

# A Means to an End

A study of the relationship between civil society and the  
European Commission from a legitimacy perspective

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# Abstract

The aim of this essay is to examine the relationship between the European Commission and civil by focusing on the issue of legitimacy. This study takes a critical stand towards the prevailing view in the debate on the EU's democratic deficit. This view that centers on that EU institutions, like national parliaments and governments, derive most of their legitimacy from public input, so-called input legitimacy. In accordance with this view civil society was brought forward during the 1990s as the perfect cure for the EU's democratic deficit. Civil society-input into the policy process was looked on as the way for the Commission to acquire the legitimacy it needed. The actual role given to civil society in many policy processes seems however to belie this conception that civil society input is critical for the Commission's Legitimacy.

In this essay I instead bring forward a theoretical perspective that focuses on output legitimacy as the key for understanding how the Commission's relationship to civil society. From this perspective output, in the form of a smooth effective integration process, is what brings the Commission legitimacy. This also means that the role of civil society is dependent on how the Commission thinks it can best achieve integration on an issue. This theoretical model is then tested on two policy processes; the Integrated Product Policy and the Emissions Trading Scheme, this comparison illustrates the point that civil society-input and input legitimacy is given priority only when it does not intervene with gathering consent on an issue from member states and when it does not stand in the way of integration.

*Key words:* Commission, Civil society, Legitimacy, Consultation, Policy process  
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# 1 Introduction

The European Union has since the early 1990s been the subject of a fierce debate concerning its “democratic deficit”. The focus of this debate has been the thought that the increasing power and influence of the EU’s institutions should be accompanied by a corresponding increase of democratic influence on the part of the EU’s citizens. Power had been handed over from accountable and representative national parliaments to more opaque, less representative, less accountable and more bureaucratic European institutions and democratic control over policy has in some measure been lost (Karlsson 2001:26f).

At the heart of this debate lies the European Commission that seemed to embody all these “undemocratic” characteristics of the EU. In the face of this criticism the Commission during the 1990s started looking for an answer, trying to accommodate the request for public input into their work. The answer they arrived at was civil society.

The turn to civil society in order to provide input of interests and views from the public and thus procure input legitimacy was widely hailed as the best way for the Commission to remain legitimate (Kohler-Koch 2009:48). There seemed to be a wide agreement among political scientist that the Commission, like national institutions, is dependent on input legitimacy and therefore needed to adopt the democratic virtues of its national counterparts.

This conception of the relationship between the Commission and civil society is however problematic. If the Commission is so dependent on input legitimacy then we would expect to see the participation of civil society in the policy process to be formalized and mandatory. One would also expect to see a similar participation from civil society on all issues in order to legitimize these policies. What we see instead is a system of governance where the inclusion of civil society is left almost entirely to the discretion of the Commission and where participation and influence of civil society varies greatly between policy processes (Persson 2007:226).

What this tells us is that the Commission’s relationship with civil society and civil society’s role in the policy process is decided by something more than the Commission’s need for input legitimacy. One can also question the focus put on input legitimacy and if national parliaments and governments are really a suitable analogy when discussing the issue of legitimacy for supranational institutions like the Commission.

## 1.1 Purpose and research questions

The aim of this essay is to investigate why the influence and actual participation of civil society differs between different policy processes. In order to do so I will examine two policy processes on similar issues, one with a high degree of civil society participation: the Integrated Policy Process (IPP), and one with a low degree of civil society participation: the EU's Emissions Trading Scheme (ETS). My first research question is therefore:

*Why did the Commission allow more civil society participation in the IPP policy process than in the ETS policy process?*

A theoretical model that focuses on the European Commission's relation to legitimacy will be developed to guide my research and my aim is to explain the divergence in civil society participation between the two policy processes from this theoretical perspective. My second research question is therefore:

*What does the relationship between the Commission and civil society in the two policy processes tell us about how the Commission derives its legitimacy?*

## 1.2 Method and material

I want to test the theoretical framework that I will develop through a comparison of two cases. This comparison will employ the so-called "most similar design strategy" (Landman 2003:70). The logic behind this strategy is that by comparing cases that are very similar but have different outcomes it will be easier to identify what independent variable caused the difference in the outcome of the dependent variable (ibid.) In this study the cases are two different EU policies and the dependent variable is the amount of civil society participation employed by the Commission in the policy process.

The two cases I will compare are the Integrated Product Policy (IPP) and the Emissions Trading Scheme (ETS). These policies are very similar on several variables, variables I will then be able to eliminate as possible explanations for the variation in the dependent variable. Since the study is limited to only two cases possibilities for generalizing my findings to the Commission in general are limited but since my aim is to develop my own theory the study should be seen more as a pilot study suggesting an alternative view on the relationship between the Commission and civil society.

One important similarity is that both policies deal with the environmental impact of industry and production of goods. This entails a strong interest from civil society in both issues mainly from environmental NGOs who work with these issues. Both policies are essentially about making industries and companies reduce their environmental impact, therefore we should also expect similar interest from the private sector on both issues. Both issues also have similar technical aspects concerning monitoring environmental impacts and coordinating efforts in different countries.

The policies however, differ on that they are not equally politically sensitive. By this I mean that the ETS being subject to legislation and encountering quite fierce resistance from several powerful member states required the Commission to devote more resources to mediating between member states than in the case of the IPP, which was a non-legislative and voluntary policy which met with no resistance from member states. It is the difference in this variable that I will argue led to the difference in outcomes.

For this study I will rely on both first hand and second hand material. The first hand material is primarily different documents from the consultation process which enables me to see what role civil society was given and what kind of questions were being discussed during the consultation process. This will help to identify what the Commission, who is responsible for constructing the consultation process, wanted the consultation to focus on. The second hand material, made up of academic articles and books, will help me to get a better view of issues that are not evident by the Commission's own documents. Since I will not be able to conduct any interviews this will be essential to get a picture of what went on behind the scenes and in order to get different actors impressions. The second hand material will hence contribute with a deeper and wider understanding of these quite complex policy issues.

## 2 Theory

The theoretical focus of this essay will be on developing an understanding of how the Commission derives its legitimacy. The focus of the democratic deficit debate has largely been on the EU institution's need for input legitimacy (cf. Karlsson 2001, Kohler-Koch & Finke 2007, Schmitt & Thomassen 1999). My argument will be that this view, which is based on the traditional view on legitimacy in western democracies, is rather ill-equipped to explain how supranational institutions like the Commission derive and relate to legitimacy.

The theoretical argument will partly be based on the theories of Beetham & Lord (1998) and Weale (2007) who have argued against this focus on input legitimacy that equates the European institutions with the institutions of the member states. My aim is however also to develop my own theory as I will focus on the Commission specifically and how its role as the engine of European integration affects its relationship with legitimacy, civil society and the member states.

