

Benedetta Cotta

**WASTED COMPLIANCE STRATEGIES?
THE POLICY-MAKING STYLES
OF HUNGARY AND POLAND
IN THE IMPLEMENTATION
OF EUROPEAN ENVIRONMENTAL
DIRECTIVES**

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The **Comparative Politics and Public Philosophy Lab (LPF)** at Centro Einaudi is directed by Maurizio Ferrera and funded by Compagnia di San Paolo. It includes the **Welfare Laboratory (WeL)** and the **Bioethics Lab (La.B)**. LPF analyses the transformation of the political sphere in contemporary democracies with a focus on the relationships between policy choices and the value frameworks within which such choices are, or ought to be, carried out. The reference here is to the “reasonable pluralism” singled out by John Rawls as an essential feature of political liberalism.

The underlying idea is that implementing forms of “civilized” politics is desirable as well as feasible. And, as far as the Italian political system is concerned, it is also urgently needed, since the system appears to be poorly prepared to deal with the challenges emerging in many policy areas: from welfare state reform to the governance of immigration, from the selection criteria in education and in public administration to the regulation of ethically sensitive issues.

In order to achieve this end, LPF adopts both a descriptive-explanatory approach and a normative one, aiming at a fruitful and meaningful combination of the two perspectives. Wishing to foster an informed public debate, it promotes theoretical research, empirical case studies, policy analyses and policy proposals.

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KEYWORDS

Policy style, implementation, European directives, compliance,
Central and Eastern Europe

ABSTRACT

**WASTED COMPLIANCE STRATEGIES?
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How does the policy-making process affect policy compliance? Analysing the relationship between policy outcomes and their decision-making processes, the article explores the process of implementation of European directives in two CEE countries namely, Hungary and Poland, in the waste sector. Hungary and Poland have been considered as similar cases for their historical, political and economic experiences; however, EU monitoring reports have shown that these two countries have differently performed in the adoption and implementation of the EU waste legislation. The explanation for variation considered in this article relies on the existence of different “styles” of policy-making. To operationalise this concept, in the article is adopted the typology of “policy style” defined by Richardson (1982) which distinguishes between the environmental institutional and legal settings and the stakeholders’ involvement in the policy-making. The analysis of the Hungarian and Polish cases shows that, while similarities have characterised the legal and institutional environmental decision-making settings, greater difference has existed in the effective involvement of stakeholders in the environmental policy-making. In Hungary, front-runner in the implementation of the European waste legislation, we have the establishment of open and coordinated arenas of cooperation and consultation in which the stakeholders multilaterally are involved. In contrast, in Poland, laggard in the implementation of the EU waste legislation, we have the establishment of personal, bilateral and informal relations between officials of the Environmental Ministry or the Members of Parliament and the stakeholders involved in the environmental decision-making. Hence, the paper demonstrates that the existence of variations in the involvement of stakeholders determines also variation in the policy outcomes and may also explain variation in the compliance with the European legislation.

ACRONYMS¹

CEE	Central and Eastern Europe
CSAOSZ (Hungary)	Hungarian Association of Packaging and Material Handling
ECJ	European Court of Justice
EIA	Environmental Impact Assessment
EKO-PAK packaging (Poland)	Industrial Coalition Association for Environmentally friendly
EPR	Extended Producer Responsibility
HEPA	Hungarian Environmental Protection Act of 1995
HOE	National Association of Recyclers (Hungary)
HUMUSZ	Humusz Waste Prevention Alliance (Hungary)
IKSZ (Hungary)	Beverage Carton Environmental Services Association
IPPC	Integrated Prevention Pollution Control
KSZGY SZ	Association of Environmental Enterprises (Hungary)
MGYOSZ (Hungary)	Confederation of Hungarian Employers and Industrialists
MPs	Members of Parliament
NGOs	Non-governmental organisations
OKT	National Council on Environmental Protection (Hungary)
OSZ	Committee on the Environment Protection, Natural Resources And Forestry (Poland)
PCB	Polychlorinated biphenyl
PCT	Polychlorinated terphenyls
PEPA	Polish Environmental Protection Act of 2001
PKE	Polish Ecological Club (Poland)
PROS	State Council for Environmental Protection (Poland)
ROs	Recovery Organisations
UN	United Nations

¹ The acronyms related to Hungarian and Polish advisory councils, committees, NGOs or business associations are the acronyms from the original Hungarian and Polish names specified in the text.

**WASTED COMPLIANCE STRATEGIES?
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INTRODUCTION

European policy-making is a multi-phase process and it involves different actors. The initial phase of definition of European policies takes place at European level and involves institutions such as the European Commission, the Parliament and the Council. Moreover, different legal instruments have been adopted as part of the European legal framework. In particular, the European institutions have discussed, approved and amended regulations, directives, decisions, recommendations and opinions in different policy fields. The first three instruments are legally binding but, unlike regulations and decisions which have been binding in their entirety, directives have been binding only in their objective. The directives are, in fact, not directly applicable in the Member States and need to be transposed into the national legislation and implemented through national implementing instruments. Hence, while the European institutions have defined European legislation, Member States have the responsibility of transposing and implementing it domestically. Nevertheless, the achievement of domestic compliance with European legislation has not exclusively involved the national governments and Parliaments responsible for the legal transposition of the European directives, but also different domestic non-state actors responsible for the implementation and enforcement of such rules at regional and local levels.

Scholars have emphasised the importance of specific institutional framework conditions for policy outcomes. There is in fact a broad consensus among scholars on the idea that institutions and institutional characteristics matter and influence policy change and performance of the EU Member States (Hille and Knill, 2006). In the specific environmental sector, Jänicke (1992) has outlined three aspects: firstly, the participative capacity and therefore the openness of input structures such as decentralisation and strong local communities; secondly, the integrative capacity and specifically the existence of “consensual capacity” and cooperative mechanisms of policy-making; thirdly, the capacity to implement common long-term policy objectives (Jänicke, 1992 as quoted in Weidner and Jänicke, 2002, 10-11). When referring to the institutional conditions for environmental policy

outcomes, scholars have specifically considered the second aspect and they have hypothesised that in countries with a more consensus-oriented or cooperative style of decision-making there was more likely to be a successful environmental policy (Lundqvist, 1980; Brickman *et al.*, 1985; Badaracco, 1985; Jänicke, 1992; Carew-Reid *et al.*, 1994).

In addition to institutional framework conditions, scholars have analysed the involvement of domestic actors in influencing specific policy outcomes. When looking at domestic actors, scholars have considered them as rational actors who could decide to comply or not with the European legislation on the basis of cost-benefit calculations. They thus considered these actors as veto players and defined them as “any player who can block the adoption of a policy” (Tsebelis, 1995). Moreover, implying a negative connotation to these players, these scholars have particularly asserted that a high number of veto players would impede or slow down the capacity to achieve policy changes and reform a country (Tsebelis, 1995; Tsebelis, 2002; Börzel and Risse, 2000; Featherstone and Radaelli, 2003; Heritier *et al.*, 2001; Green Cowles *et al.*, 2001). Nevertheless, while hypothesising a negative correlation between the number of veto players and policy change, scholars have also emphasised the existence of different strategies of policy-making pursued by domestic veto players. George Tsebelis (1995) particularly pointed out the role of the agreement between veto players in fostering domestic policy changes (Tsebelis, 1995). Furthermore, Tanja Börzel recognised that, in countries with more consensus-oriented or cooperative decision- and policy-making among domestic actors, there was more likely to have domestic change because cooperative strategies assured veto players that the costs arising from the compliance with the European policies would be shared (Börzel, 2002).

Scholars have considered the existence of specific legal settings or mechanisms for the involvement of domestic actors in influencing particular policy outcomes as “policy style”. However, scholars have also recognised the difficulty of acknowledging predominant or national styles of policy-making because each policy had been generally formulated “independently in each policy sector” (Richardson, 1982, 3). Theodore Lowi (1964), in particular, noted that different political behaviours were influenced by different types of issues or policies under discussion. Following Lowi’s ideas, Richardson *et al.* have thus elaborated a typology of policy style which could go beyond sectorial divisions among policies. In defining “policy style” these scholars then focused on two main features: “the government’s approach to problem-solving” and “the government’s relationship with other actors in the policy process” (Richardson, 1982, 13). The first feature referred to the attitude of governments in being anticipatory or reactive to problem-solving, an element which was also enshrined in the culture and the legislative settings of each country. The second feature, instead, focused more on the relationships established between the government and the domestic actors which could range from reaching a consensus or imposing specific decisions.

Moreover, the typology of policy style elaborated by Richardson *et al.* (1982) recognised the existence of differences in the “styles” of policy-making which could derive from different legal settings or from the relationships between different actors in the policy-making process. Departing from this assumption, this article firstly explores whether exist differences in the environmental institutional and/or consultational styles of policy-making and it further analyses whether and how possible existing differences impact on the policy outcome and specifically on the domestic compliance with the European environmental policy requirements. The article than aims to answer the following research question: *to what extent do differences in the styles of policy-making affect a country policy outcome and, ultimately, its compliance with the European requirements?*

In order to account for differences in the styles of policy-making and acknowledge the impact of these styles on the compliance with the European legislation, this article considers the process of implementation of European directives in Hungary and Poland in the sector of waste management over the decade between the years 1999 and 2009. This article constitutes part of my doctoral dissertation whose research problem has concerned the existence of differences in the performances of Hungary and Poland in their compliance with the European environmental legislation despite their common historical background and environmental problems.²

The research design of this article is a comparative analysis of two most-similar cases. Hungary and Poland have developed in response to common backgrounds and historical events such as the Communist regime and its collapse at the end of the 1980s, a transition period that brought economic and political reforms in the 1990s, similar environmental problems and a similar regional integration process

²The article focuses on one of the hypotheses (i.e. the pre-existing cooperative policy-making styles) elaborated in my doctoral dissertation. The dissertation aims at explaining the existence of variation in the compliance performances of two similar environmental rule-taking countries like Hungary and Poland. The variation in the performances of the EU Members has been explained by scholars through the existence of weaknesses in the domestic capacities and capabilities or differences in the incentive structure and the preferences of domestic actors. These hypotheses, however, have resulted as too static to explain the process of implementation of European directives occurring in Hungary and Poland, because they did not consider the existence of progresses over time and of interactions between domestic state and non-state actors and also between external and domestic non-state actors. Thus, the dissertation has focused on those approaches which considered compliance with the EU legislation not as a mere supply exercised by incumbents and politicians but as the results of demands occurring from non-state actors. Such demands have been enhanced by the existence of different mechanisms: market incentives, pre-existing cooperative styles of policy-making and assistance alliances between external and domestic actors. Market mechanisms of access to foreign more-regulated markets and of penetration from foreign firms have made compliance beneficial for domestic firms, while the pre-existing cooperative styles have implied the sharing of costs and made compliance convenient for domestic non-state actors. Furthermore, the establishment of alliances between domestic and external actors in terms of inclusion of the former in European and international assistance and knowledge-based programmes might have enhanced the possibility of success of such programmes and ultimately the compliance with the EU legislation.

i.e. both have been part of the Visegrad Group and have then been involved in the EU Enlargement process. However, according to European monitoring reports, they have complied with the European legislation differently at domestic level. The sector under examination is that of waste management considered to be one of the most difficult environmental issues to comply with because of the almost non-existent specific legislation and institutional settings at the time of Hungary and Poland's negotiations for Accession to the EU (Commission Opinion on Hungary and Poland, 1997; Screening Reports for Hungary and Poland, 1999). Both countries then departed from a similar situation of non-compliance in the waste sector, but, over the decade under consideration, they have differently implemented the European legislation on waste. To measure the compliance performances of Hungary and Poland, the article specifically focuses on three European waste-related directives (and amended versions), namely the Waste Framework (No. 75/442/EEC; 91/156/EEC; 2006/12/EC; 2008/98/EC), the Landfill (No. 1999/31/EC) and Packaging and Packaging Waste (No. 94/62/EC) directives.

