



Organising for EU Enlargement

A challenge for member states and candidate countries

MULTILEVEL GOVERNANCE
The Burning Issue of Waste in Finland

OEUE PHASE II
Occasional Paper 3.5 – 12.04

Jussi Kinnunen

Centre for European Studies
University of Helsinki



FIFTH FRAMEWORK PROGRAMME



Dublin European Institute
A Jean Monnet Centre of Excellence



MULTILEVEL GOVERNANCE
The Burning Issue of Waste in Finland

OEUE PHASE II
Occasional Paper 3.5 – 12.04

Jussi Kinnunen
Centre for European Studies
University of Helsinki

Series Editor

Mary Browne
assisted by Colin Shaw
Dublin European Institute
University College Dublin

Organising for EU Enlargement Project

European Commission
Community Research Fifth Framework Programme
(Socio-Economic Research)

Project forms part of the
Governance Research Programme
Institute for the Study of Social Change
University College Dublin

MULTILEVEL GOVERNANCE

The Burning Issue of Waste in Finland

Jussi Kinnunen

All rights reserved. No part of this publication may be photocopied or distributed

Published as part of
EU Framework V
Organising for EU Enlargement Project
Coordinated by University College Dublin, Ireland

Project banner
Dry Design
Dublin

Printed by
Copi-Print
Library Building
University College Dublin
Dublin 4
Ireland

ORGANISING FOR EU ENLARGEMENT: Challenge for the Member States and the Candidate Countries

The Dublin European Institute, University College Dublin,¹ was awarded, in 2001, a research contract under the EU's Fifth Framework Programme² 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 Dublin³, includes: Professor Dr. Wolfgang Drechsler, University of Tartu; Professor Teija Tiilikainen, 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.

¹ National University of Ireland, Dublin (University College Dublin).

² European Commission, Community Research Fifth Framework Programme (Socio-Economic Research).

³ This project forms part of the Governance Research Programme, Institute for the Study of Social Change, University College Dublin, www.ucd.ie/issc/ and 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, 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

Jussi Kinnunen

Jussi Kinnunen, Licentiate of Political Science, is a researcher with the Centre for European Studies, Department of Political Science, University of Helsinki. In addition to his interest in European Union politics Jussi Kinnunen has conducted research on the issues for business stemming from environmental matters in the region of the Baltic Sea.

ABSTRACT

Even if Finland in many respects qualifies as a pace setter in environmental matters, there is also conflicting information from the waste sector. In certain cases the EU has pressured Finland to carry out improvements. In the spring of 2004 there were half a dozen concerns that had caught the Commissions attention from delayed legislation on scrap cars to one illegal waste dump (rubble pit) in Nakkila. The Martinlaakso case addressed here presents an issue where a local domestic issue conflicts with the EU level regulations. The case has two conflict dimensions 1) if the waste incineration directive is to be applied, and 2) if waste prevention principle (national legislation) is applied correctly. The case includes stake holders from both public and private sectors. The Martinlaakso showcases how even a large, domestically popular and very reasonable concept can reach a dead end, if actors are not aware of the EU legislation. Apparently national level actors were not knowledgeable of all the consequences of the novel EU waste incineration legislation at preparation stage. After issues are sealed on the EU level, it is hard to open them up again. It is pivotal for both administrative organs as well as interest groups to be internationally active at the right moment in preparations already. This means being in touch with the EU level as the issue is prepared on the national level. Handling must be followed up all through the EU level negotiations.

INTRODUCTION

This paper analyses the Europeanisation and implementation of EU legislation in the waste sector.⁴ According to Radaelli Europeanisation encompasses processes of 'a) construction b) diffusion and c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things" and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies (2000:4). Regulatory policies are likely to have significant impacts on the politico-administrative systems of the member states, and the EU environmental policy is regulatory by nature.⁵ Waste is one of the key areas of the EU environmental policy. Increasing amounts of waste is a serious concern for the EU and considerable attention is paid to preventive measures. This paper focuses on the implementation of the waste incineration directive in Finland. The aim of the EU legislation on waste incineration is to prevent or reduce air, water and soil pollution as well as risk to human health caused by incineration or co-incineration of waste. The Martinlaakso case examined here relates to an environmental conflict combining the waste and energy sectors, namely energy generation by waste incineration.⁶ Since Finland is country with a Boreal climate, using waste for the purpose of energy production has considerable advantages.. However, the EU has two different sets of emission standards for waste incineration, on the one hand, and energy production generated by emissions, on the other. Tight waste incineration emission standards involve higher costs for older facilities than if laxer energy production standards are applied. Hence there are issues around which standards to use. How to implement the directives? This emerged as a question.

The policy context on the EU and national level

Although the focus here is on implementation, Europeanisation is not a one way street. As Börzel puts it: "member states have an incentive to "up-load" their policies to the European level to minimize the costs of "down-loading" them at domestic level (2001:1)". Politico-administrative systems of the member states differ in many respects, notably in relation to organisational cultures, structures of administration ,legal systems and underlying economic conditions. These differences lead the member states to adopt different strategies in concerning the design and implementation of the EU policies.

In environmental matters Finland is often considered as one of the 'pace setter' or 'leader' - EU states (e.g. Börzel 2001). Börzel talks of three strategies towards the EU environmental policy notably, 1) pace setting, i.e. pushing policies at the EU level according to the member state's policy preference and taking into account the implementation costs 2) foot dragging, i.e. blocking or delaying costly

⁴ This paper is written in a EU 5th framework funded project 'Organising for the EU enlargement'. Guidelines for the project were written by Laffan (2002) and Payne (2002). The project design uses

⁵ See e.g. Knill and Lenschow 2001, 116ff, for a comparison of Germany and the UK.