### 2.1 Conceptual discussion

Before drawing up the theory that will be the basis for my study it is important to discuss and define some of the key concepts that are employed in the theoretical model.

#### 2.1.1 Legitimacy

The issue of legitimacy is an extremely important one for any modern political system. According to Christer Karlsson "Any political system that rejects fear as a means of compelling compliance must be legitimate in the eyes of the citizens. (2001:104).

While this statement might help us understand the importance of legitimacy it does little in the way of defining what it is and how it is derived. According to Beetham political legitimacy is a question of whether or not power is "acquired and exercised according to justifiable rules, and with evidence of consent" (Beetham 1991:3). This definition highlights two forms of legitimacy: formal and social legitimacy. Formal legitimacy means that power is acquired and exercised

in conformity with the fixed rules of the society. Social legitimacy concerns a broader more subjective public acceptance or support for the political system. The two are of course tightly connected as the formal legitimacy relies on a broad social acceptance of the norms and beliefs on which these rules are based (Karlsson 2001:1907f).

In liberal democracies the basis for these rules is the general consensus on the ideals of democracy and the importance of input legitimacy. Governments and political institutions like parliaments are legitimate because they have, through the process of elections, received input from the people (Beetham & Lord 1998:16f). In order for this system to work however there needs to be a clearly defined people or *demos* to do the electing. Also, Beetham and Lord argue, the appointment of public officials needs to be done according to “accepted criteria of popular authorization, representativeness and accountability” (1998:17) This system of deriving legitimacy, has worked well in western democracies but creates problems when power is transferred to supranational institutions like the EU where a *demos* is not as easily identified and important institutions like the Commission are seen as un-representative, un-accountable and critically unelected. The EU can quite simply not acquire legitimacy the same way that its member states governments and parliaments do. It must therefore either try to create a similar system or find a different base for its legitimacy. Beetham and Lord argue that the basis for the EU’s legitimacy has traditionally been derivative, meaning that the EU is legitimate because its “authority is recognized and confirmed by the acts of other legitimate authorities” (Beetham & Lord 1998:16f). The EU derives its legitimacy through the support of the legitimate governments of the member states and not because it in itself lives up to the criteria of input legitimacy to which the national governments are subject. The institutions of the EU cannot however rely blindly on this support from the member states. In order to enjoy their continued support they must be legitimate in the eyes of the member states’ governments. This brings us to the issue of output legitimacy.

Boswell (2009), using Brunsson’s ideas, makes a distinction between two types of organizations; political and action organizations. Political organizations derive legitimacy “from their formal structures and decisions, rather than the societal impact of their policies” (Boswell 2009:13). The most typical case of such an organization according to Boswell is the institution of parliament which as we have seen rely heavily on input legitimacy. Action organizations however derive their legitimacy from their output more than from its structure and rhetoric. The type of legitimacy that these organizations have is therefore referred to as output legitimacy.

In the EU context this would mean that the institutions of the EU derive their legitimacy by being able to provide an output in the form of coordination and international policy that the member states themselves could not. And as long as the institutions provide the output they are seen as legitimate by the member states that continue to sanction their authority.

This distinction between institutions that derive their legitimacy from input and output is important for this study since it illustrates that all institutions do not derive their legitimacy in the same way and that this difference in how legitimacy



is derived can have effects on how they act.

### 2.1.2 Civil society

Another concept that is central to this study is that of civil society. Because of the importance of the concept for the study and the ambiguity of the term, a definition is needed to demonstrate what civil society will mean within the scope of this study.

One broad definition is offered by Linz and Stepan who argue that civil society is “that arena of the polity where self-organizing groups, movements and individuals, relatively autonomous from the state, attempt to articulate values, create associations and solidarities, and advance their interests” (quoted in Ruzza & Della Sala 2007b:4). This definition offers us some help in pointing out the nature of civil society as separate from the institutions of the state. It is however too wide to be in any way helpful in pointing out what civil society means in this context.

Since the aim of this study is to investigate the role of civil society in the EU’s policy process a more productive point of departure might be to look at what role civil society plays in the EU’s policy process.

Civil society’s role is to deliver an input of public and societal interests into the policy process. It acts as a counterweight to the financial interests, for example industrial lobbies, and gives the public an extra ability to influence policy beyond their national governments (Ruzza 2004:4). This means that the civil society which we are discussing needs to be organized in order to be able to act as a partner with which the EU’s institutions can consult. This organized civil society must also be separated from the financial interests like companies or different lobby groups whose focus is on the promotion of the interests of a company or sector of industry. Civil society does however in this context include consumer organizations as these are seen as promoting public interests within the EU context (Greenwood 2007:34). The organizations, which are consulted as civil society, are then organizations that are seen by the EU as representative of public interests, other than financial, of the European citizens and which are separated from governments and public authorities. Which organizations that actually get consulted differs from case to case depending on policy area and the possession of technical knowledge needed. In the specific cases that I will analyze civil society was primarily represented in the consultation process by environmental NGOs like Greenpeace, and World Wildlife Fund and consumer organizations because these were seen as ones who best lived up to these criteria

Having now looked closer at two of the key concepts I will now employ them in designing the theoretical framework, which will be the basis for my analysis.

## 2.2 The Commission and legitimacy

The relationship between the Commission and civil society is, as I will argue, rooted in the question of legitimacy. Therefore it is of critical importance that before we investigate the Commission's relationship to civil society we first take a look at how the Commission acquires its legitimacy and on the issue of the democratic deficit.

The debate on the EU's so-called "democratic deficit" was first launched in the early 1990's. The European system was criticized for the fact that so much power was transferred from the elected and more accountable national parliaments to the un-elected and less accountable Council and Commission. This coupled with the relatively weak position of the European Parliament, meant that many perceived the EU to be less democratic than the national systems (Kohler-Koch & Finke 2007:206). The EU's institutional design was also seen as placing power further away from the average citizen in the hands of EU bureaucrats.

The unelected nature and the lack of accountability of these institutions also led to a questioning of their legitimacy, by what right did the Council and Commission wield power? As the pace of European integration quickened and the nature of the integration turned increasingly from intergovernmental to supranational more and more voices were heard calling for an increased democratization of the system to accompany its increased power (Schmitt & Thomassen 1999:1). To put it in other words, an EU that was to take over more of the tasks of the national governments also needed to acquire more of the accountability and representativeness that characterizes the national governments in order to maintain its legitimacy.

The EU's efforts to meet these demands resulted in two big changes in EU governance. The first of these was the increased power given to the European Parliament vis à vis the Council and Commission which in a very direct way increased the possibility of democratic input from and accountability to, the European citizens<sup>1</sup> (Karlsson 2001:28). The other big change and the one that is the focus of this study is the Commission's new focus on civil society participation in the policy process.

