

Who Should Pay for Pollution?

The OECD, the European Communities and the Emergence of Environmental Policy in the early 1970s

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Abstract

Environmental policy emerged as a new European and global policy field within a very brief period of time during the early 1970s. Notably in Europe, international organisations played a central role in defining core principles for this new policy domain. This article argues that inter-organisational connections were crucial in this context: the exchange and transfer of policy ideas facilitated the rise of environmental policy across different international organisations. Focusing on the co-evolution of the polluter-pays principle enshrined almost simultaneously both at the OECD and the European Communities, the article assesses the multiple routes along which policy ideas travelled, the role inter-organisational competition played and the selective nature of transfers. While expertise played a key role in determining which policy concepts were selected, institutional conditions and the politics of the recipient institution determined and how they were adapted to the respective new context.

Keywords

environmental policy, environmental economics, European Communities, expertise, inter-organisational dynamics, OECD, polluter-pays principle.

Short Biographical Note

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In a speech in the European Parliament (EP) on 15 September 1970 the then new President of the European Commission, the Italian Christian Democrat Franco Maria Malfatti (1970-1972) officially addressed the issue of the environment as a new policy objective of the European Communities (EC) for the first time. He placed great emphasis on the ‘heavy and unexpected costs’ of ‘economic and industrial progress’, such as the ‘destruction of natural assets by industry’.¹ Furthermore, he argued that purely national measures to fight environmental degradation were insufficient: the ‘Community provide[d] the minimum scale for effective action’.² Nine months later, in July 1971, the Commission in fact issued a ‘First Communication ... about the Community’s Policy on the Environment’, which was the first step towards designing an EC environmental policy.³

About two months after this speech, on 24 November 1970, Emiel van Lennep, the Dutch new Secretary-General of the Organisation of Economic Cooperation and Development (OECD) held a ‘welcoming address’ for the OECD’s newly established Environmental Committee. Like the EC Commission president, van Lennep emphasised the importance of his international organisation’s (IO) contribution to the new policy area. However, the speech highlighted a very different understanding of what constituted ‘costs’. Instead of criticising the – often unquantifiable – cost of pollution to citizens and societies, van Lennep pointed to the cost of pollution control programmes to businesses that had measurable consequences for their profitability and economic performance. Van Lennep demanded introducing the most cost-effective measures and policy instruments that did not have a negative impact on trade and economic growth.⁴

These two episodes are illustrative of two issues that are at the core of this article. First, when the environment emerged as a new political concern in the late 1960s, which integrated previously separate issues such as nature protection, resource conservation and pollution control into the new comprehensive political concept of the environment,⁵ IOs quickly started

taking an active interest in this new area and sought to shape policy contents. IOs seemed ideally suited to deal with environmental problems that often cut across national borders and apparently required international solutions and the setting of new international norms, notably in the area of pollution control. Fighting pollution was the most pressing issue in the early 1970s. The massive economic growth of the postwar period – accompanied by the rise of mass consumerism – had caused unprecedented local, but increasingly also cross-border pollution problems. Moreover, some of these problems were caused by manufactured products, notably vehicles, which were traded internationally. Various IOs could also build on some of their earlier work in nature protection and scientific cooperation, as activities that had contributed to placing this new issue on the international political agenda in the first place.⁶

In the early 1970s both the OECD and the EC started to address the new political issue of the environment almost simultaneously. With its Environmental Committee, the OECD was the first IO worldwide to set up a separate institutional forum to discuss environmental concerns.⁷ Despite lacking the formal legal basis within its founding treaties, the EC devised a comprehensive policy programme, the Environmental Action Programme of November 1973, which laid the basis for subsequent policy making, until the policy area was officially included in the Single European Act of 1987.⁸ Moreover, both IOs developed normative principles for the field in order to ensure a cohesive approach to the difficult, often very technical issues of environmental policy, such as the principle of precaution, which states that under conditions of scientific insecurity about environmental hazards, citizens should not be exposed to excessive risks, or the principle of prevention, which seeks to avoid pollution already at its source. Among these principles, the polluter-pays principle (PPP) was most prominently discussed, as it did not only have moral implications, by clarifying who should bear the cost of pollution and pay for remedies. Economists in particular also found the principle attractive as a policy instrument, because they expected that making the polluter pay would steer citizens and business in the desired direction of environmentally friendly

behaviour. Moreover its application was to encourage the most cost-effective instruments of pollution control, just as van Lennep demanded in 1970.⁹ Almost concomitantly, both IOs issued recommendations defining their respective views of this principle in the short period between 1972 and 1975.¹⁰ Both IOs positioned themselves in the emerging debate. This air of competition also contributed to the rise of environmental policy as an international concern.

Secondly, Malfatti's and van Lennep's speeches suggest that the two IOs differed in their perception of the environmental problem. More precisely, they diverged in their understanding of what actually constituted the most relevant aspect of the cost of pollution: the harm it did to humans and nature, or the cost of remedying this harm. Their respective positions seem well in line with present-day stereotypes about both IOs that are reflected in the academic literature, too. Researchers have often accepted the – to some extent self-styled – public image of the European Union, the EC's successor, as an 'environmental leader',¹¹ for instance as the driving force in climate change negotiations vis-à-vis the more hesitant United States. This perception has only been challenged very recently.¹² In contrast to the EC, the OECD has always been viewed as an economic organisation. As a think-tank of the developed countries, it has not just been committed to promoting trade, business and economic growth, but it was also central to establishing the "growth paradigm", the expectation of ever-increasing economic expansion as the normative point of reference in postwar economic and political debates.¹³ Environmental policy, in contrast, today plays no prominent role in the OECD's public image, even though – as recent research has highlighted – for a brief period in the early 1970s, the OECD was among the first IOs to address such issues as 'problems of modern society'. However, after the oil crisis, by 1977-79, the OECD turned into a leading promoter of neoliberal economic growth policies.¹⁴ Against this backdrop, this article suggests that this contrast might be exaggerated, at least with a view to the early 1970s. Clearly, both organisations were committed to economic growth, but were also increasingly aware of its negative side effects. Both drew on the insights of environmental economics in

order to reconcile environmental objectives and economic growth, rather than buying into the Club of Rome's critique of continued exponential growth (*Limits to Growth*, 1972), a critique that many environmentalists shared, however.¹⁵

This article analyses how both the OECD and the EC approached environmental policy during its formative period in the early 1970s, to what extent they borrowed ideas from other IOs, such as the Council of Europe, and from each other, and which role institutional linkages played in this respect. Focusing on the PPP enshrined almost simultaneously both at the OECD and the EC, the article will assess the routes along which policy ideas travelled. It will discuss the importance of experts and expertise, the role of inter-organisational competition and the selective nature of transfers.¹⁶ The article argues that the differing definitions of the principle were due to political considerations, including the balance of member state interests and the 'fit' with existing institutional conditions and policies of the recipient organisation.

To examine these inter-organisational links, the article first provides an overview of the emergence of environmental policy in the late 1960s and early 1970s. During this period several IOs, including NATO and the Council of Europe, came to play an important role as agenda-setters and mediators of new ideas concerning the environment. Part two will outline the emergence and the varying definitions of the PPP between and across IOs until the mid-1970s. Part three will then analyse the role of transfers between the OECD and the EC in the definition of the polluter-pays principle, before the conclusion will summarise and generalise the article's findings. Empirically, the interpretation is based on newly accessible sources from the archives of the different EU institutions in Brussels and Luxembourg and the OECD Archives in Paris, the National Archives of the United Kingdom in Kew, as well as oral history interviews. On this basis, this analysis shows that inter-organisational links mattered, and that the emergence of environmental policy in the EC and across IOs in Western Europe at the time cannot be understood if organisations are studied in isolation.

