



**Organising for EU Enlargement**

A challenge for member states and candidate countries

## **MULTILEVEL GOVERNANCE**

Bears, Birds and Bogs  
EU Nature Conservation Policy in Six States

OEUE PHASE II  
Occasional Paper 0.3 – 08.04

Brigid Laffan

Dublin European Institute  
University College Dublin



FIFTH FRAMEWORK PROGRAMME



Dublin European Institute  
A Jean Monnet Centre of Excellence

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### **Organising for EU Enlargement Project**

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Bears, Birds and Bogs: The Implementation of EU Nature Conservation Policy in Six States

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## **ORGANISING FOR EU ENLARGEMENT:**

### **Challenge for the Member States and the Candidate Countries**

The Dublin European Institute, University College Dublin,<sup>1</sup> was awarded, in 2001, a research contract under the EU's Fifth Framework Programme<sup>2</sup> to carry out a comparative study of the impact of the EU on the structures and processes of public policy in six small countries: **Ireland, Greece, Finland, Estonia, Hungary** and **Slovenia**. The Project's partnership, under the direction of Professor Brigid Laffan, Dublin European Institute, University College Dublin<sup>3</sup>, includes: Professor Dr. Wolfgang Drechsler, University of Tartu; Professor Teija Tiilkainen, University of Helsinki; Professor Calliope Spanou, University of Athens; Professor Attila Ágh, Budapest University of Economic Sciences and Public Administration; and Professor Danica Fink-Hafner, University of Ljubljana.

The aim of the research project was to deepen our understanding of the processes of Europeanisation in a number of the existing member states and some of the candidate states.

The research project encompassed the following three objectives:

- The conduct of research which offers immediate policy relevance to key stakeholders in the enlarging Union;
- The conduct comparative, theoretical and empirical research on the management of EU public policy making in three existing member states – Ireland, Greece and Finland – and three candidate states – Estonia, Hungary and Slovenia;
- The shedding light on the capacity of smaller states to adjust and to adapt to the increasing demands of Europeanisation on their systems of public policy-making and thus to identify the barriers to effective, efficient and accountable management of EU business.

### **Research Strategy**

The research design consisted of two phases and within each phase, two levels of analysis. **Phase I** analysed the management of EU business at the macro level of the core executive and was complemented by a micro case study of a recent policy negotiation using decision analysis. **Phase II** of the research broadened the analytical focus to encompass other levels of government – the EU and sub-state – through multi-levelled governance. Here attention was centred upon the emergence of policy networks and the interaction between public actors and the wider civil society in specific, discrete policy sectors.

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<sup>1</sup> National University of Ireland, Dublin (University College Dublin).

<sup>2</sup> European Commission, Community Research Fifth Framework Programme (Socio-Economic Research).

<sup>3</sup> This project forms part of the Governance Research Programme, Institute for the Study of Social Change, University College Dublin, [www.ucd.ie/issc/](http://www.ucd.ie/issc/) and [www.ucd.ie/govern/intex.htm](http://www.ucd.ie/govern/intex.htm).

**Methodology**

The study employed two specific methodologies: historical institutionalism and rational institutionalism in a new and innovative fashion. The use of combined perspectives provided a theoretically innovative and new approach to the study of the Europeanisation process. Both approaches could be used as they were applied to different elements of the empirical research.

**Academic and Policy Implications**

This study's findings provide insight into the manner in which diverse state traditions, institutions and political and administrative cultures influence national adaptation to EU governance and how the interface between national policy processes and the Brussels arena is managed. It is expected that these findings will assist those making and managing policy, thus facilitating adjustments to the changing European Union while also contributing to the growing academic debate on Europeanisation.

At various stages during the course of this project the research findings and analysis were presented to a range of stakeholders and academics to facilitate feedback and enhance the analytical process. Further details about the Organising for EU Enlargement (OEUE) project are available on the project web site [www.oeue.net](http://www.oeue.net), along with i) the Project Report, ii) the OEUE Occasional Papers and iii) a selection of papers by the research partners which draw on various aspects their project research.

## **AUTHOR**

### **Brigid Laffan**

Professor Brigid Laffan is the Director and Academic Co-ordinator for the European Commission funded Fifth Framework project *Organising for EU Enlargement – A challenge for member states and candidate countries*.

Since 1991, Brigid Laffan has been Jean Monnet Professor of European Politics at University College Dublin, where she is the Director of the Dublin European Institute. Her experience of EU public policy and the public sector stems from both academic research and an involvement with programmes run by the College of Europe in Brugge, the Dutch Clingendael Institute and the Institute of Public Administration, Dublin. In 2002 Professor Laffan was awarded the Government of Ireland Senior Fellowship in Humanities and Social Sciences.

Among Professor Laffan's recent publications are 'Auditing and Accountability in the European Union', *European Journal of Public Policy*, 10:5, 2003; with Diane Payne, 'The EU in the Domestic: INTERREG III and the Good Friday Institutions', *Irish Political Studies*, 17:1, 2002; 'Ireland: Modernisation via Europeanisation', in Wessels, W., A. Mauer and J. Mittag, *Fifteen into one? The European Union and its member states* (Manchester: Manchester University Press). *Organising for a Changing Europe: Irish Central Government and the European Union* (Dublin: The Policy Institute, Trinity College 2001); and *Europe's Experimental Union: Rethinking Integration* with Rory O'Donnell and Mike Smith (London: Routledge, 1999).

## **INTRODUCTION**

From the 1970s onwards, the European Union gradually assumed a competence in environmental policy. This was enhanced in the Single European Act (1987) when protection of the environment was given a solid treaty basis for the first time. The European environmental *acquis*, the package of laws and obligations in this field, represents a formidable corpus of law and an important component of the EU's regulatory reach. Environmental policy was subject to strong pressures for Europeanisation driven by the Commission, environmental NGO's and the leading environmental countries among the member states. The European Union's commitment to nature conservation is contained in two directives, the Birds Directive dating from 1979 (Council Directive 92/43/EC) and the Habitats Directive dating from 1992 (Council Directive 92/43/EC). These two directives constitute the basis for an ecological network known as Natura 2000, which was designed to assure the long-term survival of Europe's most valuable and threatened species and habitats. The network when completed would comprise of 'Special Areas of Conservation' (SACs) under the habitats directive and 'Special Protection Areas'(SPAs) under the Bird's directive. The focus of this paper is the implementation of the habitats directive in six states, Ireland, Greece, Finland, Slovenia, Hungary and Estonia, although reference is made to the Birds Directive where appropriate. The inclusion of six states that joined the Union at different times, particularly the inclusion of three new member states enables us to analyse implementation of the environmental *acquis* even before full membership.