The Commission can, because of its institutional design, be said to reflect the core problems of the EU's democratic deficit. The Commission is and has through out its history been a very powerful institution<sup>2</sup>. This considerable influence within the EU, coupled with the fact that the commissioners are not elected by the citizens of the member states but rather by the Council, has led many EU skeptics to criticize the Commission for being an unaccountable collection of bureaucrats wielding an excessive amount of power (Tanasescu 2009:10).

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<sup>1</sup> The Parliament was given more power over legislation by changing legislation procedures. (Tallberg 2007:47)

<sup>2</sup> It has the exclusive right to initiate new policy proposals giving it a power over the agenda of the EU and the direction of its integration. The Commission is also responsible implementing the EU's legislation and also making sure that the member states abide by it. (Tallberg 2007:93).

The Commission seems however to have been aware of this criticism and its lack of input legitimacy and as the democratic deficit debate was heating up during the early 1990's the Commission was looking for an answer to this problem. That answer was civil society. By increasing civil society's participation in the policy process the Commission would be able to acquire the input legitimacy that it was said to have been lacking. The thought is that civil society organizations would be able to represent public interests and act as a counterweight to the influence of industrial lobbies, making it an effective way of getting input of ideas and opinions from a broader spectrum of society without making the policy process too complicated (Ruzza 2004:1ff).

These ideas of public representation via civil society in a more deliberative policy process reached its pinnacle with the Commission's 2001 White Paper on Governance. The new form of governance was seen as a way of improving both input legitimacy, by representing the views and values of a broader spectrum of Europe's citizens, and output legitimacy, having input from society would not only lead to better policies but also easier implementation (Kohler-Koch 2009:48ff).

As we have seen the Commission responded to the democratic deficit debate and the critic leveled against it. The focus on civil society participation and the use of national political systems as an analogy in the discussion on the EU's legitimacy reflects a view among scholars and politicians that the Commission should and does derive legitimacy the same way as national parliaments and governments do, through formal procedures for public input (cf. Karlsson 2001, Kohler-Koch & Finke 2007, Schmitt & Thomassen 1999). Another example of this view is Boswell who describes the Commission as "a political organization *par excellence*: the Commission ... derives its legitimacy from its formal structures, rhetoric and decisions far more than from its output" (Boswell 2009: 190, original emphasis).

My argument however, like that of Beetham & Lord (1998) and Weale (2007), is that the legitimacy of the EU's institutions is better understood with reference to the output it provides the governments of the member states rather than input from the EU's citizens.

To use Boswells vernacular I would argue that the Commission instead could be viewed as an action organization within a political context especially if we view the Commission's output not only as effective legislation but also as integration itself. The Commission derives output legitimacy not only by the successful implementation of legislation but also by providing a successful and smooth integration process. The reason for this is the specific role that the Commission has within the EU's institutional design. The role of the Commission as sole initiator of policy has given it the added role as the engine of European integration (Tallberg 2007:93). The commissioners are themselves expected to be completely neutral when it comes to the interests of the member states and to represent the interests of the EU, which has generally meant working for increased competencies for the EU, increased coordination of policy and further integration. An important job in connection to the work for further integration is the Commission's role as mediator in conflicts between member states in the

policy process (McCormick 1999:96). This highlights the fact that the Commission's aspirations of extended integration cannot be fulfilled if there are great disagreements between member states, as this will make legislation difficult. What this all points to is that the Commission's ability to provide a smooth and steady integration process without conflicts between member states is a large source of its output legitimacy within the EU context. Seen in this light the shift towards increased participation of civil society is not necessarily evidence that the Commission derives most of its legitimacy through public input but rather the shift illustrates that the Commission recognized the democratic deficit debate as a threat against continued integration (Finke 2007:17) and therefore a threat against its output legitimacy which encouraged them to seek a solution.

What this theoretical perspective implies is that even though the Commission has devoted considerable effort to developing a form of governance that would improve its input legitimacy it does not consider the participation of civil society to be an end in itself. In this understanding civil society participation becomes a means to an end. That end being extended European integration. That the Commission holds this rather instrumental view of civil society participation is also backed up by Carlo Ruzza who in interviews with Commission officials found that "in particular high-level officials whose qualified support for specific MACs<sup>3</sup> was often articulated through ... an interest in EU integration, which of necessity in recent years has included a concern for EU legitimacy"(Ruzza 2004:155). This instrumental status of civil society participation is also reflected in the Commission's refusal to legislate on any minimum level of civil society participation in the consultation process citing that: "Such an over-legalistic approach would be incompatible with the need for timely delivery of policy, and with the expectations of the citizens that the European institutions should deliver on substance rather than concentrating on procedures" (European commission 2002 quoted in Tanasescu 2009:74).

The purpose of this discussion of the issue of legitimacy in connection to the Commission has been to establish theoretical vantage point that can help to show how the Commission relates to the issue of legitimacy. I have argued that the Commission derives much of its legitimacy through its output in the form of a smooth integration process and that the increased importance of input legitimacy can be seen as a means to ensure output legitimacy. The next step will be to apply this theoretical understanding more directly to the Commission's relationship to civil society.

## 2.3 The Commission and civil society

Viewing the participation of civil society in the Commission's consultation

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<sup>3</sup> Movement advocacy coalitions, a form of civil society network

regimes as primarily instrumental helps us to explain certain aspects of the consultation regimes. It helps us to understand the lack of any real legally determined or fixed rules for how and to what extent civil society should be included in the consultation process. In fact the only legal document on how the Commission's consultation is to be carried out is a vague article in the Amsterdam treaty that merely states that the Commission should consult and release consultations documents (Tanasescu 2009:58). If civil society participation and public input was seen as an end in itself then one would expect to find a more clearly defined role for civil society and a more formal procedure for its inclusion, like in the institutions of the member states. Instead what we see is that the Commission is free to organize the consultation process and thus the involvement of civil society as it wants to on a case-by-case basis. The question we can now ask ourselves is how the Commission uses this ability to design the consultation process after its own desires and what effects that has on civil society. In order to do that we must first look at the nature of civil society's participation and its limitations.

The most important role of civil society in the policy process is to contribute or channel new ideas and ideals from society into the political discussion, ideas that might otherwise be lacking (Kohler-Koch 2009:50 Ruzza 2004:38). Carlo Ruzza also adds that while civil society may have its strengths in delivering credible normative input and is effective in issue-framing it is at a disadvantage, in relation to economic or industrial interests, when it comes to the more technical aspects of policy<sup>4</sup> (2004:5). Civil society does not have the financial resources or the technical expertise and experience of industrial interests to participate on an even footing when it comes to more technical aspects of policy. The different groups in this way all bring something to the table. Civil society brings normative input from the public and industrial lobbies contribute both with interests and their practical and technical knowledge and the Commission can take both sides into account when forming their policy. There is however one important group missing from this account, the member states. The nature of the institutional design means that the Commission has to get the governments of the member states onboard in order to pass any legislation and this is where the role of civil society gets more complicated. The importance of securing the support of the member states in order to pass legislation and enable a continued European integration means that the Commission adjust the policy process in order to increase their chances of getting sufficient support from the governments of the member states. One way that the Commission deals with the problem of is through what Ruzza calls "technicalising" the issue (Ruzza 2004:144).