This article seeks to advance the state of the art in three areas of scholarship. First, it contributes to the literature in international history and politics. Research so far has mainly highlighted the role of key member states, non-governmental organisations (NGOs) and experts as core shapers of ideas and agendas.¹⁷ Relations between IOs have been curiously underplayed. Secondly, this article contributes to the politics and history of European integration. By stressing the importance of policy imports from other IOs, the article does not only attempt to de-centre the EC,¹⁸ it also turns the conventional Europeanisation narrative on its head. The EC has not always been the primary factor impacting on member states, neighbouring countries and other actors, but has itself been influenced by other IOs.¹⁹ Finally, the article contributes to environmental history, which has long been pre-occupied with environmental ideas and perceptions of the environment and their policy relevance, including key concepts such as wilderness, biodiversity or ecological modernisation.²⁰ The importance of IOs as sites of negotiating such concepts has frequently been mentioned,²¹ but rarely studied in detail.²²

The Emergence of Environmental Policy and International Organisations

When the environment emerged as a new area of policy making during the late 1960s and early 1970s, the global and regional IOs created in the aftermath of the Second World War played an active role in defining its core principles. Debates extended across IOs, and policy ideas travelled from pioneering IOs to those joining the conversation slightly later. Four Western and Western European IOs became the most prominent places for international cooperation on environmental issues at the time, namely the Council of Europe, NATO, the OECD and the EC, along with the United Nations (UN) as the world organization. The UN Stockholm Conference on the Human Environment of 1972 signalled the international breakthrough of environmental policy, but multiple IOs remained engaged in shaping it.²³

Already in the mid-1960s, the Strasbourg-based Council of Europe pioneered environmental issues and principles. Founded in 1949, the Council of Europe included the democratic European countries west of the Iron Curtain.²⁴ Well-known for its activism concerning human rights, the Council of Europe also dealt with issues of nature conservation, the most traditional aspect of environmental protection. In the course of the 1960s, it took up pollution, the second major component of the emergent international environmental agenda. Addressing cross-border air and water pollution, it issued a Resolution on Air Pollution Control and a European Water Charter in 1968.²⁵ By declaring the year 1970 the European Conservation Year,²⁶ and by organising a major conference in Strasbourg in February 1970, where many of those experts and officials who shaped environmental policy at the national and international levels met and learned from each other, the Council of Europe contributed to the breakthrough of environmental debates in Western Europe.²⁷

NATO's pioneering role in early international environmental policy is largely forgotten. On the initiative of the Nixon administration, involved in establishing an ambitious environmental policy within the United States, the Western defence organisation set up a Committee for the Challenges of Modern Society (CCMS) in 1969. Among these challenges the environment featured prominently. CCMS remained largely limited to research cooperation and exchange of technical standards. However, it was initially an important avenue to spread new American policy concepts across the Atlantic.²⁸

One year after NATO, the OECD started to discuss environmental policy. The Paris-based OECD had emerged from the Organisation for European Economic Cooperation in 1961. It had been established to administer the European Recovery Programme from 1948 onwards with the intention to rebuild Western Europe economically and to foster trade. By the 1970s, the OECD had turned into an increasingly global IO. Alongside the EC member states it included Australia, Austria, Canada, Finland, Greece, Iceland, Japan, New Zealand, Norway,

Portugal, Spain, Sweden, Switzerland, Turkey and the United States. It aimed at coordinating Western industrialised countries' economic policies, based on the exchange of policy-relevant information.

The OECD's route to environmental policy was informed by two different, but converging concerns. First, this new interest emerged from the OECD's focus on research cooperation. Since the 1960s, this work had included research on pollution.²⁹ Secondly, as the organisation was committed to economic growth, it came to be concerned with the economic impact of environmental policies. To pre-empt negative effects, the OECD first set up an 'ad-hoc preparatory Committee' 'on activities concerning environmental problems linked to economic growth' in early 1970. Its purpose was to 'identify non-desirable consequences of economic growth' and 'promote measures nationally and internationally to eliminate these'. While it thus addressed the costs that Malfatti highlighted in his speech, the committee was also set up to 'evaluate the impact of these measures on economic growth', – i.e. those costs that van Lennep had talked about.³⁰ In November 1970, the OECD established a full-fledged Environmental Committee. Here, NATO served as a point of reference, which is not surprising due to a largely overlapping membership, and a strong role of the United States within the OECD. Early OECD discussions framed the environmental problem in the language NATO had introduced, notably with an emphasis on 'problems of modern society' and the need to cooperate with NATO along with other IOs 'active in the field of the CCMS', such as the EC.³¹

In an increasingly crowded field, as in so many other policy domains, the EC was a latecomer rather than a pioneer.³² Like the OECD, the EC had been established to reconstruct Western Europe economically. Beyond abolishing trade restrictions, EC member states set up a common market to foster growth. While the OECD only focused on economic policy coordination and trade promotion, the EC also created some supranational governance

structures. Its policy-makers did not consider the market as a panacea for all social ills. The EC therefore established some redistributive policies, such as the Common Agricultural Policy and the Regional Policy, involving substantial subsidies.³³ Unlike the OECD, the EC remained a regional Western European IO. After its first enlargement in 1973, its nine member states constituted a strong bloc within the OECD. Moreover, the European Commission represented the EC externally in all trade-related matters; hence, the EC aimed at speaking with one voice in the OECD. In the OECD's committees on the various policies, such as research, or from 1970 the environment, national experts (and also EC Commission representatives) conducted the IO's day-to-day work. This provided an important institutional connection and avenue for transfers between both IOs.

From early 1970 onwards European Commission officials began collecting information about practices and concepts for a future EC environmental policy. NATO's CCMS with its various events, publications and other activities served as a central point or reference. The Washington-based policy think tank Atlantic Council and its journal *Atlantic Community Quarterly* also acted as an important mediator in NATO.³⁴ A memorandum of 1970 by the American economist and Senate Finance Committee advisor Harald Malmgren to the Atlantic Council's editor and policy officer Joseph Harned made its way to the relevant Commission official Vladimiro Mandl. It was amongst the first documents to alert the Commission to the trade implications of environmental policy. Malmgren advocated international coordination, a ban of discriminatory practices and the introduction of 'general principles for governments to follow'. This prescription outlined the main elements of the subsequent debate about the PPP.³⁵ In January 1971, the Atlantic Council – together with another think tank, the Batelle Institute – organised a major conference in Washington D.C. to promote these issues, and Harned was one the three editors of the book emerging from the event.³⁶ Leading EC officials attended, most importantly from the European Commission. Director-General for Industry Robert Toulemon, who was put in charge of developing environmental policy by

Commissioner Altiero Spinelli,³⁷ presented insights on the European situation.³⁸ The EC was starting to get involved in international debates about environmental policies.

But NATO was not the only reference point in the nascent EC debate. The aforementioned Stockholm UN conference induced EC member state governments to live up to their previously largely rhetorical commitments and finally move ahead on EC environmental action. At their Paris summit of September 1972, the heads of state and government agreed on establishing an EC environmental policy. Explicitly drawing on the debates and results from Stockholm, the EC member states laid down core principles of an Environmental Action Programme during a meeting in Bonn in October 1972.³⁹ In November 1973, when the Oil Crisis had started to hit Western economies, the First Environmental Action Programme was formally published. At a time when most of their European member states were still developing environmental policies, both the OECD and the EC started to formulate concepts relating to the economic implications of environmental policy. No single IO had the lead in this field; instead, many of these ideas and policy lines were developed and mediated in the framework of various IOs. These linkages became even more important with a view to the concrete contents of policy-making, as will be demonstrated for the case of the PPP.

The Polluter-Pays Principle and International Organisations

What is the PPP, and how did the IOs active in this field define it during the 1960s and 1970s? The notion that those causing harm to someone else – for instance by spoiling the water or polluting the air – should be held responsible for the damage, is an old legal principle dating back to the Romans. In the nineteenth century, those affected by pollution occasionally took industrialists to court and forced them to pay compensation.⁴⁰ During the second half of the twentieth century, debates reached a new level of sophistication, informed by the development of postwar neoclassical, rational-choice based economics. Economists modelled economic actors as rational interest-maximisers, who would always select the most

advantageous option. Economists did not just argue that they were able to predict, but also to guide actors' behaviour. If policy makers offered the right kind of incentive, like the carrot for the donkey, businesses and consumers would behave in the fashion desired. This assumption also formed the basis for the field of environmental economics, which started booming in the late 1960s.

Environmental economics reframed the problem of the allocation of the cost of pollution to those who caused it from a fairness issue to an issue of economic efficiency.⁴¹ The Canadian economist John Dales, who is widely recognised as the inventor of emissions trading,⁴² demanded in his much-quoted book *Pollution, Property and Prices* of 1968 that the costs of negative externalities (such as pollution) should be internalised into the cost of production.⁴³ Such an approach had two important advantages, at least from the viewpoint of the advocates of market-based policy solutions: First, the PPP created a level playing field and fair competition. If all participants in the market had to include the cost of pollution, nobody would benefit from the undue subsidy that the continued externalisation of costs effectively meant. Secondly, and more importantly, the PPP would quasi-automatically lead to the most efficient solution to the environmental problem. If pollution was given a price tag, this created incentives to avoid and reduce it. Market forces would advance the search for the cheapest – and thus most efficient – remedy to the pollution problem.⁴⁴ Hence, environmental economists with their pro-market leanings argued that such a market-based instrument would be more effective than the comparatively inflexible method of command-and-control. However, in order to function fairly and efficiently, the principle needed to be applied without exemptions, such as state subsidies for anti-pollution measures.⁴⁵ This persuasive economic rationale clearly appealed to the many economists working for the OECD and the EC. Hence, it did not remain an abstract part of academic reasoning, but was repeatedly spelled out to legitimate OECD and EC recommendations.