The article³ is structured as follows: the first section provides an overview of the existing European legislation on waste management and of the performances of Hungary and Poland in complying with the three European waste-related directives. The second section focuses on the legal aspects of the environmental cooperation and analyses the international, European and national—Polish and Hungarian—legislation regulating the participation in the environmental decision-making of domestic state and non-state actors. The third section explores how this legislation has been adopted in Hungary and Poland by analysing the consultation processes defined at ministerial and parliamentary levels. In the final section a comparative analysis of the two cases is provided and then some concluding remarks are drawn.

1. COMPLIANCE WITH EUROPEAN WASTE LEGISLATION

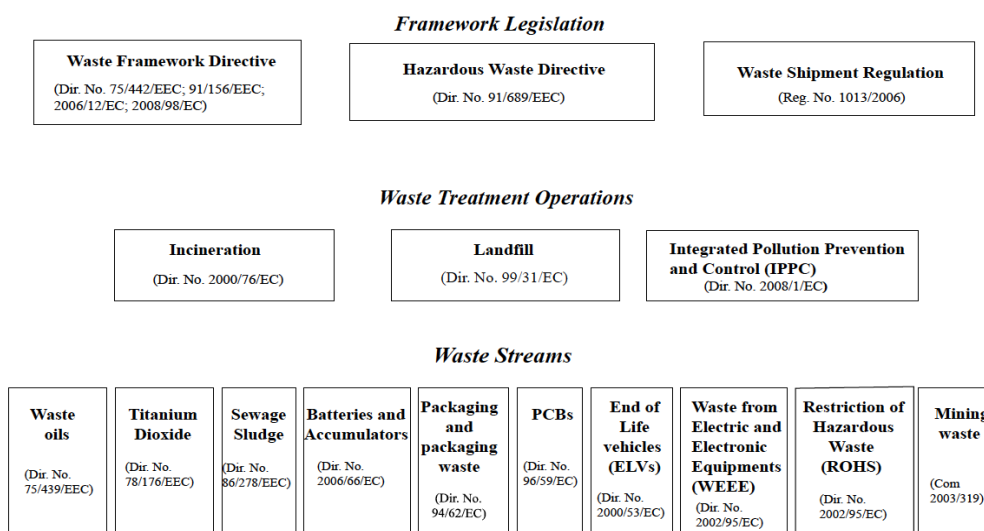
Since the Treaty of Rome of 1957, the European Union has increasingly defined principles and objectives aimed at the protection of the environment and, by the time of the EU negotiations for Accession with Hungary and Poland in mid-1990s, this legislation consisted of approximately three hundred pieces of

³ I would like to thank all the Hungarian and Polish interviewees who have been available to share their own experiences and knowledge on the process of implementation of the three European directives in Hungary and Poland. I would also like to thank the *Centrum Europejski* in Natolin (Warsaw) and especially Mr Marian Stasiak who have provided me with the accommodation in the College of Europe's Campus during my visits to Poland. Finally, I would like to thank Ireneusz Krause, Malgoszata Wisniewska, Iwona Kuraszko and Zsófia Gelencsér who have been my interpreters during my fieldworks in Poland and Hungary between 2012 and 2013 and Nora Toth who has translated from Hungarian to Italian the opinions of the OKT considered in this article.

legislation and accounted for eighty percent of the overall EU legislation that had to be adopted and implemented by these two candidate countries at the time of their Accession to the EU. Within the sectors of environmental protection, waste management has increased in importance because of the amount of waste generated every year by European Members and for the effects of its bad management in non-conform landfills or illegal dumping sites which could harm both human beings and the environment.

In addition to the European Treaties, the European Union has also defined a number of directives and regulations on waste management and treatment which follow three main elements: firstly, a *framework legislation* for waste management which is comprised of the Waste Framework directive (and amended versions), the Hazardous Waste directive and the Regulation on Waste Shipment. Secondly, the EU defines legislation concerning *waste treatment operations* which also set requirements to be followed by treatment facilities thus comprising the directives on Landfill, on Incineration and the IPPC directive which established that industrial and agricultural activities with a high pollution potential have to have a permit. Thirdly, the EU developed a specific legislation for each of the *waste streams* such as waste oils, sewage sludge, batteries and accumulators, mining, packaging and packaging waste, PCB and PCT, restrictions on hazardous waste, waste from the titanium dioxide industry, from end-of-life-vehicles and from electric and electronic equipment. Figure 1 summarises the legislation on waste adopted by the EU.

Figure 1 – Summary of the European waste legislation



Source: European Environmental Bureau, 2005, 86

As mentioned in the Introduction, the directives considered in this article to measure the implementation performances of Hungary and Poland are the Waste Framework directive, the Landfill directive and the Packaging and Packaging

Waste directive. These three directives have been selected because they cover the three main elements of European waste legislation (i.e. framework legislation, treatment operations and streams). The Waste Framework directive set a general frame for the principles relating to the treatment and disposal of legislation. Instead, it collects data on the problems and the delays in the transposition and implementation of the European legislation by the EU Member States. The Landfill directive set general rules for the treatment of municipal waste in landfill disposal sites and standards for the disposal sites considered in operation (e.g. to prevent soil contamination) and those closed (e.g. the after-care of the site).

The Packaging and Packaging Waste directive regulated the waste stream of packaging⁴ by defining what should be considered as packaging waste and the operations for the treatment of this type of waste (recovery, recycling and reuse). These three directives have also been selected for practical reasons because they all contain requirements which have been monitored by the European Commission throughout the decade under examination.

Scholars have widely analysed the implementation of the European directives by relying on the European Court of Justice (ECJ) Infringement Database. This Database, however, rather than measuring the compliance with the European requirements, it focuses on non-compliance in the transposition and implementation of the European directives at national level. This Database in fact does not consider the national measures defined to implement the European legislation by the EU Member States. Moreover, it catalogues the data on the infringement procedures initiated by the European Commission and the ECJ. In these procedures, however, Commission and ECJ could prosecute only the Member States which have failed to fulfil specific obligations under the EU Treaties,⁵ but not candidate countries.

To account for the compliance performances of Hungary and Poland with the European legislation, I have relied on the data contained in the Annual Monitoring Reports (for the years 1999-2003) and the Tri-Annual Reports (for the years 2004-2009) elaborated by the European Commission over the decade taken into consideration. The structure of the Annual Regular Reports followed those of the Chapters into which the European policies had been divided in the light of the

⁴ The European Packaging and Packaging Waste directive ruled over the packaging waste defined at European level as “made of a variety of materials including: paper and cardboard; wood; plastic; metal; glass” (Eurostat webpage).

⁵ The Article 258 of the Treaty on the Functioning of the European Union set that “if the Commission considers that a Member State has failed to fulfil an obligation under the Treaties, it shall deliver a reasoned opinion on the matter after giving the State concerned the opportunity to submit its observations. If the State concerned does not comply with the opinion within the period laid down by the Commission, the latter may bring the matter before the Court of Justice of the European Union”. For further details on the infringement procedure, see also http://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/index_en.htm.

Accession of candidates from Central and Eastern Europe together with Malta and Cyprus. Each section of these Reports measured progress in the adoption and implementation of the relevant Chapter's directives and requirements. The Tri-Annual Monitoring Reports instead focused on compliance with specific directives which contained monitoring and reporting obligations and which generally concerned environmental issues.⁶ The information collected in these Annual Reports and in the Tri-Annual Monitoring Reports has been gathered through national questionnaires that Hungarian and Polish governments had to send annually or every three years to the Commission.

1.1. The six European waste requirements

As previously mentioned, the three directives under consideration in this article are the Waste Framework, the Landfill and the Packaging and Packaging Waste directives. In order to measure the performance of Hungary and Poland, I have selected two requirements contained in each of these three directives, which have been considered by the European Commission as measures proper to the "implementation" phase, in contrast to those measures considered part of the "transposition" phase.⁷ While the Annual Monitoring Reports do not distinguish between measures of "transposition" and of "implementation" but monitor single requirements contained in the European directives, this distinction is clearly outlined in the national questionnaires that Member States have to send every three years to the Commission which are then summarised in the Tri-Annual Monitoring Reports. Table 1 below summarises the selected requirements for each of the three European directives under examination in this article.

⁶ For a list of the European environmental directives containing reporting obligations, see Annexes 1-6 of Directive No. 91/692/EEC (<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31991L0692&from=EN>).

⁷ Different European documents have considered the implementation of European environmental directives as a process that encompassed different stages: the transposition, the practical implementation and the enforcement (Annex II of the Communication on Implementing Community Environmental law of 1997; Annex 4 of the Guide on the Approximation of European Environmental Legislation of 1997). The first stage of "transposition" required candidate countries and EU Members adopted or changed their national laws, rules and procedures to facilitate the full incorporation of the EU law into the national legal order. The stage of "practical application" required candidate countries and Members to "provide institutions and necessary budgets to carry out the laws and regulations" while the third phase of "enforcement" required candidates and Members to "provide the necessary controls and penalties to ensure that the law was fully and properly complied with" (Annex II of the Communication on Implementing Community Environmental law of 1997; Annex 4 of the Guide on the Approximation of European Environmental Legislation of 1997). The national questionnaires on which have been based the Tri-Annual Monitoring Reports, however distinguished only between the stages of "transposition" and "implementation" considering this last stage inclusive of both "practical implementation" and "enforcement" phases.