Boswell describes the same phenomenon but calls it softening-up-strategy (Boswell 2009:202f). What these terms denote is a strategy from the part of the Commission in which they try to improve the chances of finding support from the member states by focusing the debate on a sensitive issue on its technical aspects

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<sup>4</sup> Also, because of their disadvantage in resources, civil society organizations often find it difficult to participate with the same intensity as, for example, industrial lobbies through out the policy process (Ruzza 2004:5)

rather than any normative issues. Tsuroka describes the process of technicalisation as

“purposefully downplaying otherwise huge and controversial political implications and other potentially thorny aspects of the issues under discussion; intentionally portraying them simply as technical ones so as not to ignite unwanted political debates”(2004:37)

When we consider this in the light of what we previously saw relating to the specific role of civil society we see that the process of technicalisation takes focus away from the normative issues where civil society can make its largest contribution and instead focuses more on making the member states agree and highlighting the technical issues where industry usually has an advantage.

In this way the Commission’s efforts to ensure member state compliance means that the participation and the real influence of civil society has to take a step back because being able to actually produce output legitimacy through integration is seen as more important than acquiring input legitimacy from civil society. The participation of civil society thus seems to be less central to the policy process than much of the literature suggests. Input legitimacy is sought when possible but getting the member states on board is the priority that takes precedence and shapes the policy process. Input legitimacy may be a means to an end but the end itself is integration.

I will now apply this theoretical model on two policy processes, first the issue of the European Emissions Trading Scheme and secondly the issue of the Integrated Product Policy, in order to see to what extent the theory can explain the divergence in civil society inclusion in the two policy processes.

## 3 Case analysis

### 3.1 Integrated Product Policy - IPP

The IPP is a part of the EU's sustainable development strategy, a strategy that seeks to combine environmental protection and competitiveness. More specifically the IPP is a measure designed to reduce the environmental impact of products throughout their lifetime. The thought behind the IPP was that there, in the interest of the internal market, needed to be a common and coordinated approach within the EU on how the goals of sustainable development should be met when it came to the development and production of new products (Tanasescu 2009:91f). The life cycle approach associated with the IPP means that the IPP aims to influence all these steps in a products life span and all the actors involved to reduce the overall environmental impact<sup>5</sup> (Commission 2010a).

The IPP is, as is evident from this description, quite a vague concept. This vagueness and its all-encompassing scope has certain ramifications on its design. One such ramification is that it was decided early on that the IPP should be geared more towards voluntary methods and market mechanisms rather than legislation. The industry should itself work out the most effective ways to construct the IPP rather than having the EU legislating (Berkhout & Smith 1999:177). The voluntary and non-legislative approach is interesting because it means that much of the political sensitivity associated with regular policy is lost. The member states were not handing over any sovereignty through the IPP and did not have to guard national interests because industry was to develop the IPP voluntarily and according to their own conditions. The fact that the issue was not politically sensitive is also reflected by Tanasescu who claims that there was a broad consensus between member states on developing an IPP that was, critically, focused on stakeholder involvement and where legislation should be a small component (Tanasescu 2009: 97). The role of the Commission thus changed from its traditional role of initiator and mediator of policy (getting member states on board) to a role of coordinator and organizer of fora within which the IPP would be developed which had effects on the role given to civil society

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<sup>5</sup> the life cycle approach of the IPP means that every part of a products life span should be taken into account from the extraction of the materials used to make the product, through its design, production, use until managing its disposal as waste (Commission 2010a)

### 3.1.1 Initiating the policy process

The IPP started off in 1996 when the commission gave Ernst & Young and the University of Sussex the task of investigating the potential for and possibilities of an IPP. The study partly identifies potential problems that an IPP would need to handle it also evaluates national efforts as a basis for how a European IPP should be constructed. The most significant contribution of the study is however the focus it puts on voluntary and market oriented measures as opposed to legislation and the Commission's role as a coordinator rather than an initiator (Berkhout & Smith 1998). Beyond this it, importantly, left the issue of further defining what an IPP should entail to be worked out by the stakeholders at a later stage.

The Commission seems to have taken the views on voluntary and market based methods to heart and when the consultation process started with a workshop in 1998 the Commission, organized the consultation in a way that Tanasescu describes as "as close to participatory ideals as could be" (2009:113). Without the pressure of having its own specific policy preference to promote or having to try to get member states to agree on some legislation the Commission seems to have put in considerable effort to meet the deliberative criteria so many have desired in the debate on the democratic deficit. This meant not only that a multitude of stakeholders were included at an early stage but also that they were discussing the issue in a broad way dealing with definitions and aims of the policy (Commission 1998a:6). The broadness of the discussion is perhaps best illustrated by presenting the issues that the workshop's 12 working groups dealt with. For example Working Group 1 was tasked with identifying the goals and priorities of the IPP through the following points of discussion:

- 1. What are the important elements in the suggested definitions for Integrated Product Policy?**
- 2. What is the link of IPP to other environmental and general policies?**
- 3. What specific objectives should IPP follow? Do these need to be quantified or qualified ones?**
- 4. Through which policy principles can IPP best be implemented?**

Similarly WG 3 was tasked among other things with discussing the role of the Commission and member states. WG 4 discussed what economic and legal instruments should be used to promote the IPP and WG 12 discussed the roles of stakeholders and consumers within establishing the IPP (Commission 1998a)

There were of course a multitude of other more technical issues up for discussion as well but it is interesting to note that so much of the discussion dealt with normative and political issues rather than technical ones. It seems as if the participants at the workshop were really involved in designing, from the very beginning, how the policy would look.



This then brings us to the next important issue, who participated? The perception that the IPP should be developed through market oriented methods led by industry seems to be reflected in the high number of industry representatives present at the workshop as compared to civil society. According to Tanasescu however, civil society in the form of environmental NGOs and consumer organizations were quite well represented when you consider the amount of business and industry interests active in Brussels as compared to civil society groups. Also within the working groups industry and NGOs had an equal amount of active participants<sup>6</sup> hinting at quite an influential role given to civil society (2009:112f). What we see here seems to support the notion that the softer, non-legislative and less sensitive approach taken by the Commission meant that less focus needed to be placed on negotiating the interests of member states and avoiding potentially sensitive normative issues. This also meant that civil society along with industry were given central position early on when it came to defining and framing the IPP.