Although it is routinely associated with the EC and the OECD,⁴⁶ it was another IO that initially flagged the PPP before it arrived to these two IOs. The Council of Europe was the first IO to officially include the PPP in its Declaration of Principles on Air Pollution control in a resolution in 1968. This non-binding text only appealed to member states to include these goals into their own legislation, to ‘give the Declaration the widest possible publicity’, and to report about progress every three years. The PPP was listed as one of the Principles and did not even go by the name ‘polluter-pays principle’, but remained slightly hidden under the headline ‘Financing’ of anti-pollution action: ‘The cost incurred in preventing or abating pollution should be borne by whoever causes the pollution.’ The wording was rather lenient on exemptions from the principle: ‘This does not preclude aid from Public Authorities.’⁴⁷ Unlike later, more sophisticated definitions, it did not spell out the economic rationale and the potential consequences. All this limited the Council of Europe’s impact on the subsequent debate, despite its pioneering role.

Indeed, during the early 1970s, the OECD became the primary IO to define and push for the PPP. The OECD advanced this agenda in a series of recommendations. Just like the Council of Europe’s declaration, these non-binding legal instruments only called upon member states to consider the PPP in national law making and encouraged cooperation. Many of the areas of priority action the new OECD Environmental Committee dealt with were carried over from OECD’s Committee on Research Cooperation. Since the mid-1960s, the OECD had been involved in exchanging research findings and facilitating cooperation on air and water pollution, pesticides and solid waste with other IOs. These issues mark the transition to the more comprehensive environmental policy agenda.⁴⁸

However, as an economic organisation the OECD did not intend to leave the power to define environmental issues to the natural scientists. Already the ad-hoc preparatory committee for the Environmental Committee stressed the need for complementing natural science expertise

with that of lawyers and economists.⁴⁹ Indeed, economic expertise dominated the debate on environmental issues. Thus the PPP, which reflected the state of the art in environmental economics and addressed economic and legal issues of international trade, immediately became an issue of priority of action within the new Environmental Committee.

Not surprisingly, the OECD's first definition of the PPP in the recommendation of May 1972 clearly outlined the economic rationale: the need to universally internalise environmental costs in the price of goods, in order to induce environmentally friendly behaviour and avoid trade distortions. Consequently, with a view to exemptions, it was much more restrictive than the Council of Europe: It maintained that the costs of measures 'to ensure that the environment is in an acceptable state ... should be reflected in the cost of goods and services which cause pollution in production and/or consumption. Such measures should not be accompanied by subsidies that would create significant distortions in international trade and investment.' Beyond defining the economic rationale of the principle, the OECD also demanded its implementation by its member states: this 'Principle should be an objective of Member countries'. However, while asserting the principle, the text reflects a certain degree of flexibility, adding that 'there may be exceptions or special arrangements, particularly for the transitional periods'.⁵⁰

In order to ensure the appropriate implementation of the PPP, the OECD issued a second recommendation in November 1974. In it, the OECD 'reaffirm[ed]' the ambition of a 'uniform application of this principle, through the adoption of a common basis for Member states' environmental policies'. Legitimizing this demand, it referred again to the two key aspects of the economic rationale: not only would this policy 'encourage the rational use and the better allocation of scarce environmental resources'. It would also 'prevent ... distortions in international trade and investment'.⁵¹

Anticipating implementation problems, the recommendation accepted three reasons for exemptions: First, it recognised that the cost of rapidly introducing environmental measures could lead to significant ‘socio-economic problems’. Secondly, it accepted that innovation might require subsidies, such as ‘experimentation with new pollution control technologies’. Thirdly, the principle was not supposed to thwart states’ capacity to engage in social and regional policies, where subsidies were routinely used to act upon ‘serious interregional imbalances’. However, exemptions were to be applied in a ‘selective and restricted’ manner, to sectors in economic distress, and limited in time.⁵²

In order to ensure the actual implementation of the recommendation, the OECD relied on a strategy of ‘naming and shaming’, a common instrument IOs have been using until today, given their lack of formal powers to make binding decisions.⁵³ The recommendation thus introduced a notification and consultation procedure: member states introducing state aids or tax breaks were required to notify the OECD secretariat in advance; other member states had the right to be consulted.⁵⁴ All in all, the OECD did not just contribute to a more fine-grained definition of the principle, based on the state of the art in economics, in comparison to the ethical approach of the Council of Europe. The OECD also developed a more sophisticated strategy to induce member states to actually implement it.

‘The polluter pays principle ... has been invented by the Commission’, Michel Carpentier, the first and long-time director of the Commission’s Service for the Environment and Consumer Protection (SEPC), an economist by training and an activist promoter of environmental policy, claimed in a recent oral history interview.⁵⁵ In actual fact, however, the EC institutions imported the principle, mainly from the OECD, and Carpentier was himself involved in this transfer process. Apart from directly drawing on debates in environmental economics and existing national laws, EC institutions, notably the European Parliament and the European Commission, borrowed from the work of several IOs.⁵⁶

While it lacked decision-making powers at the time, the European Parliament was an important agenda-setter and mediator.⁵⁷ From 1970 onwards, parliamentary committees authored reports to demand EC action on environmental issues, starting with water and air pollution. Already in the first such report of November 1970 on water pollution, rapporteur Adriaan Pieter Oele,⁵⁸ a Dutch socialist, advocated economic instruments of pollution control, including the PPP.⁵⁹ Even though he was an engineer by training, Oele was well familiar with the critical writings of relevant economists, such as Ezra Mishan from the London School of Economics.⁶⁰ Mishan's book '*The Cost of Economic Growth*' of 1967 was a best-selling economic critique of the undesirable side effects of prosperity, quoted also by expert economists consulting the OECD.⁶¹

IOs also did not feature prominently as a source of the PPP in the subsequent parliamentary report on air pollution of December 1971. It referred mostly to economic experts' models of national and subnational legislation, for instance from the West German state of North Rhine Westphalia, and only mentioned the Council of Europe in passing. The OECD did not appear at all.⁶²

The PPP clearly mattered to the European Parliament. The report on the Commission's First Communication of 1971 openly criticised the European Commission for not including the PPP.⁶³ Only with its Second Communication of March 1972 did the European Commission fully embrace the principle.⁶⁴ Indeed the Commission's initial oversight seems curious given that the officials in charge of drawing up both Communications, namely Carpentier and his superior, Toulemon, had repeatedly been confronted with debates about the PPP. The OECD's Environmental Committee is only one example: Carpentier and Toulemon attended its sessions in 1971-72, representing the EC. Moreover, Carpentier had participated in earlier OECD debates on environmental issues since the 1960s as a member of the OECD Committee on Research Cooperation. Hence it does not come as a surprise that the Second

Communication extensively discussed the model of the OECD.⁶⁵ The main reason for the lack of attention to the PPP in the First Communication was probably simply its timing. When the Commission drafted it in early 1971, the OECD's work on the PPP was still in its preparatory phase.

The EC's definition of the PPP in its 1975 Recommendation for this reason closely mirrored the OECD's framing. Like the OECD, EC lawmakers legitimated the principle on the basis of its fairness and economic efficiency, as it incentivised the 'rational use of resources'.⁶⁶ However, the EC did not simply copy-paste OECD practices. Reflecting demands for a flexible application in various parliamentary reports and business interest group statements,⁶⁷ the Recommendation specified a large number of exemptions, notably regarding subsidies within a number of the EC policy areas, such as the 'investment affecting environmental protection benefit from aid intended to solve certain industrial, agricultural or regional structural problems.'⁶⁸ All in all, however, the EC thus entered the debate rather late and its eventual course of action was strongly inspired by other IOs, most notably the OECD.

The PPP in the OECD and the EC

When defining the PPP, which had come to be framed as an issue of environmental economics, both the OECD and the EC heavily relied on economic expertise. Experts also helped connecting the debates between institutions. However, the two IOs organised their expert consultation in slightly different ways, which contributed to different policy outcomes, notably regarding the politically contentious issue of exemptions to the PPP.

The OECD's committees did not just provide expertise, in fact, they frequently predetermined decisions. Very often, their recommendations – such as the one on the PPP – were basically rubber-stamped at ministerial level. The Environmental Committee and its subcommittees were composed of officials from the relevant ministries and agencies, notably those responsible for the environment as well as trade and industry, and of government-appointed

experts. These included scientists, planners and business representatives, for instance a representative of the German subsidiary of the multinational oil company BP.⁶⁹ The experts' dual role was to provide scientific, economic, legal and business expertise and experience, but also to represent their respective national governments or relevant business interests.

In order to address environmental issues with economic implications more adequately, the OECD's Environmental Committee in 1971 established a Subcommittee of Economic Experts.⁷⁰ When this subcommittee dealt with the PPP as one of its first issues, the experts unanimously praised its economic efficiency, 'providing for a pollution control policy at the least cost'. Nonetheless, the experts were not ignorant about its policy implications. Indeed, 'some delegates' stressed the need for exceptions, too, as policy makers had to account for 'competing objectives', including 'employment policy, regional policy' and local concerns.⁷¹

The subcommittee did not only rely on its own members' expertise, but organised a broad consultation process to get an overview of the field. In the summer of 1971 it organised a seminar on 'Problems of Environmental Economics' at the OECD, which brought together a large number of economists discussing questions of cost allocation and trade.⁷² On the basis of this very broad process of gathering economic expertise, the OECD developed its first, rather general Recommendation of May 1972.