Table 1 – The six European requirements

Requirements	Directive of reference and specific articles	
(1) The establishment of National, Regional and Local Waste Management Plans	<i>Waste Framework directive</i>	“The competent authority [...] shall be required to draw up as soon as possible one of the several plans relating to, in particular: the type and quantity of waste to be disposed of, general technical requirements, suitable disposal sites, any special arrangements for particular wastes” (Art. 6, Dir. No. 75/442/EEC; Art. 7, Dir. No. 91/156/EEC and 2006/12/EC; Art. 28, Dir. No. 2008/98/EC).
(2) The development of an integrated network of waste disposal installations	<i>Waste Framework directive</i>	“Member States shall take appropriate measures, in cooperation with other Member States where this is necessary or advisable, to establish an integrated and adequate network of disposal installations, taking account of the best available technology not involving excessive costs. The network must enable the Community as a whole to become self-sufficient in waste disposal and the Member States to move towards that aim individually, taking into account geographical circumstances or the need for specialized installations for certain types of waste” (Art. 5, Dir. No. 91/156/EEC). “The network referred to in paragraph 1 must enable waste to be disposed of in one of the nearest appropriate installations, by means of the most appropriate methods and technologies in order to ensure a high level of protection for the environment and public health” (Art. 5, par. 2, Dir. No. 2006/12/EC; Art. 16, Dir. No. 2008/98/EC).
(3) The definition of the strategy to reduce the amount of biodegradable waste sent into landfills	<i>Landfill directive</i>	“Member States shall set up a national strategy for the implementation of the reduction of biodegradable waste going to landfills [...] and notify the Commission of this strategy” (Art. 5, par. 1, Dir. No. 1999/31/EC).

<p>(4) The modernisation of operating sites and closure/after-care of the obsolete landfill disposal sites</p>	<p><i>Landfill directive</i></p>	<p>“Member States shall take measures in order that landfills which have been granted a permit, or which are already in operation at the time of transposition of this directive, may not continue to operate unless the steps outlined below are accomplished [...]: the operator of a landfill shall prepare and present to the competent authorities, for their approval, a conditioning plan for the site [...]; following the presentation of the conditioning plan, the competent authorities shall take a definite decision on whether operations may continue on the basis of the said conditioning plan and this directive. Member States shall take the necessary measures to close down as soon as possible, in accordance with Article 7(g) and 13, sites which have not been granted, in accordance with Article 8, a permit to continue to operate; on the basis of the approved site-conditioning plan, the competent authority shall authorise the necessary work and shall lay down a transitional period for the completion of the plan. Any existing landfill shall comply with the requirements of this Directive” (Art. 14, Dir. No. 1999/31/EC).</p> <p>“Member States shall take measures in order that, in accordance, where appropriate, with the permit: a landfill or part of it shall start the closure procedure [...]; a landfill or part of it may only be considered as definitely closed after the competent authority has carried out a final on-site inspection, has assessed all the reports submitted by the operator and has communicated to the operator its approval for the closure. This shall not in any way reduce the responsibility of the operator under the conditions of the permit; after a landfill has been definitely closed, the operator shall be responsible for its maintenance, monitoring and control in the after-care phase for as long as may be required by the competent authority, taking into account the time during which the landfill could present hazards [...]; for as long as the competent authority considers that a landfill is likely to cause a hazard to</p>
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		the environment and without prejudice to any Community or national legislation as regards liability of the waste holder, the operator of the site shall be responsible for monitoring and analysing landfill gas and leachate from the site and the groundwater regime in the vicinity of the site” (Art. 13, Dir. No. 1999/31/EC).
(5) The development of measures to encourage packaging re-use, set up systems for collection, recovery and recycling of packaging	<i>Packaging and Packaging Waste directive</i>	“Member States shall take the necessary measures to ensure that systems are set up to provide for: the return and/or collection of used packaging and/or packaging waste from the consumer, other final user, or from the waste stream in order to channel it to the most appropriate waste management alternatives; the reuse or recovery including recycling of the packaging and/or packaging waste collected, in order to meet the objectives laid down in this directive. These systems shall be open to the participation of the economic operators of the sectors concerned and to the participation of the competent public authorities. They shall also apply to imported products under non-discriminatory conditions, including the detailed arrangements and any tariffs imposed for access to the systems, and shall be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty” (Art. 7, Dir. No. 94/62/EC).
(6) The development of economic instruments to promote the fulfilment of the reuse, recovery and recycling of packaging waste	<i>Packaging and Packaging Waste directive</i>	“Acting on the basis of the relevant provisions of the Treaty, the Council adopts economic instruments to promote the implementation of the objectives set by this Directive. In the absence of such measures, the Member States may, in accordance with the principles governing Community environmental policy, inter alia, the polluter-pays principle, and the obligations arising out of the Treaty, adopt measures to implement those objectives” (Art. 15, Dir. No. 94/62/EC).

Source: Author’s elaboration

To evaluate the degree of compliance of Hungary and Poland in these six requirements, I have coded the performances on a 0 to 3 compliance scale where 0 corresponds to the absence of any measure, while 3 denotes the full compliance with all the measures. The specific scale considered to measure compliance is summarised in Table 2.

Table 2 – The compliance scale for the six requirements

Scale	Compliance degree	Reference to the six requirements
0	<i>Not present</i>	None of the six requirements are established at national level.
1	<i>Present but not compliant</i>	Some of the requirements have been addressed but they have not been adopted yet at national level.
2	<i>Present and partially compliant</i>	Some of the requirements are established at national level, but the European Commission considers that further efforts are needed to be in line with the EU legislation.
3	<i>Present and fully compliant</i>	All the requirements are established and are considered fully in line with the EU legislation.

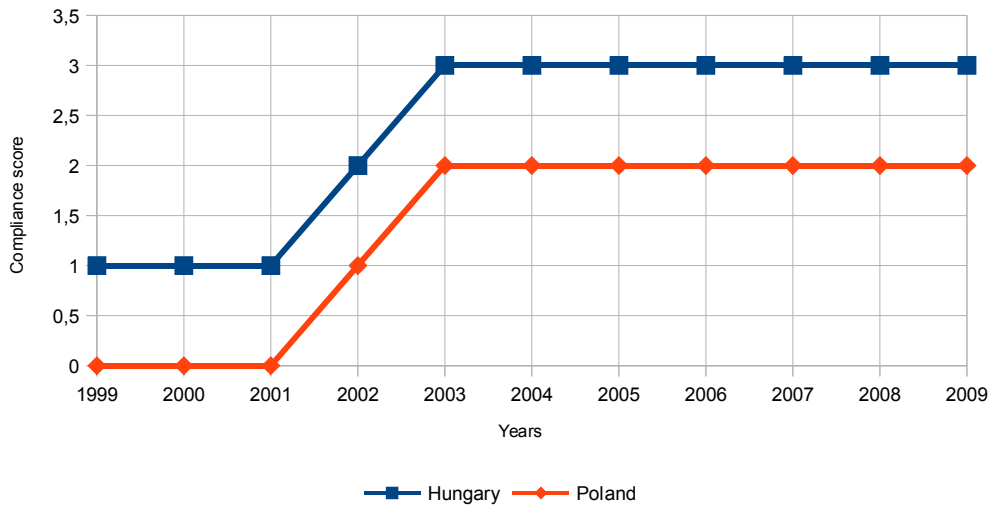
Source: Author's elaboration

1.2. The performances of Hungary and Poland

The process of Accession to the European Union and the implementation of European waste legislation has been a difficult task for Hungary and Poland. On the one hand, the opening up to the markets and the growing phenomenon of consumerism due to the economic reforms of the 1990s have contributed to an increase in the amount of waste generated (Hicks, 2001). On the other hand, as emphasised also by monitoring reports elaborated by the European Commission, by the time of the Accession negotiations both countries had almost non-existent legislation on the issue and lacked proper infrastructures for the enforcement and inspection of the requirements at local levels. As mentioned earlier, the European Commission has monitored the compliance of Hungary and Poland with the European directives on Waste Framework, Packaging and Packaging Waste and Landfill through the elaboration of Annual Regular Reports in the period of their

negotiations (1998-2003) and, since 2004 as Members of the EU, through Tri-Annual Reports (2004-2009). The starting situation reported by the Commission in the Screening Reports of 1999 and in the Annual Monitoring Reports for Hungary and Poland was characterised by similarities in terms of partial compliance in the six requirements. However, the performance of these two countries has increasingly differed over the years: Hungary has gradually but fully adopted all the six requirements contained in the three Directives while Poland has only partially complied with them. Figure 2 summarises the performances of these two countries over the period 1999-2009.

Figure 2 – Performance of Hungary and Poland in the waste sector



Key: 0 = not present; 1 = present but not compliant; 2 = present and partially compliant; 3 = present and fully compliant

Source: Author's elaboration

Figure 2 summarises the compliance performances of Hungary and Poland in terms of average score in the six requirements for every year between 1999 and 2009. As regards the requirement for the *establishment of National, Regional and Local Waste Management Plans*, the data show that at the beginning of the negotiations for EU Accession in 1999, neither Hungary nor Poland had yet established waste plans or networks of disposal installations. The situation however changed rapidly in early 2000s when both countries started to adopt measures aimed at aligning national legislation with that of Europe: in 2000 Hungary adopted the Act on Waste Management in which were defined provisions for the management of municipal solid waste while, in 2001, Poland started the preparations for the adoption of the National Waste Management Plan. Then, at the beginning of 2003, National and Regional Waste Management Plans were adopted and entered into force in Hungary and Poland. Further, in 2004, Hungary adopted Local and

Individual Waste Management Plans while Poland did not adopt them. As regards the *development of integrated networks of waste disposal installations*, Hungary had established them from 2001 while Poland established them only in 2003, with the definition of the National Waste Management Plan.

In the requirements linked to the *definition of the strategy to reduce the amount of biodegradable waste sent to landfills*, by 2001, Hungary had established a ban on landfilling for specific materials such as biodegradable/organic waste which instead had to be composted. Moreover, in 2004, Hungary adopted a national strategy while the Regional and Local Waste Management Plans contained objectives for the development of biodegradable waste treatment. Poland instead lagged behind in the adoption of a biodegradable strategy: only in 2006 did it start the implementation of the strategy and, thus, the construction of the installations for the treatment of biodegradable waste. In terms of *modernisation of operating sites and closure/after-care of the obsolete landfill disposal sites*, the Annual Reports for Hungary reported in 1999 the construction of new modern disposal sites but also the weak compliance of already existing ones. The situation changed in 2003 after the adoption of the Hungarian National and Regional Waste Management Plans which set the total number of disposal sites in each region (six) and in the whole country (a hundred) and the closure and after-care of the old and non-conforming sites by 2009. In Poland, the 2002 Annual Monitoring Report specifically mentioned the need for further efforts to improve compliance in the waste sector and specifically a closer attention to the adoption of the National and Regional Waste Management Plans and the upgrading of landfills. Moreover, according to the data reported in the Polish national questionnaire for the years 2004-2006, only forty percent (40%) of the existing landfill sites were compliant in the year 2006 and the subsequent questionnaire for the years 2007-2009 did not record modifications in the implementation of the requirements on the closure and after-care of old and obsolete Polish landfill sites.