Even more support for this view can be had by looking at what conclusions the Workshop actually came to. There was a broad consensus on the importance of stakeholder involvement and that the IPP should be “developed with and not against the market” (Commission 1998a:12). The emphasis on the market driven approach rather than legislation was accompanied by the opinion that a “Stronger involvement of Consumer and Environmental organisations is needed” (Commission 1998a:11). The soft approach here goes hand in hand with an increased involvement from civil society groups.

### 3.1.2 The Green Paper and beyond

The points brought forward by the 1998 workshop along with a 1999 meeting of the EU’s environmental ministers, which basically confirmed the positions brought forward during the workshop, guided the work of the DG Environment in producing the 2001 IPP Green Paper. The Green Paper, which laid down the Commission’s view on how the IPP should be designed, carried with it many of the ideas formulated in the 1998 workshop. What the Green Paper did was to clearly establish the role of Commission and the public authorities of the member states as passive enablers (Commission 2001a:5)

The Green paper also states that the actual work of finding solutions for reducing the environmental impact of products through their life cycle should fall on stakeholders. It should be the task of industry to identify the most suitable solutions to reducing environmental impact of their products and that governments should only act in enabling this work and creating incentives for industry to carry out these voluntary actions. As for civil society the Green Paper

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<sup>6</sup> Moderators, rapporteurs and speakers

states that NGOs should have an important role in the “identification of issues and the development of practical solutions towards reducing environmental impacts of products” (Commission 2001a:7).

The Green Paper, to a large extent, reflects the dominant views seen at earlier stages of the policy process. Focus is on implementing the life cycle approach through market driven measures by making it easier for consumers to identify and choose green products.<sup>7</sup> This would then create an incentive for industry to develop methods for reducing their products environmental impact. The role given to Governments and the Commission is that of facilitators making sure that there is a dialog between different industries, NGOs and consumers where experiences and opinions can be exchanged, one example of this are the so called product panels. Within this we also find the role of civil society as providing input to industry through the formal channels suggested by the Green Paper on what should be done and how.

The publication of the Green Paper was the start of a new round of consultation where stakeholders could deliver input on the Commission’s idea of how the IPP should be designed. One part of this was a written consultation, the results of which were unfortunately not published (Tanasescu 2009:116). Beyond this the Commission did however organize a conference in March 2001 where the Green Paper was discussed. In both the conference and the written responses to the Green paper we can see that the participation of civil society as compared to industry was becoming weaker as the policy process dragged on and became more technical. NGOs were however present at the conference and the continued role of NGOs was discussed and there seems to have been a real consensus that it was important that NGOs would receive funding in order to be able to participate in the standardization process and the product panels as a representative for the public good (Commission 2001b:15,26). That the role of NGOs was decreasing further in to the policy process is also evident from the seven small expert workshops that the Commission organized later in 2001 to discuss even more technical matters. When looking through the attendance lists<sup>8</sup> it seems obvious that NGOs were not seen as having the technical expertise needed to be a part of the workshops. But even though the influence of NGOs may have decreased as the policy process wore on their influence had been quite significant in the initial framing and defining stages of the process and the role of NGOs as a continued representative of public interests in the implementation of the IPP was confirmed in the Commission’s 2003 Communication on IPP which was the end product of the consultation process.

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<sup>7</sup> Mainly through different kinds of environmental labelling (Commission 2001a:14)

<sup>8</sup> Reports are available on the Commission’s home page  
<http://ec.europa.eu/environment/ipp/2001developments.htm>

## 3.2 The EU Emission Trading Scheme - ETS

The European Emission Trading Scheme is described by the Commission as one of the key tools for combating industrial green house gas (GHG) emissions and thus also a key tool in the EU's efforts to reach its environmental obligations established under the Kyoto protocol. The EU ETS is also the first and the biggest such international system in existence (Commission 2010b). The ETS is based on what is called a "cap and trade" system. This means that there is cap set on how much GHGs that the industries within the system are allowed to emit together. The companies in the system are then given an allowance, which is its share of the total emissions, if the company emits more than its allowances it receives a heavy fine from the EU. We then come to the "trade" part of the system. The companies are also allowed to sell any emission allowance that it does not need to companies who have emitted more than their allowance. These allowances essentially become a commodity from which the companies can make money, which creates an incentive to reduce emission in order to be able to sell allowances (Braun 2009: 470).

The ETS in this way resembles the IPP in that both rely on market driven mechanisms to reduce the environmental impact of industries. But where the Commission in the case of IPP relied on a soft, voluntary and less politically sensitive approach the ETS was subject to legislation and binding for all member states. The issue of a EU ETS was also politically sensitive since two of the largest member states Germany and France initially opposed such a system, this meant that passing legislation would be tricky since these countries might block it. The sensitive nature of the ETS makes it an interesting case to see how the Commission designed the policy process and to which extent it included civil society. The need to negotiate with the member states meant that the Commission took on its more traditional role as policy initiator and mediator and acted as the driving force behind the ETS (Braun 2009:482f). We can also see that the ETS policy process came to involve elements of technicalisation

### 3.2.1 Initiating the policy process

The origins of the EU ETS go back to the time of the Kyoto protocol negotiations in the late 1990s. At the start of these negotiations it is interesting to note that there was a general reluctance towards emissions trading both among the EU's institutions and its member states. The Commission had actually favored an EU-wide carbon tax as the main tool to reduce GHG emissions. However since several countries opposed such a tax the Commission abandoned the idea because

it seemed impossible to achieve<sup>9</sup> (Rusche 2010:6350). The idea of an international ETS had been introduced into the Kyoto negotiations by the US who favored flexible mechanisms in combating GHG emissions as opposed to the EU's stance that there needed to be binding numerical targets. The idea of an international ETS did however fall apart when President Bush withdrew the US from the Kyoto negotiations in 2001 but by then the idea of a EU ETS had already taken root within the Commission.

The Commission's change of heart concerning ETS can partly be understood as a consequence of the failure of the carbon tax. The Commission needed a new tool to construct a European climate policy that could live up to its obligations. There was also a shift in personnel within the DG Environment during the late 1990's that saw the proponents for the carbon tax being replaced by new people known as the BEST<sup>10</sup> group, which would lead the development of the EU ETS. It was also the BEST group who conducted the first work on the EU ETS as a part of the 1998 Commission Communication on the EU's post-Kyoto strategy (Skjærseth & Wettestad 2008:74). The Initial decision for the Commission to aim for an EU ETS was thus taken without any debate or consultation; the driving force behind the decision was rather that an ETS appeared more practical for the purposes of the Commission<sup>11</sup>.