⁶ There is almost an abundance of literature on the EU environmental policy (Sbragia 1996, Andersen & Liefferink 1997, Demmke 1997 to mention but a few.) However, this article does not attempt to explain the EU environmental policy but rather is a hands-on environmental case study.

policies in order to prevent them or to receive compensation 3) fence sitting, i.e. forming tactical coalitions in negotiations with both previously mentioned groups in order to find the best outcome from the national point of view (Börzel 2001, 2002). According to Sbragia (1996) the EU environmental policy-making is a result of a 'push and pull' of different actors (see Figure 1). Leader states such as Germany, the Netherlands and Denmark have had a pivotal role in the past for making the environmental policy more stringent to all member states. Stringent national policies influence the Commission when it prepares novel legislation. Interest groups are also important especially because they produce information for the Commission. Leader governments push for more stringent policy lines in the Council of Ministers whereas the 'laggard' governments try to slow down progress. Fence-sitters occupy the space between the leaders and laggards.

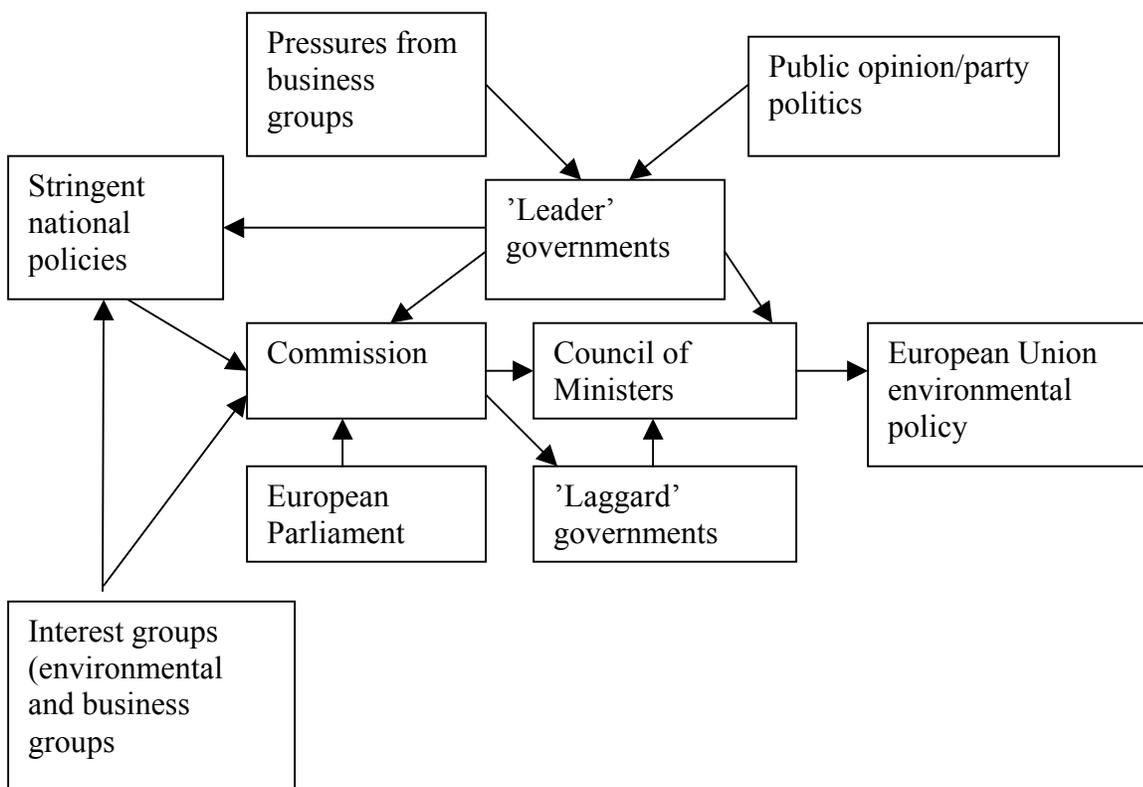


Figure 1. The 'push-pull' of environmental policy-making
Source: Sbragia 1996, 249.

There are a number of reasons why Finland promotes pace setting on the EU level. First, environmental protection has constitutional status. It states that Environmental matters need to be taken into account in decision-making and Finns learn to argue for environmental aspects already on the national level. Second, there is some political pressure to promote green ideas. The Finnish green movement was mobilized into a political party in the 1980's. The Green League has been in the government and the Minister of Environment has been from that party. The popularity of the party has

kept environmental matters on the political agenda and also made other parties 'turn green'. All major international environmental NGOs have branches in Finland and there are many domestic ones like Suomen Luontoliitto (SLL) that has been very active. Third, there is a strong institutional capacity to address environmental problems and this has been the case for some time. The Ministry of Environment was established in 1983. Fourth, the Finnish pace setting stand is congruent with underlying environmental attitudes and behaviour. For example, Finns generate 85 kilos of packaging waste per capita whereas the EU average is 170 kilos per capita (Eurostat 2002). Most of the difference is explained by the efficient re-circulation of bottles and other packaging waste. People care.

Environmental expenditure provides additional evidence of a pro-environmental stand. According to the Ministry of Environment (MoE) a total of 934 million – almost one billion – euros has been earmarked for environmental protection in 2005. This amounts to 2.5 % of the total national budget. In addition to central government spending, Finnish local authorities spent a total of 646 million euros on environmental measures in 2003. Environmental investments in the industrial sector amounted to 498 million euros in 1999. Also income from environmental and energy taxes are on the rise. Total government revenue from environmentally related taxes will amount to 4, 920 million euros in 2005 (budget proposal) of which waste tax represents 53 million euros. (For more information see <http://www.ymparisto.fi> or <http://www.tilastokeskus.fi>).