For its 1974 Recommendation on the Implementation of the Polluter-Pays Principle the OECD did not simply rely on the theoretical debate in economics, but studied concrete reports from various member countries, only to realise that actual policies in place routinely deviated from the PPP. In order to gain acceptance and to offset the cost of new anti-pollution measures, environmental policy makers frequently relied on aids and subsidies.⁷³

After lengthy negotiations, the Environmental Committee in late 1973 agreed on those exemptions that made it to the final Recommendation: namely 'transitional arrangements', if environmental measures policy were rapidly introduced, and in cases 'when socio-economic

policy objectives and the employment in a certain region would be adversely affected'. It also clarified that '[a]id to promote research and development' was not considered 'inconsistent with PPP'.⁷⁴ This result was a clear departure from the rigour of the economic rationale. Instead, it was the effect of political negotiations. Notably the Italian representatives had repeatedly stressed the need to grant assistance to new plants in 'regions with heavy diseconomies'.⁷⁵ After the Environmental Committee discussion, the PPP thus started to look like a Swiss Emmental cheese – hollowed out by numerous exceptions.

When the European Commission proposed a recommendation on the PPP, its work was connected to the OECD's experience in more than one way. Clearly, it drew on the example the OECD had set, as the Italian commissioner responsible for environmental affairs, Carlo Scarascia-Mugnozza, liberally acknowledged in a speech in front of the OECD ministers in November 1974.⁷⁶

Like the OECD Environmental Committee, the Commission sought to base its proposal on external economic expertise, but it opted for a different procedure. Instead of a broad consultation of experts, the European Commission only commissioned two expert reports.⁷⁷ The choice of the two experts was revealing: The author of the first report was Achille Hannequart, a Belgian economist and senior advisor to the Belgian economic programming office. Hannequart was also the Belgian representative in the OECD's Subcommittee of Economic Experts, thus creating a strong link to OECD debates.⁷⁸ By contrast, the other expert, Harald Jürgensen, was a Keynesian economics professor from Hamburg and an academic entrepreneur with a long-time connection to the EC. Jürgensen had worked on EC-related issues since his PhD research in the 1950s on the German steel industry and the European Coal and Steel Community. In 1961, as a young professor, he had established an institute for European economic policy to provide policy advice. Even though he was not formally connected to the OECD, Jürgensen was also familiar with the relevant OECD's

Subcommittee and their work. In November 1972, he attended an expert conference at the Centre for Nuclear Research in Karlsruhe on the PPP in water pollution control. The event was sponsored by the West German Ministry of the Interior, the main promoter of the incipient federal-level environmental policy in West Germany at the time, in which the PPP also featured prominently, notably in the environmental programme published in the autumn of 1971.⁷⁹ The West German government had not only invited the OECD Subcommittee and the relevant officials from the OECD secretariat Jean-Philippe Barde and Michel Potier, the Commission official working on the PPP Vladimiro Mandl, but also domestic and international experts, such as the Allen V. Kneese, an environmental economist, expert on water pollution and economic instruments from the Washington D.C.-based think tank Resources for the Future. Along with Harned, Kneese had been involved in the 1971 event organised by the Atlantic Council and he had co-edited its proceedings.⁸⁰ In drafting the report for the Commission, Jürgensen drew on the support of his PhD student, Kai-Peter Jaeschke.⁸¹ Despite Jürgensen's clear awareness of the OECD debate, Commission officials considered his report inferior to similar work prepared by the OECD, which provides further indication of the prestige and concomitant influence of the OECD's expertise.⁸²

Like the OECD Environmental Committee, the Commission's SEPC consulted its own group of national economic experts on environmental issues. This group discussed a first draft recommendation on the PPP in May 1973, and continued to work on the issue subsequently.⁸³ Both Hannecart and Jaeschke, Jürgensen's collaborator, attended as experts. The group also included some of the members of the OECD's Subcommittee: the British official from the Department of Trade and Industry David Allen and the Dutch official from the Ministry of Public Health and the Environment J.M. Corbijn. This clearly contributed to a transfer of expertise: At one of the Commission group meetings Allen for instance recommended utilising certain OECD methods for assessing the cost of pollution.⁸⁴

Despite these various connections to the OECD, the precedent it set and similar practices of gathering economic expertise, the Commission developed their own approach to the PPP already in the proposal that emerged from the experts' consultation. This approach was adapted to the EC's existing institutional and policy framework. It also took account of the balance of member state preferences. Against that backdrop, the reference to the OECD in the introduction of the SEPC's proposal is revealing. It states that the Commission had recommended the inclusion of the PPP already in the proposal for an Environmental Action Programme in 1972 'in accordance with the guiding principles of the OECD'. Referring to the OECD the Commission seems to have been trying to benefit from the OECD's prestige in this area. At the same time, the wording makes it very clear that the Commission was trying to demonstrate that it was acting independently.⁸⁵

Indeed, the Commission's PPP proposal included many more exemptions than the OECD's definition. As such, it reflected important political considerations: for one, the interest of member states who did not want any interference with their regional policies, notably Italy; for another, the EC's interest to prevent any limitation of existing EC redistributive EC policies, such as social and regional policies, which were expanding in the course of the 1970s.⁸⁶ The EC approach was more lenient than that of the OECD, allowing for exemptions for three types of reasons: first, difficulties to adapt to environmental policy rules, be it for economic, technical or social reasons. In this case, exceptions should be temporary. Secondly, a blanket exception was granted where other EC policy objectives ('regional, social, research, industrial, conjunctural') interfered with environmental objectives. The wording ensured that the application of the principle remained secondary to regional policy. Thirdly, costs of services in the general public interest, such as local waste treatment plants, were exempt from the PPP. It remained permissible to finance the operation of such installations via taxes.⁸⁷ Similar to the direction taken at the level of its expert committees, the Commission's proposal was full of exceptions. This is clearly contrary to the widespread belief that the EC and the

EU stand for prioritising environmental policy and thus the application of its fundamental principles, whereas the OECD embodies a pro-business approach less concerned with its environmental implications.

The negotiation of PPP became even more politicised when it moved from the economic experts and the Commission to the stage of decision-making in the Council of Ministers in 1974. The positions of the member states differed strongly, according to their attitude towards EC policy-making more generally and with a view to the contents of the Recommendation. In fact, a number of pro-integration minded delegations, including the Belgian, Dutch, and West German (as well as the relevant EP committee) demanded enshrining the principle in a binding directive. The choice of this legal instrument would have forced the member state governments to transpose the PPP into national law. Less Euro-enthusiastic governments such as the ones of Denmark, France, Ireland and the United Kingdom preferred a non-binding recommendation, along the lines of the practice in other IOs.⁸⁸

Usually a pro-integration country, also Italy was against a binding directive, because the Italian government feared that a strict implementation of the PPP would threaten the Italian policy practice, namely granting massive subsidies for the economically depressed South. Like they had done in the OECD, the Italians insisted on a more generous interpretation of the PPP. In July 1974, they even proposed not to consider the list of exemptions exhaustive. Such a proposal would have rendered the EC's version of the PPP meaningless.⁸⁹

Conversely, the idea of the PPP seemed to have particular appeal in the Netherlands. It was the Dutch parliamentary rapporteur Oele who had placed the concept on the EC agenda. Moreover, due to its geography on the lower Rhine, Meuse and Scheldt, the country suffered from massive water pollution, while their neighbours upstream caused most of the damage. In any case, the Dutch delegation took a particularly strict position on exemptions to the PPP. Referring explicitly to the OECD and emphasising the need to cooperate with this IO, the

Dutch representatives argued not to go beyond the OECD's list of exemptions, and was particularly critical of the blanket exemptions for certain EC policy areas.⁹⁰

Although the processes of establishing the PPP in the OECD and the EC shared a surprising number of common features and were interlinked in multiple ways, notably through the involvement of experts, both IOs arrived at different conclusions. The OECD remained much closer to the rigour of its economist advisers, while a political logic mattered more in the EC context. Institutional differences equally played a role for the selective appropriation of the concept: As OECD recommendations were non-binding, accepting stricter rules posed less of a problem to national negotiators, who could point to their superiors in national capitals that technically the implementation of IO recommendations was voluntary. The political stakes and the level of commitment was different in the EC, given that it was capable of making binding rules, and indeed a substantial number of governments would have preferred a binding directive. Against the backdrop of this 'shadow' of binding rules, the EC allowed for more generous exemptions.⁹¹ Institutional differences also played a role in a further respect. The principle did not ideally 'fit' with existing national and EC policies, which relied heavily on subsidies. Those, however, were anathema to the environmental economics view of the PPP. Such a lack of fit frequently limits the acceptability of policies, as scholars of policy implementation have highlighted. This may also explain the reluctance of EC policy-makers to implement the PPP more strictly.⁹²

Conclusions

Research on IOs usually tends to treat these institutions and their respective policies in isolation, at best considering IOs' internal politics and the role of their leading member states. Textbook overviews for instance routinely mention the founding of the Council of Europe and the OECD along with the creation of the European Coal and Steel Community in their early chapters, but these 'other' (regional) IOs then quickly drop out of the picture. However, as

this article demonstrates, these ‘other’ IOs indeed continued to exist, and played an important role in placing environmental policy on the European agenda.