The release of the Communication did not form the basis for any wide consultation process. Instead the Commission continued working internally on the issue and building a knowledge base. The Commission also ordered a report on the possibilities of an EU ETS from two NGOs who the Commission knew were in favor of emissions trading, FIELD<sup>12</sup> and CCAP<sup>13</sup>. These reports were to be of immense importance as the conclusions and suggestions they contributed with would to a large extent be the basis for the Commission's 2000 Green Paper on ETS and in extension the ' views on ETS throughout the policy process. These reports recommended the use of a cap-and-trade system rather than a baseline-and-credit system. They also argued for a centralized system for allocating allowances, high penalties for transgressions and FIELD argued for a downstream rather than upstream approach<sup>14</sup>. All these recommendations were later transferred to the Green Paper (Skjærseth & Wettestad 2008:77ff). It is remarkable to note that up until the point of the 2000 Green Paper there had been no official consultation process on the issue of the ETS what the Commission had been doing instead was to conduct its own research on how an ETS could work drawing lessons from American experiences and industry. This meant that the Commission

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<sup>9</sup> The rules of the EU mandated that the decision on an EU-wide carbon tax be taken by a unanimous Council

<sup>10</sup> Bureaucrats for Emissions Trading

<sup>11</sup> An ETS would for example not have to be agreed on by a unanimous Council as the carbon tax, also industry were much less skeptical of the market based approach of the ETS than putting a tax on carbon (Braun 2009:473).

<sup>12</sup> Foundation for International Law and Development based in London

<sup>13</sup> Center for Clean Air Policy based in Washington

<sup>14</sup> This distinction has to do with if the emission certificates are to apply to the emitters (Downstream) or those who produce and deliver the fuel (Upstream) (Braun 2009:478)

had gotten themselves a considerable advantage as far as technical know-how was concerned as compared to the member states and most NGOs.

### 3.2.2 The Green Paper and beyond

The Commission's Green paper signaled the start of stakeholder consultation (Commission 2000a:7). The Green Paper which was heavily influenced by the reports commissioned by FIELD and CCAP both stated the case for establishing a common EU ETS and brought forward the issues the Commission considered needed to be debated before drafting a proposal. These issues included how centralized the scheme should be, what sectors should be covered, should allowances be allocated through auctioning or grandfathering<sup>15</sup> and also how should the scheme be monitored and transgressions be handled (Commission 2001c).

The subsequent consultation basically took two forms. First there was the classic form of written consultation where member states and non-state actors could submit their opinions about the Green Paper in writing to the Commission. This written consultation showed the Commission that there was still a lot of opposition to the notion of an EU ETS with among others France opposing and Germany not even bothering to respond (Skjærseth & Wettestad 2008:97f). The other part of the consultation was the establishment of the European Climate Change Programme's Working Group 1 on flexible mechanisms. This Working group was to be the main forum where the issues brought up in the Green Paper were to be discussed and consulted upon (Braun 2009:480). The working group was tasked with being a forum for "discussion of some of the more technical issues related to flexible mechanisms" (Commission 2001c:1) is also the first point where we see any official, active consultation of civil society through the inclusion of NGOs.

That civil society had little influence in this policy process is evident both by the fact that they were included relatively late on and even then were tasked with discussing the more technical issues. The consultation is also problematic because the three NGOs that were picked to participate in the Working Group were all picked because of their positive attitude towards the ETS and one of the NGOs was FIELD, the same organization which the Commission had tasked with writing a report on ETS and whose work had to a large extent shaped the Green Paper. According to Skjærseth & Wettestad the Working Group was designed in such a way that it would give positive results (2008:82). Another problem with this working group was the advantage in knowledge that the Commission had built up prior to the release of the Green Paper. This meant that the Commission's

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<sup>15</sup> Grandfathering means that instead of the companies buying the amount of allowances they think they need they are awarded to the companies based on prior levels of emission

representatives were very much in control over how the discussions progressed. The Commission supplied all the background material and the technical knowledge it had amassed meant that they carried a great influence on any technical discussion and in forming the consensus, which was the aim of the working group (Skjærseth & Wettestad 2008:82f). There is also evidence of the process of technicalisation to be found in the policy process. Even though there was much opposition to the ETS among both NGOs and the member states the issue of whether or not there should be an ETS was not really raised. Instead the Commission described the financial benefits of an ETS as a tool for reaching the EU's Kyoto targets and focused the debate on more technical design issues. The member states that opposed an ETS, primarily Germany, consequently did not fight the ETS in itself but rather fought for certain design elements<sup>16</sup> (Skjærseth & Wettestad 2008:105). This approach from the Commission of bargaining on the design details in order to formulate a proposal that would have a chance of being passed under the rules of qualified majority seems to have been quite effective in creating support for an EU ETS (Braun 2009:482) The effectiveness of the Commission in doing this can be in the final report of the ECCP Working Group 1 where a consensus was reached between participants from the Commission, important member states, industry, and civil society organizations that there should be an EU ETS and that it should be implemented as soon as possible (Commission 2000a:4). The Commission also managed to turn the tide of opinion from member states more generally. At the time of the Green Paper only about half of the member states supported an EU ETS but by the last consultation meeting prior to the Commission's proposal in September 2001 all member states supported some form of EU ETS (Skjærseth & Wettestad 2008:104). The Commission also arranged a final consultation meeting with industry and NGOs in September 2001. Industry representatives heavily dominated this meeting with only a few NGO participants and the views brought forward at this meeting were largely ignored in the Commission's final proposal on ETS in October 2001(Skjærseth & Wettestad 2008:124).

All this seems to indicate that the Commission had focused the policy process on gathering support for the ETS among the member states in order to get its proposal the support of a qualified majority, which it also did. A contributing factor to this could also be that no state wanted to be seen as blocking climate policy and instead tried to affect the design in a favorable way. Germany and the UK managed to get some concessions in the final directive that was adopted in 2003 but generally the Commission's 2001 proposal survived the decision process and both readings by the Parliament (Skjærseth & Wettestad 2008:112). As for Civil society they played a much smaller role, few NGOs were actively consulted and those who were actively consulted generally supported the views of the Commission. The NGOs who had different opinions were not given much of an opportunity to be heard and instead focused their efforts on lobbying the European

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<sup>16</sup> These included a voluntary initial phase and a more decentralized system that would give more control over allocation to the member states (Skjærseth & Wettestad 2008:105)

parliament who under the Rules of Joint decision had to approve the directive. However most of the changes proposed by the parliament did not survive and the Final text of the directive seems to basically represent the views of the Commission and the interests of the member states (Skjærseth & Wettestad 2008:154f).

