
The European Parliament and the Origins of Environmental Policy



STUDY

European Parliament History Series

EPRS | European Parliamentary Research Service

Guest author: Jan-Henrik Meyer

European Parliament History Service, Members' Research Service

PE 757.644 – March 2024



The European Parliament and the Origins of Environmental Policy

Drawing on a wide array of sources and literature, this study examines the role of the European Parliament in the establishment of the European Community's environmental policy. It argues that Parliament played a key role in placing this nascent policy issue on the agenda. It influenced the definition of what the policy should include, what it should focus on, and which instruments should be used to address environmental problems. In this process, Parliament filtered ideas, issues and political objectives from national and international debates into the European Community.

AUTHOR

This study has been written by Jan-Henrik Meyer of the Max Planck Institute for Legal History and Legal Theory at the request of the European Parliament History Service, within the Directorate-General for Parliamentary Research Services (EPRS) of the Secretariat of the European Parliament.

ADMINISTRATOR RESPONSIBLE

Wolfram Kaiser, European Parliament History Service, Members' Research Service, EPRS

To contact the publisher, please e-mail eprs@ep.europa.eu

LINGUISTIC VERSIONS

Original: EN

Manuscript completed in March 2024.

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PE 757.644
ISBN: 978-92-848-1593-7
DOI:10.2861/310483
CAT: QA-02-24-169-EN-N

eprs@ep.europa.eu
<http://www.eprs.ep.parl.union.eu> (intranet)
<http://www.europarl.europa.eu/thinktank> (internet)
<http://epthinktank.eu> (blog)

Overview

This study examines the role of the European Parliament in the establishment of the European Community's environmental policy during the 'long 1970s'.¹ It argues that the European Parliament played a key role in placing this nascent policy issue on the agenda. It influenced the definition of what the policy should include, what it should focus on, and which instruments should be used to address environmental problems. In this process, Parliament mediated ideas, debates and political objectives from national and international debates into the European Community.

The study draws on two examples. The first is water pollution, a policy issue central to the making of the first 1973 Environmental Action Programme, which defined the principles, objectives, and priority measures of the new policy. The second is the 1979 Directive on the Conservation of Wild Birds, the so-called Birds Directive, an important step in establishing nature conservation within the scope of European Community action. Members of the European Parliament actively pushed for the European protection of migratory birds, an important transnational concern and a highly emotive issue.

Based on archival sources, interviews, literature, and media reports, the study goes on systematically to address the different strategies and instruments European Parliament actors – such as the political groups, committees, and individual MEPs – used to influence agenda-setting and policy-making in environmental policy, through entrepreneurial leadership, institutional strategies, cooperating with other actors and working with the media. The study demonstrates that the European Parliament's initiatives and demands were central to establishing and defining environmental policy as one of the flagship policies of today's European Union.

An [executive summary](#) of the study is published separately.

¹ The 'long 1970s', in socio-economic terms, lasted from the new social movements in the late 1960s and the 1973 oil crisis through to the reforms and transformation in the 1980s. Institutionally, it began with the 1969 summit in The Hague and extended beyond the 1979 direct elections to the European Parliament, which were far from a 'zero hour' for Parliament, let alone the European Community.

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Abbreviations

ACDP	Archiv für christlich-demokratische Politik
AESC	Archive of the Economic and Social Committee
BK	Bundesarchiv Koblenz
BUND	Federation for Environment and Nature Protection
CEUA	Council of the European Union Archives
CoE	Council of Europe
EAP	Environmental Action Programme
EC	European Community
EP	European Parliament
EU	European Union
EZA	Evangelisches Zentralarchiv
HAEP	Historical Archives of the European Parliament
HAEU	Historical Archives of the European Union
ICPRP	International Commission for the Protection of the Rhine against Pollution
MEP	Member of the European Parliament
OECD	Organisation for Economic Cooperation and Development
OJ	Official Journal of the European Communities
RSPB	Royal Society for the Protection of Birds
SEA	Single European Act
SEPC	Service for the Environment and Consumer Protection (of the European Commission)
TV	television
UK	United Kingdom
UN	United Nations
US	United States

1. Introduction

In the original Europe of the six founding member states of the European Community (EC), the Rhine was centrally located, both symbolically and geographically. Its symbolic role was epitomised not least by the European Parliament's (EP) presence on the banks of the Rhine in Strasbourg. After centuries of internecine warfare and nationalism, the choice of its seat was to demonstrate that France and Germany had overcome their enmity for good. Geographically, the river's watershed included – and thus connected – five of the six EC member states. The Rhine constituted an important natural infrastructure. Regulated and deepened since the 19th century, the river served as an important artery for transport, with large barges going up to the Swiss border. Along its banks, manmade infrastructures had been erected for Europe's industrial economies, including railways, canals, electricity lines, and power plants.²

By the late 1960s, however, the Rhine, once widely depicted in a romantic light, had turned into '[Western] Europe's largest sewer',³ taking up salty brine from Alsatian mines, chemicals from Swiss, French and German plants, and increasingly, hot cooling water from new nuclear power plants, as various international organisations highlighted, too.⁴ The few remaining fish were struggling for their survival.⁵ That the Rhine was taking more than it could, became apparent to the wider public through a dramatic fish kill in the summer of 1969. Dead fish washed down the river, indicating lethally polluted water. This cross-border fish kill became the starting point for the EC's environmental policy – not least through the efforts of the EP.