### **Habitats: What Was Required?**

The Habitats Directive had its roots in a number of international conservation agreements. The Commission issued a proposal on the conservation of natural habitats and wild fauna and flora in September 1988. Formally speaking, it was designed to allow the EC as a whole to implement the 1979 Bern Convention, to which individual EC states had already signed up and which had been implemented via national measures. However, the proposal also included a category of endangered semi-natural habitats irrespective of whether they contained threatened species. According to Jordan, it was because of this feature of the proposal – which transformed it from being species-driven to encompass habitats – that national environmental departments referred to it as the 'habitats directive' (Jordan 2002: 143). The Habitats Directive identified over 200 habitat types and 700 species of plants and animals of Community importance. According to an environmental law expert, 'the Birds Directive and the Habitats Directive represent the two most significant pieces of nature conservation legislation adopted by the European Union. ...The Habitats Directive is perhaps the EU's most ambitious undertaking in relation to the environment and is a strong indication of the extent to which environmental policy has emerged as a discrete policy area' (Scannell et.al. 1999: 2-3).

According to Article 1(l) of the Directive, a special area of conservation (SAC) was a site of Community importance (SCI) designated by the member states through a statutory, administrative and/or contractual act where the necessary conservation measures are applied for the maintenance or restoration, at a favourable conservation status, of the natural habitats

and/or the populations of the species for which the site is designated. Annexes I (Natural habitat types of Community interest – presenting outstanding examples of typical characteristics of one or more of the six following biogeographical regions: Alpine, Atlantic, Boreal, Continental, Macaronesian and Mediterranean)<sup>4</sup> and II (Animal and plant species of Community interest) of the Directive list the habitats and species whose conservation requires the designation of special areas of conservation.<sup>5</sup>

The Habitats Directive identified certain habitat types and species as 'priority natural habitat types and species' which when present on a site made the site more likely to be designated as an SAC and once designated would be afforded a higher level of protection from adverse activities than other SACs. Priority natural habitat types and species were defined as those habitat types in danger of disappearance and endangered species which are present on Community territory 'for the conservation of which the Community has particular responsibility in view of the proportion of their natural range which falls within Community territory'. See Figure 1 for a list of the tasks that had to be undertaken by the member states, the most important was the designation of special areas of conservation. The time-table for designation in three stages was set out in Article 4 of the Habitats directive. See Figure 2.

- Stage 1 – Preparation of the National Lists of Sites of Community Importance by Member states;
- Stage 2 – Selection by the Commission of Sites of Community Importance;
- Stage 3 - Designation by the Member States of Special Areas of Conservation. See Figure 2 for an outline of the dates by which the stages should have been achieved;

**Figure 1:** Measures involved in implementation of Habitats Directive

Member states must:

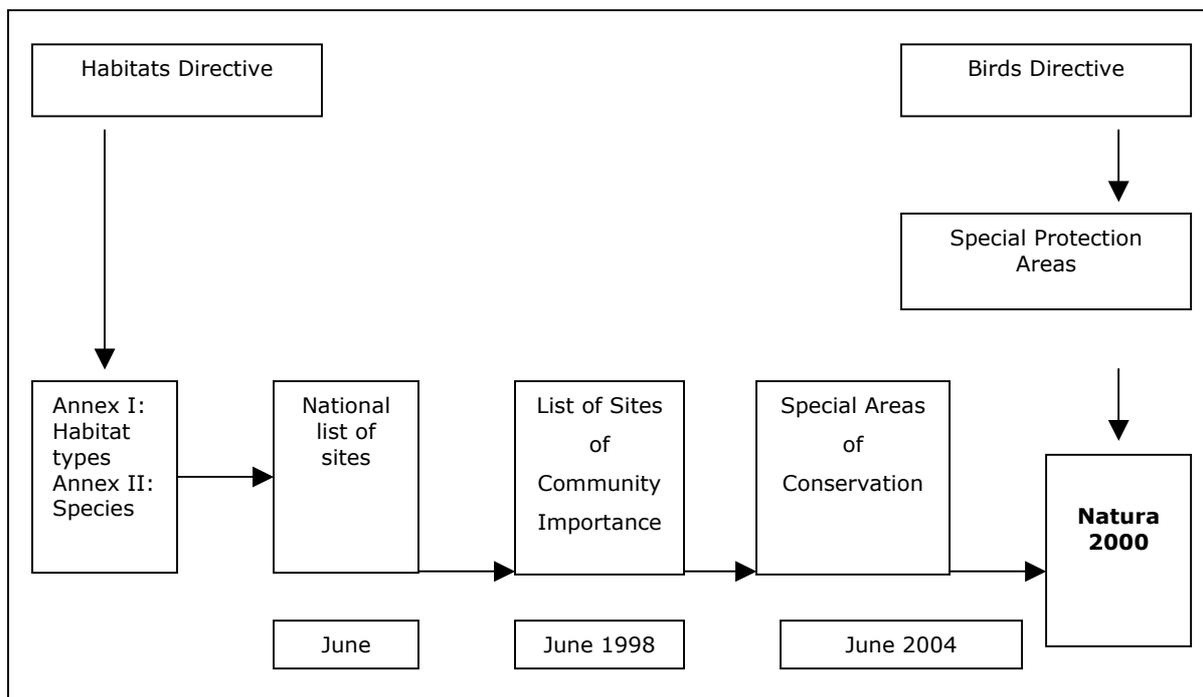
- designate special areas of conservation (sites which include endangered natural habitats and wild fauna and flora according to priority);
- take all necessary measures to guarantee the conservation of habitats in these special areas of conservation, and to avoid their deterioration. The Directive provides for the co-financing of conservation measures by the EU;
- encourage the management of features of the landscape which are essential for the migration, dispersal and genetic exchange of wild species;
- take the requisite measures to establish a system of strict protection for those animal and plant species which are particularly threatened (Annex IV) and study the possibility of reintroducing those species on their territory;
- prohibit the use of non-selective methods of taking, capturing or killing certain animal and vegetable species (Annex V);
- report, every six years, on the measures they have taken pursuant to the Directive.

Taken from: Scadplus, <http://europa.eu.int/scadplus/leg/en/lvb/128076.htm>, 13 October 2003.

<sup>4</sup> Following enlargement of the EU, the number of biogeographical regions was extended to include the following region types: Anatolian, Black Sea, Pannonian and Steppic.

<sup>5</sup> The Habitats Directive was amended by Council Directive 97/62/EC of 27 October 1997, which updated the scientific information contained in the annexes.

**Figure 2: Framework for the Designation of Natura 2000 sites**



Source: Taken from Natura 2000 Nature Newsletter 1996, Issue 1, DG Environment.

Following the criteria set out in the annexes, each Member State had to draw up a list of *proposed sites of Community importance* (also known as **pSCIs**), which included natural habitats and wild fauna and flora. All lists should have been submitted to the Commission within three years of notification of the Directive, i.e. on or before 4 June 1995. No Member State met this deadline and the three old member states in this study were faced with infringement proceedings by the Commission.