## 4 Conclusions

Having analyzed the Commission's design of the policy processes concerning both the IPP and the ETS we can see that despite their similarities the Commission went about forming the policies in two very different ways. One of the main differences was the role given to civil society in the two processes. The difference in this aspect is interesting since both policies concern market based solutions to environmental issues and both policy processes were contemporary. The fact that the policy process occurred when they did is also of importance since they coincided with the peak of the debate of the EU's democratic deficit and the Commission's new approach to policy making which focused on input legitimacy.

Looking at these similarities and the fact that both the Commission and many scholars were, at this time, presenting the inclusion of civil society into the policy process as a panacea to the EU's democratic problems we would expect civil society to have a large role in both policy process, at least if we are to believe that the Commission is to be seen as a political organization which primarily derives its legitimacy from the design of its formal structures and decision processes (Boswell2009:190). What we actually see is as I said before two very different roles for civil society.

### 4.1 The roles of civil society

In the IPP policy process civil society was given a much larger role and more possibilities to affect the outcome of the policy. Environmental NGOs were allowed to participate broadly at an early stage and deal with normative issues and the very framing of what an IPP should be. These are conditions that Ruzza points out as essential for an effective civil society participation as civil society carries much less clout in technical issues than it does in normative ones and often lacks the resources to participate at the same level as industry through out the process (Ruzza 2004:5,38).

The IPP in this sense stands in stark contrast to the ETS policy process in which the Commission gave civil society much less opportunity to affect the outcome. Civil society was introduced into the process relatively late and the issues they were asked to consult on were largely technical. This process of technicalisation of the issue is further problematic since very few actors had any experience with emissions trading and therefore little knowledge. The Commission had on its own



built up considerable technical knowledge prior to the consultation which meant that it very much controlled the technicalised policy process and civil society, had less possibility to participate effectively. Another problematic fact in the consultation is that the NGOs that were chosen to participate in the ECCP Working Group 1 which dealt with design issues of the ETS were chosen because of their positive attitude towards emissions trading and one of them, FIELD, had been a key partner in forming the Commission's idea of how the ETS should work which meant that FIELD basically represented the views of the Commission on ETS. With all this taken together one can question in what way civil society really represented the broader public.

So what we found were two very different approaches from the Commission on how to design these policy processes. What remains now is to answer the questions of why they differed and what this tells us about the Commission's relation to legitimacy

## 4.2 Output rather than input

The explanation for this divergence of roles given to civil society can according to the theory I have developed best be explained by looking at how the Commission derives its legitimacy. We can begin by questioning the importance that the Commission gives to input legitimacy in the policy process. If input legitimacy is the critical component for the Commission in the policy process then should we not have seen similar, if not equal, participation from civil society in the two policy processes?

Drawing from these two cases it does not seem as if input legitimacy is the deciding factor in how the Commission designs the policy process. The view that I argue for and which is supported by the observations in this study is that the Commission, because of its role within the EU context, is more concerned with output legitimacy, in the form of a stable and continuous integration process, when designing the policy process. What this actually means is that instead of designing the process in the way that would provide the policy with the most input legitimacy (large civil society participation) the Commission designs the process in the way that is most likely to achieve their goals of successful integration and thus output legitimacy this means that in politically sensitive issue (ETS) civil society is given a smaller role than on un-sensitive issues (IPP).

In the case of the IPP the Commission quickly identified that the best way to design the policy and reach integration on the matter would be to focus on voluntary market-based mechanisms rather than legislation. This meant that the policy would be developed and subsequently implemented by companies rather than member states. Integration on the IPP issue was thus not reliant on creating consent among the member states in order to pass legislation. The result of this was that the Commission created a consultation process that was "as close to

participatory ideals as could be” (Tanasescu 2009:113). Because of the voluntary approach the Commission did not have to take the interests of the member states into account therefore the commission did not employ its strategy of technicalisation but allowed the consultation to deal with defining concepts and framing the issue in a wider sense. In this civil society was given a large and active role acting as a counterweight to industry and representing public interests.

When we consider the case of the EU ETS, the same interests in assuring a smooth integration process led to a significantly different design of the policy process by the Commission. The reason for this difference was that the ETS had other preconditions than the IPP when it came to the role of the member states.

The issue was more sensitive with some of the most powerful member states in opposition to it. Faced with the difficult task of creating adequate support for an ETS the Commission took a very different approach to the policy process than it had on the IPP. Instead of including a multitude of actors and stakeholders in the early parts of the policy process the Commission built up a significant lead in knowledge on emissions trading and also through their design of the Green Paper decided what issues should be debated in the subsequent consultation. In this we also see the process of technicalisation. The Commission steered the debate in such a way that once consultation got under way the issues that were discussed were mainly technical issues<sup>17</sup>. On these issues the stakeholders were in a sense also dependent on the Commission’s knowledge as they supplied them with information and knowledge on the issues.

The Commission wanted to be in control of this policy process in order to make sure that the EU would be able to pass legislation on the issue. By the time the Commission released its 2000 Green Paper it seemed to have already made up its mind on the general design of the ETS and the issues that were left open for consultation resemble bargaining chips used to strike a deal with skeptical member states, whose support was critical in order to pass legislation and achieve integration.

The role for civil society in all this was quite limited. The few NGOs that were actively consulted were with the exception of FIELD introduced in a late stage of the process and then tasked with discussing technical issues in which they (again with the exception of FIELD) had little experience and knowledge. It seems that the Commission in the interest of keeping control over the policy process wanted to avoid any broader normative discussion on what an ETS should be or if it was even desirable and instead focused on convincing the member states. FIELD of course did play an important role in the Commission’s efforts of building up knowledge and framing the issue so there was definitely a civil society involvement in the policy process but the fact that the Commission listened intently to one NGO does not seem enough to say that civil society provided any real public representation and that the Commission had input legitimacy as a focus. The Commission in the case of the ETS sacrificed input legitimacy in order

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<sup>17</sup> These concerned how allowances should be allocated, the level of centralization, method of monitoring and enforcement

to acquire output legitimacy and that the difference to the IPP in involvement of civil society was largely due to the difference in political sensitivity of the issues which according to the theoretical model I have employed supports the notion that the Commission prioritizes integrational output legitimacy before public input legitimacy

### 4.3 What role for input legitimacy?

The aim of this study has not been to argue that the Commission as an organization is unconcerned with input legitimacy and that civil society has no important part to play within the EU's policy process. Instead my point has been that despite the Commission's turn towards more deliberative and participatory modes of governance its main focus still lies with output legitimacy. Because of the role the Commission has within the EU-context much of its legitimacy is derived from being able to assure further integration and input legitimacy should be seen as a part of this. The debate on the EU's democratic deficit illustrated that there was a real problem with the EU appearing unaccountable and undemocratic, a problem that might threaten future integration. In response to this threat the Commission sought ways to increase its input legitimacy so that it would be able to continue its work on European integration. We should therefore consider seeing input legitimacy as a means to an end for the Commission rather than an end in itself.