This article traced the maze of the multiple connections between IOs in the emergent debate about environmental policy – involving NATO, the Council of Europe, the OECD and the EC. Obviously, connections are not limited to these IOs. Public and academic debates in Western Europe – including relevant publications, such as Mishan’s much-quoted book – contributed to the rise of EC environmental policy and the PPP, as did the views of governments and experts outside of Europe, notably ideas and policies first formulated and promoted by academics and think tanks in the United States. Having said this, the link to the OECD proved to be particularly influential for the EC.

In general, the EC was more often a receiver of policy approaches formulated elsewhere than a pioneer. Moreover, the relations between the EC and other IOs were not necessarily only cooperative, but at times competitive.⁹³ In fact, the OECD and other IOs had started dealing with environmental challenges earlier than the EC. This also holds true for the PPP as the main focus of this article. And there is a second area in which views of the EC’s role in international policy-making are often distorted. Advocates of EC action – such as the authors of the first EP reports on the new policy domain – often referred to the EC’s superiority thanks to its capacity to make binding laws. For the PPP, member states however opted for a non-binding recommendation, exactly because many of them feared an all too strict application of the principle. Hence, the EC did not always take binding decisions. And since the legal and political stakes tended to be higher in this forum than in other IOs, it sometimes opted for a more lenient approach. The PPP is a perfect example: here, the OECD adopted a much stricter application of the insights of environmental economics in order to achieve a cleaner environment, falsifying the idea that this IO stands for a pro-business line, while the EC was more concerned with environmental issues. Indeed, the fundamental difference

between the OECD and the EC concerning the PPP was not premised on the familiar conflict between ecology vs. economy, as the speeches by Malfatti and van Lennep seem to suggest, but on different perceptions of the role of the state and the market: while the OECD was more committed to market-based instruments already in the 1970s, the EC only converted to this agenda in the 1990s. Again models from the United States played an important role as did policy experiments that had been undertaken in some of the member states, notably in the Netherlands. These insights and ideas were mediated by leading Dutch officials in the Commission's Environment directorate general in the 1990s.⁹⁴

Overlapping membership clearly plays a role in explaining the exchanges and the different paths the various IOs eventually chose: most EC member states were members of NATO, and all of them also of the Council of Europe and the OECD. The representation of the Commission in the OECD provided an important vector facilitating exchange at various levels: at the level of the Commissioners, at the level of Commission officials, and most likely even with a view to recruiting economic experts. Individuals like Carpentier did matter here, too, with their multiple memberships and connections. This also held true for experts such as Hannequart. However, this factor and the role of policy entrepreneurs active in several forms appears less important than in the other contributions to this special section, for instance in comparison to the role of Duncan Sandys in cultural policy, as discussed in the article by Oriane Calligaro and Kiran Klaus Patel.

At the beginning of the debate, other IOs also played an important role, for Western Europe particularly the Council of Europe. In fact, it had a pioneering role in environmental policy amongst the various IOs and also with regard to the PPP. Very soon, however, the Council of Europe was marginalised – as in several of the other policy domains covered in this special section. The international debate concerning the PPP was increasingly driven by an economic rationale – a logic that did not fit the competences of the Council of Europe. Thus the Council

of Europe soon lost in importance, leaving the pride of place to organisations with strong economic credentials, most importantly the OECD and the EC. As early as 1972, the Council of Europe even encouraged its member states to actually use the OECD to help avoid new trade barriers due to environmental regulation.⁹⁵ Thus, within the course of a few years, the OECD and the EC became the central IOs in Western Europe in this field, and the main points of reference for the principle in international law.⁹⁶ Cooperation, competition and crowding out thus led to a new division of labour between various IOs in Western Europe. This also helps to explain why by today, the EU has crowded out all other European IOs in the areas of environmental policy, as it did in many other policy fields. As this article has shown, this was a rather unlikely perspective when the whole debate started in the early 1970s, and the EU's eventual rise to prominence owes a lot to the inter-organisational links to a whole host of other IOs.

Bibliography

Archival Material

Archive of the Council of Ministers of the European Union, Brussels (ACM)

Historical Archives of the European Parliament, Luxembourg (CARDOC)

Historical Archives of the European Commission, Brussels (HAEC)

Historical Archives of the European Union, Florence (HAEU)

OECD Archives, Paris (OECD/DA)

The National Archives of the UK, London (TNA)

Grey Literature

Bundeskanzler der Bundesrepublik Deutschland, "Umweltprogramm der Bundesregierung".
Bundestagsdrucksache VI/2710, 14. Oktober 1971.
<http://dipbt.bundestag.de/doc/btd/06/027/0602710.pdf>

Council of Europe. *European Water Charter, proclaimed at Strasbourg, 6 May 1968*.
Strasbourg, 1968. <http://www.regjeringen.no/nb/dep/oed/dok/NOU-er/1994/nou-1994-12/40.html?id=139533>.

Council of Europe. "Recommendation 659 on National Environmental Policy in Europe (including Principles on National Environmental Policy), adopted 20 January 1972."
European Yearbook 20 (1972): 357-361.

Council of Europe. *Resolution (68)4, adopted by the Ministers' Deputies on 8 March 1968, approving the "Declaration of Principles" on Air Pollution Control*. Strasbourg, 1968.

Council of the European Communities. "Declaration of the Council of the European Communities and of the representatives of the Governments of the Member States meeting in the Council of 22 November 1973 on the programme of action of the European Communities on the environment." *Official Journal of the European Communities* 16, C 112, 20 December 1973: 1-53.

European Commission. "First Communication of the Commission about the Community's Policy on the Environment. SEC (71) 2616 final, 22 July 1971." *Archive of European Integration*, <http://aei.pitt.edu/3126/1/3126.pdf>.

- European Commission. "Communication from the Commission to the Council on a European Communities' Programme concerning the Environment (submitted on 24 March 1972)." *Bulletin of the European Communities. Supplement 5* (1972): 1-69.
- European Community. "75/436/Euratom, ECSC, EEC: Council Recommendation of 3 March 1975 regarding cost allocation and action by public authorities on environmental matters." *Official Journal of the European Communities*, L 194, 25 July 1975: 1-4.
- Franco Maria Malfatti, "Statement to the European Parliament by the President of the Commission. Strasbourg, 15 September 1970," *Archive of European Integration*, <http://aei.pitt.edu/14166/1/S62-S63.pdf>.
- Kernforschungszentrum Karlsruhe, *Durchsetzung des Verursacherprinzips im Gewässerschutz. Ergebnis der 2. Internationalen Expertengespräche am 20. und 21. November 1972. Veranstaltet vom Bundesminister des Innern in Zusammenarbeit mit dem Institut für Angewandte Systemtechnik und Reaktorphysik, KFK 1804 UF*. Karlsruhe: Kernforschungszentrum, 1972, <http://bibliothek.fzk.de/zb/kfk-berichte/KFK1804UF.pdf>
- OECD. "Celebrating 40 years of the OECD Environment Policy Committee (1971-2011)." OECD, <http://www.oecd.org/env/48943696.pdf>.
- OECD. "Recommendation of the Council on Guiding Principles concerning International Economic Aspects of Environmental Policies, 26 May 1972,C(72)128." <http://acts.oecd.org/Instruments/ShowInstrumentView.aspx?InstrumentID=4&Lang=en&Book=False>.
- OECD. "Recommendation of the Council on the Implementation of the Polluter-Pays Principle, 14 November 1974,C(74)223." <http://acts.oecd.org/Instruments/ShowInstrumentView.aspx?InstrumentID=11&InstrumentPID=9&Lang=en>.

Interviews

- van Laer, Arthe. "Entretien avec Michel Carpentier, Bordeaux, 22 octobre 2010." Historical Archives of the European Union, <http://archives.eui.eu/en/files/transcript/16415.pdf>
- Meyer, Jan-Henrik. "Interview with Marius Enthoven, The Hague, 27 September 2016." Historical Archives of the European Union, forthcoming.
- Bossuat, Gérard, Eric Bussière and A. Legendre. "Entretien avec Robert Toulemon, Paris, 17 décembre 2003." Historical Archives of the European Union, <http://archives.eui.eu/en/files/transcript/15194.pdf>

Newspaper Articles

- Bongard, Willy. "Der fliegende Professor. Wer heute Volkswirtschaft lehrt: Harald Jürgensen." *Die Zeit*, no. 8 (1969). <http://www.zeit.de/1969/08/Der-fliegende-Professor>.
- Koerts, Agnes. "Ad Oele, spagaat tussen ingenieurs en politici." *Binnenlands Bestuur* 20, no. 42 (1999): 20-23.
- "Obituary: Allen Kneese." *The Economist*, 24 March 2001, 101.
- Quah, Euston. "EJ Mishan Obituary. Economist who Argued that Economic Growth Could Make us less Happy." *The Guardian*, 7 November 2014.