The Commission and in particular the Environment Directorate General (DG), was not formally involved in the initial designation process and had no power to intervene in the differing procedures followed in member states (Commission, 2002, 4). However, in order to ensure that the information on each site was standardised, the Commission designed a *Natura 2000 form*, which had to be completed for each site and transmitted to the Commission with the national list (Commission Decision 97/266/EC of December 1996). Discussion on the format of the form took place in the Habitats comitology committee, which consisted of representatives of the Member States and was chaired by a representative of the Commission (Habitats Directive Articles 20 and 21). Discussion of general implementation issues also took place within the biannual meeting of EU Nature Directors (Commission 2002: 5). While the Directive specified the objectives to be achieved, a number of ambiguities became apparent. Article 2(3) of the Directive stated that 'measures taken' pursuant to the Directive shall take account of economic, social and cultural requirements and regional and local characteristics. According to Scannell

et.al., it could therefore be argued that Member States, in selecting sites, could take account of the factors listed in this Article. However, ECJ jurisprudence on the designation of Special Protection Areas (SPAs) under the Birds Directive suggested the contrary and as a rule, sites have been selected primarily on the basis of scientific evidence (see Scannell et.al., 1999: 66-7). The terms of the directive and the legal interpretation of the Birds Directive privileged expert scientific knowledge over other concerns in the designation process.

On the basis of the national lists and by agreement with the member states, the Commission adopts a list of *sites of Community importance (SCIs)* in the second stage of the designation process. This stage was to have been completed within six years of the notification of the Directive (i.e. by June 1998). As mentioned above, the list of SCIs is divided on the basis of the European biogeographical regions map.<sup>6</sup> On behalf of the Commission, the European Topic Centre on Nature Protection and Biodiversity (ETC/NPB) based in the National Museum of Natural History, Paris, examined the proposed sites. The ETC/NPB is a topic centre of the European Environment Agency, which provides the Commission with environmental and scientific information on the composition of the lists. Representatives of the Commission and the ETC/NPB organised biogeographical scientific seminars to discuss the proposed lists with independent scientific experts chosen by the ETC/NPB, European conservation non-governmental organisation (NGO) experts appointed by the European Habitat Forum and representatives of the Member States concerned (Scannell et.al., 1999: 77).

The third and final stage of implementation is the designation by member states of each site of Community importance as a *Special Area of Conservation*. Each Member State concerned must designate the sites of Community importance selected as SACs within six years. Article 6(1) of the Directive mandates Member States to establish the necessary conservation measures for SACs. These measures may involve management plans, whether specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures. Finally, according to Article 17 of the Directive, every six years Member States must report on the measures they have taken pursuant to the Directive. The Commission then draws up a summary report based on the national reports.

This overview of the directive underlines its demanding character in terms of institutional capacity, scientific expertise, and deadlines. Moreover, the policy process required to implement the directive was multileveled involving EU level processes with the Commission acting as a catalyst and multiple levels within the member states as this directive impacted directly with land use at a local level. Implementing the habitats directive in the member state was likely to throw up significant challenges to EU and national actors. The new member states were all

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<sup>6</sup> The EU-12 version of the biogeographical regions map was adopted in February 1994 by the Habitats Committee. This was amended in July 1995 to include Finland, Sweden and Austria (Boreal region added) and again in October 2000. In March 2002, the ETC/NB presented the new biogeographic map of EUR 15 + 12 to the Habitats Committee. (Roekaerts. 2002).

faced with the demand to transpose the nature conservation directives into domestic law and to send a list of sites to the Commission by May 1, 2004.

### **Analysing Implementation**

The Union's policy process can be disaggregated into three phases, pre-negotiation, negotiation and implementation. The third phase occurs when the EU has agreed to a particular policy or law that must be transposed into national law and applied by national authorities. A directive is a particular instrument of European law that establishes the outcome that must be achieved rather than specifying how the particular law should be implemented. Directives, unlike EC regulations, have a discretionary element. However, there is no discretion with regard to the legal obligation to transpose and apply a European directive. Notwithstanding the legal requirement for compliance, we should not expect implementation to be either smooth or automatic. Implementation is an important part of the policy cycle. Barrett and Fudge claim that implementation should be regarded 'as a process of interaction and negotiation, taking place over time, between those seeking to put policy into effect and those upon whom action depends (Barrett and Fudge 1981: 4). Three features of this definition inform the analytical approach in this paper. First, the emphasis on *process* rather than a once off decision point. In the six country studies, the implementation cycle is broken down into three phases, transposition, application and re-steering. Transposition involved the conversion of the directive into national law. Application is the move from formal compliance to practical compliance, from output to outcome. This phase of the process is an adaptive one in which actors both public and private bargain about the actual application of a piece of legislation. Re-steering or review of the implementing measures may then take place, depending on the degree of controversy generated. Second, the definition emphasises interaction and negotiation between different actors in the process. National authorities are unlikely to implement European directives in a hierarchical coercive manner. Rather they negotiate with the affected groups in the domestic polity. Third, the definition emphasizes the time frame for implementation. Part of the governance model of European directives is the use of the calendar technique, which means that specific dates are included in the directive by which member state authorities must transpose and report to the Commission. The calendar technique, deployed in the habitats directive, was an important instrument for the Commission in its monitoring of national compliance.

Traditionally, implementation research tended to fall into either a 'top down' or a 'bottom-up' rubric. 'Top-down' approaches focused on how the objectives and aims of the decision makers were translated into policy outputs and policy outcomes. 'Bottom-up' approaches, on the other hand, focused on those who implement policy on the ground, the street level bureaucrats. Analysis of the implementation of the habitats directive required both a 'top-down' and a 'bottom up' perspective. The top-down element of the analysis focused on the role of the Commission in monitoring domestic compliance with European directives. The Commission's responsibility as 'guardian of the treaties' for monitoring legal compliance endowed it with an

important role in the implementation process at domestic level. The Commission was a constant presence in the domestic policy cycle as it had the power to sanction.

Infringement procedures against a member state consist of four steps; if compliance is secured following any one of these steps, the infringement process is terminated. Step one consists of informal contact between the Commission and the member state if the Commission has detected a possible case of non-compliance. Step two consists of a *letter of formal notice*, which is sent by the Commission to the member state asking it to submit its views. This could be likened to an early warning system. Step three consists of the Commission sending a *reasoned opinion*, which sets out the key legal argument and is a prelude to a full court case. Step four, the judicial phase, consists of a *referral to the ECJ*. The sanctions element of the infringement process was strengthened in the Treaty on European Union when provision was made for the imposition of financial penalties on a member states if it disregarded a judgement of the ECJ. Tallberg describes the phased approach as a 'sanctioning ladder that progressively raised the pressure and the costs of non-compliance, thereby inviting bargaining between the parties' (Tallberg, 2003, 64). The infringement process has an administrative/political element and a sanctions/enforcement element. The administrative/political phase is characterised by bargaining between the Commission and the member states on how to solve the compliance problem before resorting to the judicial phase in the ECJ. Both the Commission and the member states have an interest in terminating the infringement process as quickly as possible as it absorbs political and administrative time and is characterised by conflict and controversy. If an infringement process ends up in the ECJ or more importantly if there is a second referral to the ECJ, this suggests that there is a major implementation problem at domestic level.

