labelling systems. Put it another way, the name of the mechanism is called 'command and control'. This is the economic side of the policy implementation. Some of the citizens have hard time with the eco-labelling and national labelling in the common market. This idea is accepted rather taxation system.

There is a fair variation between countries on the case of the administrative sizes. The hypothesis claims if there is a wide administrative capacity among the environmental issues, there will be a better implementation. To look closer to the idea, infringement cases are investigated. The results we came with are very interesting. Germany has a comparatively big administrative service. Together of that, Germany is successful when implementing the policies into their legislation. There is average number of issues has been shown up into the European Court of since 2014. Moreover, Germany has the same number of complaint letters in the Commission from 2014 it has.

Together with that, the European Commission is criticized at not having innovative ideas on the environmental legislation. Moreover the controlling mechanism of the environmental policy implementations is hard and time-consuming. Therefore the information about the infringement cases could only be learnt by the governments' statements. Those statements are not proved. Moreover, the governments don't criticize others because of the poor implementation.

It is also another possibility to entertain with the politicians' commitments to the policies. There is a language problem in the case of implementing the policies. This is another reason to have to be shown up. The ECJ would rather produce ideas on the amendments of the legislation than the reform on the policies.

As a conclusion, the bureaucracy is a significant factor of administering the regulations on the policies. But the administrative capability is dependent on the interest of the member states. Public polls/appeals were very important to understand the situation about the environmental protection in this thesis. According to them, the citizens of Germany are not happy with the real situation in the implementation of the environmental regulations in the EU. On the other hand, the environmental policy of the government of Germany is highly valued by the institutions of the EC. Germany carries its aim to 30% of the reduction on the GHG emissions. In real, it is hard to say that some numbers presented by governmental reports can be plausible. Therefore, Germany failed in the case of transposing the environmental policy of the European Union. On the other hand, the comparison between the new member states of the Union is varied. New member states have more infringement cases in the ECJ according to the failures of transposing the policies. However, Greece has also a big problem in transposing the environmental law into its national legislation compared to German administration of the environmental issues. (See. Appendix 1. Figure 1. Infringement Cases from the European Union Countries)

CONCLUSION

The hypotheses are analysed at the framework of the three factors: politicians, legislation and public appeal. The common argument for implementing the policy is verified as the problem of the intention to have it. It is concerned that the policies are promises rather be a 'legally binding' to the legislation. On that case, the European Union would prefer giving chances to the member states to change the complexity of the legislation. On the other hand, the organisation is a 'intermediatory person' who makes communication bridges.

First of all, it is suggested that the implementation problems could be solved on different levels. Politicians give empty promises just to get the elections. Like a result from this, political implementation will fail. Catching the countries with a better implementation is hard. The European Union has a need for feedback from the countries. But this will be challenging for them to measure between two cases. Therefore, the infringement cases or financial payments could be having a pressure on the countries. It is discussed that the cost of a policy in the EU could not cure the process of the targets. The example of Germany has been a different case. The targets of 2020 have already reached by the government and the new target would be put on 30% of increasing renewable energy sources, energy efficiency and reduction on the greenhouse gas emissions.

Second of all, the hypothesis supported the necessity of the ad-ministerial capabilities of the country in order to come at the targets of the European Union Environmental Policy. It could be said that the elements that are used in the policy cases are also

important to show the importance of the governance on this case. From all of the arguments, the system could be set on the economic regulations such as emission trading system. With another opportunity to find a solution, the eco-label system is a good element for the development on the protection of the environment. In this case, it is found that the member states have a need for economic regulations for a better implementation. This can be considered like another solution of this problem.

In order the policy implementation to be successful, support of the public is needed. Environmental protection studies are analysed with the contribution of different organisations' opinions. The Green Parties and NGOs could have found the reasonable arguments to show the mistakes and successes on the cases of the infringements. They are good at finding and fixing the problems. These information could be found on the both the sites of 'Venro' (under all German NGOs) All together, the enhanced capabilities of the administrative service in Germany guarantee better implementation of the environmental policy. There are always some problems in the case of transposing a policy. When it is seen, the achievement of the German environmental agency on their legislation is real. Even though the NGOs and the Green Party members show their complaints to the government, the New Member States still have to achieve a lot in the case of 2020 targets of the EU. On the other hand, the public support is very important in the environmental policy implementation. For this, many of the protests of the emission trading system are investigated. NGOs, Green Party members and experts on the environmental protection of Germany were listened to. The idea was to search if the public support helps the implementation of the environmental policies increase. It is possible to say the importance of the public appeal. If there is a problem in the environmental protection issues, the public gives feedback according the real life effects. The politicians are the main contributors in the case of giving feedback to the European Commission. The Commission uses the intermediary position to find a solution on the environmental protection with a balance between the members.