As regards compliance with the requirements concerning packaging waste management and particularly the *development of measures to encourage packaging reuse, set up systems for collection, recovery and recycling of packaging* and the *development of economic instruments to promote the fulfilment of the reuse, recovery and recycling*, Hungary was front-runner in comparison to Poland. Since the mid-1990s, Hungary had defined measures and legislation on packaging with the adoption of the Product Fee Act (Act LVI of 1995) which established the environmental product fee that had to be paid by the producers of specific waste streams such as batteries, packaging and tyres. In addition, since the 1990s, Hungary had established a collection system and a deposit refund system on glass and plastic bottles. Moreover, the Hungarian questionnaires reported the adoption of implementing legislation for packaging waste and the establishment of collecting systems for packaging waste. These collecting systems could either be managed individually by industries or by coordinating organisations which, upon the payment of a license fee, would organise the collection, recovery and recycling of packaging waste. Additionally,

with the Decree on Packaging and Packaging Waste of 2002, the two economic instruments ran in parallel: enterprises which put packaged goods on the market could either choose to pay a product charge to the government or reach the recovery rate set in the legislation and pay a reduced product charge to the government (i.e. twenty-five percent of the overall charge).

Between 2001 and the end of 2002, Poland adopted a number of acts and measures on the management of packaging waste such as the Regulation of the Council of Ministers (No. 69, item 719 of 2001) in which were set the annual levels for recovery and recycling. A law was adopted on the products and deposit charges for those economic operators managing certain types of waste (No. 63, item 639 of 2001) and an Act on Packaging and Packaging Waste (No. 63, item 638 of 2001) was approved. In addition, from 2002, a system of separate collection for reuse and recovery of packaging (ETCRWM, 2006) was created. However, a report conducted by the German consultancy BIPRO on waste management in Poland and reports from the business association PRO-Europe highlighted the existence in Poland of a “limited collection infrastructure for packaging waste” (BIPRO, 2011) and specifically an insufficient scheme for the selective collection of packaging waste originating from households (PRO-Europe, 2011). According to these reports then, further efforts needed to be made by Poland in the separate collection of packaging waste in order to fulfil the requirements and achieve the EU recovery and recycling targets (BIPRO, 2011; PRO-Europe, 2011).

Differences in the paths of compliance have then characterised the performance of Hungary and Poland in their process of implementation of the three European waste-related directives. As mentioned in the Introduction, the concept of “policy style” has been defined in the literature by referring to the institutional and legal characteristics of a country and to the involvement/relationship between domestic actors (Richardson, 1982). However, when analysing the impact of the “policy style” on the policy outcomes, differences in the institutional/legal characteristics and/or in the involvement of domestic actors may arise which may ultimately impact not only on the policy outcome but also on the policy compliance. It is thus possible to hypothesise that differences in the compliance performance of Hungary and Poland with the six requirements contained in the three European waste directives might have been linked to the existence of different “policy styles” in these two countries.

1. THE LEGAL FRAMEWORK OF ENVIRONMENTAL POLICY-MAKING IN HUNGARY AND POLAND

Since the mid-1960s, the need for cooperation in environmental decision-making has been recognised by different United Nations (UN) Conventions. These Conventions have then been ratified and transposed into specific European directives on

public participation which have had to be adopted and implemented by the EU Member States and candidate countries.

2.1. International and European legal and institutional settings on environmental public participation

International legislation has infrequently explicitly addressed the issue of the cooperation between public authorities and stakeholders in the environmental sector (Jendroška, 1998). The most important documents granting stakeholders the right of cooperation with governments have been the Declaration on Environmental Development and Agenda 21, both adopted during the United Nations Conference of Rio de Janeiro in 1992 as well as the Guidelines on the Access to Environmental Information and Public Participation in Environmental decision-making adopted in 1995 during the meeting of the United Nations Economic Commission for Europe in Sofia (Jendroška, 1998). These documents, however, did not include an integrated approach to the issue which was finally defined in the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (also known as the Aarhus Convention), adopted in 1998 at Aarhus, in Denmark, during the Fourth Ministerial “Environment for Europe” Conference. In the Aarhus Convention, in particular, international and European public authorities recognised the importance of environmental cooperation among different stakeholders which would positively influence the achievement of “a better environment for future generations” (UN, 2000). This Convention was structured as a three-pillar system (i.e. access to information, public participation and access to justice) and each pillar was dependent on the others (UN, 2000). The second pillar on public participation, in particular, established a minimum set of requirements (e.g. effective notice, adequate information, proper procedures, proper consideration of the outcome of public participation) for the participation and involvement of stakeholders to decision-making and cooperation with public authorities (UN, 2000).

At European level, however, until Council Decision No. 2005/370/EC on **the conclusion of the Aarhus Convention**,⁸ the European Union had adopted **only specific legislation separately implementing the three pillars of the Convention. In particular**, the Environmental Impact Assessment (EIA) directive adopted in 1985 (No. 1985/337/EEC) has been the first European directive that recognised the need for public participation in environmental decision-making. This directive, amended three times (No. 97/11/EC; 2003/35/EC; 2009/31/EC) and codified in 2011 (No. 2011/92/EC), required the preparation of a report—the Environmental Impact Assessment—before the development of projects and required the exchange of information and

⁸ For details on the Council Decision concerning the Aarhus Convention adopted in 2005, see <http://ec.europa.eu/environment/aarhus/legislation.htm>.

consultation between the environmental authorities, the citizens and the affected Member States.

2.2. The Polish and Hungarian legal settings on environmental public participation

Until the start of the EU Accession negotiations in 1998, only the Polish Constitutions and a few legal acts mentioned a general right of public consultation. The Polish Constitution of 1997 recognised “only one route for public input at national level” in the election of representatives in the Lower Chamber of the Parliament i.e. the *Sejm* (Art. 87, par. 2). In addition, the National Environmental Policy of 1991 recognised the principle of “active participation of individual citizens and associations in the process of environmental protection” (Jendroška, 1998, 71). Specific Polish statutes, such as the Land Use Act of 1994, also required mandatory consultations on a “limited range of items” (e.g. for the adoption of the land use plans) whereas for environmental and nature protection issues it was mandatory to “hear the opinion of the State Nature Protection Council [...] and of the State Council on Environmental Protection” (Jendroška, 1998, 68). Moreover, according to the Polish Environmental Protection Act (hereafter also PEPA) of 2001, different stakeholders could get involved in the process of law drafting and decision-making. Furthermore, the internal Regulation of the Council of Ministers stated that draft norms should have been accompanied by a justification which included discussion of the consultations (Art. 9, par. 1, Decree of the Council of Ministries, 1997).

As in the Polish case, Hungarian legislation also did not recognise a general right of participation in the drafting of laws. Nevertheless, specific statutes recognised the creation of advisory bodies for public consultation such as the Hungarian Environmental Protection Act No. LIII of 1995 (Rose-Ackerman, 2005). Unlike Poland, however, in 1987 the Hungarian Communist government adopted the Law on Normative Acts (No. XI) which defined the procedures for issuing governmental decrees and contained a number of requirements on public participation in policy-making. In Article 19, this Law recognised that “citizens directly—or through their representatives” could “participate in the preparation and creation of legal regulations [...] affecting their daily life” (Rose-Ackerman, 2005, 147). According to Jendroška (1998), Article 20 of this Law took “a step further” (Jendroška, 1998, 207) by recognising that before the promulgation of a decree, different bodies such as “executive organisations, social associations and trade unions” had to be involved in the preparation of draft legislation which affected the represented interests or “their social relations” (Jendroška, 1998, 207 and also Rose-Ackerman, 2005, 147). Despite its potentiality, however, according to Rose-Ackerman (2005) this Law “was never taken into account by groups seeking to participate in the decision-making” who instead considered it as mere “internal orders to the bureaucracy and the ministries” (Rose-Ackerman, 2005, 148).

In Poland the environmental public participation had already been institutionalised during Communist times. Since 1985, it had been created the State Council for

Environmental Protection (*Państwowa Rada Ochrony Środowiska*, hereafter PROS) as an environmental consultative body directly reporting to the Prime Minister. Nevertheless, the main reason for the creation of the PROS was conceived as “political propaganda” by the regime concerning environmental protection (interview 38). In 1990, it became an advisory council to the Minister of the Environment and, in 2001, it was specified in the PEPA (at Art. 387-393) as an advisory council to the Minister of Environment which could elaborate opinions on environmental matters.

Public participation in environmental decision- and draft-making was institutionalised in Hungary in the Hungarian Environmental Protection Act (hereafter also HEPA) of 1995. This Act had been under discussion since 1992 and in 1994 it had been subject to a legislative stalemate among the different political parties. Then, a group of green activists led by the *Göncöl* Foundation⁹ offered a compromise between the different political parties (interview 19) and the Act was finally approved in 1995 (Hajba, 1995). The footprint of the environmental non-governmental organisations (hereafter NGOs) in the adoption of the HEPA has been marked by the introduction of channels of direct participation in phases of draft- and decision-making for environmental legislation. In fact, at Article 10, the HEPA stated that “state organs, local governments, natural persons and their organizations, business organizations and the organizations safeguarding the interests of all the above, as well as other institutions, shall co-operate in the protection of the environment” and also that “the right and responsibility to co-operate shall extend to all phases of achieving the environmental objectives” (Art. 10, par. 1 and 2). Furthermore, recognizing that the creation of environment and sustainability advisory boards could be relevant in the work of the government, at Article 45, the HEPA institutionalised cooperation among different stakeholders through the establishment of the National Council on Environmental Protection (in Hungarian: *Országos Környezetvédelmi Tanács*, hereafter OKT).