### **Goodness of Fit and Politicisation**

A 'bottom up' perspective is required to analyse the domestic dimension of implementation. The concept of 'goodness of fit' has emerged in the literature on Europeanisation to capture the manner in which European policies and laws are translated into the domestic system. According to Börzel and Risse, 'there must be some degree of 'misfit' or incompatibility between European level processes, policies and institutions, on the one hand, and domestic-level processes, policies and institutions, on the other hand. The degree of fit or mis-fit constitutes adaptational pressures' (Börzel and Risse 2000: 2). Implementation problems can be expected if there is a high degree of mis-fit. Mis-fit has been variously categorised as consisting of a policy mis-fit, an institutional mis-fit, a legal mis-fit, and a politics-polity mis-fit (Falkner 2003: 3-5). For the purposes of this research three kinds of mis-fit were explored, policy mis-fits, institutional mis-fits and legal mis-fits. Mis-fit offers a useful first cut that provides an indication of potential implementation difficulties and the challenges that must be overcome if a directive is to be transposed and applied at national level. It does not however provide much insight into the processes of adaptation at national level. Claes refers to the 'interactive and dynamic relationship between the EU and the national decision-making level' and the continuing dynamics between institutional features and actor's interests' during the process of domestic adaptation (Claes 2002: 303,304).

Just how the challenges of implementation are mediated at domestic level requires attention to the process of implementation over time and the manner in which actors interact in the domestic institutional setting. In addition, attention must be paid to how national governments interact with the Commission during the compliance game. Nested games within each state are complemented by connected games between the EU and the domestic. A key factor influencing implementation is the nature and extent of politicisation during this phase. The policy-making literature on the dynamics of EU policy making has paid relatively little attention to politicisation, particularly politicisation at domestic level. This is partly to do with the technocratic and expert driven nature of EU policy making and the degree to which depoliticisation is a deliberate strategy in the Union's system of public policy making. The neo-functional strategy for integration was to insulate EU policy making from domestic controversy and to keep as much control as possible in the hands of officials rather than political actors. Analysis of the implementation of the habitats directive in six states throws light on the politicisation of European issues at domestic level and on the mediation of conflict. Once an issue becomes politicised it has the following characteristics:

- Emergence on the political agenda;
- Conflict and controversy;
- Attention from interest organisations because of underlying societal cleavages;
- The issue is driven up the political hierarchy to engage government office holders and not just officials;
- Attention from parliament and media.

In summary, when a policy or law becomes politicised, it involves a wider number of societal actors and receives considerable political attention in parliament and the media. It is driven up the political hierarchy for political resolution. The dynamics of politicisation are as important to the implementation process as the degree of mis-fit. More importantly, politicisation affects the manner in which mis-fit is addressed. Matland, in an analysis of the impact of conflict and ambiguity on implementation, offered a fourfold classification of the characteristics of implementation under different conditions. See Figure 3.

**Figure 3:** Impact of Conflict and Ambiguity on Implementation

	<b>Low Conflict</b>	<b>High Conflict</b>
<b>Low Ambiguity</b>	Administrative/technocratic Implementation	Political Implementation
<b>High Ambiguity</b>	Experimental Implementation	Symbolic Implementation

Source: Matland reproduced in Hill and Hupe. 2002.

The implementation of the habitats directive in the six states fell into different categories. In some member states, it was characterised by a high degree of politicisation whereas in others societal actors have not yet become engaged with the consequences of the directive.

### The Old Member States

The pattern of implementation of habitats in the three old member states was characterised by similarities and differences. Implementation was problematic in all three states, Ireland, Greece and Finland but the reasons for the implementation deficit and the domestic strategy for progressing implementation differed. There were problems both of transposition and designation. In all three states pressure from the Commission and the deployment of the compliance ladder mattered. There is evidence of all stages of the compliance ladder-letters of formal notice, reasoned opinions, and ECJ referrals being used. Moreover, there is evidence of political-administrative engagement between the Commission and the member states at different stages of the implementation process. The Commission did not rely on one compliance strategy but used an admixture of political bargaining and legal sanction. It used the legal route against all three states. See Table 1.

Table I: The Sanctions Ladder

<b>Commission Sanctions</b>	<b>Ireland</b>	<b>Greece</b>	<b>Finland</b>
<b>Letters of Formal Notice</b>	Letter of formal notice 24 <sup>th</sup> April 1996	Second written warning in December 2002 for designating an insufficient number of SPAs under the Wild Birds Directive Second Written warning re. Messolonghi-Aitolikon wetlands	
<b>Reasoned Opinions</b>			January 1998
<b>ECJ Referrals</b>			April 1998
<b>ECJ Judgements</b>	11 September 2001, the European Court of Justice ruled against Ireland Case C-67/99	June 1997 ECJ judgement Case C-83/97 30 January 2002 ECJ judgement Case C- 103/00 December 2002-First Written Warning Under Article 228 of the Treaty	May 2003 Birds Directive

The legal route was complemented by bilateral engagement between the Commission and the member states concerning the process of implementation. Commission intervention was triggered by complaints from domestic actors or was driven by internal Commission deliberations. In the case of Ireland, the Commission very effectively used the threat of the withdrawal of Cohesion Fund monies as a lever on the domestic system to speed up the process of implementation. The December 2002 decision by the Commission to issue a second letter of notice to Greece concerning the number of SAPs that had been designated led to an increase in the number from 110 to 154 and the number may be increased again.

#### Mis-fit

As noted above, the degree of 'mis-fit' provides a first cut at identifying the adaptational pressures on the member states from a particular directive. See Figure 4. In the case of the habitats directive, there was a high degree of policy and institutional misfit between the domestic regime in Ireland and the requirements of the directive. The degree of legal mis-fit was also significant but not as demanding as the change in the policy paradigm and institutional framework. For Greece, the degree of mis-fit was high on all three dimensions as the pre-existing laws, policies and institutions for nature conservation were weak. Finland, on the other hand, was a leader in the environmental field and it could not have been anticipated that it would have difficulties implementing this directive prior to membership. Implementation necessitated legal change but a competent institutional system existed.