Secondary Literature

- “Adriaan Oele.“ In *Who's Who in Europe. Dictionnaire biographique des personnalités européennes contemporaines*, edited by Edward A. de Maeijer, 2261. Brussels: Europ-élite, 1972.
- Beder, Sharon. “The Polluter Pays Principle.“ In *Environmental Principles and Policies. An Interdisciplinary Introduction*, edited by Sharon Beder, 32-46, London: Earthscan, 2006.
- Bemmann, Martin, Birgit Metzger, and Roderich von Detten, eds. *Ökologische Modernisierung. Zur Geschichte und Gegenwart eines Konzepts in Umweltpolitik und Sozialwissenschaften*. Frankfurt: Campus, 2014.
- Biedenkopf, Katja. “Emissions Trading – A Transatlantic Journey for an Idea?” *KFG ‘The Transformative Power of Europe’ Working Paper 45* (2012): 1-28. http://userpage.fu-berlin.de/kfgeu/kfgwp/wpseries/WorkingPaperKFG_45.pdf.
- Borowy, Iris. *Defining Sustainable Development for Our Common Future. A History of the World Commission on Environment and Development (Brundtland Commission)*. Abingdon: Routledge, 2014.
- Börzel, Tanja A. “Why There Is No Southern Problem. On Environmental Leaders and Laggards in the European Union.“ *Journal of European Public Policy* 7 (2000): 141-162.
- Börzel, Tanja A., and Thomas Risse. “From Europeanisation to Diffusion: Introduction.” *West European Politics* 35 (2012): 1-19.
- Cronon, William. “The Trouble with Wilderness, or, Getting Back to the Wrong Nature.” *Environmental History* 1 (1996): 7-55.
- d'Arge, Ralph C., and Allen V. Kneese. “Environmental Quality and International Trade.“ *International Organization* 26 (1972): 419-465.
- de Witte, Bruno, and Anne Thies. “Why choose Europe? The Place of the European Union in the Architecture of International Legal Cooperation.” In *The EU's Role in Global Governance: the Legal Dimension*, edited by Jan Wouters, Bart van Vooren and Steven Blockmans, 23-38. Oxford: Oxford University Press, 2013.
- Dales, John Harkness. *Pollution, Property and Prices. An Essay in Policy Making and Economics*. Toronto: University of Toronto Press, 1968.
- de Sadeleer, Nicolas. *Environmental Principles. From Political Slogans to Legal Rules*. Oxford: Oxford University Press, 2002.
- Dinan, Desmond. *Europe Recast. A History of European Union. Second Edition*. Basingstoke: Palgrave, 2014.
- Engels, Jens Ivo. “Modern Environmentalism.” In *The Turning Points of Environmental History*, edited by Frank Uekötter, 119-131. Pittsburgh: University of Pittsburgh Press, 2010.
- Fressoz, Jean-Baptiste. “Payer pour polluer. L'industrie chimique et compensation des dommages environnementaux, 1800-1850.“ *Histoire & Mesure* 28 (2013): 145-186.
- Gaines, Sanford E. “The Polluter-Pays Principle: From Economic Equity to Environmental Ethos.“ *Texas International Law Journal* 26 (1991): 463-496.
- Haas, Peter M. *Saving the Mediterranean. The Politics of International Environmental Cooperation*. New York: Columbia University Press, 1990.
- Hamblin, Jacob Darwin. “Environmentalism for the Atlantic Alliance: NATO's Experiment with the 'Challenges of Modern Society'.“ *Environmental History* 15 (2010): 54-75.
- Hartlapp, Miriam. “On Enforcement, Management and Persuasion: Different Logics of Implementation Policy in the EU and the ILO.“ *Journal of Common Market Studies* 45 (2007): 653-674.
- Hünemörder, Kai F. *Die Frühgeschichte der globalen Umweltkrise und die Formierung der deutschen Umweltpolitik (1950-1973)*. Stuttgart: Franz Steiner, 2004.

- Iriye, Akira. "Environmental History and International History." *Diplomatic History* 32 (2008): 643-646.
- Johnson, Stanley P. *The Politics of the Environment. The British Experience*. London: Tom Stacey 1973.
- Jordan, Andrew, Rüdiger Wurzel, Anthony R. Zito, and Lars Bruckner. "European Governance and the Transfer of 'new' Environmental Policy Instruments (NEPIs) in the European Union." *Public Administration* 81 (2003): 555-574.
- Kaelble, Hartmut. "Between Comparison and Transfers." In *Comparative and Transnational History. Central European Approaches and New Perspectives*, edited by Heinz-Gerhard Haupt and Jürgen Kocka, 33-38. New York: Berghahn, 2009.
- Kaiser, Wolfram, and Jan-Henrik Meyer, eds. *International Organizations and Environmental Protection. Conservation and Globalization in the Twentieth Century*. New York: Berghahn, 2017
- Kaiser, Wolfram. "Sometimes it's the Economy, Stupid! International Organisations, Steel and the Environment." In *International Organizations and Environmental Protection. Conservation and Globalization in the Twentieth Century*, edited by Wolfram Kaiser and Jan-Henrik Meyer. New York: Berghahn, 2017, 153-181.
- Kirchhof, Astrid Mignon, and Jan-Henrik Meyer. "Global Protest Against Nuclear Power. Transfer and Transnational Exchange in the 1970s and 1980s." *Historical Social Research* 39 (2014): 165-190.
- Kneese, Allen V., Sidney E. Rolfe, and Joseph W. Harned. *Managing the Environment: International Economic Cooperation for Pollution Control*. New York: Praeger Publishers, 1971.
- Knudsen, Ann-Christina L. *Farmers on Welfare. The Making of Europe's Common Agricultural Policy*. Ithaca: Cornell University Press, 2009.
- Lenschow, Andrea, and Carina Sprungk. "The Myth of a Green Europe." *Journal of Common Market Studies* 48 (2010): 133-154.
- Macekura, Stephen. *Of Limits and Growth. The Rise of Global Sustainable Development in the Twentieth Century*. Cambridge: Cambridge University Press, 2015.
- Meadows, Dennis, Donella Meadows, Erich Zahn, and Peter Milling. 1972. *The Limits to Growth*. New York: Universe Books.
- McCormick, John. *The Global Environmental Movement*. Chichester: John Wiley, 1995.
- Meyer, Jan-Henrik. "Appropriating the Environment. How the European Institutions Received the Novel Idea of the Environment and Made it Their Own." *KFG 'The Transformative Power of Europe' Working Paper* 31 (2011): 1-33. http://userpage.fu-berlin.de/kfgeu/kfgwp/wpseries/WorkingPaperKFG_31.pdf.
- Meyer, Jan-Henrik. "From Nature to Environment: International Organisations and the Environment before Stockholm." In *International Organizations and Environmental Protection. Conservation and Globalization in the Twentieth Century*, edited by Wolfram Kaiser and Jan-Henrik Meyer. New York: Berghahn, 2017, 31-73.
- Meyer, Jan-Henrik. "Green Activism. The European Parliament's Environmental Committee promoting a European Environmental Policy in the 1970s." *Journal of European Integration History* 17 (2011): 73-85.
- Meyer, Jan-Henrik. "Making the Polluter Pay: How the European Communities Established Environmental Protection." In *International Organizations and Environmental Protection. Conservation and Globalization in the Twentieth Century*, edited by Wolfram Kaiser and Jan-Henrik Meyer. New York: Berghahn, 2017, 182-210.
- Mitzner, Veera. *Research for Growth? The Contested Origins of European Union Research Policy (1963–1974)*, PhD thesis, European University Institute, Florence, 2013.
- Patel, Kiran Klaus, ed. *Fertile Ground for Europe? The History of European Integration and the Common Agricultural Policy since 1945*. Baden-Baden: Nomos, 2009.