Although there are good reasons for regarding Finland as a pace setter, there is also evidence of some problems in relation to waste. When novel EU legislation in the waste sector is prepared, Finland has often taken a fence-sitting stand and promoted views that would not increase national standards. In relation to waste, the role of the EU has been significant in advancing environmental legislation as well as re-steering Finnish policy in some fields. Some of the EU standards are stricter than the domestic ones (interview in the Ministry of Environment). However in other areas, such as air pollution by municipal waste incineration plants national legislation is more stringent than the EU demands (Government Decision 926/1994).

The institutional context

Finland has an institutional capacity for tackling environmental problems. Administrative boundaries and guidelines are quite clearly defined. Not surprisingly, in accordance with the macro study findings, the role of central authorities is pivotal in the environment sector (see Figures 2 and 3), although tasks are decentralised. Ministry for the Environment (ME) is responsible for making sure that environmental aspects are given proper consideration both in domestic and international issues regarding waste. However, in inter-ministerial conflicts the ME has often held the weaker hand. The ME is responsible for policy preparation, strategic planning, leadership and international cooperation as well as relevant legislation and budgeting. The ministry of has two ministers. The Minister of Environment is a permanent member of the Cabinet EU Committee. The Permanent Secretary, participates in the Committee for EU matters when it convenes in its top composition. In 1996 a special International

Affairs Unit was established that has a special group for EU affairs. In horizontal coordination of the EU matters, the ME chairs the Environment Section (23) and participates in 23 other sections chaired by other ministries. Indeed, the ME is very horizontal by nature. The ministry is also in direct contact with other ministries as well as the interest groups. Environmental aspects can be a source of conflict in different fields of administration, building of the new (fifth) nuclear power plant being a good example. Moreover, the ministry takes great care in keeping the Eduskunta (the Finnish Parliament) informed because it has a political mandate in EU matters. For EU level coordination the ministry has a desk in the Permanent Representation in Brussels. The permanent representation forms a coordinating counterpart for the EU secretariat in the Prime Minister's Office. There are rules for procedures within the ministry in order to ensure fluent and coordinated flow of information. In international cooperation the ME has often found friends from other environmentally progressive nations like the Nordic Countries and the Netherlands.

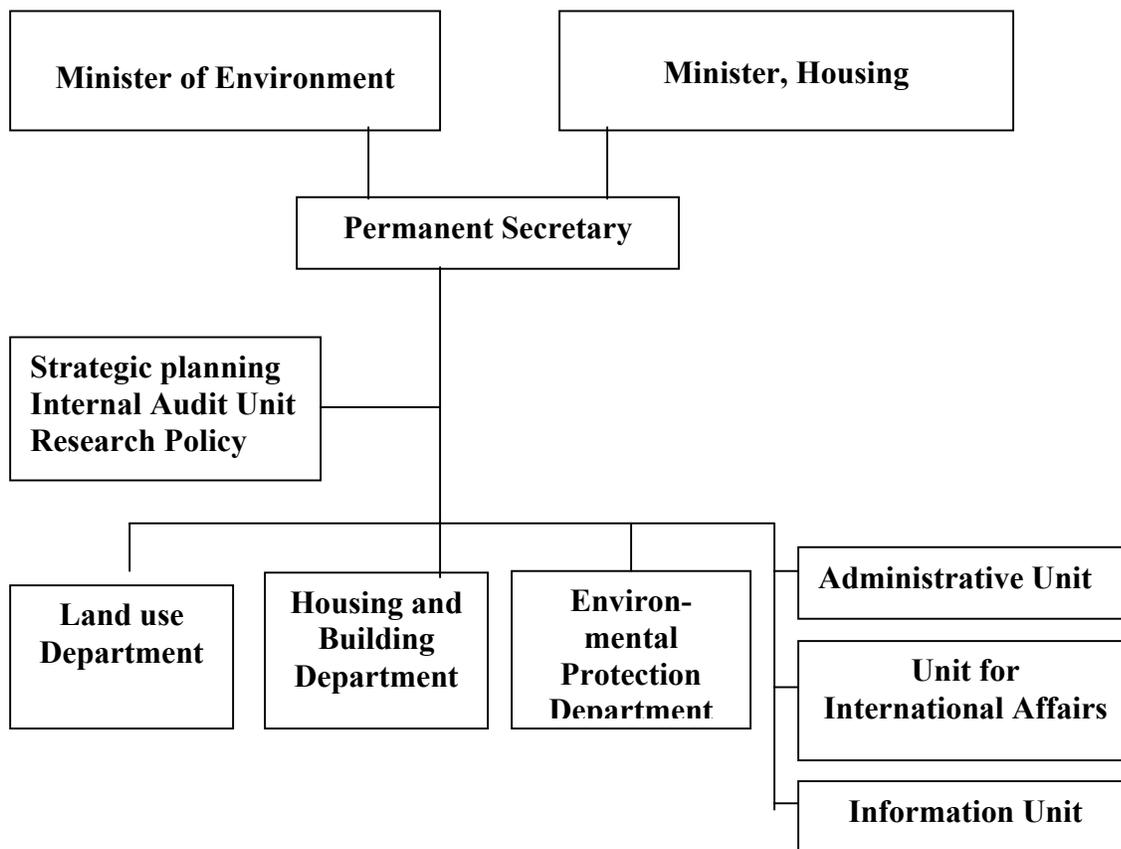


Figure 2. Organisation chart of the Ministry of Environment

Source: <http://www.ymparisto.fi/>

The waste sector administration is presented in the Figure 3. The Finnish Environment Institute's main functions include the collection and provision of data on the environment, environmental trends and analysis of different phenomena. The institute is also involved in developing environmental strategies and implementation instruments. The institute is an important hub for dissemination of information to the various interest groups involved in environmental issues. Indeed, the environmental interest groups are often included in decision-making where authorities suspect a conflict dimension. Participation can take place through presence in meetings or in the form of written statements. The Finnish Environment Institute is also responsible for reporting what EU legislation or international agreements require.