**Figure 4:** Degree of Mis-fit

	Policy paradigm	Legal Context	Institutional Setting
Ireland	High	Medium	High
Greece	High	High	High
Finland	Low	Medium	Low

#### Locus of Politicisation

There is a marked contrast in the degree of politicisation associated with the implementation of habitats in the three member states. There was a high degree of politicisation of the process in Ireland and Finland but politicisation was muted in Greece. In the case of Ireland, the implementation of habitats reached a high level of controversy characterised by mass meetings of farmers, formal campaigns against the nature protection agency, hundreds of parliamentary questions, extensive media coverage and repeated attention in the Irish Cabinet. Habitats led to the establishment of a new campaigning group, the SAC group in the west of Ireland. The habitats controversy impacted on the Nice referendum and led to one minister openly stating that he had voted against the Nice treaty because of the directive. Because of the level of controversy, high-level ministerial attention was paid to the implementation process. There was extensive involvement of ministerial advisors as well as the conservation specialists and environmental ministry officials. Although there was an important expert and scientific element in the process of implementation, the experts found themselves working in a highly charged political environment. The nature conservation rangers on the ground were left in no doubt of

the opposition of landowners to the process of designation. The main Irish Farmers Association (IFA) used its political clout to ensure that the implementation process would not be closed, technocratic and dominated by experts. The farmers had considerable institutional and political resources at national and local level to ensure that their concerns and interests could not be ignored in the process.

Under pressure from the Commission and faced with the implacable opposition of the farmers, the Government began by delaying transposition of the directives, stalled in the process of site designation and provided the Commission with designation proposals on a piecemeal basis. The Cabinet minister and junior minister who were responsible for the transposition and designation process opposed the legislation and did not hide their opposition. Their sympathies lay with the farmers rather than the Commission and the environmental groups. The implementation process was affected not just by opposition but also by staff shortages in the nature conservation agency. There were limits to the institutional and human capital in the conservation agency that also delayed the process of site designation. Continuing and sustained pressure from the Commission supported by the environmental groups in Ireland meant that non-implementation was not an option.

The opposition from landowners stemmed from a concern about restrictions on land use but also stemmed from the manner in which the conservation agency communicated designated plans. In many cases, designation was posted in local newspapers or police stations rather than a formal communication between the state and the landowner. Lack of information fed into fears at local level about the imposition of a restrictive law from Brussels. Poor communication exacerbated the situation on the ground. In response, the communication of site designation was improved and an appeals system put in place. The creation of an independent appeals committee fulfilled a dual purpose. It established a right of redress for landowners and acted as a firewall between the minister and the farmers. The localism of Irish politics leaves ministers and parliamentarians open to intense pressure from their constituents. In addition to an appeals process, measures were put in place to compensate landowners and bog owners for restrictions on land use. Although the Irish system eventually managed to implement the directive, opposition remains. The farmers used the national partnership process in 2004 to try to re-negotiate elements of the conservation system.

Implementation in Finland was also characterised by a high level of politicisation. The problems of implementation in Finland are noteworthy given that Finland has a highly developed institutional capacity in the environmental field, a supportive public and a strong political presence of Greens. In the period leading up to membership of the Union in 1996 and for the first year of membership, debate on Natura 2000 was muted. It was not part of the political agenda. This was characterised as the silent phase of implementation. For the six years between 1997 and 2002, conflict and controversy broke out and became intense with four farmers resorting to a hunger strike in protest against the new laws. The publication of the designation was met with intense protest characterised by some 14,000 complaints. The Finnish

Cabinet approved the law in August 1998 but was faced with the dilemma of how to handle lands that were the subject of court cases. The cases involved complaints by landowners who sought to have their land withdrawn and by environmentalists who sought to have land included in the designated areas. Some 1,600 cases reached the Supreme Administrative Court. Following the completion of the legal phase, the number of SPAs and SCIs rose rapidly from 15 SPAs and 415 SCIs in September 1998 to 439 SPAs and 1380 SCIs in February 1999. The strong legalistic culture in Finland meant that the conflict was mediated legally rather than politically as in Ireland. The Commission displayed little sympathy for the imperatives of the Finnish legal system and continued to press Finland for full implementation while court cases were pending.

A number of additional mechanisms were put in place during the latter part of the conflict to assist in implementation. The MoE created a ministerial level working group for Natura to deal with complaints addressed to the national level from the regional and local levels. Changes were made to the communications and information strategy and compensation mechanisms were put in place. The Environmental Administration may offer compensation or purchase lands that need protection. While the conflict was much more muted after 2002, there are legal and political battles ahead. There are likely to be legal battles concerning any developments on designated areas. In addition, the landowners interest group, the MTK having lost its case in the Supreme Administrative Court in April 2004, has written to the Commission requesting a number of changes in the administration of Natura 2000 in Finland and is threatening further legal action if the Commission does not respond.

The conflict in Greece took place within the system of public administration. Essentially two ministries, the Ministry of the Environment (YPEHODE) and the Ministry of Agriculture engaged in a protracted bureaucratic battle about the transposition and implementation of the directive. It required the intervention of the Prime Minister's Office to break the deadlock between the two ministries. The YPEHODE expected to gain new competences and an enhanced institutional capacity through the directive. Its goals were to (a) take advantage of Greece's European obligations in order to modernize the pre-existing national system and (b) to promote the dissemination and institutionalisation of the dominant European policy principles and paradigms so that it could create a new policy network under its control. The interests of the YPEHODE were promoted by the directive. The outcome favoured the YPEHODE because it was designated as the competent authority for the establishment of the NATURA 2000 network. The Agricultural Ministry, a once dominant ministry in this field, did not want to see its bureaucratic rival enhance its powers at its expense. In the inter-ministerial battle, the Agricultural ministry retained a large number of competences in this field, a significant operational capacity and financial resources. The emerging system Greek is characterised by a dualism between the two ministries that it being re-produced at the regional and local level. Moreover, it was characterised by the dominance of not just a small number of institutional actors but also a small number of individuals. The lack of any consultation with local authorities and stakeholders during the designation process has not promoted local support for nature conservation. The

consequences of the 'top-down' executive driven process that characterised the transposition of the directives and the designation of sites is likely to emerge when the new institutions attempt to formulate local conservation and management strategies.

In Greece, the implementation of the directive required the establishment of new institutions rather than the reform of pre-existing structures and practices. Both ministries agreed on the need for a new institutional system but differed on the question of who should have control over the emerging system of nature conservation. The new institutions consisted of a Natura 2000 Committee responsible for reviewing scientific data, contributing to the formulation of the national list and proposing guidelines for managing the SACs and SAPs. This was later augmented by provisions for Management Authorities (MAs) for the special areas of conservation under the control of the YPEHODE. Originally it was envisaged that there would be 40 MAs covering 79 protected sites. The MAs were to be established by Presidential Decree, which would have allowed each ministry a say in the designation process. In 2002, the YPEHODE passed law setting up 25 new MAs to manage 100 Natura sites. The legality of the provisions were contested because of the earlier provision concerning the use of presidential decrees. Under the system of presidential decrees, only two MAs were set up. The YPEHODE justified their action on the basis of the tardy Greek response to the implementation of the directives. They opted to establish the 25 MAs in one step so as to minimize opposition to their creation at local level. Of the 27 MAs that have been formally established, only one is operational in that it has a director and an administrative board and a management plan for its area. The Natura 2000 committee was given the task of issuing opinions on the allocation of funds to the MAs and of evaluating the performance of the MAs. Although the legal framework for the new institutional system was established, it took until 2003 for the Natura Committee to hold its first meeting. Its main role is to support, supervise and coordinate the MAs. The Committee lacks a supporting infrastructure as it does not have as yet a technical secretariat. The MAs as noted above have not become operational apart from one that has become a 'living' organisation. Within the YPEHODE a small team of ministerial advisors were responsible for the establishment of the MAs and their administrative boards. It is envisaged that the MAs will be financed under the OP for the Environment under the Greek national plan. The lack of politicisation or its containment within the central government is a marked characteristic of the Greek system. A small number of officials and experts have driven the process to date. Limited consultation and the fact that the system has not moved beyond transposition and designation to management has limited the impact of the Natura 2000 system. It is far from clear that the new institutional arrangements will be sufficiently robust to manage the demands of nature conservation. The policy paradigm has changed but serious issues are likely to arise during the application phase.