- Patel, Kiran Klaus. "Provincialising European Union: Co-operation and Integration in Europe in a Historical Perspective." *Contemporary European History* 22 (2013): 649-673.
- Radkau, Joachim. *Nature and Power. A Global History of the Environment*. Cambridge: Cambridge University Press, 2008.
- Risso, Linda. "NATO and the Environment: The Committee on the Challenges of Modern Society." *Contemporary European History* 25(2016): 505-535.
- Robin, Libby. "The Rise of the Idea of Biodiversity: Crises, Responses and Expertise." *Quaderni. Communication, technologies, pouvoir* 76 (2011): 25-37.
- Schmelzer, Matthias. "The Crisis before the Crisis: the 'Problems of Modern Society' and the OECD, 1968–74." *European Review of History* 19 (2012): 999-1020.
- Schmelzer, Matthias. "'Expandiere oder stirb.' Wachstumsziele, die OECD und die Steigerungslogik wirtschaftlicher Expansion." *Geschichte und Gesellschaft* 41 (2015): 355-393.
- Schmelzer, Matthias. *The Hegemony of Growth. The OECD and the Making of the Economic Growth Paradigm*. Cambridge: Cambridge University Press, 2016.
- Schulz, Thorsten. "Das ‚Europäische Naturschutzjahr 1970‘ – Versuch einer europaweiten Umweltkampagne." *WZB-Discussion Papers P* 2006, no. 7 (2006): 1-34. <http://bibliothek.wzb.eu/pdf/2006/p06-007.pdf>.
- Schulz, Thorsten. "Transatlantic Environmental Security in the 1970s? NATO's 'Third Dimension' as an Early Environmental and Human Security Approach." *Historical Social Research* 35 (2010): 309-328.
- Schwartz, Priscilla. "The Polluter Pays Principle." In *Research Handbook on International Environmental Law*, edited by Malgosia Fitzmaurice, P. Merkouris and David M. Ong, 243-261. Cheltenham: Edward Elgar, 2010.
- Turner, James Morton. 2013. *The Promise of Wilderness. American Environmental Politics since 1964*. Seattle: University of Washington Press.
- Wöbse, Anna-Katharina. "Oil on Troubled Waters? Environmental Diplomacy in the League of Nations." *Diplomatic History* 32 (2008): 519-537.
- Zito, Anthony R. "The European Union as an Environmental Leader in a Global Environment." In *The Globalization of Environmental Crisis*, edited by Jan Oosthoek and Barry K. Gills, 81-94. Abingdon: Routledge, 2008.

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² Malfatti, "Statement to the European Parliament."

³ European Commission, "First Communication".

⁴ OECD Environment Committee, “Summary Record of the 1st Session held at the Chateau de la Muette, Paris, on 24 and 25th November 1970, ENV/M (70) 1,” OECD Archives, Paris (OECD/DA) Film 390 (1970): 15-19.

⁵ Engels, “Modern Environmentalism,” 124f.

⁶ For an overview: Meyer, “From Nature to Environment”.

⁷ OECD, “Celebrating 40 years”.

⁸ Council of the European Communities, “Declaration on the programme of action”.

⁹ Beder, “The Polluter Pays Principle”; Sadeleer, *Environmental Principles*.

¹⁰ OECD, “Recommendation on the Implementation of the Polluter-Pays Principle, 14 November 1974”; “Recommendation on Guiding Principles concerning International Economic Aspects of Environmental Policies, 26 May 1972”; European Community, “Council Recommendation of 3 March 1975 regarding Cost Allocation”.

¹¹ Zito, “The European Union as an Environmental Leader”.

¹² Lenschow and Sprungk, “The Myth of a Green Europe”.

¹³ Schmelzer, *The Hegemony of Growth*”; idem, “Expandiere oder stirb”. See also: Mitzner, *Research for Growth?*

¹⁴ Schmelzer, “The Crisis before the Crisis,” 1011.

¹⁵ Borowy, *Defining Sustainable Development*; Biedenkopf, “Emissions Trading”; Meadows, *Limits to Growth*.

¹⁶ Kirchhof and Meyer, “Global Protest Against Nuclear Power”; Kaelble, “Between Comparison and Transfers”.

¹⁷ Wöbse, “Oil on Troubled Waters?”; Iriye, “Environmental History and International History”; Haas, *Saving the Mediterranean*.

¹⁸ Patel, “Provincialising European Union.”

¹⁹ For the increasingly self-critical debate in political science: Börzel and Risse, “From Europeanisation to Diffusion”.

²⁰ Cronon, “The Trouble with Wilderness”; Turner, “The Promise of Wilderness”; Bemmann, Metzger, and von Detten, *Ökologische Modernisierung*; Robin, “The Rise of the Idea of Biodiversity”.

²¹ Hünemörder, *Die Frühgeschichte der globalen Umweltkrise*; McCormick, *The Global Environmental Movement*.

²² With the exception of Borowy, *Defining Sustainable Development* and contributions in Kaiser and Meyer, eds. *International Organizations and Environmental Protection*.

²³ For a more extensive treatment: Macekura, *Of Limits and Growth*, 91-133.

²⁴ By the early 1970s, apart from its founding members in 1949, Belgium, Denmark, France, Ireland, Italy, Luxembourg, Netherlands, Norway and Sweden, the following countries had joined: Greece, Turkey, West Germany, Iceland, Austria, Cyprus, Switzerland and Malta.

²⁵ Council of Europe, *Resolution (68)4*; idem, *European Water Charter, 6 May 1968*.

²⁶ Schulz, “Das ‚Europäische Naturschutzjahr 1970““.

²⁷ Meyer, “Appropriating the Environment”; Johnson, *Politics of the Environment*.

²⁸ Hamblin, “Environmentalism for the Atlantic Alliance“; Schulz, “Transatlantic Environmental Security“, Risse, “Nato and the Environment”.

²⁹ Kaiser, “Sometimes it’s the Economy“.

³⁰ A. de Baerdemaeker, Permanent Representation to OECD to European Commission, DG External Relations, Rapport 458, 3 Feb 1970, including OECD C(70) 20, draft resolution to set up ad-hoc preparatory committee on environment,“ Historical Archives of the European Commission (HAEC), BAC 3/1978 No. 572 (1970): 3. Here and in the following: My translation from the French original.

³¹ Ibid; Schmelzer, “The Crisis before the Crisis,” 1003-5.

³² Patel, “Provincialising European Union”.

³³ Patel, *Fertile Ground for Europe*, Knudsen, *Farmers on Welfare*, Dinan, *Europe Recast*, 28-51.

³⁴ E.g. Livingston Hartley, “Some International Implications on Environmental Challenges”. *The Atlantic Community Quarterly*, 1970, 234-241. (handwritten note: M. Mandl), HAEC, BAC 68/1984, no. 199. Commission official Vladimiro Mandl worked on these environmental issues at the time.

³⁵ H[arald] Malmgren to Joseph Harned [Atlantic Council]: Memorandum: International Approach to Environmental Control, 9/2/70, *ibid*.

³⁶ Kneese, Rolfe, and Harned, *Managing the Environment*.

³⁷ Bossuat, Bussière and Legendre, “Entretien avec Robert Toulemon, Paris, 17 décembre 2003”, 38f.

³⁸ d'Arge and Kneese, “Environmental Quality and International Trade,” 421; European Commission, Political and Institutional Aspects of Environmental Management (summary), Washington, 15 January 1971 [presented at Atlantic Council and Battelle Institute Joint Conference on Goals and Strategy for Environmental Quality in the Seventies, 15-17 January 1971], HAEC, BAC 35/1980, no. 199. In The National Archives (TNA) (FCO 55/661 No. 21) the text is attributed to Robert Toulemon.

³⁹ European Commission, “Aims and Underlying Principles of a Common Environmental Policy Draw[n] up by the Member and Acceding States, SEC (1972) 3901, 7 November 1972, [R/2413/72 ENV 49],“ Archive of the Council of Ministers (ACM), CM 2.1973 No. 24.

⁴⁰ Radkau, *Nature and Power*, 240, 244; Fressoz, “Payer pour polluer”.

⁴¹ Schwartz, “The Polluter Pays Principle“; Beder, “The Polluter Pays Principle“; de Sadeleer, *Environmental Principles*.

⁴² Biedenkopf, “Emissions Trading,” 6-7.

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- ⁴³ Dales, *Pollution, Property and Prices*.
- ⁴⁴ Gaines, “The Polluter-Pays Principle”.
- ⁴⁵ d'Arge and Kneese, “Environmental Quality,” 421-422.
- ⁴⁶ E.g. Gaines, “The Polluter-Pays Principle,” 477.
- ⁴⁷ Council of Europe, *Resolution (68)4*, 8, (§ I-III), 10 (§16).
- ⁴⁸ OECD, “Environment Committee. First Session to be held at the OECD Headquarters Paris, on 24th and 25th November 1970, ENV A (70) 3, 4 November 1970,“ OECD Archives (OECD/DA), Film 0390 (1970).
- ⁴⁹ Baerdemaeker to European Commission, DG External Relations, Rapport 458, 4.
- ⁵⁰ OECD, “Recommendation, 26 May 1972“.
- ⁵¹ “Recommendation on the Implementation, 14 November 1974,“ § I.3.
- ⁵² Ibid.
- ⁵³ E.g. Hartlapp, “On Enforcement, Management and Persuasion”.
- ⁵⁴ OECD, “Recommendation on the Implementation, 14 November 1974,“ § II-III.
- ⁵⁵ van Laer, “Entretien avec Michel Carpentier,” 4. The commonly used acronym SEPC follows the French word order.
- ⁵⁶ For a more extensive discussion: Meyer, “Making the Polluter Pay“.
- ⁵⁷ Idem, “Green Activism“.
- ⁵⁸ “Adriaan Oele“; Koerts, “Ad Oele”.
- ⁵⁹ Europäisches Parlament, “Bericht im Namen des Ausschusses für Sozial- und Gesundheitsfragen über die Reinhaltung der Binnengewässer unter besonderer Berücksichtigung der Verunreinigung des Rheins, 11.11.1970, doc 161/70, Berichterstatter: Jacob Boersma,“ Historical Archive of the European Parliament (CARD/OC) PE0 AP RP/ASOC.1967 0161/70: 19 §15.