3. THE ENVIRONMENTAL STAKEHOLDERS’ CONSULTATION AND INVOLVEMENT IN HUNGARY AND POLAND

As mentioned in the Introduction, in addition to specific legislation and institutional settings, the style of policy-making could also be defined by the effective involvement and consultation of different stakeholders. Before analysing in detail the policy-making styles developed in Hungary and Poland, however, it is necessary to identify the stakeholders who could be consulted and involved in Hungary and Poland. Different approaches have focused on the stakeholders

⁹ For details on this Foundation, see http://www.goncol.hu/indexb35c.html?menu_id=448.

having a say in the decision-making process.¹⁰ Among those scholars focusing on compliance, the concept of “veto players” has been previously mentioned, and attributed by some scholars (for example see, Green Cowles *et al.*, 2001; Börzel and Risse, 2000; Heritier, 1999; Haverland, 2000; Schmidt, 2001; Schimmelfennig and Sedelmeier, 2005; Liefferink and Jordan, 2005) to private and societal actors (e.g. business representatives and NGOs) who could block or delay policy changes. Other scholars, however, have considered as “veto players” institutional (i.e. president, chamber) and partisan (i.e. parties) actors (Tsebelis, 1995) or interest groups within specific policy areas (Heritier *et al.*, 2001). For the purposes of this article, however, the definition of this group is delimited to those actors involved in the implementation of the European legislation on waste as well as those actors directly involved in the management and treatment of municipal and packaging wastes in Hungary and Poland.

In the municipal waste management, Hungarian and Polish legislation recognise municipalities, local authorities and associations of municipalities and local authorities as key responsible bodies for organising the collection and treatment of municipal waste. However, the effective operation of collecting and treating municipal waste is pursued by waste-collecting companies which can be public, semi-public or private. From the early 1990s, the municipal waste collection and treatment system of Hungary has gradually been divided between subsidiaries of private multinational companies, a few big municipal companies, small municipal companies owned by towns, villages or cooperatives and joint-ventures between multinationals and municipal companies (interview 39). In Poland, from the early 1990s the system has been divided between municipal waste-collecting companies, private multinational companies which set their own subsidiaries or acquired partial shares or total buyouts of municipal waste management companies and Polish family businesses (interview 18).

In the management of packaging waste, since the end of the Communist regime and the establishment of the market based economy system, multinational and private firms have been established in Hungary and Poland. In particular, major international producers of beverages such as Coca-Cola or packaging material such as Tetra-Pack have set up a number of factories in these two countries. According to the polluter pays principle, these producers of packages are responsible for the treatment of the packaging put on the market and they have to attain specific recovery and recycling targets. In the Hungarian system, producers can choose between paying directly a product charge to the government or a fee to the recovery organisations (ROs) which would organise the collection, recovery and recycling of packaging waste on their behalf. The first recovery organisation established in Hungary was Okö-Pannon, founded in 1996 as the first public utility

¹⁰ The concept of “stakeholder” was first used in 1963 by Stanford Research Institute’s Long Range Planning Service. Then, the concept was elaborated by Edward Freeman as part of the theory on a firm and of “strategic management”. For more details, see R. Thorpe and R. Holt, *The SAGE Dictionary of Qualitative Management Research*, 2008.

responsible for the coordination of the collection and recovery of packaging waste which started its operations in January 2003 (EXPRA website; PRO-Europe website). In the Polish system producers of packaging could choose between three options: they could pay directly the product fee, they could attain on their own the recovery and recycling targets or they could pay a licence fee to the ROs and delegate to them the collection, recovery and recycling of packaging waste. The first RO established in Poland for the fulfilment of the packaging requirements was REKOPOL which was been founded in 2001 and it has been in full operation since 2002.

In Hungary and Poland, business actors have also been organised in associations. In Hungary, municipal waste-collecting companies have been represented by the Association of Public Service Providers (in Hungarian: *Köztisztasági Egyesülés*) which, since its creation in 1972, has organised events and workshops but, mostly has lobbied in the Ministries, Parliament and at local levels on behalf of the municipally-owned waste-collecting companies. Moreover, since 1990, Hungarian packaging manufacturers, distributors and enterprises have established the Hungarian Association of Packaging and Material Handling (in Hungarian: *Csomagolási és Anyagmozgatási Országos Szövetség*, hereafter also CSAOSZ) while packaging producers and fillers have been associated members of the Association of Environmental Enterprises (in Hungarian: *Környezetvédelmi Szolgáltatók és Gyártók Szövetsége*, hereafter KSZGYSZ). Furthermore, they have also been members of business associations representing specific packaging materials such as the Beverage Carton Environmental Services Association (in Hungarian: *Italos Karton Környezetvédelmi Szolgáltató Egyesülés*, hereafter IKSZ). The Hungarian recycling companies were instead grouped from 1995 in the National Association of Recyclers (in Hungarian: *Hulladékhasznosítók Országos Egyesülete*, hereafter HOE).

In Poland, since 2003, waste collecting companies have been organised in two Chambers of Commerce which operate as lobbies: the Polish Chamber for waste management (in Polish: *Polska Izba Gospodarki Odpadami*, hereafter PIGO) and the National Chamber for waste management (in Polish: *Krajowa Izba Gospodarki Odpadami*, hereafter KIGO). Polish recycling companies were also organised from 1999 in the Recycling Chamber (in Polish: *Ogólnopolska Izba Gospodarcza Recyklingu*, hereafter OIGR). Moreover, in 1995, the Polish Industrial Coalition Association for environmentally friendly packaging was created (in Polish: *Stowarzyszenie Polska Koalicja Przemysłowa na Rzecz Opakowań Przyjaznych Środowisku*, hereafter EKO-PAK) which represented and lobbied for Polish and international packaging producers and fillers.

Moreover, since the end of 1980s, environmental civil society movements and NGOs have been established in Hungary and Poland. Already before the changes in the regime in Hungary, the “disastrous state of the environment” (Hajba, 1991) raised concerns among Hungarians who started to organise themselves in environmental pressure groups such as the Green Future Group established in

1978 (Hajba, 1993), the Danube Circle in 1984 (interview 8; Hajba, 1993) and the Air Working Group in 1988 (Hajba, 1993). In Poland, in contrast, for a long time the only environmental group recognised by the Communist regime was the League for the Protection of Nature created in 1928. Moreover, general Polish discontent with the Communist regime which led to the creation of the Solidarity movement of Lech Wałęsa in early 1980s, also influenced the establishment of new environmental protection groups (Jasinski and Lawton Smith, 1999). On the one hand, the Communist regime attempted to channel this environmental discontent through the establishment of the Patriotic Movement for the National Rebirth of 1982 and, within this, the Social Ecological Movement of 1986. On the other hand, independent ecological groups were also established of which, the Polish Ecological Club (in Polish: *Polski Klub Ekologiczny*, hereafter PKE) has been the most important.¹¹

After the change of regime in the late 1980s, Hungarian and Polish green movements became important political actors. In Hungary, environmental experts from the green movement went into politics in different political parties and lobbied for the adoption of environmental protection legislation (interviews 8, 9). In Poland, the importance of environmental protection was already recognised in 1989 when, within the Round Table Talks, a special Ecological Round Table was established for discussions on the environment (interview 11). Additionally, since the mid-1990s new groups have been created in Hungary and Poland to promote environmental education at national and local levels in all the different fields of environmental protection including waste management. In Hungary, local NGOs such as the Reflex Environmental Association in Győr, the Green Circle in Hajdúböszörmény, *Emisszió* and *Csemete*¹² and the national Humusz Waste Prevention Alliance¹³ (hereafter HUMUSZ) have devoted their activities to waste issues. In Poland, in 1994 it was established the regional environmental group Green Mazovia which operated in the surroundings of Warsaw and, in the same year, following the start of Poland's "Clean up the World" campaign¹⁴ the national

¹¹ In addition to the PKE established in 1981 there were the Ecological Movement of Saint Francis, created by the Catholic clergy with the aim of developing the environmental information (Hicks, 1996), the group "I prefer to be" which organised ecological camps for young people and the group Liberty and Freedom characterised as a pacifist and anti-military movement.

¹² For more information on the local Hungarian NGOs dealing with waste issues, see for Reflex: <http://reflexegyesulet.hu/> (in Hungarian); for the Green Circle: <http://www.zoldkor.net/english/index.html>; for Emisszió: <http://www.emisszio.hu/hulladekgazdalkodas> (in Hungarian); for Csemete: <http://www.csemete.hu/> (in Hungarian).

¹³ HUMUSZ has been established in 1995 by five Hungarian environmental protection organisations and since then it has worked to promote activities aimed at preventing and reducing the production of waste as well as "environment conscious solutions and lifestyle examples". For more information on HUMUSZ, see <http://www.humuszu.hu/english/one-day-you-will-end-humuszu-anyway/721>.

¹⁴ "Clean Up the World" is an international environmental campaign that aims at inspiring and empowering local communities to clean up, fix up and conserve their local

group Foundation Our Earth was also founded, which has promoted different educational activities concerning the recycling of waste (interview 37).

3.1. Hungary: multi-lateral and cooperative model

Hungarian environmental legislation has been defined through parliamentary acts which could be either codex-type or framework-type. The former defined the key objectives, responsibilities and deadlines. The latter, instead, established the objectives and goals but required the adoption of implementing governmental and ministerial decrees specifying the responsibilities and the system to achieve these goals (interview 12). Hence, the consultation on the environmental drafts could occur at ministerial (for the implementing decrees) and at parliamentary (for the codex-type acts) levels and the participation of stakeholders could take place within advisory councils to the Ministry of Environment, parliamentary committees dealing with environmental issues and also through direct contacts with employees in the Ministry of Environment or Members of Parliament (hereafter also MPs)

3.1.1. The Hungarian consultations within environmental advisory bodies and committees

In Communist times, it was common practice for Ministries to have advisory bodies established on personal bases by each Minister (interview 1). This practice however changed after the adoption of the HEPA in 1995 which, as mentioned earlier, gave importance to cooperation among different stakeholders dealing with environmental issues. Moreover, this Act established also the OKT, the National Council on Environment, created in 1996, which was defined as an “advisory and consultant body of the Government” (Sect. 45, par. 2). However, the effective status of the OKT was of “alien to the system” (interview 2) because it was established as a transversal body which worked in cooperation with the Ministry of Environment but was not subordinated to any specific Ministry or State administration (interviews 1, 2, 19). The OKT had to be consulted by the government and Ministries “on the matters of principle of various environmental programmes, on the legal rules and decisions related to environmental protection and on other issues related to environmental protection” (Art. 45, par. 2, HEPA). At Article 45, the HEPA established the total number of OKT members at twenty-two including the Minister of Environment. The general representative principle however was not defined in the HEPA but by the Secretary of the OKT, Professor Miklos Bulla who, appointed by the Minister of Environment for this task, established that each of the three fields could appoint seven representatives i.e. seven from the academia, seven from business and seven from the NGOs. Despite the fact that the Minister of Environment was appointed by law as a member of the OKT, the selection process within the Council removed from the government any role in appointing members (Rose-Ackerman, 2005). The

environment. For further details on this campaign, see <http://www.unep.org/Documents.Multilingual/?DocumentID=390&ArticleID=4432>.

selection of members was, in fact, established by specific rules set independently by each of the three fields¹⁵ (interview 1).