This question is required a lot of work in the field of the investigation of the countries' legal enforcement processes. It is hard to assume their real situation in order to predict

the implementation processes. The processes in each country could be different than on written pages. However, it is believed that both countries are reliable on their data.

As well as the environmental protection is concerned a lot of the EU countries, they are mostly depended on the economic cost. Therefore it is hard to implement the policies in their legislations. The language barrier between the countries has affected. For that, some lawyers could work in the organization just this reason. The countries administration for environmental protection should increase the capacity of the employees. With that the implementation will be easier and more successful for the governments. Politicians should be weakened in their managing positions in the European Union. There should be also a Parliament from the nations for these kinds of events.

The institutions should be informed for the results of the environmental disasters. Together with that, communities should objectively criticize the industrialised fabrics. There are NGOs and international organisations as well. The community should be supportive on them. The more support the public gives to the new transposed implementation, will result with better policy implementation. The pressure on the politicians will be released.

Bureaucratic strength stays always tied to the economic improvements. That's why the governments should concern other governments' problems on the economic sides of the legislation. The trade agreements should be depended on the government's economic power. The taxation system should be depended on the countries' developing level in the case of the environmental protection rules.

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APPENDICES

Appendix 1 – Figure 1. Infringement Cases from the European Union Countries

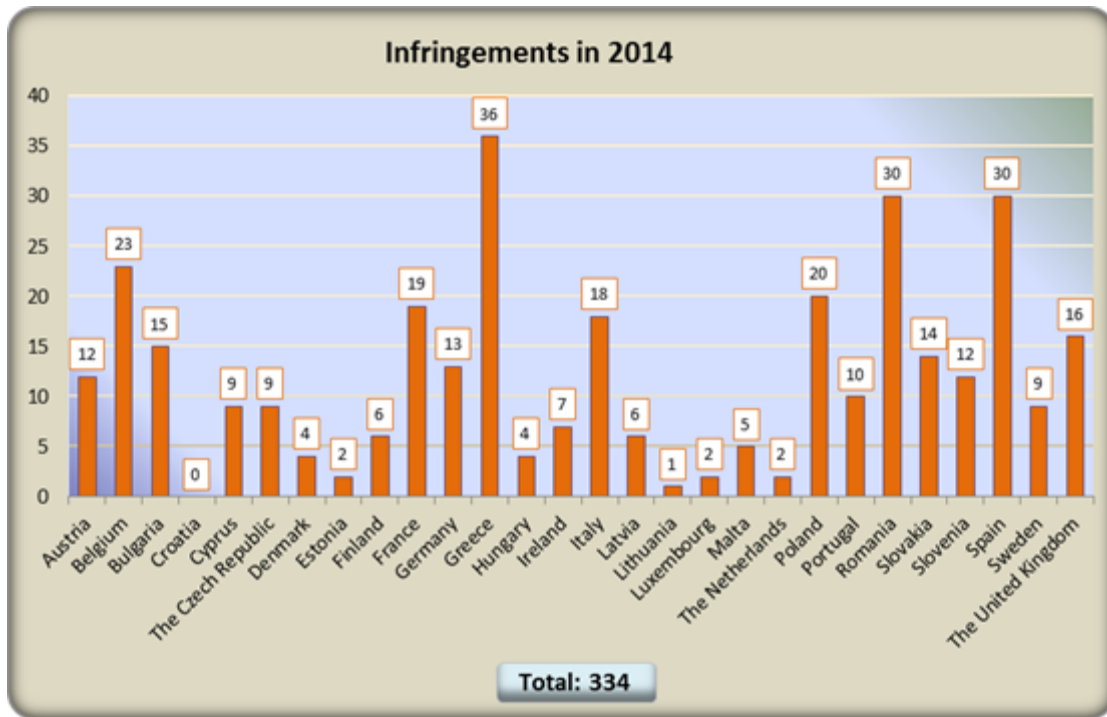


Figure1. Infringement Cases from the European Union countries (Commission... 2014)

