

A SOCIAL EUROPE WITH A GREENER PERSPECTIVE: THE EVOLUTION OF THE DELORS COMMISSION AROUND 1989

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The Delors Commission (1985-1995) developed an extremely broad social policy agenda, but it is often overlooked that this ambition has acquired a greener colour over the years, especially after 1989 under the influence of the Italian commissioner Carlo Ripa di Meana. This paper will first emphasize the importance of Delors' social agenda in the classic sense, i.e. predominantly the amelioration of working conditions and redistribution. The second part will then explore the heightened salience of green issues in the Commission's social policy, while the third part will explore the fierce contest resulting from this growing emphasis on environmental protection, through a major case study, the 1989 car emissions directive.

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Parole chiave: Emissioni di gas automobilistici, Jacques Delors, Commissione Europea, Politiche sociali.

The Delors Commission (1985-95) developed an extremely broad social policy agenda, but it is often overlooked that this ambition has acquired a greener colour over the years. The Eec/EU (European Economic Community/European Union) had successfully taken the lead over the United States regarding environmental issues in the late XXth Century, despite starting as a laggard¹. According to Jan-Henrik Meyer, the year 1989 was pivotal in the elevation of environmental issues by the European Commission: «In January 1989, Commission president Jacques Delors – whose views towards the environment were slowly evolving and becoming more positive throughout his period of office, notably as the environment

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¹ D. Vogel, *The Hare and the Tortoise Revisited: The New Politics of Consumer and Environmental Regulation in Europe*, in «British Journal of Political Science», XXXIII, 2003, 4, pp. 557-580.

was embedded in a broader sustainability agenda, that also included socio-economic issues – personally supported this ambition in a speech in front of the European Parliament². However, with the exception of Jan-Henrik Meyer's paper from which this quotation is extracted, and a general study by Laura Scichilone, this evolution has seldom been noted by historians³. Researchers have usually underlined Delors's commitment to develop classical social policies, oriented around the protection of workers and redistribution, rather than his interest in protecting the environment⁴.

Within this context, this paper will explore the aforementioned «greening» of the Delors Commission's Social Policy circa 1989. It will not conflate the entire Commission with Delors, nor will it ascribe a single interpretation to the evolution of Eec/EU economic policies. Fritz Scharpf, for example, explains that the Eec/EU has a bias towards negative integration, and hence towards neoliberal policies, that dooms to failure most attempts at developing social policies⁵. On the contrary, this paper will highlight the debates between differing viewpoints of Eec/EU economic policies that took place within the Community – and within the European Commission in particular – without assuming that they all fall into the neoliberal category⁶.

² J.-H. Meyer, *Environmental Policy*, in *History of the European Commission (1986-2000): History and Memories of an Institution*, ed. by V. Dujardin *et al.*, Luxembourg, Luxembourg, Publications Office of the European Union, 2019, pp. 371-387.

³ L. Scichilone, *A New Challenge for Global Governance: The UN and EEC/EU in the Face of the Contemporary Ecological Crisis*, in *Networks of Global Governance: International Organizations and European Integration in European Perspective*, ed. by L. Mechi, G. Migani, F. Petrini, Newcastle Upon Tyne, Cambridge Scholar Publishing, 2014, pp. 229-250.

⁴ H. Drake, *Jacques Delors: Perspectives on a European Leader*, London, Routledge, 2000; N. Jabko, *Playing the Market: A Political Strategy for Uniting Europe, 1985-2005*, Ithaca, Cornell Studies in Political Economy, 2006; C. Didry, A. Mias, *Le moment Delors. Les syndicats au cœur de l'Europe sociale*, Brussels, Peter Lang, 2005; C. Degryse, P. Pochet, *La dynamique sociale européenne au prisme d'une approche quantitative*, in «Politique Européenne», LVIII, 2018, 4, pp. 72-108.

⁵ F.W. Scharpf, *The Double Asymmetry of European Integration. Or: Why the EU Cannot Be a Social Market Economy*, in «MPIfG Working Paper», XIV, 2009, 9-12; for a contrasting vision, see: S. Giubboni, *Social Rights and Market Freedom in the European Constitution: A Labour Law Perspective*, Cambridge, Cambridge University Press, 2006.

⁶ According to Amandine Crespy and Pauline Ravinet: «Quant à la question de savoir si l'Union européenne est par définition néo-libérale, il apparaît que la complexité des conditions de production des politiques publiques rend impossible tout déterminisme institutionnel»; A. Crespy, P. Ravinet, *Les avatars du néo-libéralisme dans la fabrique des*

Drawing from a typology developed in *Governing Europe in a Globalizing World*, this paper will differentiate between four projects of European economic integration⁷. First, the proponents of «social» Europe seek to protect vulnerable groups such as the poor and minorities, but also the environment, from the negative effects of capitalism. Second, the proponents of «neo-mercantilist» policies combine mercantilism's aggressive stimulation of national industrial potential with the application of the international free-trade rules (hence the prefix «neo»). They defend producers instead of workers or consumers. Third, the champion of «market-oriented» policies strive to foster free-market dynamics, which according to neoclassical doctrine would unleash growth. Fourth, the most radical free-marketeers are the neoliberals, such as British prime minister Margaret Thatcher, whose «deregulation» motto was at the heart of the 1985 British memorandum entitled *The Creation of Wealth and Employment in the Community*⁸. It emphasized the need to reduce «the burden imposed on businesses by existing Community legislation and the way to reduce it [and] take business costs into account in future legislation», and to decrease some welfare state expenditures.

The European Commission under Delors is an especially relevant vantage point from which to observe the increasing priority of environmental issues at the Eec level around the year 1989, first because of its considerable institutional power (notably the monopoly to propose legislation, and the ability to monitor its implementation), and second because the Delors period has usually been considered to be a particularly fruitful one for the Commission.

Based on secondary literature and on a selective use of national, transnational and European archives⁹, this paper will first emphasize the

politiques européennes, in «Gouvernement et action publique», III, 2014, 2, pp. 9-29; on conflicts of European doctrines within the European Commission, see: L. Warloutzet, *The European Commission Facing Crisis: Social, Neo-Mercantilist and Market-Oriented Approaches (1967-1985)*, in «European Review of History», XXVI, 2019, 4, pp. 703-722.