**Table 2:** Implementation Process-Old Member States

	<b>Ireland</b>	<b>Greece</b>	<b>Finland</b>
<b>Legal Transposition</b>	National Habitats Regulations 1997	Joint Ministerial Decision JMD December 1998 Law 2637/98-game reserves into wildlife reserves Law 2742/99 Spatial Planning and Sustainable Development (1999) modified in 2002 by Law 2742/99 Act establishing the Natura 2000 Committee December 2002	Nature Conservation Act 1996, amended '97,'99
<b>Final Number of SAPs and SCIs</b>	364 SCIs 14.2 % of national territory	239 SCIs 154 SPAs 18-20% of national territory	452 SPAs 1,665 SCIs
<b>Degree of Conflict/Politicisation</b>	High	Internal Bureaucratic Politics	High
<b>Opposition</b>	Landowners	Environment Ministry-Agricultural Ministry	Landowners
<b>Mediation of Conflict</b>	Political	Bureaucratic	Legal
<b>Institutional Changes</b>	Appeals Board/Changes to Heritage and Conservation Organisation	Natura 2000 Committee 27 Management Authorities	Ministerial Working Group
<b>Influence of Farming Groups</b>	High	Low	Medium
<b>Influence of Environmental Groups</b>	Medium	Low	High

## The New Member States

### Accession Negotiations

Implementing the environmental acquis was regarded as a major challenge to the new member states because of the extent (some 300 legal acts) and complexity of the provisions in this field. There were particular concerns about the cost of implementation and the development of adequate administrative and expert capacity. The Commission and the member states, for their part, were determined to limit derogations and long-term transitional arrangements. The

Commission made it clear that it would not grant transitional measures concerning transposition (as opposed to implementation), framework legislation, nature protection, and internal market related areas. Transitions would be considered, if accompanied by detailed implementation plans, concerning major infrastructure investments. All three new member states used the accession negotiations to discuss transitional arrangements in the environmental area but all faced a Commission that was determined to limit derogations and transitional arrangements. Estonia began its negotiations by requesting transition periods for Natura 2000 until 2005 with full implementation by 2010. The Commission refused the request. Although conceding the need to transpose and establish national lists, Slovenia and Estonia used the negotiations to influence the framework of implementation. A number of animal species were problematic, namely, brown bear, wolf and lynx (for both states) and beavers for Estonia. Both candidate states sought exclusion of these species from Annex 11 and IV of the directive and their inclusion in Annex V. Species in Annex five are subjected to national management plans rather than strict protection within SACs. If included in Annex II both states would have had to establish SACs for these species. Given the geographical spread of their habitat, it would have meant that a large part of both countries would have to be designated as special areas of conservation. Both states argued that they had stable populations of these species and that it was necessary to engage in selective culling to ensure a balanced population. There was also an interest in retaining the right to hunt the species. The Commission accepted the argument and agreed to exclude wolves, lynxes and beavers from Annex IV but insisted on strict protection for bears subject to some culling. It allowed the hunting of bears subject to constraints. The negotiations on lynxes and bears were part of the final accession negotiations at the Copenhagen Summit in December 2002, which underlines the importance of the issue both to the candidate states and to the Commission. Although the EU accepted the case for lynx, it did so subject to a full review after five years of membership. During the negotiations, Hungary was more concerned at securing transitional arrangements for a number of key waste directives and did not see habitats as a major challenge. The other two candidate states were proactive in their approach seeking additions to the list of protected species and flora. Slovenia was particularly active in this regard. It successfully proposed the addition of a new protected species, five new habitats, and a number of additions to annexes II and IV. Estonia also made a number of proposals but was less successful. It succeeded in having two plant species added to Annex II and IV and mink was made a priority species.

### **The Implementation Process**

All three new member states were engaged in fundamental legal and institutional reforms during the 1990s. Hence there was a co-evolution of legal, institutional and policy developments in the environmental field during the '90s. All three states were putting in place the legal and institutional framework for environmental policy. The requirements of nature conservation were just part of a wider and deeper process of institution building. Goodness of fit was not a particular concern for the new member states.

Slovenia was the first of the three candidate states to enact a general environmental protection act, Estonia followed in 1994 and Hungary in 1995. Specialist acts on nature conservation were

enacted in Estonia (1994), Hungary (1996), and Slovenia (1999). The 1994 Estonian act was replaced in 2004 by the Nature Conservation Framework Act in final preparation membership. See Figure 5. All laws were complemented by a corpus of secondary legislation that dealt specifically with the provisions of the habitats directive. Following the completion of the accession negotiations and the agreement on the terms of the nature conservation acquis, all three states were committed to finalising legal transposition and to transmitting the provisional lists of designated sites to the Commission by May 1, 2004.

The process of legal transposition and the preparation of designated habitats proceeded on the basis of primary and secondary legislation in all three states. Slovenia and Estonia managed to conclude the process of site designation and transmission before the May 1, 2004 deadline. The Hungarian secondary legislation was not fully in place by the deadline. The Commission was already demanding improvements in this field by June 2004. During a visit to Budapest in June 2004 just one month after accession, Commissioner Wallström (Environment) emphasized to her Hungarian counterpart, Miklós Persányi (Environment Minister) that an additional effort was required in relation to Natura 2000.

The implementation process in Slovenia mirrored the pattern found in the macro-analysis of the core executive. The general approach to the transposition of the environmental acquis was set out in a 1998 strategic document entitled Environmental Accession Strategy for Slovenian Integration with the European Union, which established a time-table for the transmission of directives. A mixture of primary legislation and a series of decrees on habitat types and protected sites achieved the legal acquis. The establishment of an Environment Agency in 2001, the consolidation of the Nature Protection Administration in 2002 and the creation of a dedicated service accompanied this on Natura 2000 in the Environment Ministry. The ministerial unit was augmented by an overarching Inter-ministerial Working Group and two specialist working groups, under the central coordination of a project manager, that formed the operating core of the system. A technical working group consisting of 'in-house' experts from the Environmental Ministry, the Environmental Agency and the Nature Protection Agency formed the technical working group. Their work was subject to verification by a wider group of experts drawn from the academy. A second working group, the communications working group, was designed to communicate with different publics. This was augmented by a series of local communications groups operating at the sub-national level.