From a procedural point of view, the Ministry of Environment, other Ministries or the government were obliged to ask to the OKT for an opinion on environmental legislation otherwise such a draft could be declared invalid.¹⁶ Once the OKT received the draft legislation, its members discussed it within Working Groups¹⁷ and then in the plenary sessions and, if the majority of the members agreed on a topic, they elaborated a common opinion which was then sent to the Government (interview 3). Nevertheless, the Government and the Parliament were neither obliged to accept the common opinion elaborated by the OKT in the final text of the governmental/ministerial decrees and parliamentary acts nor to report back to their members as to whether some positions had been effectively taken into account (interviews 3, 23). Despite the lack of specific feedback, however, the opinions elaborated by the OKT have been considered meaningful in the development of the environmental legislation in Hungary (interview 2).

In the waste sector, in particular, the OKT has discussed and elaborated numerous common opinions which have been important for the definition of specific requirements for the management and treatment of municipal and packaging wastes. For example, on 4 March 1998, the OKT adopted a common position concerning the introduction of legislation which could enhance the recovery and recycling of packaging waste in accordance with the European Packaging and Packaging Waste directive. In particular, the common position emphasised the desire of the business representatives to gradually introduce the legislation on the product charge and the need to consider those European systems which could best resemble the Hungarian situation as models. In contrast, the representatives of the NGOs have been in favour of the participation of the OKT in the distribution of environmental product fees. Given the fact that the government and Parliament were not obliged to report back to the OKT, there are no documents specifying whether this OKT common position was taken into account in the final version of the legislation. Nevertheless, this common position has influenced the definition of specific projects which have enhanced Hungarian

¹⁵ In particular, the representatives of the NGOs were elected by the National Gathering of Environmental and Nature Protection Forum which grouped the different environmental groups (interview 2), the representatives of the universities were appointed by the Hungarian Academy of Sciences (HEPA, Sect. 45, par. 3) while the representatives of the business were appointed by the MGYOSZ, the National Association for Hungarian Manufacturers and Industrialists (Rose-Ackerman, 2005).

¹⁶ Instead, the OKT was not involved when a proposition of modification for a new act was proposed by Members of the Parliament even if these concerned the environment (interviews 1, 3).

¹⁷ The OKT has established five Permanent Working Groups dealing with energy, transport, nature conservation and agriculture, water management, waste management and a sixth horizontal Group to deal with the general environmental legal and policy problems (interviews 1, 3).

compliance on packaging waste management. In particular, since 1998 Okö-Pannon has promoted pilot projects to its members. These pilot projects have been considered as precursors of the licence fee system which was further defined in the Governmental Decree 94/2002 on Packaging Waste in which the possibility for producers to transfer to recovery organisations their recovery and recycling obligations upon the payment of a licence fees was officially recognised (interview 23).

A second example of the OKT's influence on initiatives which strengthen the compliance of Hungary with European requirements has been the common position adopted on 1 September 1999 concerning the discussions on the draft of the Waste Management Act. This common position, in particular, emphasised the need to broaden the scope of the definitions and principles contained in the Hungarian legislation in accordance with the criteria established in the European Waste Framework directive such as the proximity principle and self-sufficiency through an integrated network of disposal installations. Also in this case it is not possible to assess whether this opinion directly affected changes in the Hungarian legislation, nevertheless, it has been recognised among experts and scholars that the version of the Waste Management Act adopted on 23 May 2000 fully transposed into Hungarian legislation all the key principles and requirements contained in the European Waste Framework Directive (interviews 23, 21).

Another example of the role of the OKT in boosting Hungarian compliance with the European waste requirements has been the OKT common position adopted on 4 December 2003 concerning the ministerial proposal on the management and treatment of bio-waste. On this issue, in particular, OKT members have called for a redefinition of "green waste" in order to include waste from gardens, green public places and kitchens. They have also strongly recommended a "change in mentality" on "green waste" which had to be considered as a "good" and thus distinguished from general "waste". This distinction, according to the OKT members would thus enhance the composting of such "green goods" rather than its disposal into landfills. Also in this case there are no documents showing the direct impact of the opinion on the Hungarian legislation. Nevertheless, it is true that the National Bio-waste programme adopted in 2004 (and officially launched in 2005) has aimed at reducing the bio-waste disposal through the enhancement of recycling, composting, biogas generation, MBT and thermal utilization (KVVM, 2005) but also at the gradual extension of the system to "garden waste, green waste from public parks, organic kitchen waste" (EEA, 2013) as mentioned also in the OKT opinion.

As mentioned earlier, the consultation of stakeholders in Hungary could also occur at parliamentary level. Since 1990, among the standing committees of the Hungarian Parliament there has been the Environmental Committee which, in the parliamentary period 1990-1994 was particularly active with the development of twenty-three independent proposals (Hajba, 1996). Moreover, it also established

direct links with environmental NGOs and experts through the organisation of “open days” for discussion (Hajba, 1996) and regularly consulted environmental NGOs, associations and clubs (Hajba, 1993). In addition to this Committee, since 2007 the National Council on Sustainable Development (in Hungarian: *Nemzeti Fenntartható Fejlődési Tanács*, hereafter NFFT) has been created as a conciliatory advisory body within the Parliament. The composition of this Council resembles the OKT, with the participation of representatives from the Hungarian Academy of Sciences, the Chamber of Commerce, the churches, trade unions, employers’ organisations, municipal associations, the Federation of Technical and Scientific Societies, the Hungarian rector’s conference, representatives from ethnic minorities and representatives from different sectors of NGOs. Unlike the OKT, however, the NFFT was not conceived as an independent advisory body (interviews 1, 3). In particular, the debate on specific issues can be raised by the Parliament itself (Parliamentary Resolution 57/2008). Moreover, the NFFT’s sessions are held in the Parliament and this body works on an invitation base (interview 3). Despite its more political composition, this Committee has been particularly important for organising and holding regular meetings with environmental NGOs to discuss with them the existing major environmental problems (interview 8).

3.1.2. The Hungarian consultations through direct contacts

The Hungarian decision-making process left some space for more direct contacts with the Ministry of Environment or with individual Members of Parliament (MPs). For example, since the 1990s, the Ministry has established specific channels with the NGOs such as cooperation within the “Green Spider”, a network regularly used by more than two-hundred environmental protection NGOs in which the Ministry of Environment put the draft statutes bi-annually to the knowledge of the Green Spider members (Jendrośka, 1998; REC, 1998). Moreover, a number of acts regulating the Hungarian law-making process established that “bodies of public administration, social organisations and labour unions should be included in the process of draft-making of the legislation which concern interests represented or protected by them” (Art. 20, Act No. XI of 1987). In practice, this has resulted in the creation of direct channels of consultation between the Ministry of the Environment and specific stakeholders. In particular, every time the Ministry of Environment has prepared draft governmental legislation and before the discussion in Parliament, it has sent the draft via mail to all the relevant actors who, by a certain date, have the possibility to send comments and suggestions (interviews 22, 24).

The list of the actors consulted by the Ministry have comprised a number of stakeholders’ representatives of local governments and local governments associations, of the NGOs and of the business associations. In particular, the business associations such as CSAOSZ and IKSZ have been effective in lobbying directly for changes in draft legislation concerning packaging waste (interviews 26 and 9). The associations of municipal waste collecting companies, such as the Association of the Public Service Providers, have also been consulted about

changes in the municipal waste legislation (interview 9). Moreover, private waste collecting companies have lobbied for local infrastructural development and a system of fees (interview 9). Furthermore, the environmental NGOs such as HUMUSZ and Reflex have lobbied for national legislation and they have been active in the implementation process of waste-related infrastructures. In contrast, municipalities have generally not been strong in lobbying the municipal and household waste legislation at ministerial and parliamentary levels (interview 21). Only a few municipalities and associations of municipalities have been effective in lobbying for legislation (interview 21) and only when political and personal connections existed between mayors or Council members of a municipality and the Members of the Parliament (Hajba and Assetto, 1999).

Despite the possibility of direct contacts between the Ministry of Environment and stakeholders, the system in Hungary has been very cooperative. The practice of the Ministry of Environment in sending drafts of environmental legislation has multilaterally involved stakeholders as they have been consulted at the same time by the Ministry. Moreover, while the Ministry of Environment could be lobbied directly by business representatives and NGOs in the legislative draft-making and implementation phases, it has also had the possibility to listen together their positions together during the plenary sessions of the OKT (interview 23).

3.2. Poland: bilateral and adversarial model

The Polish legal system recognises as sources of law the Constitution, the parliamentary acts, ratified international agreements, executive orders and local laws. Most of the environmental legislation has been adopted through parliamentary acts which have been drafted at ministerial level and then discussed and approved in the Parliament (interview 27). In particular, the law was first drafted by the competent departments within the Ministries—for environmental legislation, the Ministry of Environment—then it was sent to inter-ministerial consultation and, after being discussed by the Council of Ministries, it was sent to the Parliament for approval (interviews 4, 28). Before the formal approval of the law, the consultation of stakeholders could thus have taken place at ministerial level or at parliamentary level. Similarly to the Hungarian case, the two forms in which such involvement and consultations could take place have been through advisory councils to the Ministry of Environment and within parliamentary committees dealing with environmental issues or through direct contacts with employees in the Ministry of Environment or MPs in charge of drafting specific environmental legislation.

3.2.1. The Polish consultations within environmental advisory bodies and committees

In the mid-1980s, the Polish Communist government established the State Council on Environmental Protection (PROS). The official goal of the PROS was to cover all crucial environmental issues including municipal waste management, oppose environmental damage and disasters and discuss draft environmental legislation. This implied that the Minister of Environment had to consult this body before

any environmental decision but he/she was also directly in charge of the members' selection and required them to prepare positions and opinions only upon his/her direct request (interview 38). The Minister of Environment, in fact, directly selected and appointed the PROS members from the representatives of the regional administrations and academics and scientists dealing with different sectorial environmental issues (interview 38). Nevertheless, this body was composed mainly of professors from universities, research institutes and invited guests including officials from the Ministry (interview 4).

Throughout the years of the existence of PROS, the Ministers of Environment generally used this body as a way "to have some social support for unpopular decisions" (interview 38). The real reason to have such a body, in fact, was to "substitute and pretend that there was social consultation on environmental law and action" (interview 38). For example, in the early 1990s, there were parliamentary discussions on the construction of the first atomic power plant in Poland. The PROS was involved in these discussions and advised the government to continue investment in the construction of the plant. The Minister and the government, however, did not take into account the PROS opinion and the plant was not constructed (interview 38). On other occasions, PROS provided some critical advice on small scale legislation concerning, for example, investments potentially in conflict with the environmental protection (interview 38). Moreover, during the years between 2001 and 2006, it was engaged in the process of approximation of the Polish environmental legislation to that of Europe (EESDAC, 2008).