⁷ L. Warloutzet, *Governing Europe in a Globalizing World: Neoliberalism and its Alternatives following the 1973 Oil Crisis*, London, Routledge, 2018, chapter 1.

⁸ British archives, PREM19/1490/1, *The Creation of Wealth and Employment in the Community*, Brussels, European Council, 29-30 March 1985.

⁹ National archives include British, French and German records; European archives are those of the Commission and of the Parliament; Transnational archives designate the records of the European Trade Union Confederation held in Amsterdam.

importance of Delors' social agenda in the classical sense, i.e. predominantly the amelioration of working conditions and redistribution. The second part will subsequently explore the heightened salience of green issues in the Commission's social policy, while the third part will explore the fierce contest resulting from this growing emphasis on environmental protection, through a major case study, the 1989 car emissions directive.

1. *Social Europe under Delors*. As early as January 1985, from the inception of his presidency of the European Commission, Social Europe was a major concern for Jacques Delors, a former trade-unionist (in the Christian-Social union Cftc)¹⁰. A former advisor on social affairs for the center-right prime minister Jacques Chaban-Delmas (1969-72), he then joined the Socialist Party and became ministry of Economics and Finances in the leftist government of Pierre Mauroy (1981-84) – which comprised several ministers from the Communist Party (Pcf) –, under the presidency of François Mitterrand. Delors had quite an unusual profile in French politics as he was neither a gaullist nor a staunch socialist. But his Christian-social background served him well on the European stage, where he could mingle easily with Christian-Democrats and moderate Social-Democrats as well. In the face of major opposition, Delors strived to further his social agenda through four main levers: 1. ambitious statements and legal text asserting the necessity of developing a Social Europe to complement the internal market, 2. the harmonization of laws that would unify the market, 3. a social dialogue which would ensure the improvement of the welfare state in a coordinated fashion, and 4. enhanced redistribution policies which would alleviate inequalities.

Firstly, the Delors presidency was defined in large part by major political statements on Social Europe, starting with his inaugural address to the European Parliament on 14 January 1985 in which he unveiled the multi-annual Commission programme¹¹. The Commission president heralded the famous «1992» slogan of a border-free Europe by this year, thanks to the completion of a genuine internal market through the removal of non-trade barriers. It required the significant harmonization of a great deal of legislation. For Delors, such harmonization – toward a higher standard

¹⁰ Warlouzet, *Governing Europe in a Globalizing World*, cit., pp. 192-193.

¹¹ Jacques Delors's speech before the European Parliament on 14 January 1985, available on <www.cvce.lu>.

– was needed in order to avoid what he called «social dumping». This objective was partially realized with the creation of the Single Act, the 1986 Treaty that committed all member-states opening internal borders by 1992, through harmonizing non-trade barrier legislation. The social component was present in provisions concerning the approximation of legislation, social dialogue and cohesion policy (see below on those three points).

This relative balance between a market-oriented and a social Europe was also included, to some extent, in the famous «Cecchini Report», issued in 1988 and named after the former Deputy Director-General for the Internal Market at the European Commission, Paolo Cecchini. This report was commissioned and disseminated by the Commission in order to evaluate the benefits and challenges of the Single Market. It concluded with four points:

1. Business must respond to the challenge and seize the new opportunities on offer. Corporate management should also seek to make industrial relations less conflictual, encourage employee involvement in the life of the enterprise, and ensure that workers share in the jointly achieved productivity gains;
2. competition policy must be effectively enforced;
3. the distribution of gains must be fair, as must be the distribution of cost;
4. macro-economic coordination and the necessity of strengthening the European Monetary System.

It should be noted that points 1 and 2 represent another clear illustration how the primarily market-oriented Single Market programme also reflected a social dimension.

Even more pointedly, the Commission released in September 1988 a memorandum on the social dimension of the internal market; this memorandum insisted on cohesion policy and on the adoption of high standards for the Single Market. In his speech to the Tuc, the British trade unions, Delors also insisted on the development of European social rights for workers and on the democratization of companies¹². This speech undoubtedly influenced the Margaret Thatcher's famous Bruges speech, delivered one month later, in which she expounded upon her neoliberal vision of Europe¹³.

¹² Jacques Delors's speech before the Tuc Congress in Bournemouth on 8 September 1988, available on <https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_88_66> (accessed 20 March 2020).

¹³ S. George, *An Awkward Partner: Britain in the European Community*, Oxford, Oxford University Press, 1994, p. 193.

Thatcher was also a fierce opponent of another major political text about Social Europe, the 1989 Community Charter of the Fundamental Social Rights of Workers, which was inspired by the Council of Europe's European Social Charter of 1961. Both texts were non-binding but Thatcher nevertheless refused to sign the Charter. The Delors Commission then sought to implement this text by issuing 47 legislative proposals between 1989 and 1991, but British opposition thwarted most of them¹⁴. In 1992, John Major, Margaret Thatcher's successor, refused to sign the social protocol annexed to the Maastricht Treaty. The Maastricht Treaty remained nevertheless another major stepping stone in the assertion of a social Europe, even though most of its socially-oriented provisions required a unanimous vote at the Council.

Finally, in 1993, the Delors Commission published an ambitious White Paper entitled *Growth, Competitiveness, Employment*, which updated the initial vision of a Single market based on a mix of market-oriented, social and neomercantilist features¹⁵. The neomercantilist thrust was especially important for Delors, who had always advocated massive Eec/EU support for high technology, but who had faced major internal opposition from neoliberal commissioners such as Peter Sutherland and Leon Brittan¹⁶.

Secondly, the Delors Commission also passed specific legislation. Initial Eec social legislation regarding the migration of workers, but the most important texts had already been adopted in the late 1960s¹⁷. In the 1980s, the main aim was the creation of the Single Market, via the harmonization of legislation which could represent non-tariff barriers. This explicitly included health and security legislation, as those domains had

¹⁴ Ph. Watson, *EU Social and Employment Law: Policy and Practice in an Enlarged Europe*, Oxford, Oxford University Press, 2009, p. 56.