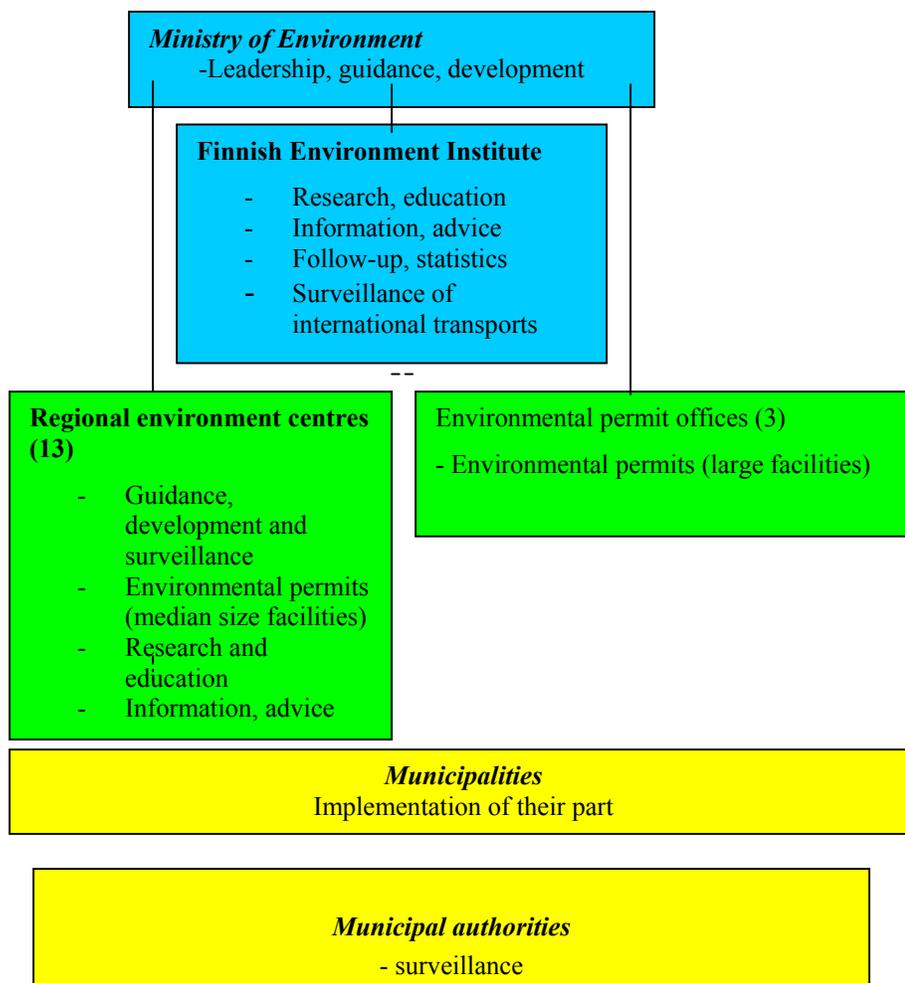


Figure 3. Structure and tasks of waste administration

Source: <http://www.vyh.fi/ympsuo/jate/hallinto.htm>

On the regional level the Regional Environment Centres' (RECs), i.e. state's regional offices', tasks include guidance, surveillance and development, and issuing environmental permits to median size enterprises (see figure 3). Environmental permits are required for actions that have major environmental impacts. The Environmental Permit Authorities give permits for large scale undertakings. The municipalities exercise a pivotal role in the implementation of waste directives, . The Helsinki Metropolitan Area Council (YTV), for instance, is such a regional organ that administers waste treatment services. The key decisions of the council are taken by the regional assembly that has members from four municipalities (Helsinki, Espoo, Vantaa and Kauniainen). However, the assembly convenes only twice a year. The executive board (politically elected) and the executive organs under it (executive director and waste management office) have a more pivotal role.

EU waste legislation

The involvement of the EU has increased rapidly in the environment sector after the second half of the 1980's. Although the EC has issued environmental programmes and legislation since 1970's, real deepening took place after the Single European Act in 1987. The amount of environmental legislation doubled between 1989 and 1992. Waste figures significantly in the Environmental Action Programmes (EAPs). In the current sixth EAP, targets are determined until the year 2010. Moreover, specific EU policy guide lines were set out in the 1989 waste strategy that was revised in 1996. The waste strategy requires a common legislative base, comparable statistics as well as shared concepts and principles. However, even if the EU works towards this goal, it seems that there is no precise definition of what waste is. There are three pieces of legislation that are particularly important: directives on waste, hazardous waste and transfrontier shipments of waste. The central pieces of waste legislation are summoned in Box 1.

Box 1. The list of Community legislation:

- Council Directive 75/439/EEC of June 16 1975 on disposal of waste oils
- Council Directive 75/442/EEC of 15 July 1975 on waste
- Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry
- Council Recommendation 81/972/EEC of 3 December 1981 concerning reuse of wastepaper and use of recycled paper
- Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture
- Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances
- Council Directive 91/156/EEC of March 1991 amending Directive 75/442/EEC
- Council Directive 91/689/EEC of 12 December on hazardous waste
- Council Directive 91/692/EEC of 23 December 1991 standardising and rationalizing reports on the implementation of certain Directives relating to the environment
- Council Regulation (EEC) No 259/93 of 1 February on the supervision and control of shipments of waste within, into and out of the European Community
- Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances
- .- Commission Decision 94/3/EC of 20 December 1993 establishing a list of wastes pursuant to Article 1 (a) of Council Directive 75/442/EEC on waste
- .- Commission Decision 94/741/EC of 24 October 1994 concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector (implementation of Council Directive 91/692/EEC)
- Council Decision 94/741/EC of 24 October 1993 establishing a list of hazardous waste pursuant to Article 1 (4) of Council Directive 91/689/EEC on hazardous waste
- Council Directive 94/67/EC of 16 December 1994 on the incineration of hazardous waste
- European Parliament and Council Directive 94/63/EC of 20 December 1994 on packaging and packaging waste
- Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)

Box 1. The list of Community legislation: cont.