One should also keep in mind that this study is by no means exhaustive and primarily covers the work of the Commission's DG Environment so there is reason to conduct further studies before reaching to broad conclusions on exactly how the Commission derives its legitimacy. Also these cases are now a decade old and there is reason to believe that the Commission's relationship with civil society might have changed which means that further study on the issue is needed and that this study only provides a possible angle from which to view the issue.

## 5 References

- Beetham, David (1991). *The legitimation of power*. Basingstoke: Macmillan
- Beetham, David. Lord, Christopher, 1998. "Legitimacy and the European Union" in Weale, Albert. & Nentwich, Michael (ed.). *Political theory and the European union [Elektronisk resurs] legitimacy, constitutional choice and citizenship*. London: Routledge
- Berkhout, Frans. Smith, Derek 1999. "Products and the Environment: An Integrated Approach to policy" *European Environment*. Vol.9 p.174-185
- Boswell, Christina (2009). *The political uses of expert knowledge: immigration policy and social research*. Cambridge: Cambridge University Press
- Braun, Marcel, 2009, "The evolution of emissions trading in the European Union – The role of policy networks, knowledge and policy entrepreneurs" *Accounting, Organizations and Society* vol:34. p:469–487
- Barbara Finke, 2007 "Civil society participation in EU governance", *Living Rev. Euro. Gov.*, Vol. 2, No. 2. [Online Article]: cited [03-05-11], <http://www.livingreviews.org/lreg-2007-2>
- Commission 1998a: European Commission, 1998. *Workshop on Integrated Product Policy 8 December 1998, Final Report*.  
<http://ec.europa.eu/environment/ipp/2001developments.htm> : 2011-05-22
- Commission 2000a: European Commission, 2000, *Green Paper on green house gas emissions trading within the European Union*, Brussels, 8.3.2000 COM(2000) 87 final
- Commission 2001a: European Commission, 2001, *Green Paper in Integrated Product Policy*. Brussels, 07.02.2001 COM(2001) 68 final
- Commission 2001b: European Commission, 2001, *The IPP Green Paper Launching the Stakeholder Debate, Conference Report*.  
[http://ew.eea.europa.eu/Industry/integrated\\_product\\_policy/eu/debate\\_1.pdf](http://ew.eea.europa.eu/Industry/integrated_product_policy/eu/debate_1.pdf) : 2011-05-22

- Commission 2001c: European Commission, 2001, *Final Report: ECCP Working Group 1 "Flexible mechanisms"*  
[http://ec.europa.eu/clima/documentation/eccp/index\\_en.htm](http://ec.europa.eu/clima/documentation/eccp/index_en.htm) : 2011-05-22
- Commission 2010a: European Commission 2010 *What is Integrated Product Policy?* <http://ec.europa.eu/environment/ipp/integratedpp.htm> : 2011-05-22.
- Commission 2010b: European Commission, 2010, *Emissions Trading System, Policy*, [http://ec.europa.eu/clima/policies/ets/index\\_en.htm](http://ec.europa.eu/clima/policies/ets/index_en.htm): 2011-05-22
- Greenwood, Justin. 2007, "Governance and organized civil society at the European Union level: the search for "input legitimacy" through elite groups" in Ruzza, Carlo & Della Sala, Vincent (red.) (2007). *Governance and civil society in the European Union. Vol. 2, Exploring policy issues*. Manchester: Manchester Univ. Press
- Karlsson, Christer (2001). *Democracy, legitimacy and the European Union*. Diss. Uppsala : Univ., 2001
- Kohler-Koch, Beate, 2009. "The three worlds of European civil society—What role for civil society for what kind of Europe?" *Policy and Society* vol.28 p:47–57
- Kohler-Koch, Beate, Finke, Barbara, 2007, "The institutional shaping of EU-society relations: A contribution to democracy via participation?" *Journal of Civil Society*, vol:3 s:205-221
- Landman, Todd (2008). *Issues and methods in comparative politics: an introduction*. 3. ed. London: Routledge
- McCormick, John (1999). *Understanding the European Union: a concise introduction*. Basingstoke: Macmillan
- Persson, Thomas, 2007. "Democratizing European Chemicals Policy: Do Consultations Favour Civil Society Participation?" *Journal of Civil Society* .Vol. 3, p: 223 – 238,
- Rusche, Tim Maxian 2010. "The European climate change programme: An evaluation of stakeholder involvement and policy achievements" *Energy Policy*. Vol.38 p.6349-6359
- Ruzza, Carlo (2004). *Europe and civil society: movement coalitions and European governance*. Manchester: Manchester University Press
- Ruzza, Carlo & Della Sala, Vincent (red.) (2007a). *Governance and civil society in the European Union. Vol. 1, Normative perspectives*. Manchester:

Manchester Univ. Press

Ruzza, Carlo & Della Sala, Vincent (red.) (2007b). *Governance and civil society in the European Union. Vol. 2, exploring policy issues*. Manchester: Manchester Univ. Press

Ruzza, Carlo & Della Sala, Vincent. "Introduction" in Ruzza, Carlo & Della Sala, Vincent (red.) (2007). *Governance and civil society in the European Union. Vol. 2, Exploring policy issues*. Manchester: Manchester Univ. Press

Schmitt, Hermann & Thomassen, Jacques (red.) (1999). *Political representation and legitimacy in the European Union*. Oxford: Oxford University Press

Schmitt, Hermann & Thomassen, Jacques 1999 "Introduction" in Schmitt, Hermann & Thomassen, Jacques (red.) (1999). *Political representation and legitimacy in the European Union*. Oxford: Oxford University Press

Skjærseth, Jon Birger. & Wettestad, Jørgen (2008). *EU emissions trading: initiation, decision-making and implementation*. Aldershot, England: Ashgate

Tallberg, Jonas (2007). *EU:s politiska system*. 3. uppl. Lund: Studentlitteratur

Tanasescu, Irina. (2009). *The European Commission and interest groups: towards a deliberative interpretation of stakeholder involvement in EU policy-making*. Brussels: VUB Press/Brussels University Press

Tsuroka, Michito, 2004. "The Rise of "Technicalisation" in EU Policy-Making *Journal of European Affairs*. Vol.2 p.37-47

Weale, Albert. & Nentwich, Michael (ed.) 1998. *Political theory and the European union [Elektronisk resurs] legitimacy, constitutional choice and citizenship*. London: Routledge

Weale, Albert. 2007, "Democratic values, political legitimacy and European governance" in Ruzza, Carlo & Della Sala, Vincent (red.) (2007). *Governance and civil society in the European Union. Vol. 1, Normative perspectives*. Manchester: Manchester Univ. Press