¹⁵ European Commission, *Growth, Competitiveness, Employment. The Challenges and Ways Forward into the 21st Century*, White Paper, Com (93) 700, 5 December 1993.

¹⁶ Warlouzet, *Governing Europe in a Globalizing World*, cit., pp. 171-172 and 207-208; Id., *The EEC/EU as an Evolving Compromise between French Dirigism and German Ordoliberalism (1957-1995)*, in «Journal of Common Market Studies», LVII, 2019, 1, pp. 85-87.

¹⁷ S. Paoli, *Migration in European Integration: Themes and Debates*, in «Journal of European Integration History», XXII, 2016, 2, pp. 279-296; A. Varsori, *Development of European Social Policy*, in *Experiencing Europe: 50 Years of European Construction 1957-2007*, ed. by W. Loth, Baden-Baden, Nomos, 2009, pp. 169-192; E. Comte, *The History of the European Migration Regime: Germany's Strategic Hegemony*, London, Routledge, 2018; L. Mechi, *Les États membres, les institutions et les débuts du Fond Social Européen*, in *Inside the European Community: Actors and Policies in the European Integration 1957-1972*, ed. by A. Varsori, Bruxelles, Bruylant, 2006, pp. 95-116.

been singled out since *Cassis de Dijon* as the most problematic non-tariff barriers to trade. In *Cassis de Dijon*, the Court established the principle of mutual recognition of national legislation with only four exemptions listed in ground 8: «the effectiveness of fiscal supervision, the protection of public health, the fairness of commercial transactions, and the defence of the consumer». As a result, the Single Act specified that harmonization of health, safety, environment and consumer protection should be done in order to ensure a «high level of protection»¹⁸. German Länder were especially keen to ensure that future Eec norms did not downgrade earlier Din standards¹⁹. The European Commission also proposed in December 1985 the Erasmus programme to facilitate the circulation of students within Europe. The Erasmus negotiations were difficult, but the Council eventually adopted it in June 1987.

Therefore, the Single market programme was a compromise between several approaches. The market-oriented approach focused on removing obstacles rather than introducing new constraints on business. This resulted in a debate as to whether more regulation was needed for the harmonization towards higher standards – hence the paradox reflected in the expression «freer markets, more rules»²⁰ – or whether a broad interpretation of mutual recognition would lead to less legislation and constraints for trade. The latter solution embodied the «neoliberal» dimension of Eec/EU policies, based on the risk of a «race to the bottom» for standards, and on the retrenchment of the welfare state. Conversely, harmonizing all legislation towards «a high level of protection» would promote better social standards for all.

The strength of intergovernmentalism and neoliberalism are the main factors explaining why the unanimous vote for many social policy areas was maintained. The most well-known opponent to the adoption of qualified majority voting was Thatcher's Britain. Her adamant intergovernmentalism and neoliberalism prevented any ambitious package deal on these issues during the Single Act negotiations, or during Eec discussions in general²¹. Thirdly, the social dialogue between the Commission, the European trade-

¹⁸ Single Act, article 18 modifying article 100.a.3.

¹⁹ Warloutzet, *Governing Europe in a Globalizing World*, cit., p. 183.

²⁰ S.K. Vogel, *Freer Markets, More Rules: Regulatory Reform in Advanced Industrial Countries*, Ithaca, Cornell University Press, 1996.

²¹ S. Wall, *A Stranger in Europe: Britain and the EU from Thatcher to Blair*, Oxford, Oxford University Press, 2008.

unions (Etuc) and the European business organisation (Unice) led to concrete results under Delors. Tripartite talks had already taken place in the 1970s but had remained mired in rather general discussions. The Vredeling directive to democratize multinationals by strengthening the rights of workers was another attempt at empowering labour in social dialogue, but it failed in the early 1980s²². In early 1984, the French minister of social affairs Pierre Bérégovoy seized the opportunity presented by the EEC French presidency to relaunch it²³. But the momentum quickly stalled. As a former trade-unionist, Delors was keen on positioning social dialogue in a more permanent manner. To this end, he convened a first tripartite meeting as early as 31 January 1985²⁴, and subsequently developed an overarching plan for 1992 Europe wherein the Single Market would be complemented by both European industrial and social policies. The latter would stem not from a Europeanization of national welfare states, as this would be impossible, but rather from the European social dialogue. It was hoped that the tripartite dialogue would lead to the elaboration of European collective conventions, later to be adopted by the Council as directives. This ambition was welcomed by some trade-unionists such as the Italian Bruno Trentin (Cgil) and the French André Bergeron (FO)²⁵. Others were more skeptical such as Ernst Breit, from the German Dgb, who asserted that it would be impossible to limit the national right of social partners to establish national collective conventions. In internal debates, the Etuc was divided between the supporters of Delors's approach, and those who were merely willing to use Delors's goodwill to promote the traditional requests of lowering working time and of launching an Eec-wide stimulus²⁶. The business organisation Unice, also party to these discussions, tried

²² F. Petrini, *Demanding Democracy in the Workplace: The European Trade Union Confederation and the Struggle to Regulate Multinationals*, in *Societal Actors in European Integration: Policy-Building and Policy-Making, 1958-1992*, ed. by W. Kaiser, J.-H. Meyer, Basingstoke, Palgrave Macmillan, 2013, pp. 151-172; Warlouzet, *Governing Europe in a Globalizing World*, cit., pp. 57-77; A. Andry, *Social Europe in the Long 1970s: The Story of a Defeat*, PhD, Florence, European University Institute, 2017, pp. 305-324.

²³ Warlouzet, *Governing Europe in a Globalizing World*, cit., p. 52.

²⁴ Etuc archives, 2099, doc. Commission, report on the Val Duchesse meeting of 31 January 1985; on the European social dialogue, see: C. Didry, A. Mias, *Le moment Delors. Les syndicats au cœur de l'Europe sociale*, Brussels, Peter Lang, 2005.

²⁵ Etuc archives 2096, note Etuc on a meeting Commission-Unice-Ces, 31 January 1985.