⁶⁰ Idem, “Bericht im Namen des Ausschusses für Sozial- und Gesundheitsfragen über die Erste Mitteilung der Kommission der Europäischen Gemeinschaften über die Politik der Gemeinschaft auf dem Gebiet des Umweltschutzes, Berichterstatter Hans Edgar Jahn, 14.04.1972, doc 9/72,“ CARDOC PE0 AP RP ASOC.1967 0009/72: 7 (§16).

⁶¹ Quah, “EJ Mishan obituary”; OECD, “Working document. John H. Cumberland: A Comparative Evaluation of Alternative Environmental Models with Emphasis on Waste Matrices, 20 December 1973,“ OECD, AEU ENV divers (1973).

⁶² Hans Edgar Jahn, “Bericht im Auftrag des Ausschusses für Sozial- und Gesundheitsfragen über die Notwendigkeit einer Gemeinschaftsaktion zur Reinhaltung der Luft, 15.12.1971,“ CARDOC PE0 AP RP ASOC.1967 0181/71: 12 (§32), 15 (§44).

⁶³ Europäisches Parlament, “Bericht über die Erste Mitteilung,“ 7 (§16), 59 (§80).

⁶⁴ European Commission, “Note à l'attention de MM. les membres de la Commission. Objet: Communication et projets de la Commission au Conseil sur la politique des Communautés européennes en matière d'Environnement, SEC (72) 666 (12), 20.03.1972,“ HAEC BAC 244/1991 No. 4: 2.

⁶⁵ Communication on a European Communities’ Programme on the Environment: 35-37.

⁶⁶ Community, “Council Recommendation of 3 March 1975,“ §1.

⁶⁷ E.g. Parlament, “Bericht über die Erste Mitteilung,“ 7 (§16), 59 (§80); COMITEXTIL, “Prise de Position de COMITEXTIL (Comité de Coordination des Industries Textiles de la Communauté Economique Européenne) relative au projet de recommandation du Conseil en ce que concerne l'allocation des coûts et de l'intervention des pouvoirs publiques en matière de l'environnement (Principe pollueur-payeur), 5 November 1974,“ HAEC BAC 68/1984, no. 201.

⁶⁸ Community, “Council Recommendation of 3 March 1975,“ §6b).

⁶⁹ OECD, “Environmental Committee. Subcommittee of Economic Experts Summary Record of the Exploratory Meeting on Industrial Pollution Control Cost Estimates, 12 July 1973,” OECD/AEU/ENV/73.6.

⁷⁰ “Environmental Committee. Sub-Committee of Economic Experts. 1st Meeting to be held at the OECD on 15th and 16th June. Draft Agenda,” OECD/AEU-ENV 1971, AEU/ENV 71.1: 3.

⁷¹ “Environmental Committee. Sub-Committee of Economic Experts. Record of the 1st Meeting held in Paris on 15th and 16th June,” OECD/AEU-ENV 1971, AEU/ENV 71.5: 4 [§11-13].

⁷² “Environmental Committee. Sub-Committee of Economic Experts. Problems of Environmental Economics. Record of the Seminar held at the OECD (Summer 1971),” OECD/AEU-ENV 1971, AEU/ENV 71.19.

⁷³ “Note on the exceptions to the Polluter Pays Principle: the case of the pulp and paper industry, 18 December 1973,” OECD/AEU/ENV/73.22; „Practical Suggestions to be drawn from the Swedish Environmental Policy, 1 December 1973,” OECD/AEU/ENV/73.23.

⁷⁴ “Environmental Committee. The Polluter-Pays Principle. Note on the Implementation of the Polluter-Pays Principle, Paris 21 January 1974,” OECD/ENV (73) 32 final: 4 §7-8.

⁷⁵ “Environmental Committee. Summary Record of the 12th Session held at the OECD Headquarters in Paris on 11 and 12 September 1974,” OECD/ENV M (74) 3: 7 [§10]. Similarly: “Environmental Committee. Meeting at Ministerial Level. Minutes of the 13th Session held at the OECD Headquarters in Paris on 13 and 14 September 1974,” OECD/ENV M (74) 4: 44, § 190.

⁷⁶ Carlo Scarascia Mugnozza, “Intervention de M. Scarascia-Mugnozza, Vice-Président de la Commission des Communautés européennes, à l’occasion de la session du Comité de

l'Environnement réuni au niveau ministériel, OECD Paris, 13 novembre 1974,“ HAEC Speeches Collection, Box S, Scarascia-Mugnozza.

⁷⁷ Harald Jürgensen and Kai-Peter Jaeschke, “Study to determine the Social Cost of Pollution, Hamburg, April 1973, ENV/63/73 d,“ HAEC BAC 58/1992, no. 319; Achille Hannequart, “A Study of the Economic Tools for an Environmental Policy, Brussels, 24 May 1973, ENV/49/73 A,“ *ibid.*

⁷⁸ OECD, “Environmental Committee. Sub-Committee of Economic Experts. Record of the 1st Meeting held in Paris on 15th and 16th June.“ Annex: List of Participants.

⁷⁹ Bundesregierung, “Umweltprogramm der Bundesregierung“, 10.

⁸⁰ Kernforschungszentrum Karlsruhe, *Durchsetzung des Verursacherprinzips*; Kneese, Rolfe, and Harned, *Managing the Environment*; “Obituary: Allen Kneese”.

⁸¹ Bongard, “Der fliegende Professor“.

⁸² John B. Richardson, SEPC, Division General Studies and Improvement of the Environment, “Report on Mission to Paris on 22-24 January 1975 for the attention of Mr. Hammer. Re: OECD, Sub-Committee of Economic Experts, Brussels 29 January 1975,“ HAEC BAC 68/1984, no. 201.

⁸³ European Commission, “Groupe d'Experts économiques chargés des questions d'environnement. Réunion des 10 juillet et 11 juillet 1973, ENV/59/73 F,“ *ibid.*: 2.

⁸⁴ “Compte-rendu. Réunion du groupe d'experts économiques spécialisés en matière d'environnement, Bruxelles, le 29 janvier 1974, ENV/43/74-F, Liste des participants,“ HAEC BAC 68/1984, no. 201 (Groupe des experts économiques) (1974): 5, 8-9.

⁸⁵ Service of the Environment and Consumer Protection, European Commission, “Allocation des coûts et intervention des pouvoirs publics en matière d'environnement, Document de travail des services de la commission, 7 May 1973, ENV/23/1/73 F,“ HAEC BAC 58/1992, no. 319: 3.

⁸⁶ Ibid.

⁸⁷ Ibid., 18 [section IV].

⁸⁸ Council of the European Communities, “Note. Draft Recommendation regarding cost allocation and action by public authorities on environmental matters (applying the polluter pays principle) Coreper 638, 24 July 1974, R/2573/74 (ENV 115),“ ACM CM2 1975.651.1: Annex 1, 1, fn. 1.

⁸⁹ Ibid., 10f. [§ 21-22].

⁹⁰ “Note. Draft Recommendation regarding cost allocation and action by public authorities on environmental matters, applying the polluter pays principle. Minutes of the Proceedings of the Working Party held on 29 March 1974, R/970/74 (ENV 41),“ ACM CM2 1975.648.1: 2. Similarly: “Note. Draft Recommendation regarding cost allocation and action by public authorities on environmental matters (applying the polluter pays principle) Coreper 638, 24 July 1974, R/2573/74 (ENV 115),“ 5f. § 9-12.

⁹¹ De Witte and Thies, “Why Choose Europe”, 23-25.

⁹² Börzel, “Why There Is No Southern Problem“.

⁹³ On these criteria, see: Patel, “Provincialising European Union.“

⁹⁴ Jordan et al., “European Governance and the Transfer of New Policy Instruments.”; Biedenkopf, “Emissions Trading”, Meyer, “Interview with Marius Enthoven.”

⁹⁵ Council of Europe, “Recommendation 659“: Part A, Principle II; Part B, §3c).

⁹⁶ E.g. Gaines, “The Polluter-Pays Principle”, 467-480.