Commission Decision 97/138/EC of 3 February 1997 establishing formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste

- Commission Decision 97/622/EC of 27 May 1997 concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector (implementation of Council Directive 91/692/EEC)
- Council Decision 97/640/EC of 22 September 1997 on the approval, on behalf of the Community, of the amendment to the Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel Convention), as laid down in Decision III/1 of the Conference of the Parties
 - Council Resolution of 24 February 1997 on a Community strategy for waste management
- Commission Decision 98/184/EC of 25 February 1998 concerning questionnaire for Member states' reports on the implementation of Council Directive 94/67/EC on the incineration of hazardous waste (implementation of Council Directive 91/692/EEC)
- Commission Decision 1999/177/EC of 8 February 1999 establishing the conditions for a derogation for plastic crates and plastic pallets in relation to the heavy metal concentration levels established in Directive 94/63/EC on packaging and packaging waste (notified under document number C(1999)246)
- Commission Decision 1999/412/EC of 3 June 1999 concerning a questionnaire for the reporting obligation of Member States pursuant to Article 41(2) of Council Regulation (EEC) No 259/93 (notified under document number C(1999) 1456)
- Council Directive 1999/31/EC of 26 April on the landfill of waste
- Council Regulation (EC) No 1547/1999 of 12 July 1999 determining the control procedures under Council Regulation (EEC) No 259/93 to apply to shipments of certain types of waste to certain countries to which OECD Decision C(92)39 final does not apply
- Council and Parliament Directive 2000/76/EC on the incineration of waste
- Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (notified under document number C(2000) 1147)
- Commission Proposal COM/2001/0137 final Amendment proposal for a Regulation of the European Parliament and of the Council on waste statistics (presented by the Commission to Article 250 (2) of the EC-Treaty)
- Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics

The national legislative context

As stated above, Environmental protection already had a constitutional status in Finland, when the country joined the EU in 1995. The constitutional status strengthens environmental legislation. Finland has had waste legislation since the 1970's (Waste Management Act 973/1978) and unlike EU law, the Finnish legislation has a definition for waste. The Waste Act defines waste to include *all objects or substances which the holder discards, intends to discard, or is legally obliged to discard*. It was only after the EEA agreement that the Finnish waste legislation was harmonised to match the EU legislation. The European level directive regarding to waste was passed in 1975 and renewed in 1991 (91/689/EEC). The Waste Directive gives the opportunity for memberstates to establish tighter regulations. In Finland the harmonised legislation – the Waste Act (1072/1993) and Waste Decree (1390/1993) - came into force January 1 1994. These legislative acts implement the provisions of Council Directives on waste (75/442/EEC), on hazardous waste (91/689/EEC) and the Council Regulation on the supervision and control of trans-frontier waste shipments (No 259/93). In

accordance with the EU waste policy strategy, the new Finnish legislation puts more emphasis on preventive and recovery measures than Finland's 1970's Waste Management Act

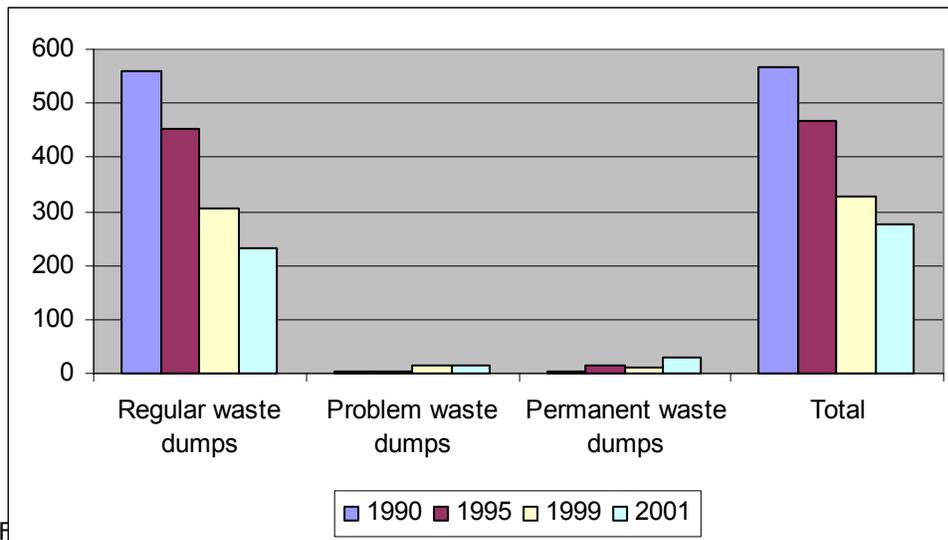
The Commission Decision on the waste list is implemented through a Decision of the Ministry of Environment, a Decision that came into force 1 July 1997. The EU Directive also requires waste management plans. Regional plans were adopted in 1996 (complemented in 1998) and a national plan in 1998. The directive on dangerous waste was also harmonised as a part of the EES Agreement on 1 January 1994. The Council Decision on the list of dangerous waste was implemented by the abovementioned Decision of the Ministry of Environment in 1997. The EU transportation of waste regulation is based on the Basel general agreement (1993) that deals with waste transportation within, in and out of the EU. National complementation of the waste regulation is included in the national Waste Law and Regulation as well as in the national waste management plan that came into force 1 August 1998. In addition there is a Council of State Decision on informing and packaging of problem waste in domestic transport. (Finnish Environmental legislation in English.⁷)

The transposition and implementation of EU legislation has not occurred without problems. The interviewee (ME) complained about the lack of drive in the environmental administration. In spring 2004, when the interviews were carried out, the EU Commission had put pressure on Finland in relation to the late implementation of the directive on scrap cars, the transposition of waste incineration directive,, waste management in harbours, the packaging directive, waste oil management and the problem of an illegal waste dump in Nakkila (Interview Ministry of the Economy). The implementation of some of these directives were between six months and one year late and future ECJ cases are likely, notwithstanding Finland's strong record in the implementation of European law.