²⁶ Etuc archives, 2098, note PC, 11 April 1985; letter from Mathias Hinterscheid (Etuc) to Lord Pennock (Unice), 4 July 1985; note from Staedelin to Matthiessen, 1st October 1985.

to hinder social dialogue at the outset of 1985, before finally yielding to Commission pressure at the end of 1985²⁷. On 12 November 1985, the second tripartite meeting led for the first time to a common text adopted by Unice and Etuc²⁸. The ensuing discussions gave birth to 27 conventions between 1985 and 1995²⁹. Delors also managed to insert social dialogue in the Single Act through a rather general and non-binding article 22, and later in the Maastricht Treaty, in a more comprehensive article 4 on Social Protocol, which explicitly authorized the Council to transform an agreement between trade-unions and Business at the European level into law (based on a Commission's proposal)³⁰.

Fourthly, the Delors commission reformed and strengthened regional policy, whose objective was to funnel money to poorer regions. It was created in 1975 in response to British and Italian pressure³¹. Delors's desire to strengthen this policy was linked both to the enlargement to Spain and Portugal and to the Single Market programme, which would enhance the need for solidarity. The Commission also took into account the strengthening of local authorities (with important devolution laws in Italy in 1970, in Spain in 1978 and in France in 1982). A large reform package was launched in 1985³². In July 1985, Delors secured the adoption of a

²⁷ Etuc archives, 2098, letter from Mathias Hinterscheid (Etuc) to Lord Pennock (Unice), 4 July 1985; note from Staedelin to Matthiessen, 1st October 1985.

²⁸ Etuc archives, 2100, note DG V, 22 November 1985, on the Val Duchesse meeting of 12 November 1985; note *Le développement du dialogue social*, 7 January 1986.

²⁹ Didry, Mias, *Le moment Delors*, cit., p. 23.

³⁰ Maastricht Treaty, *Agreement on Social Policy Concluded between the Member States of the European Community with the Exception of the United Kingdom of Great Britain and Northern Ireland*, Article 4: «1. Should management and labour so desire, the dialogue between them at Community level may lead to contractual relations, including agreements. 2. Agreements concluded at Community level shall be implemented either in accordance with the procedures and practices specific to management and labour and the Member States or, in matters covered by Article 2, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission. The Council shall act by qualified majority, except where the agreement in question contains one or more provisions relating to one of the areas referred to in Article 2(3), in which case it shall act unanimously».

³¹ A. Varsori, L. Mechi, *At the Origins of the European Structural Policy: The Community's Social and Regional Policies from the late 1960s to the mid-1970s*, in *Beyond the Customs Union: the European Community's Quest for Deepening, Widening and Completion, 1969-1975*, ed. by J. Van der Harst, Baden-Baden, Nomos, 2007, pp. 224-235.

³² N. Jabko, *Playing the Market: A Political Strategy for Uniting Europe, 1985-2005*, Ithaca, Cornell University Press, 2006, pp. 127-131; J.-F. Drevet, *Histoire de la politique régionale de l'Union Européenne*, Paris, Belin Sup, 2008, pp. 102-106.

second series of «Mediterranean integrated programmes» for France, Italy and Greece. The president of the Commission wanted to go further, but Germany remained hostile to any large mechanism to redistribute funds to poorer regions³³. Finally, Delors secured in the Single Act a large chapter devoted to what was now called «cohesion policy», based on «structural funds», which merged funding coming from multiple organizations³⁴. Unanimity was still required to establish the programme but finer decisions regarding implementation could be adopted by qualified majority voting. In 1987, the Delors Commission proposed a major overhaul of this policy in the Commission memorandum entitled *The Single Act: A New Frontier for Europe*³⁵. It was based on four principles. First, instead of several instruments of redistribution to poorer regions (split between regional policy, Cap and the European Social Fund), a new integrated policy – dubbed «cohesion policy» – should be set up. Second, the Commission requested a doubling of the funding. Third, the notion of «partnership» with local authorities should be systematized. Fourth, the cohesion policy was based on the principle of «additionality»: European aid did not replace national aid but rather it complemented it.

This proposal led to many internal hurdles, both within the Commission and the Council, but thanks to the support of Chancellor Helmut Kohl, Delors managed to get a package of reform (later known as the «first Delors Package») adopted in February 1988.

Therefore, even if the social dimension of the Single Market was clearly secondary to its market-oriented thrust, it was nevertheless prioritized by the Delors Commission. One often neglected dimension of this endeavour was the growing importance of environment-friendly measures.

2. *The Growing Environmental Concern of the Delors Commission.* The early 1970s was a time of growing concern regarding environmental issues, in particular with the publication of the Club of Rome report entitled *The*

³³ Akten zur Auswärtigen Politik der Bundesrepublik Deutschland (AAPD), 1985, 311, note on a meeting, 11 November 1985; AAPD, 1985, 325, note on a cabinet meeting, 28 November 1985.

³⁴ The European Agricultural Guidance and Guarantee Fund, Guidance Section, the European Social Fund, the European Regional Development Fund; see Single Act, article 130d.

³⁵ European Commission, *The Single Act: A New Frontier for Europe. Communication from the Commission to the Council*, Com (87) 100 final, 15 February 1987; on the reform of 1987-1988, see: Jabko, *Playing the Market*, cit., pp. 121-146.

Limit to Growth in 1972³⁶. This book was enthusiastically endorsed by the then-president of the Commission, the Dutch Sicco Mansholt, in 1973³⁷. The Commission released two action programmes on the environment, in 1973 and in 1977. Several pieces of legislation were adopted, such as the bird directive in 1979, but the process was quite tedious³⁸. The context of economic crisis and the costs associated with some measures delayed the process. The ideal of Social Europe directly clashed with the neomercantilist and market-oriented concerns of global competitiveness.

The urge to adopt more ambitious environmental measures became more acute in the second half of the 1980s. In Europe, the fallout from the Chernobyl nuclear power plant in 1986 helped place environmental concerns front and centre. At the international level, the 1987 Brundtland report coined the term «sustainable development» to overcome the binary opposition between economy and ecology. This concept was later officially endorsed at the 1992 Rio UN Conference on Environment and Development.