The designation process in Slovenia was characterised by a low level of politicisation, little controversy and a dominance of expert knowledge in the policy process. The study concludes that 'an epistemic community of experts played an important role in providing the information, thereby reducing uncertainty in the process and providing a high level of expert legitimacy' (Boh, 2004, 14). The experts were drawn from public organisations, universities, research institutes and associations. Environmental interests were included in the process as providers of information and knowledge rather than as pressure groups. The communication strategy was not designed as a process of consultation. Rather its style was to inform stakeholders of what

was happening rather than allowing them to influence the process. Local authorities were largely excluded from the process until a late stage when an amendment to the Nature Conservation Act (1999) required local authorities to give their opinion on the designated sites. The provision was issued in April 2004 just one month before the Slovene Government had to communicate the list of sites to the Commission. Consultation with the local level was largely symbolic due to the deadline for the transmission of the sites. They were given only 11 days to comment on designations in their areas. Although the designation process was expert driven, within the high level Inter-ministerial Working Group, there was a tough debate about how much of the territory should be designated; the most demanding analysis of biodiversity in Slovenia would have led to the designation of 60% of the land surface. In the event, 38 % was designated by the Interministerial group, which was described as the minimum professionally acceptable size. In the final stages of designation the coverage was further reduced to 35% as there were a number of areas taken out of the designations that were intended for ski-resorts and wind power. Economic and political considerations dominated at the very end of the process but because of the time constraints and the legitimisation offered by experts, the degree of politicisation was very limited. The Slovene government has yet to face reaction to the restrictions on economic activity that will flow from the designations and the costs of compensating landholders for restrictions on land use.

The process in Estonia was also characterised by a low level of politicisation in the designation phase. The inclusion of hunting interests as advisors in the accession negotiations ensured that a highly controversial issue was dealt with in negotiations between the Commission and the Estonian Government. The agreement that hunting of bears and a number of other species would be allowed within the context of measures to protect the animal population removed an implementation problem and reduced societal reaction to the directive. Hunting has powerful backers in Estonia; there is a hunting society in the Riigikogu whose members have organised hunting trips with their Finnish counterparts. Moreover, Estonian tourism benefits from hunting tours. Any effort by the Union to insist on a ban on hunting of the relevant species would have caused considerable conflict.

The process of designating sites began in 2000 with the publication of the National Natura 2000 programme 2000-2007. Designation was the responsibility of the Environment Ministry with local responsibility in the hands of the County Environmental Departments. Like Slovenia, a number of non-governmental expert groups were involved. Co-operation projects with the Nordic states and the Nordic Council aided the process of designation. Instead of an overarching legal framework, a series of laws were passed covering hunting (2002), Environmental Impact Assessment and Environmental Auditing Act (2000), the Environmental Supervision Act (2001) and finally the framework law on nature conservation on the 21 of April 2004 less than ten days before accession. Different drafts of this law were in circulation from 2000 onwards but it was not until the beginning of 2004 that a final draft was circulated for consideration by ministries. Given the imminence of accession, there was considerable pressure to get this law passed. The pressure of time meant that there was little debate on the merits of the law. Moreover, those

affected by the law, the landowners, were given little time to absorb the implications of the changes before they became law. The Environment Ministry, the County Environmental Departments and local government was unable to inform land-owners about the consequences of designation. There was an emphasis in the ME on the positive benefits of designation but little on restrictions. In the three weeks allowed for responding to the draft designation, 600 protests were submitted. One conclusion was that the ME tried to get the landowners to agree to designation without establishing just what they were agreeing to. The lack of detailed and adequate information formed the core of the protests. There were also protests concerning the process of designation where some state owned forests were left outside the designated area whereas adjacent privately owned land was included. Thus although Estonia fulfilled EU requirements by May 1, it was achieved by restricting the time for consultation particularly in relation to landowners. The practical implementation of Natura 2000 may prove more problematic.

Of the three new member states in this study, Hungary failed to complete its transmission process by May 1, 2004. Hungary's framework environmental legislation in relation to nature conservation was passed in 1996. Notwithstanding this, Hungary failed to complete the legal process of transposition by 2004. The process of designating sites began in 2000 and the National Parks Directorate made their first proposals on SPA designation in March 2000. A draft list of SPAs was agreed in autumn 2003. The surveys of Sites of Community Interest (SCIs) began in 2002 and a draft list of SCIs was planned for the end of 2002. This deadline was included in the Hungarian National Plan for the Acquis (NPAA). Already in 2002, the NPAA highlighted a staffing problem in the Office of Nature Conservation in the Ministry of Environment and Water Management and in the National Parks Directorates. It estimated that the four staff working in the Natura 2000 unit in the Ministry was far from adequate and that an additional 200 staff would be required in the National Parks Directorates to fully carry out the tasks associated with Natura 2000. It is anticipated that the Environment Protection and Infrastructure Operation Programme (EIOP) that has been submitted as part of the Hungarian National Development Plan (NDP) may assist in building up the human capital in this sphere. Because the process of legal transmission has not been completed in Hungary, landowners do not know if their land has been included in the list of SPAs and SCIs. It is anticipated that compensation will be paid to those landowners affected by designation. Although there was minimal mis-fit between Natura 2000 and the Hungarian system of nature conservation, the system did not have the capacity to complete the process on time. This was due to staff shortages and tardiness in beginning the process rather than politicisation. It appears as if the first effective contact between the Environmental Ministry and the National Parks Directorates regarding Natura 2000 took place in October 2002 just 18 months before accession. A lag between the enactment of framework laws and detailed implementation is a feature of Hungarian public policy making.

**Table 3:** Implementation Process-New Member States

	<b>Slovenia</b>	<b>Estonia</b>	<b>Hungary</b>
<b>Legal Transposition</b>	1993 Environmental Protection Act 1993 Endangered Species Act 1999 and four amendments Nature Conservation Act + Secondary Legislation	1994 Law on the Protection of Natural Objects 1994 Law on Hunting/replaced in 2002 2001 Environmental Supervision Act 2004 Framework Act Nature Conservation	1995 General Rules on Environmental Protection 1996 Protection of Nature Act Secondary legislation for habitats not yet in place
<b>Final Number of SAPs and SCIs</b>	260 SCIs 26 SPAs 35 % national territory	509 ? SCA 14.7% of national territory	
<b>Degree of Conflict/Politicisation</b>	Technocratic process with limited end game politicisation	Technocratic process with opposition emerging at the end	Technocratic process
<b>Opposition</b>	Landowners/development	Hunters/landowners/real estate	
<b>Institutional Changes</b>	Overarching top-down system	Institutional adaptation	Institutional adaptation
<b>Influence of Farming Groups</b>	Low	Low	Low
<b>Influence of Environmental Groups</b>	Specialist environmental groups/experts	As experts	Low