⁷ See also <http://www.vyh.fi/palvelut/eu/fakta/iatepol.htm>)

THE FINNISH WASTE POLICY

The EU has had a significant impact on the implementation of Finnish waste policy. Legislation expanded to novel areas, the number of waste dumps has been reduced (see figure 4) and waste handling in rural areas has come under more careful scrutiny. Fewer dumps and longer transport distances have increased costs for the customers, which generated some criticism. There is only one incineration plant for hazardous waste. One of the largest dumps in the Nordic Countries is located in Ämmässuo area in Espoo, near Helsinki. It handles waste from all the Helsinki metropolitan area. In 2001 the total amount of waste handled there was 6 811,000 tonnes. Since waste flows continue to increase, there are plans for expansion. The new plan includes 565 hectares of land. The expansion is not without opposition; it is argued that the whole waste facility was established in the wrong place to begin with, that it causes odor problems, that the waste waters go to a place where drinking water is taken from (in Dämman) and that monitoring is inadequate. However, the level of conflict is not as high as some other environmental conflicts, notably Natura 2000, for instance.



Source: ME

Another aspect how the EU has influenced national level waste policy is that the EU requires national waste plans; these plans have advanced strategic thinking. The general targets of the Finnish Revised National Waste Plan up to 2005 are

- prevention of waste generation and minimization of the harmful properties of waste
- increased waste recovery of materials or energy in waste
- safe and appropriate waste disposal
- prevention of environmental and human health risks arising from waste, and repair of any damage, and
- reduction of trans-frontier shipments of waste. (2002, 8.)

The plan states that this goal requires measures on the international, national, regional and local levels. The plan goes on to identify key issues on different levels and also discusses targets, measures and instruments by sector as well as measures, timetables and relevant actors. On the municipal level the quantitative target for municipal waste is that in 2005, the volume would represent a 15 per cent reduction below the level forecast on the basis of the volume of waste in 1994 and real growth in GDP. The waste recovery rate should be at least 70 per cent by 2005.

Increasing waste volumes do present a problem for reaching the targets. If one looks at the waste volumes at the turn of the 1990's and late 1990's (Table 2) the increase is clear. In 1997 about 83 million tones of waste was generated in Finland. Waste volumes have grown particularly in the mining sector. It is also noticeable that the amount of municipal waste was only about 5 %. However, waste recovery rates have also improved simultaneously, although sectoral variation is great. In some areas

recycling has taken place for a long time – paper has been recycled since 1944. In 1997 – excluding mining waste – the total amount of waste was 54.8 million tons of which 69 % was recovered. Recovery is defined in the Finnish Waste Act, section 3, subsection 1, paragraph 10 as *“operations aimed at leading to the separation and further use of the material or energy of the waste”*. There might be some conceptual confusion about the statistics in the revised plan, since the plan uses the term recovery rate to the percentage of waste collected for recovery out of the total volume generated, and waste generated in the recovery process has not been deducted. Temporarily stored waste is likewise included in the recovery rate. This helps to explain the recovery rate differences in some sectors. (See national waste plan up to 2005, 6.)

Table 2. Volumes of waste generated and recovered in the early and late 1990's

Type of waste	Early 1990's ¹⁾			Late 1990's			Change in recovery rate (% points)
	Total waste volume (million t/a)	Recovered volume (million t/a)	Recovery rate (%)	Total waste volume (million t/a)	Recovered volume (million t/a)	Recovery rate (%)	
Mining waste ²⁾	21.7 ⁵⁾	-	-	28.1 ⁸⁾	-	-	-
Agricultural waste	22.0 ⁶⁾	18.7	85	21.5 ⁸⁾	19.7	92	+7
Industrial waste	15.4 ⁵⁾	9.1	59	18.4 ⁸⁾	11.2	61	+2
Construction waste	8.0 ⁷⁾	2.1	27	9.8 ⁸⁾	4.0	41	+14
Waste from energy production	1.3 ⁵⁾	0.5	37	1.3 ⁸⁾	0.8	65	+28
Municipal waste	2.3 ¹⁰⁾	0.6	30	2.3 ¹⁰⁾	0.9	38	+8
Sewage sludge	1.0 ⁹⁾	0.6	58	1.0 ⁹⁾	0.9	91	+33
Hazardous waste ⁴⁾	0.5 ⁸⁾	0.1	20	0.5 ⁸⁾	0.1	16	-4
Total waste	72.0	-	-	82.9	-	-	-
Excl. mining waste	50.3	31.6	63	54.8	37.6	69	+6
Excl. mining and agricultural waste	28.3	13.0	46	33.3	17.9	54	+8

¹⁾In the revised plan, the estimated figures for waste volumes from mining, energy production and sewage sludge for the early 1990's have been adjusted. The adjustment is based on changes in information sources and the bases for statistical calculations.

²⁾The volume of mining waste represents dry solids.

³⁾Contains only the volume of manure from agricultural operations.

⁴⁾The corresponding volume of hazardous waste is also included under sectoral waste volumes.

⁵⁾Data from 1992. ⁶⁾Data from 1994. ⁷⁾Data from 1995. ⁸⁾Data from 1997. ⁹⁾Data from 1998. ¹⁰⁾Data from 1999.