During all of this, the Eec, and in particular the Delors Commission, had not remained idle. In 1986, it secured a major breakthrough in the Single Act, which included environmental policy within the range of Eec competencies, enshrined in an entirely new chapter. It also inserted provisions for environmental protection directly related to the Internal Market Program within the remit of article 100-A-3, which allowed the

³⁶ Donella Meadows, Dennis Meadows, J. Randers, W.W. Behrens, *The Limits to Growth: A Report for the Club of Rome's Project on the Predicament of Mankind*, London, Potomac Associated Book, 1972.

³⁷ J. Van der Harst, *Sicco Mansholt: Courage et Conviction*, in *La Commission européenne (1958-1972). Histoire et mémoire d'une institution*, ed. by M. Dumoulin et al., Luxembourg, Office des publications officielles des Communautés européennes, 2007, p. 182.

³⁸ L. Scichilone, *L'Europa e la sfida ecologica. Storia della politica ambientale europea (1969-1998)*, Bologna, il Mulino, 2008; L. Grazi, L. Scichilone, *Environmental Issues in the Improvement of Living and Working Conditions. Innovative Elements in the Process of European Integration during the 1970s*, in *Les trajectoires de l'innovation technologique et la construction européenne*, éd. par Ch. Bouneau, D. Burigana, A. Varsori, Brussels, Peter Lang, 2010, pp. 57-76; T. Schulz-Walden, *Between National, Multilateral and Global Politics: European Environmental Policy in the 1970s*, in *Europe in a Globalising World. Global Challenges and European Responses in the 'Long' 1970s*, ed. by C. Hiepel, Baden-Baden, Nomos, 2014, pp. 299-318; J.-H. Meyer, *Saving Migrants: A Transnational Network Supporting Supranational Bird Protection Policy*, in *Transnational Networks in Regional Integration: Governing Europe 1945-83*, ed. by W. Kaiser, B. Leucht, M. Gehler, Basingstoke, Palgrave Macmillan, 2010, pp. 176-198.

use of qualified majority voting instead of requiring unanimity. In 1987, Laura Scichilone underlined that one of the most prominent reactions to the Brundtland report came from the Council, whose presidency was held by Belgium³⁹. The Belgian secretary of State for environment, Miet Smet (who belonged to the Flemish wing of the christian-democrat party), asserted the necessity of including environmental concerns in all policies. The Eec had also declared 1987 to be the «European year for environment» (after «Road Safety» in 1986).

The year 1989 appeared as a stepping stone in the assertion of environmental protection as a priority for the Delors Commission. First, Delors delivered an ambitious message at the European Parliament on 17 January 1989⁴⁰: «I will just mention the decisions that have been taken to combat pollution, whether this involves the introduction of clean engines or the development of standards for large incineration plants. This demonstrates that there is no conflict between the single market and the environment, on the contrary, that they go hand in hand». Referring to the Single Act principles, he underlined that: «Prevention must take priority over cure; the cost of clearing up must be borne by the people responsible for creating the nuisance, or, to use the catchphrase, the polluter pays; and lastly, the environment must be a vital component of the Community's other policies». He then concluded with a concrete proposal: «The Commission will propose the introduction of a European system of environmental measurement and verification which could be the precursor of a European environment agency». A few months later, in 1990, the European Environmental Agency, which was mainly a coordinating body, was established⁴¹.

Second, Delors named Carlo Ripa di Meana as commissioner for environment. Ripa di Meana was a pioneer of environmental activism and a high-profile character⁴². A former member of the European Parliament himself (elected in 1979 for the Italian Socialist Party), he

³⁹ Scichilone, *A New Challenge for Global Governance*, cit., p. 241; Id., *La dimensione internazionale della politica ambientale comunitaria. Alle origini della «partnership ecologica mondiale» (1987-1992)*, in *La Comunità europea e le relazioni esterne 1957-1992*, a cura di A. Bitumi, G. D'Ottavio, G. Laschi, Bologna, Clueb, 2008, pp. 207-222: 212.

⁴⁰ Address given by Jacques Delors to the European Parliament (17 January 1989), accessible on <www.cvce.eu>.

⁴¹ Council Regulation (EEC) No 1210/90 of 7 May 1990.

⁴² *È morto Carlo Ripa di Meana, due mesi fa era scomparsa la moglie Marina*, in «la Repubblica», 2 March 2018.

was born into a noble family. After a stint at the Italian Communist Party leading up to the brutal Soviet repression in Budapest in 1956, he joined the Italian Socialist Party and the Turati Club. He chaired the Venice Biennial between 1974 and 1979, attracting severe criticism from the Soviet Union when he invited dissidents for the 1977 gathering. Ripa di Meana became commissioner for European commissioner for culture, tourism and institutions in 1985 (first Delors Commission), and then for environment in 1989 (second Delors Commission). According to Nigel Haigh, then a member of the Institute for European Environmental Policy (Ieep), in 1989, Delors «is said to have told Carlo Ripa di Meana as he asked him to take responsibility for the environment “I want you to give me an environmental policy. I cannot see an environmental policy. All I can see is a list of Directives”»⁴³.

This ambition was translated into two major documents. First, the 1992 Maastricht Treaty included articles 130 R and 130 S, which referred to the precautionary principle, and allowed all environmental legislation (and not only those related to the Single market programme) to be adopted by qualified majority voting, barring some exemptions, listed in article 130 S-2 (such as taxation). Second, the 1993 Fifth Action Programme, which was entitled *Towards Sustainability*, in reference to the Brundtland report, considered environment as a transversal policy, to be taken into account by all policy fields.

For example, in development policy, the negotiation of the Lomé IV agreement (between the Eec and poorer «associated» countries) was the first to be heavily influenced by environmental issues⁴⁴. The Convention stressed that «development shall be based on a sustainable balance between its economic objectives, the rational management of the environment and the enhancement of natural and human resources». A few years prior, in 1988, the disclosure of contracts between European companies and African middlemen to facilitate the dumping of toxic waste in Africa elicited outrage among Eec institutions. This facilitated the adoption of directives, in 1991 and in 1993, limiting the export of hazardous waste in relation

⁴³ N. Haigh, *EU Environmental Policy: Its Journey to Centre Stage*, New-York, Routledge, 2016, chapter 1.