Over the years, the official role left to PROS in advising the Environmental Minister on environmental measures has become very limited (interview 38). As a consequence of this, the PROS has started to promote its own initiatives and statements (interview 38). For example, in March 2009 PROS supported the Minister of Environment Maciej Nowicki in his efforts to improve the implementation of the European waste management legislation. In particular, PROS recommended the adoption of essential "EU organisational and logistical principles" in the management of municipal waste in Poland and the introduction of higher fees for the disposal of waste into landfills. Despite this statement and other initiatives, the role of PROS has still been limited and interviewees agree in saying that, in the end, this advisory body has not been able to bring about substantial modifications to the legislation and the system for the management and treatment of municipal waste (interviews 4, 28, 38).

At the beginning of the 2000s, in Poland a second advisory body was also established within the Ministry of Environment which was also known as the Extended Producer Responsibility (EPR) Advisory Group (interview 18). The aim of establishing this body was to get advice and expertise on the EPR system and on how to implement European legislation on the issue in Poland. This advisory group was established through a ministerial decree and grouped different actors

such as academics from technical universities, managers from the recovery organisations and managers from associations of waste collecting companies and recyclers (interview 18). Within this body, experts and businessmen were invited to give their opinions on the system but there was no official commitment by the government and the Parliament to take into consideration such advice in the final decisions (interview 40). This body was, however, large in membership, and not structured in its organisation and discussions. It was, in fact, based on occasional meetings with a large number of participants (usually between forty and fifty people) representing different interests and promoting different and competing ideas and “without any attempt to find a common position” (interview 18). This advisory body was just “another platform in which to promote each of the members’ interests”. This body was then dismantled few years after its creation without having provided any substantial advice on how to establish the EPR system in Poland (interview 18).

As in the Hungarian case, also in Poland in addition to the consultations at ministerial level there exists the possibility to consult stakeholders at parliamentary level. During the phase of first reading of a draft law, experts and stakeholders can take part in the discussions within the parliamentary committees (interviews 27, 28, 32). In particular, stakeholders can participate in the public hearings of the Committee on the Environment Protection, Natural Resources and Forestry in the Lower Chamber (in Polish: *Komisja Ochrony Środowiska, Zasobów Naturalnych i Leśnictwa* hereafter OSZ) and the Environmental Committee of the Senate or send a letter with their views which will be read and discussed in these Committees (interview 32).

Some stakeholders have been particularly active in being consulted at parliamentary level. Over the years, the associations of municipalities have actively participated in the discussions within the committees and subcommittees in the Senate and the Lower Chamber. KIGO and PIGO have also been powerful in the discussions concerning the legislation on the organisation and the management of municipal waste while EKO-PAK has played an important role in lobbying and promoting the positions of the recovering organisations (ROs) and the producers of packaging and packaged goods within the parliamentary discussions (interviews 32, 41, 31).

3.2.2. The Polish consultations through direct contacts

Different stakeholders have been directly consulted during the process of draft-making of specific legislation at ministerial and parliamentary levels. At ministerial level, once the relevant Department of the Ministry of Environment had drafted a new law, this was sent for inter-ministerial consultations and, at the same time, it was also subject to public consultation. The phase of public consultations generally consisted in putting on the Ministry’s website the draft legislation which, according to Regulation 35 of 2008, should also have contained the list of the actors consulted (Frączak and Sadło, 2011). This draft was also sent by email and

by regular mail to a list of institutions and stakeholders which were requested to submit questions, comments and proposals by a certain deadline (interviews 4, 27, 28). After the phase of public consultations in the Ministry and before the draft was sent for discussion in the Parliament, the Departments of the Ministry were required to include in such a draft the results of the public consultations (Frączak and Sadło, 2011). Nevertheless, Frączak and Sadło (2011) reported that it was common practice in the Ministry of Environment not only not to include the opinions received by email from the stakeholders and the experts but mostly not to take them into consideration or sometimes even read and download them once received (Frączak and Sadło, 2011).

The list of actors consulted by the Ministry included the associations of local communities and municipalities, the National Fund for Environmental Protection and Water Management, the Chambers of Commerce, the business associations and the environmental NGOs. These actors were generally selected according to the issue under discussion, or to their “activeness” in sending opinions and comments to the Ministry of Environment (interviews 31, 32) but also based on the decisions of the clerks drafting the law in the Ministry who directly chose who to include in the list of consulted actors (Frączak and Sadło, 2011). In the waste management sector, the most “active” ones have been the Chambers of Commerce (PIGO, KIGO and OIGR), the business association EKO-PAK and the waste recovery organisation REKOPOL. Single municipalities and associations of municipalities such as the Union of the Polish Metropolis, the Union of the Rural Municipalities and the Union of the Cities as well as NGOs such as the PKE and the Foundation Our Earth have also been active in submitting opinions to the Ministry of Environment (interviews 4, 32, 37).

At the very first stage of the process of law draft-making in the Ministry of Environment, before the phase of public consultations, stakeholders could also be invited to unofficial and *ad hoc* meetings in which the drafts or the changes in the environmental legislation made by clerks from the Ministry were discussed (interview 27). Among the Polish environmental NGOs, Green Mazovia has been involved at ministerial level in bilateral discussions (interviews 34, 35, 4). The PKE has also collaborated with the Ministry of Environment because of personal relations with clerks from the Ministry of Environment (interviews 13, 28, 30). The members of the Foundation Our Earth have rarely been invited to these bilateral meetings held in the Ministry of Environment (interview 37). In recent years, however, this channel of unofficial consultation has been less used by NGOs and increasingly used by representatives from local authorities, associations of municipalities and representatives of the industry and the business sector. In particular, representatives of the local authorities have established direct political channels with politicians and have been able to meet and lobby directly the Minister of Environment and, in some cases, even the Prime Minister or the President of the Republic who could ultimately veto the legislation once adopted by the Parliament (interview 4). The business sector has also participated in these

unofficial consultations in which members from the Chambers of Commerce (KIGO, PIGO and OIGR) are individually invited and consulted in the Ministry of Environment (interview 27).

Direct contacts can also be established between stakeholders and Polish Members of Parliament. In particular, before the discussions in the parliamentary committees and between the first and the second reading in the Parliament, it has been common practice for many stakeholders to be invited to unofficial meetings taking place in the surroundings of the *Sejm* or in the “clubs” in which MPs from a certain political party discuss the draft law or changes in the legislation (interviews 28, 7). In recent years, this practice has been commonly used by business representatives who, in many cases, have preferred direct consultation with MPs to the public consultations in the Committees of the Parliament (interview 32). As a result of this informal but common practice, throughout the years many cases of political corruption in the Lower Chamber involving MPs and stakeholders from the business sector have been discovered and prosecuted.¹⁸

4. CONCLUSIVE REMARKS: POLICY STYLE AND COMPLIANCE WITH THE EUROPEAN WASTE LEGISLATION

Over the years, the existing literature has explored the existence of determined elements to achieve specific policy outcomes. Scholars studying this link have particularly referred to the concept of “policy style” which denotes the existence of specific legal acts which recognise the need for the cooperation and participation of different stakeholders in the policy-making process (Hille and Knill, 2006; Lundqvist, 1980; Brickman *et al.*, 1985; Badaracco, 1985; Jänicke, 1992; Carew-Reid *et al.*, 1994) but also of cooperative consultation mechanisms in which stakeholders can be involved and their strategies pursued in the policy-making process (Tsebelis, 1995; Börzel, 2002). Hence, scholars hypothesised that the existence of such cooperative legal settings or participatory consultation mechanisms influenced policy changes and favoured the adoption of policy outcomes at domestic level. This hypothesis has however two implications: firstly, the fact that in absence of such conditions, domestic policy changes and outcomes were less likely to be achieved. Secondly, such conditions could be differently adopted among countries and the existence of differences could also influence differences in the domestic policy changes and outcomes.

Richardson *et al.* (1982) have particularly elaborated a typology of “policy style” which particularly refers to two main elements: firstly, the existence of an anticipatory and problem-solving government linked to the culture and the

¹⁸ For details on the corruption cases in the Lower Chamber, see http://www.againstcorruption.eu/uploads/rapoarte_finale_PDF/Poland.pdf.

legislative/institutional setting of a country. Secondly, the relationship established between the government and the stakeholders in the decision-making process. This typology and specifically the distinction between legal settings and stakeholders' involvement have been adapted in this article to the analysis of the existing variation in the compliance of two similar rule-taking countries with the European legislation. In particular, this article has focused on the performance of Hungary and Poland in compliance with the European environmental legislation and particularly in the implementation of the Waste Framework, Landfill and Packaging and Packaging Waste directives. Despite having experienced similar historical events such as the fall of Communist regimes, transition periods to democracy and market-oriented economies and, ultimately, the EU Accession process, the data on the performance of these two countries have demonstrated the existence of different compliance paths. In particular, these two countries departed from a similar starting situation in terms of weak institutional settings and legislation on the management and treatment of municipal and packaging wastes but their performance have differed over the period considered with Hungary gradually and fully complying while Poland lags behind.

An analysis of the legal cooperative conditions which could have enhanced the Hungarian and Polish compliance, before the beginning of the negotiations for the Accession to the EU, demonstrates that public participation and stakeholders' involvement in both Hungary and Poland had been recognised only in specific laws and statutes. Neither countries, in fact, recognise any general right to public participation but individual policies and laws contained a direct reference to the participation of stakeholders in the policy-making process. Examples of such legislation are the Law on Normative Acts adopted in Hungary in 1987 or the Land Use Act adopted in Poland in 1994. This legislation was limited in the issues addressed (in the Polish case) or had failed to be considered for its potentiality (in the Hungarian case). However, before the EU Accession, Hungary and Poland had already institutionalised public participation on environmental issues. From the mid-1980s, the Polish government established the State Council for Environmental Protection (PROS) subsequently recognised in the Polish Environmental Law of 2001. Moreover, the Hungarian Environmental Act of 1995 recognised the principle of cooperation among stakeholders and set up the National Council on Environment (OKT), established in 1996.

Analysing the relationship between the government (and public authority in general) and the stakeholders in terms of involvement of the latter in the policy-making process, Hungary and Poland have defined specific mechanisms to involve and consult stakeholders in the form of advisory bodies, parliamentary committees and direct contacts between stakeholders and employees in the Ministry or MPs. As regards the environmental advisory bodies to the Ministries of Environment, PROS and OKT have been similarly conceived as consultative bodies on environmental issues but they have differed in the composition and selection of their members. While the members of the PROS have been directly appointed by the

Minister of Environment and have been required to prepare positions and opinions only upon a direct request from him/her, the members of the OKT have been selected according to rules established by each field of representatives (i.e. the business sector, academics and civil society). Furthermore, while the OKT involved representatives from business, NGOs and academics, the PROS brought together only academics. In addition to the PROS, for few years a specific advisory body in charge of advising on ways to set up EPR systems has been established in Poland which involved academics and representatives from the business side. Despite the broader membership of this advisory council in comparison to the PROS, this body has failed to play a role in defining the EPR system in Poland because of the lack of interest from the government which established this body but which, at the same time, “did not clearly know what feedback they could get from such a body” nor it considered “the implications of putting together different interests and positions without providing any kind of coordination” (interview 18).