Source: Revised national waste plan, approved in August 2002 p. 6.

Table 3. Waste in Finland

Year 2000	Solid municipal waste (t)	Municipal sewage sludge, dry (t)	Hazardous waste ¹⁾ (t)	Industrial waste (t)
Total waste, of which	2 600 000	160 000	1 203 000	16 804 000
Used as matter	750 000	145 000	66 000	5 283 000
Incineration, not used for energy production			35 000	40 000
Incineration, used for energy production	270 000	2000	69 000	5 930 000
Dumps	1 580 000	10 000	794 000	4 873 000
Other handling		3000	239 000	678 000

Year 2000	Energy production waste (t)	Construction waste (not land or stone matter) (t)	Agricultural waste (manure) (t)	Mining waste, dry (t)
Total waste, of which	772 000	1 400 000	20 000 000	26 400 00
Used as matter	452 000	530 000 ²⁾	19 000 000	
Incineration, not used for energy production				
Incineration, used for energy production				
Dumps	300 000	520 000		
Other handling	20 000	350 000	1 000 000	

1) Hazardous waste is included also in the sectoral statistics – industry above all

2) Use as both energy and matter

Source: www.ymparisto.fi

The burning issue of waste incineration

Finally, let us look at a case which has been one of the politically most controversial in the waste sector, the Martinlaakso waste incineration plant. Martinlaakso is located in the Helsinki Metropolis area, in Vantaa. There are two major dimensions to the conflict about the Martinlaakso waste incineration plant:

- 1) Is the planned incineration system to operate within the EU waste incineration directive or not? In other words, is this a process of energy production or just waste incineration?
- 2) Has the principle of waste prevention (in the Finnish legislation) been applied or not?

Three energy companies applied for a permit to build a facility that would produce gas from the recycled material for the purpose of energy production. The idea was to combine waste incineration with energy production in a new way. The gas was to be produced from waste instead of fossil fuels. The permit authorities evaluated the process and gave a go-ahead, although they were not sure if the EU waste incineration directive was to be applied in this case. In an interview a representative of an interest group said that the lawyer for the energy companies convinced the permit giving authorities that this case does not fall under the terms of that piece of legislation. Moreover, in the application there were positive statements (although with reservations) from the city of Helsinki, Espoo, Vantaa, provincial government, TUKES, Uusimaa union, road district of Uusimaa, YTV - metropolis area regional cooperation body - and one local association.⁸ Only the local association objected the project. Most actors seemed to think that the Martinlaakso incineration plant was a good idea; it was considered rational to combine waste incineration and energy production – especially in a country that has the Boreal climate Finland has.

⁸ <http://www.vyh.fi/poltavo/yva/arkisto/uyk/39/laussel.html>

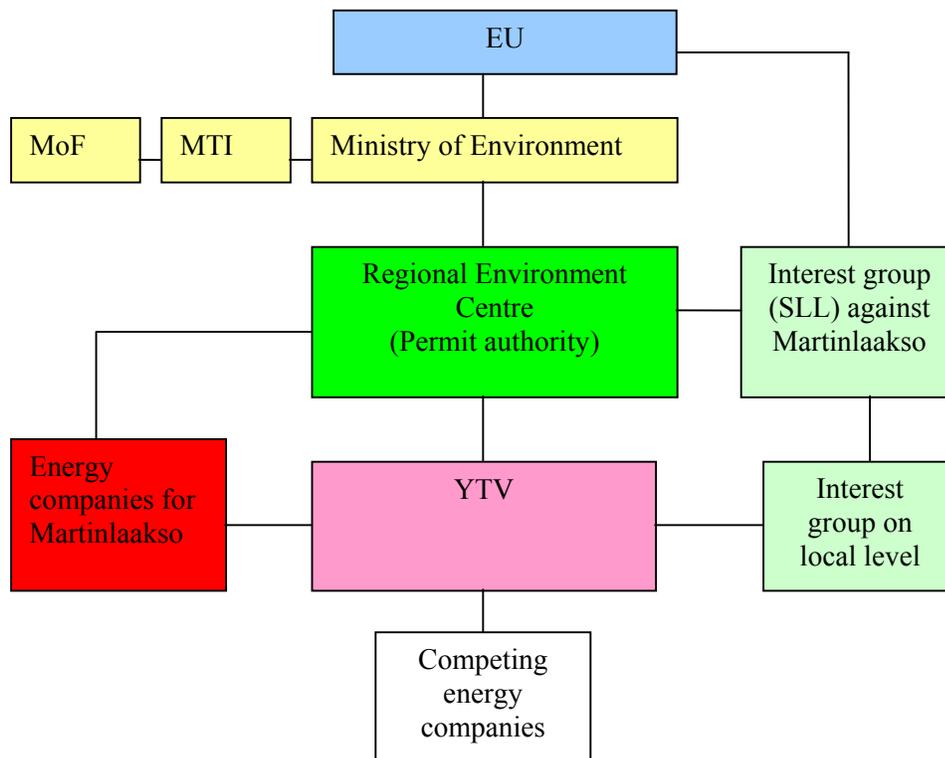


Figure 5. Network of actors in the Martinlaakso -case

Three environmental interest groups drew attention to the two issues, and hence the plant became controversial and politicised.. They highlighted both the question of the application of EU legislation and the reduction of waste flow. .⁹ Politicizing an issue means that it emerges on the political agenda, has a conflict dimension, draws attention from the interest organisations, escalates upwards on the political hierarchy and gets the attention of the media. The Martinlaakso case is a conflict between the environmental interest group (SLL) and the environmental administration plus energy sector backed by the Ministry of Trade and Industry (MTI) and Ministry of Finance (MoF). (See Figure 5.) In the view of the interest groups, high investments on new technology require large flows of waste material to cover the costs running such a large facility generate. The interest groups argued that it would be more rational to reduce the waste material flows and save on the investments (Interview, an interest group). In addition there is also conflict between the energy and waste sector and between companies with different technologies for incineration. It has become clearer that the waste incineration directive and tighter emission values must be applied in this case, although the incineration process *is* quite clean already. The matter was taken to the administrative court and returned from there to the regional permit authorities for review because the domestic legislation

⁹ See <http://www.yle24.fi> and search archives with the word "Martinlaakso".

and practises cannot be in conflict with the EU regulations. If the conflict is not resolved at this level,, it will become a test case for the interest groups who are likely to take the matter to the EU level.