⁴⁴ G. Migani, *EEC-Third World Relations and Resource Governance*, paper delivered at the conference *Fate of Nations, Natural Resources and Historical Development*, 3-4 March 2017, Trondheim.

with the Basel Conventions⁴⁵. Moreover, Ripa di Meana was known for tackling powerful member-states, including Britain, France and even his home country, Italy, for infringements of European rules on environmental protection⁴⁶.

Finally, the Commission adopted many ambitious legislative proposals. Some were successful, such as the 1992 Life programme, which funded environmental-friendly programmes, and the 1992 Habitat directive, which considerably enlarged the 1979 Bird directive. Others failed, such as the ambitious carbon tax initiative, launched in 1992 by Ripa di Meana, after a 1990 Council statement about the necessity of tackling climate change by stabilizing the EC's CO₂ emissions by the year 2000⁴⁷. The carbon tax was a failure, but it generated an intense involvement of the EU in the 1997 UN Kyoto Conference, which in turn led to the establishment of the European Trading Scheme (Ets) of emission permits in 2005. In 1992, commissioner Ripa di Meana, who had evoked the carbon tax as a bid for global leadership, decided to boycott the UN Rio Summit because member states had rejected his carbon tax proposal. The salience of the debate increased over time; the lobbying from industry was intense, notably to obtain exemptions and a low carbon price, and Germany became more and more reluctant as the costs of reunification soared.

3. *The Car-Emission Directive (1989)*. The issue of car emissions is a prominent case-study due to their major environmental, health, industrial, and – hence – political implications. Given their importance, such discussions regularly involved top national leaders (such as Mitterrand and Kohl), commissioners (such as the environmentalist pioneer Ripa di Meana), members of the European Parliament and various pressure groups such as car companies.

From the environmental and health perspective, the entire battle revolved

⁴⁵ S. Baziadoly, *Le droit communautaire de l'environnement depuis l'Acte Unique Européen jusqu'à la conférence intergouvernementale*, Brussels, Bruylant, 1996, p. 121.

⁴⁶ M. Ripa di Meana, *commissaire chargé de l'environnement. La métamorphose d'un séducteur*, in «Le Monde», 16 janvier 1990.

⁴⁷ A. Dahan, S.C. Aykut, *Gouverner le climat: 20 ans de négociations internationales*, Paris, Presses de Sciences Po, 2015; M. Jachtenfuchs, *International Policy-Making as a Learning Process? The EU and the Greenhouse Effect*, Aldershot, Avebury, 1996; B. Wynne, *Implementation of Greenhouse Gas Reductions in the European Community*, in «Global Environmental Change», III, 1993, 1, pp. 101-128; A. Zito, *Creating Environmental Policy in the European Union*, Basingstoke, Macmillan, 2000.

around the adoption of catalytic converters in order to drastically reduce the emission of pollutants responsible for myriad health problems as well as acid rain. In the 1980s, acid rain was of particular concern in Northern Europe and in Germany, where a grassroots movement against «dieback forest» (*Waldsterben*) had gained momentum⁴⁸. Acid rain was not caused by lead in petrol, but rather by the emission of two gases: sulphur dioxide and nitrogen oxide. Since cars were one of the main sources of nitrogen oxide, it made sense to promote the use of catalytic converters, the main tool for reducing these emissions. But catalytic converters required unleaded petrol. Under pressure from social movements and the then-new Green party, the ruling Christian Democrat-Liberal coalition government established stricter environmental standards for power plants, cars and other forms of air pollution.

From the industrial point of view, reducing emissions required unleaded petrol and hence the addition of catalytic converters. While the price of those catalytic converters, and the loss of motor power they entailed, was relatively negligible for expensive cars, it was considerable for small cars (such as those produced by French and Italian carmakers). Negotiations were stalled by the lobbying of Peugeot, a French carmaker whose most successful car was the small 205, which contributed to rescuing it from a dire situation after its release in 1983. On the contrary, on the other side of the Rhine, most carmakers produced larger cars, with the exception of Volkswagen – which exported a great deal to the Usa, where norms were stricter. Since the late 1970s, all cars sold in the Usa had to be fitted with catalytic converters⁴⁹. Moreover, under pressure from the *Waldsterben* movement, and because of the necessity to export cars to the Usa, the German firms readily accepted more environmental-friendly technologies in the 1980s, as it was in their industrial interest⁵⁰. As it can be seen, the

⁴⁸ M. Bemann, *Beschädigte Vegetation und sterbender Wald. Zur Entstehung eines Umweltproblems in Deutschland 1893-1970*, Göttingen, Vandenhoeck & Ruprecht, 2012; B. Metzger, «*Erst stirbt der Wald, dann du!*» *Das Waldsterben als westdeutsches Politikum (1978-1986)*, Frankfurt am Main, Campus Verlag, 2015.

⁴⁹ S. Klebaner, *Dynamiques réglementaires et planification des firmes: les leçons des limites européennes d'émissions de polluants dans l'automobile*, PhD, Bordeaux, Université de Bordeaux, 2018, p. 185.

⁵⁰ B. Metzger, L. Schmit, *Shades of Green: Ökologische Modernisierung im deutsch-französischen Vergleich (1970-1990)*, in *Ökologische Modernisierung. Zur Geschichte und Gegenwart eines Konzepts in Umweltpolitik und Sozialwissenschaften*, hrsg. von M. Bemann, B. Metzger, R. von Detten, Frankfurt am Main, Campus Verlag, 2014, pp. 257-286: 273.

case of car emissions demonstrates an opposition between social Europe and neomercantilist Europe, the latter being embodied by Peugeot (the other French carmaker, Renault, was more oriented towards the Usa and thus less opposed to stringent norms⁵¹). On the contrary, the German carmakers adopted an industrial strategy combining social and market-oriented (the necessity to export in the Usa) features.