Appendix 2 – Figure 2. Article 260 Cases (end 2014)

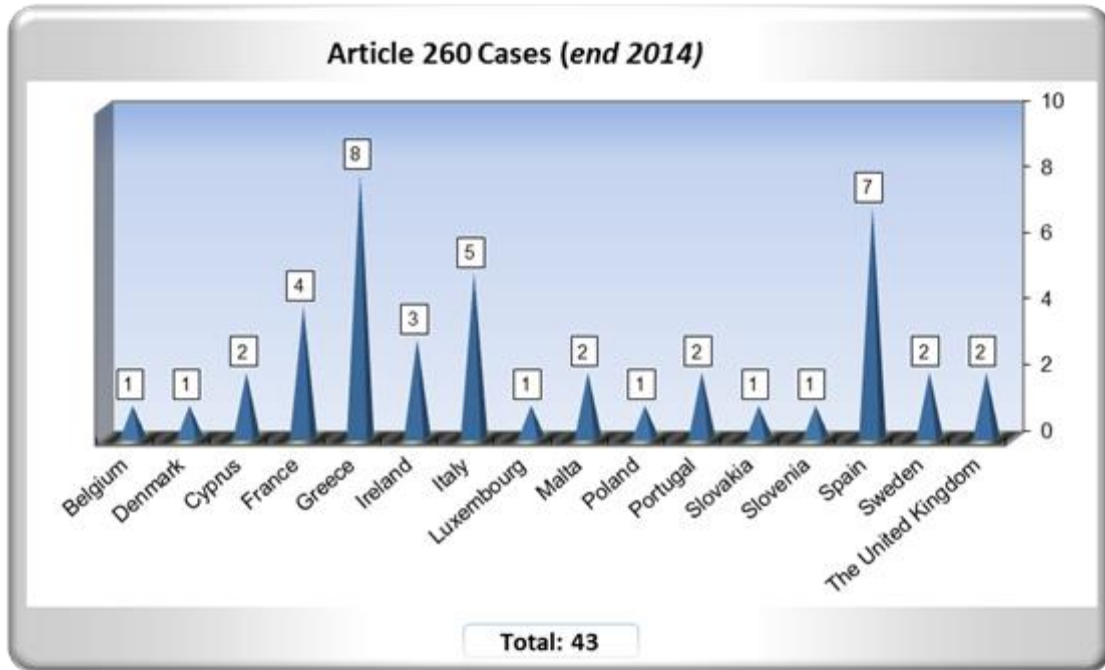


Figure2. Article 260 (end 2014) (Commission... 2014)

Appendix 3 – Table 1. Independent Advisory Bodies

Table1. Independent Advisory Bodies

Name	Establishment Year	Aim of the Advisory	Number of Members
Council of Environmental Advisors(SRU)	1972	Consideration on undesirable developments and ways and means of avoiding or eliminating them. -recommendations to the local authorities, Lander, industry and the public.	7
Advisory Council to the Federal Government on Global Change(WBGU)	1992	The Council submits to the Federal Government an expertise on global environmental changes and their implications.	12 scientists from different disciplines
Reactor Safety Commission(RSK) and Commission on Radiological Protection(SSK)	1958 1974	Takes the responsibility for legal and technical risk of assessment of nuclear facilities.	12 14
Commission on Waste Management(ESK)	2008	-Waste management includes ‘conditioning’, ‘interim storage’, and ‘transport of radioactive materials and waste’, ‘decommissioning’, and dismantling of nuclear facilities, including deep geological formations.	11 scientists
Commission on Process Safety(KAS)	No information	-unites two previous councils.	33

Advisory Committee Pursuant to section 32a of the Civil Aviation Act	1971	To represent many relevant disciplines and institutions in the areas of environmental protection and air traffic	Half of the members are appointed by the Federal Ministry of Transport (BMVI) and half of the members of the Committee are appointed by the Federal Environment Ministry(BMUB)
Environment Label Jury	No information	To give awards to Blue Angel ecolabel, ()	13-15

Source: Compiled by the author on the basis of data provided in Appendix 3.