## CONCLUSIONS

The design and designation of Natura 2000 was a major nature conservation programme launched by the EU. It was scientifically and institutionally demanding in terms of mapping potential sites and agreement on designation. The Directives privileged expert scientific knowledge over social and economic concerns and over the rights of landowners. Although Ireland and Greece formally agreed to the relevant directives in the Council of Ministers, both states struggled to implement them. All of the other states in the study had to accept Natura 2000 as part of the environmental acquis. None were offered transitional arrangements with regard to transposition and site designation. Although the Commission was not formally involved in the initial phase of site mapping and designation, it used its role as 'guardian of the treaties' to pressurise the member states to transpose the laws and to proceed with the process of site designation. It opted for a combination of political/administrative negotiations and the formal sanctions process in its dealings with the member states. Given the nature of the

directives and the continuing need to manage the designated sites, the Commission's role in the implementation of Natura 2000 lasts well beyond the formal transposition phase. Complaints from domestic NGOs and its own internal monitoring processes act to buttress the role of the Commission. Under pressure from the Commission all of the three old member states increased the number of SAPs and SCIs in their jurisdiction. The Commission did not shirk from using all of the available leverage at its disposal to pressurise the member states.

Environmental ministries when faced with the legal requirement to transpose and observe European law, on the one hand, and the challenge of negotiating outcomes at national level, on the other, attempt to mediate between the two levels. In Ireland and Finland, the institutional structures existed to implement the laws, although in the case of Ireland, the heritage service was understaffed for the demands it faced. Minor institutional changes accompanied the directives; the new structures were designed to manage appeals to the designation process. The key challenge was to mediate the opposition of farmers and landowners to what were perceived as constraints on their use of land. Poor communication with landowners and deep-rooted opposition to the directives led to a high degree of politicisation in both jurisdictions. However, the mediation of conflict differed. In Ireland, the conflict was mediated politically by the Irish Government, the key ministries, ministerial advisors and those responsible in the Heritage Service. Painstaking negotiations, an appeals process and compensation were required to implement the directive and opposition continues. In Finland, the conflict was mediated legally with a very large number of cases being taken through the Finnish Administrative Court. The landowners pressure group continues to oppose the outcome and is threatening a case in the ECJ.

The situation in the other four states in the study was different. In Greece, conflict took place within central government between the Environmental ministry and the Agricultural one. The conflict was not conducted in an atmosphere of opposition to the directive. At issue was which ministry would control the new institutional framework that was set up to manage Natura 2000. The Environment Ministry clearly perceived Natura 2000 as a means of enhancing its competencies and reach at local level. The powerful Agricultural ministry wanted to maintain its prerogatives. Intervention from the PM's office ensured that the Environmental Ministry won the bureaucratic battle. It services the Natura 2000 Committees and the Managing Authorities that have been established. Although Greece has transposed the law and created an embryonic institutional framework, the MAs are not yet operational and it is far from clear if the capacity exists to actually manage the SPAs and SCIs on the ground. Hence there has been a modernisation of the policy paradigm, and some institutional building but a gap exists between what is required and what can be delivered.

The three new member states were left with little choice about transposition and site designation. They used the accession negotiations, particularly Slovenia and Estonia, to minimise potential conflict about Natura 2000. For both states, the management of a number of species and the right to hunt were of critical importance. By and large both states got what they

wanted from the negotiations but will be subject to considerable scrutiny from the Commission, particularly with regard to bears and lynx. Any future attempt to curtail hunting, especially in Estonia, is likely to meet with considerable opposition. For all three states, adapting to the nature conservation acquis was part of the wider adaptation to the demands of EU membership. Hence there was a co-evolution of new laws, institution building and adaptation and site designation. Slovenia, as found in the macro case study had the most integrated and deliberative system for managing the transposition of the acquis and the process of site designation. The process was driven by a 'top-down' imperative to meet the demands of the EU and within the process expert knowledge was clearly privileged. A technocratic approach belied the tradition within the Slovene system to integrate the national parliament in the policy process on European issues. Moreover, the exclusion of local authorities from the process until the very end ensured that opposition was kept to a minimum. The reduction of the proportion of the national territory covered by designation from 38% to 35% represented the pressure of local economic and landowning interests at the very end of the process.

The situation in Estonia was somewhat similar. Once the key issue of hunting was out of the way in the accession negotiations, the Estonian authorities proceeded to put in place the legal and institutional framework for Natura 2000. Technical and scientific assistance from the Nordic states helped in mapping and designation of sites. The key legal instruments that effected transposition were not introduced until 2004 just before accession, which in turn limited the ability of landowners to mobilise and object. When the law and designations were in place, there were widespread objections from landowners. Again information and communication was problematic in that key stakeholders were left without a clear understanding of the implications of designation for them. In Hungary, although the framework law was in place from an early stage, the system could not deliver the secondary legislation and national lists by May 1, 2004. The Commission within one month of membership was signalling to the Hungarian authorities that a greater effort had to be made in this field. The small size of the ministerial unit devoted to Natura 2000 and staff shortages in the sub-national environmental services impeded the ability of the Hungarian system to transpose the law on time. However, little resistance to the measures are apparent.

**Figure 5:** The Implementation Pattern

	<b>Low Conflict</b>	<b>High Conflict</b>
<b>Low Ambiguity</b>	<b>Administrative/technocratic Implementation</b> Greece, Slovenia, Estonia, Hungary (Latent Conflict)	<b>Political Implementation</b> Ireland/Finland
<b>High Ambiguity</b>	<b>Experimental Implementation</b>	<b>Symbolic Implementation</b>

## REFERENCES

- Barrett, S and Fudge, C (1981), *Approaches to Local Planning (2)* (University of Bristol).
- Börzel, T. and Risse, T. (2000). 'When Europe Hits Home: Europeanisation and Domestic Change'. European Integration Online Papers (EioP). 4:15, <http://eiop.or.at/eiop/texte/d000-015a.htm>.
- Boh T.,(2004), *Shielding Implementation from Politicisation: Slovenia, OEUE Project*.
- Falkner, Gerda. (2003), 'Comparing Europeanisation Effects: From Metaphor to Operationalisation'. Paper for ECPR General Conference, Marburg, 18-21 September. <http://www.mpi-fg-koeln.mpg.de/socialeurope/>.
- Kinnunen J., (2004), 14,000 Complaints, Farmers on Hunger Strike and Flying Squirrels: the implementation of the Habitats Directive in Finland, OEUE Project.
- Matland, R. (2002 ) in M. Hill and P. Hupe.,*Implementing Public Policy*. Sage: London.
- Mocsari J, (2004), Missing Details behind the Big Picture: the delayed implementation of the Habitats Directive in Hungary, OEUE project.
- Saarnitt L., (2004), Harmonisation and Implementation of the Habitats Directive: The Case of Estonia, OEUE Project.
- Tallberg, Jonas, (2003), *European Governance and Supranational Institutions: Making States Comply* (Routledge: London).