From the political standpoint, this issue led to high-level contests, first between member-states, then with an involvement of the European Commission and of the European Parliament. At the start of negotiations, the discussion pitted the French and the German governments against each other, until a high-level French-German political rapprochement between Mitterrand and Kohl in June 1984 paved the way for a compromise⁵². The bargain was struck at the Eec Council in March and June 1985, whereby Paris secured less constraining norms for mid-sized and smaller cars⁵³. However, the adoption of the directive was blocked by a Danish veto until July 1987, as Copenhagen wanted to implement stricter norms⁵⁴. The new procedures of the Single Act entered into force at this time, making it possible to circumvent unanimity. The Council eventually struck an agreement on 21 July 1987 by qualified majority, voting on a new limitation for motors with different standards for large (powered by a motor of more than 2 litres), intermediate (between 1.4 and 2 litres), and small cars (less than 1.4

⁵¹ Klebaner, *Dynamiques réglementaires*, cit., p. 195.

⁵² Council Directive 85/210/EEC of 20 March 1985 on the approximation of the laws of the Member States concerning the lead content of petrol; French national archives, 5AG4/39, note SGCI, 29 November 1984; British national archives, PREM 19/1223, note FCO, CR Budd, 30 November 1984; German national archives, B 102/315414, document du Sekretariat der Wirtschaftsministerkonferenz, 18 June 1982; AAPD, 1985, 29, note on a meeting Kohl-Fabius on 5 February 1985.

⁵³ European Parliament archives, PE2_AP_RP!ENVI.1984_A2-0132!880010EN, Report on the proposal from the Commission of the European Communities for a Council directive amending Directive 70/220/EEC on the approximation of the laws of Member States relating to measures to be taken against air pollution by gases from the engines of motor vehicles (European emission standard for cars below 1.4 litres), Com (87) 706, rapporteur: K. Vittinghof, 29 June 1988, document A 2-0132/88; British national archives, PREM 19/1490/1, brief, Environmental Issues, 26 March 1985.

⁵⁴ European Parliament archives, PE2_AP_RP!ENVI.1984_A2-0132!880010EN, Report on the proposal from the Commission of the European Communities for a Council directive amending Directive 70/220/EEC on the approximation of the laws of Member States relating to measures to be taken against air pollution by gases from the engines of motor vehicles (European emission standard for cars below 1.4 litres), Com (87) 706, rapporteur: K. Vittinghof, 29 June 1988, document A 2-0132/88.

litres). It established relatively strict standards, except for the smallest cars, whose fate was left to future regulation.

In the meantime, during the Single Act negotiations, the official instructions to the French negotiators were to refuse any article imposing the higher standard in environmental policy⁵⁵. This was clearly in contradiction with the overall French position of a «European social space», except if the latter was not meant to include environmental concerns. Hence, the French position was neither social nor market-oriented, but neomercantilist.

A new battle occurred on the directive concerning small cars (powered by engines smaller than 1,4 liters), unveiled by the Commission in February 1988⁵⁶. In this case, the European Parliament had quite an influence on the decision-making process⁵⁷. Crucially, the directive on car emissions was singled out by Nicole Fontaine, a member of the European Parliament (Mep) in those days (and later president of the European Parliament), as one of the most important battles in the assertion of the European Parliament⁵⁸. The role of the European Parliament was enhanced by the cooperation procedure introduced by the Single Act: it stipulated that for all legislation linked to the Single Market programme, the Commission and the Council had to take into account the amendments of this chamber if they were adopted by absolute majority.

At first, the Council and the Commission agreed to maintain relatively lenient standards. The European Parliament debated the compromise between the Council and the commission on 13 September 1988 as part of a first reading, with the German Spd Mep Kurt Vittinghof authoring the report on the draft directive⁵⁹. Vittinghof was very critical towards what he called the «half-hearted and industry friendly» stance of the Council. He urged action as car emissions played a role not only in «dying forests», but also in damage to public monuments and public health according to him. During the debate in plenary session, other Meps, such as the British

⁵⁵ Archives of the French Foreign Affairs ministry, DECE 2499, note SGCI, 27 November 1985.

⁵⁶ European Union Historical Archives, GSPE 77/2524, political report, 16-20 November 1987.

⁵⁷ For more details on the European Parliament's role, see: L. Warloutet, *Completing the Single Market: The European Parliament and Economic Integration, 1979-1989*, Luxembourg, European Parliament Research Service, 2020.

⁵⁸ Interview of Nicole Fontaine by Laurent Warloutet in Paris, 18 July 2017.

⁵⁹ European Parliament archives, PE2_AP_DE!1988_DE19880913-169900FR, debates in plenary session on 13 September 1988.

Labourite Carol Tongue, the German Social Democrat Siegbert Albert, and the Belgian Green François Roelants du Vivier, criticized – directly or indirectly – the lobbying of French carmakers, in particular Peugeot Ceo Jacques Calvet. Calvet became a leading voice for french eurosceptic neomercantilists. On the other side of the debate, many Danish and Dutch Meps called for even more stringent caps. The Danish government threatened to take unilateral measures, a position deemed intolerable for the Commission as it would have hindered the free flow of goods just at the time of the completion of the Single market programme⁶⁰. Despite those critics, the commissioner in charge of this regulation, the British Labour member Clinton-Davies, nevertheless reinstated the original position shared by the Council and by the Commission⁶¹.

The text returned to the European Parliament on 11 April 1989, but the Commission was now represented by the Italian Carlo Ripa di Meana, instead of the more traditional Clinton-Davies. In his speech during the plenary session of the European Parliament, Ripa di Meana (himself a former member of the European Parliament) underscored what he considered to be a «watershed in the history of Community policy over environmental protection» as the Single Act «built [environmental protection] into the Community's other policies»⁶². Crucially, Ripa di Meana accepted to anticipate the adoption of the new standards, gaining applause from many Meps. The debates during the plenary session evoked not only the car emissions standards, but also broader theme such as the «polluter pays principle», a concept coined by the Oecd in 1970, and later on taken up by the Eec⁶³, as well as the issue of «global warming», and the linkage

⁶⁰ European Union Historical Archives, European Commission archives, special minutes of the meeting of 14 December 1988.

⁶¹ European Parliament archives, PE2_AP_RP!ENVI.1984_A2-0026!890020FR, Recommendation by the Committee on Environment, Public Health and Consumer Protection on the Common Position of the Council with a view to the adoption of a directive amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from the engines of motor vehicles (European emission standards for car below 1.4 litres), 28 March 1989, part A (document A2-26/89/Part A) and part B (document A2-26/89/Part B).