CONCLUSIONS

Although Finland is rightly perceived as one of the pacesetters in environmental policy, the waste sector highlights the continuing problems in relation to some aspects of European waste law. There are half a dozen cases in which the Commission has highlighted from scrap cars to one illegal waste dump. Domestic interest groups, especially, Suomen Luonnonsuojeluliitto, have repeatedly criticised the Finnish government for fence-sitting in creation of novel EU legislation on waste. In their view the Finnish government is not paying enough attention to the prevention of waste in the first place. According to the environmental groups, the focus should be more on preventive work rather than on the "end of the pipeline" thinking. It seems it is easier for administrator to deal with actual costs than with anticipated savings. There is clearly mistrust in the effectiveness of teaching environmental awareness regarding waste creation and hence preventing the generation of waste.

The Martinlaakso case presents a case where a local domestic issue conflicts with the EU level decisions in implementation. This is a multi-level governance case in the sense that if there is obscurity in the national application of directives, the issue will be brought to knowledge of the Commission. The national legislation has to be amended or the application practises changed to match the EU demands. Even a large and domestically popular and very reasonable concept can reach a dead end, if actors are not aware of EU level regulations. The Finns were not entirely aware of the consequences of the EU directives on national level when waste (incineration) legislation was prepared in the EU. It is pivotal for both administrative organs as well as interest groups to be internationally active at the right moment in the preparation of directives. This means being in touch with the EU level already as the issue is prepared on the national level. Handling must be followed up all through the EU level negotiations. After issues are decided at the EU level, it is hard to open them up again.

REFERENCES

- Blackburn, J.W. & Bruce, W.M (Eds.) (1995) 'Mediating Environmental Conflicts. Theory and Practise'. Westport, Quorum Books.
- Börzel, T. (2002) 'Pace setting, Foot-Dragging, and Fence sitting: Member State Responses to Europeanisation'. *Journal of Common Market Studies* 40:2 pp.193-214.
- Börzel, T. (2001) 'Pace setting, Foot-Dragging, and Fence sitting: Member State Responses to Europeanisation'. *Queen's Papers on Europeanisation* No. 4/2001.
- Börzel, T. (2000) 'Why is there no Southern Problem? On Environmental Leaders and Laggards in the EU'. *Journal of European Public Policy* 7 (1) pp. 141-162.
- Falkner, G. (2003) 'Comparing Europeanisation Effects: From Metaphor to Operationalisation'. *EIoP* Vol. 7 No 13, <http://eiop.or.at/eiop/texte/2003-013a.htm>
- Green Cowles, M. & Caporaso, J. & Risse T. (Eds.) (2001) 'Transforming Europe. Europeanization and Domestic Change'. Ithaca and London, Cornell University Press.
- Héretier, A. (1996) 'The Accommodation of Diversity in European Policy-making and Its Outcomes: Regulatory Policy as a Patchwork'. *Journal of European Public Policy* 3 (2) pp.149-176.
- Kinnunen, Jussi (2001) 'Euroopan unionin itälaajeneminen, pohjoinen ulottuvuus ja ekoteollisuuden toimintamahdollisuudet'. *Ympäristöministeriö, Suomen ympäristö 507*. Helsinki, Edita.
- Knill, C. & Lenchow, A. (2001) 'Adjusting to EU Environmental Policy: Change and Persistence of Domestic Administration' in Green Cowles, M. & Caporaso, J. & Risse T. (Eds.) (2001) 'Transforming Europe. Europeanization and Domestic Change'. Ithaca and London, Cornell University Press.
- Knill, C. & Lenchow, A. Eds (2000) 'Implementing EU Environment Policy: New Directions and old problems. Manchester, Manchester University Press.
- Lindholm, Arto (2002) 'Finland in EU Environmental Policy' *Ministry of Environment. The Finnish Environment (series) 551*. Helsinki, Edita.
- Ministry of the Environment (2002) 'Revised national waste plan for the period up to 2005. Approved by the Finnish Government on 14 August 2002.
- Oksanen, Annukka (2003) 'Paikallisen ja kansainvälisen kohtaaminen luonnonsuojelussa. Tapaustutkimuksena Natura 2000 -ympäristökonflikti Lounais-Suomessa'. *Ann.Univ.Turkuensis C 192*. Turku.
- Sbragia, A (1996) 'Environmental Policy. The 'Push-Pull' of Policy-making' in *Policy Making in the European Union* Wallace, H. & Wallace, W. (Eds.) Oxford, Oxford University Press.
- Tilastokeskus (2002) 'Suomalaiset ja ympäristö' *Ympäristö ja luonnonvarat 2002:1*. Helsinki, Hakapaino Oy.

Internet sources:

EU

Finnish Administration

Environmental administration: <http://www.vyh.fi/>

Ministry of Agriculture and Forestry: <http://www.mmm.fi/>

Interest groups:

<http://www.sll.fi/>

<http://www.mtk.fi/>

Newspapers – various articles

<http://www.helsinginsanomat.fi/>

<http://www.turunsanomat.fi/>

<http://www.verkkouutiset.fi/>