Draft legislation has also been defined and discussed at parliamentary level and specifically in parliamentary committees dealing with environmental issues. The Hungarian Parliament established a standing committee for environmental affairs particularly active in the early 1990s in defining and promoting environmental legislation and, in recent years, it has also set up a specific conciliatory advisory body (i.e. the NFTI) to coordinate and foster the participation of the public sector and society on environmental issues. In the Polish Parliament, however, experts and stakeholders have been invited to discussions held in the OSZ of the *Sejm* and in the Environmental Committee of the Senate on environmental draft legislation. Unlike the advisory bodies to the Ministries of Environment, discussions in the parliamentary committees have involved a wider number of stakeholders which have had to register or be directly invited by MPs to take part in the committees’ discussion sessions.

In addition to the advisory bodies and the parliamentary committees, stakeholders have also been directly involved in the decision-making. During the phase of public consultation at ministerial level, different stakeholders have been directly invited to send comments and opinions or invited in *ad hoc* meetings to discuss changes on draft environmental legislation directly with employees in the Ministries. Moreover, stakeholders may be invited in meetings held in the Parliaments or their surroundings to discuss changes on draft legislation before the formal discussions in the committees. This direct involvement at ministerial level has been particularly chosen by stakeholders in Poland. Polish environmental NGOs such as the Green Mazovia and the PKE have sent comments on draft legislation and have been invited to many *ad hoc* meetings at ministerial level. The business sector and the associations of municipalities have also participated in direct consultations and *ad hoc* meetings. Nevertheless, in recent years Fraćzak and Sadlo (2011) have reported that it has been common practice in the Ministry of Environment not only not to include the opinions received by email from the

stakeholders and the experts but also mostly not to take them into consideration or sometimes even read and download them once received (Frączak and Sadlo, 2011). Furthermore, stakeholders in Poland have also chosen to be involved directly in the decision-making at parliamentary level. In particular, it has been common for many representatives from the business sector to lobby MPs directly preferring this informal type of consultation to public consultations not only in the parliamentary committees but also consultations through advisory bodies in the Ministry of Environment (interview 32).

At the beginning of this article it has been hypothesised that variation in the policy outcomes of Hungary and Poland, meaning specifically their policy compliance with the European Waste Framework, Landfill and Packaging and Packaging Waste, could occur because of differences in the “styles” of policy-making in terms of existing legal acts granting public participation or consultations mechanisms within these two countries. Referring to the Richardson *et al.* (1982) typology of policy style, what has emerged at the end of the comparison between Hungary and Poland is the existence of similar legislative settings (i.e. anticipatory and problem-solving government) but a different relationship between government and stakeholders in the two countries. In particular, the data on the Hungarian case have shown that the governmental involvement of stakeholders in advisory bodies but also in direct consultation on draft legislation has been generally **multilateral, coordinated and open** to a wide range of stakeholders. This element of multilateralism has particularly enabled stakeholders to cooperate in the policy-making process. This Hungarian multilateralism and cooperation have also resulted in the better overall compliance performance of Hungary. Clear examples of such links have been particularly shown by the OKT common opinions taken into consideration in this article which have directly influenced the adoption of specific measures and changes in the Hungarian legislation in line with European legislation and specifically with the six waste-related requirements considered in this article. Furthermore, these common positions seem to have boosted not only the adoption (and the broadening) of more European-oriented waste principles and standards such as in the case of the 1999 Common Opinion on the draft of the Waste Management Act, but also enhanced the adoption of initiatives in line with the European legislation. This may be seen in the case of the pilot projects promoted by Okö-Pannon which had then been recognised in the licence fee system established in the Governmental Decree on packaging of 2002. In contrast, in the Polish case there has been a lack of governmental multilateral involvement of stakeholders in the Polish advisory bodies such as in the case of the PROS and a lack of clear coordination in the involvement of different stakeholders, as in the case of the EPR advisory group. Moreover, when taking into consideration the discussions in the parliamentary committees (where there could have been a broader involvement of stakeholders because the only requirement to participate was to be invited by the MPs), in the Polish case these consultations have involved only a small number of experts and stakeholders. Furthermore, in the case of direct involvement on draft legislation, a recent report

of 2011 on Poland has particularly underlined the lack of broad consultations with NGOs and business in the Polish Ministry of Environment (Frączak and Sadlo, 2011). The Polish government and MPs have thus preferred to involve stakeholders on *bilateral and ad hoc* bases which have not encouraged these stakeholders to cooperate in the decision-making process. The establishment of bilateral, *ad hoc* and not-cooperative involvement of stakeholders thus resulted in a partial and delayed adoption of the six European requirements on waste.

REFERENCE TO INTERVIEWS

Ref. No.	Name	Position	Place and date of the interview
1	Miklòs Bulla	Secretary General of the National Council on Environment (OKT)	Budapest, 25.04.13
2	Csaba Kiss	Lawyer at the Environmental Law Association of Hungary (EMLA)	Budapest, 24.04.2013
3	Vilmos Civin	Head of the Committee on Energy of the OKT	Budapest, 25.04.2013
4	Beata Kłopotek	Former worker in the Waste Management Department now advisor to the Minister of Environment, Ministry of Environment	Warsaw, 8.10.2013
5	Szabolcs Szogyenyi-Kovacs	Head of the Waste Management Department, Ministry of Rural Development	Budapest, 27.04.2012
6	Hilda Farkas	Head of KSZGYSZ, Member of the OKT	Budapest, 6.07.2011 and 23.05.2012
7	Tadeusz Arkit	Member of Sejm (Civil Forum Party, <i>Platforma Obywatelska</i>), member of the OSZ Committee	Warsaw, 20.11.2013
8	Benedek Javor	Member of the Parliament, former leading Member of the Party "Politics can be different" (LMP), Head of the Parliamentary Committee on Sustainable Development	Budapest, 25.05.2012

9	Judit Pump	PhD on environmental legislation and waste issues, currently working in the Ombudsman office	Budapest, 29.04.2013 and 22.05.2013
10	Eva Hajba	Former professor at Corvinus University	Budapest, 8.05.2013
11	Andrzej Kassemberg	Professor and head of the Institute for Sustainable Development	Warsaw, 20.10.2008
12	Zoltan Illes	State Secretary on Environment appointed in 2010 (Fidesz Party); associate professor at the Central European University in Budapest and adjunct professor at the Godollo University of Agricultural Sciences	Budapest, 4.07.2011
13	Jerzy Ziaja	Head of the Chamber of Recyclers (OIGR)	Warsaw, 3.10.2012
14	Henrik Balatoni	Head of the FE-Group Invest (waste service provider)	Budapest, 25.04.2012
15	Attila Martin	Former employee at ASA Hungary (waste collecting company)	Budapest, 21.05.2013
16	Pawel Czepiel	Professor at the Jagiellonian University	Cracow, 24.10.2013
17	Piotr Manczarski	Professor at the Polytechnic University in Warsaw	Warsaw, 6.11.2013 and 19.11.2013
18	Michal Korkozowicz	Head of REBA (recovery organisation for batteries)	Warsaw, 6.11.2013
19	Sándor Fülöp	Head of EMLA	Budapest, 24.04.2013
20	Attila Bencs	Head of the Hamburger Hungaria Paper Mills, Member of the OKT	By skype, 2.05.2013
21	Gyula Bándi	Professor at the Pázmány Péter Catholic University, Member of the OKT	Budapest, 30.04.2013 and 8.05.2013
22	Éva Baka	Head of the Beverage Carton Environmental Services Association (IKSZ)	Budapest, 13.05.2013

23	Miklos Nagy	Head of the Association of Packaging and Material Handling (CSAOSZ)	Budapest, 3.05.2013
24	Eszter Héjja	Managing director of the Hungarian Association of Recyclers (HOE)	Budapest, 4.05.2012
25	Sylvia Graczka	Head of HUMUSZ	Budapest, 24.05.2012
26	Csaba Marko	Former Deputy Head of the Waste Management Department of the Ministry of Environment, now waste management expert at EnviCult Kft	Budapest, 21.05.2013
27	Krisztof Kawczynski	Head of the Environmental Committee in the Chamber of Economy (Krajowa Izba Gospodarcza)	Warsaw, 18.11.2013
28	Krisztof Skapski	Head of the Political Cabinet of the Ministry of Environment (2010-2011), Ministry of Environment	Warsaw, 25.09.2013
29	Jerzy Jendroška	Head of the Polish Association of Environmental Lawyers (PELA)	Wroclaw, 13.11.2012
30	Małgorzata Grodzińska-Jurczak	Professor at the Jagiellonian University	Cracow, 2.10.2012
31	Katarzyna Michniewska	Head of Eko-Cykl (recovery organisation) and Logistyka Odzysku (specialised journal)	Warsaw, 20.11.2013
32	Władysław Janikowski	Head of REKARTON	Warsaw, 15.11.2013
33	Piotr Głinski	Professor at the Polish Academy of Sciences, Institute of Sociology and Philosophy	Warsaw, 3.10.2008
34	Andrzej Kraszewski	Former Minister of the Environment (2010-2011), professor at the Polytechnic University in Warsaw.	Warsaw, 7.11.2012 and 29.10.2013
35	Andrzej Zwawa	Head of <i>Polska Zielona Sieć</i>	Cracow, 1.10.2012
36	Zbigniew Karaczun	Head of the Mazovian branch of the PKE, professor at the Agricultural University in Warsaw	Warsaw, 16.10.2012

37	Mira Stanisławska Meysztowicz	Founder of the Foundation Our Earth (<i>Fundacja Nasza Ziemia</i>)	Warsaw, 27.11.2013
38	Tomasz Winnicki	Deputy Chairperson and Secretary General of PROS, Professor Emeritus of the Polytechnic of Lublin	Warsaw, 5.05.2014
39	László Szilágyi	Member of the Parliament (Politics Can Be Different, LMP); former leader of HUMUSZ	Budapest, 4.05.2013
40	Grzegorz Ganczewski	Employed in the Polish Packaging Research and Development Centre	Warsaw, 25.10.2013
41	Marek Roslon	Member of the Council of the Polish Chamber of Packaging.	Warsaw, 7.11.2013

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