⁶² European Parliament archives, PE2_AP_DE!1989_DE19890411-149900FR, debate in plenary session on 11 April 1989.

⁶³ J.-H. Meyer, *Who Should Pay for Pollution? The OECD, the European Communities and the Emergence of Environmental Policy in the early 1970s*, in «European Review of History», XXIV, 2017, 3, pp. 377-398.

between car emissions and «climatic change»⁶⁴. In the end, Meps voted the amendments requiring tougher legislation by a large majority⁶⁵. The Commission then accepted to amend its proposal by taking into account the European Parliament's position.

The records of the Commission's archives clearly demonstrate the evolution of thinking between 1988 and 1989. In January 1988, during a debate within the college of commissioners, the Italian Lorenzo Natali and the French Claude Cheysson had both underlined the necessity to preserve the competitiveness of the Eec's small car production by adopting reasonable standards, i.e. lenient ones⁶⁶. By contrast, in April 1989, when the discussion came back to the college of commissioners after the adoption of a stringent position by the European Parliament, all commissioners agreed to tougher standards, even if – according to French diplomatic sources – Ripa di Meana wanted even stricter norms⁶⁷. The minutes of the Commission specifically underlined the fact that the discussion was carried out under pressure from the European Parliament's new position⁶⁸.

Shortly afterwards, in June 1989, the Council struck a compromise with Directive 89/491/EEC which imposed stricter standards⁶⁹. This decision reversed a longstanding trend of being a laggard in environmental norms compared with international standards. In terms of vehicle emission standards, the American automobile norms enacted in 1970 and 1977 were consistently stricter than the five increasingly stringent standards enacted by the EU between 1970 and 1985⁷⁰.

⁶⁴ European Parliament archives, PE2_AP_DE!1989_DE19890411-149900FR, debate in plenary session on 11 April 1989.

⁶⁵ European Parliament archives, PE2_AP_RP!ENVI.1984_A2-0026!890001FR.

⁶⁶ EU historical archives, minutes of the meeting of the College of commissioners of 27 January 1988, available online: <https://ec.europa.eu/historical_archives/meetings-minutes_fr.htm>.

⁶⁷ Archives of the French ministry of Foreign Affairs, DECE 2704, telex REP, 6 April 1989.

⁶⁸ EU historical archives, minutes of the meeting of the College of commissioners of 5 April 1989, available online: <https://ec.europa.eu/historical_archives/meetings-minutes_fr.htm>.

⁶⁹ Commission Directive 89/491/EEC of 17 July 1989 adapting to technical progress Council Directives 70/157/EEC, 70/220/EEC, 72/245/EEC, 72/306/EEC, 80/1268/EEC and 80/1269/EEC relating to motor vehicles.

⁷⁰ H. Arp, *Technical Regulation and Politics: The Interplay between Economic Interests and Environmental Policy Goals in EC Car Legislation*, in *European Integration and Environmental Policy*, ed. by D. Liefferink, Ph. Lowe, A. Mol, London, Belhaven Press, 1993, pp. 150-172; D. Vogel, *Trading Up: Consumer and Environmental Regulation in a Global Economy*, Cambridge (MA), Harvard University Press, 1995, pp. 63-77.

4. *Conclusion.* Whereas, the year 1989 was dominated by the discussion over the political and the monetary union, as well as over the democratisation of the Soviet Bloc, a detailed examination of the Commission's action in this year shows that its president had not forgotten his social agenda. Jacques Delors defended an ambitious social agenda, in particular through the approximation of legislation towards high standards, the social dialogue and the redistribution to poorer regions through cohesion policy.

Beyond that, the Delors Commission, in particular under the influence of the Carlo Ripa di Meana, who became commissioner for environmental affairs in 1989, adopted a greener perspective. Indeed, for Ripa di Meana, 1989 was «a year which saw a particularly marked increase in public awareness of, and political activity concerning, the many threats to the environment» with important work carried out about protecting the ozone layer, the conservation of tropical forests, and what he called «climatic change».

This shift was also visible on more mundane issues negotiated within the European Economic Community⁷¹. Some of them, such as the ambitious project of carbon tax, failed, but many were launched. On each issue, many opponents appeared in the market-oriented, neoliberal and neomercantilist camps. Delors was not all-powerful within the Commission or within Eec/EU institutions – nor was he only committed to social policies. He also had a social and a neomercantilist agenda and had to compromise with neoliberals and ordoliberals on many issues, especially on competition policy and on European Monetary Union⁷².

A detailed study of the adoption of stringent caps on car emissions in 1989 demonstrates not only the role of environmental-friendly politicians at the European Commission and at the European Parliament, but also the

⁷¹ C. Ripa di Meana, *Commission of the European Communities: 1989 Environmental Activities*, in «Colorado Journal of International Environmental Law and Policy», XVIII, 1990, 1, pp. 159-165: 159.

⁷² On Emu, see: K. Dyson, K. Featherstone, *The Road to Maastricht: Negotiating Economic and Monetary Union*, Oxford, Oxford University Press, 1999; H. James, *Making the European Monetary Union: The Role of the Committee of Central Bank Governors and the Origins of the European Central Bank*, Cambridge (MA), Harvard University Press, 2012; on competition policy, see: L. Warlouzet, *The Centralization of EU Competition Policy: Historical Institutional Dynamics from Cartel Monitoring to Merger Control (1956-91)*, in «Journal of Common Market Studies», LIV, 2016, 3, pp. 725-741; N. Rollings, L. Warlouzet, *Business History and European Integration: How EEC Competition Policy Affected Companies' Strategies*, in «Business History», LXII, 2020, 5, pp. 717-742.

strength of the neomercantilist lobby which had succeeded in thwarting progress for a long time. This pro-business lobby was not in favour of market-oriented solutions, or of social measures. Its main aim was to increase the profits of companies through limited competition. Thus, the Eec/EU cannot be reduced to a neoliberal project, as the discrepancy between Thatcher's original idea of the Single market exposed in 1985 – and its results demonstrates. The British prime minister wanted to remove existing legislation, however in the end she had to cope with more legislation, including some with a distinctive social and environmental flavour.