Even though the Rhine was regulated by one of the world's oldest international organisations, dating back to 1815, the responsible German federal states had failed to warn the Dutch downstream. This upset the Dutch public, and public authorities, when they eventually found out the reason for the fish kill and the origins of the poison. In fact, a chemical plant belonging to Hoechst in Frankfurt had routinely released Thiodan, a beetle killer, into the Main river, a large tributary of the Rhine, in mid-June. With low water levels during the summer, the pesticide was not sufficiently diluted, and killed the fish.⁶ On 26 June 1969, the Tweede Kamer, or second chamber of the Dutch Parliament in The Hague, discussed this issue, not least since Rhine water was a key resource for agriculture and industry and as drinking water.⁷

It was thus no coincidence that, on 1 July, Dutch members of the EP (MEPs) took the water pollution problem to the Strasbourg plenary. The Labour politician Adriaan Oele emphasised the cross-border nature of the problem and thus its European scope.⁸ When presenting his report on pesticide residues in fruit and vegetables, the rapporteur from the Committee on Social Affairs and Public Health, Jacob Boersma, chose even more drastic words. The Dutch Christian democrat from the

² Vincent Lagendijk (2015) Europe's Rhine Power: connections, borders, and flows, *Water History*, 8, 23-39.

³ Flüsse. Rheinvergiftung. Nur ein Sterben, *Der Spiegel*, 29 June 1969, 65-66.

⁴ Jacob Boersma, Bericht im Namen des Ausschusses für Sozial- und Gesundheitsfragen über die Reinhaltung der Binnengewässer unter besonderer Berücksichtigung der Verunreinigung des Rheins, 11 November 1970, Historical Archives of the European Parliament (HAEP), PEO-AP RP/ASOC.1967 AO-0161/70, 1-21, 7-10.

⁵ Nil Disco (2013) One Touch of Nature Makes the Whole World Kin. Ships, Fish, Phenol, and the Rhine, 1815–2000, in: Nil Disco and Eda Kranakis (eds) *Cosmopolitan Commons*, Cambridge, MA: MIT Press, 271-316.

⁶ Flüsse. Rheinvergiftung. Nur ein Sterben.

⁷ Daan Sanders and Liesbeth van de Grift (2022) The Rhine as One River: Rhine Pollution and Multilevel Governance, 1950s to 1970s. *BMGN - Low Countries Historical Review*, 137 (4), 87-112, 107.

⁸ Adriaan Oele (1969) Intervention, 1 juillet 1969, Situation sociale dans la Communauté en 1968. *Journal officiel des Communautés européennes. Annexe*. (116, July 1969), 98-99.

protestant Anti-Revolutionary Party spoke of the 'increasing poisoning of our environment'. He warned that, while this time only fish were killed, next time it might be humans. Emphasising the issue of health, he rhetorically constructed a connection between this issue and the concerns relevant to his committee. Moreover, Boersma associated the fish kill with the wider problem of pollution, which increasingly threatened the 'conditions of the natural environment for humans'. He clearly already perceived the pollution of 'water, air and soil' as one comprehensive problem, as a problem of the environment. Attributing this problem to society's fixation with economic growth, he advanced an argument that came to be central to the nascent environmentalism.⁹

This debate in response to the fish kill was the beginning of a series of initiatives that Boersma and the Committee on Social Affairs and Public Health undertook on behalf of the EP, to place the environment on the EC agenda. They first produced a report on the Rhine and water pollution,¹⁰ followed – in a deliberately step-by-step process – by a report on air pollution.¹¹ They also planned one on waste, viewing these issues as belonging to the new policy field called 'the environment'.¹²

This study argues and demonstrates that the EP, its relevant committees, and key individual MEPs played a central role in and had significant impact on the nascent EC environmental policy. Not only did they contribute to firmly establishing the environment as a new policy field on the EC agenda; using different instruments, they also pushed the other institutions to advance the policy. They sought to influence the content of the new policy, while also insisting upon their own institutional role. This study seeks to explore how the MEPs asserted their role, sought to exert influence, and which issues they focused on in their attempt to advance environmental policy – a policy field that had not been envisaged by the 1957 European Economic Community (EEC) treaty, and was only formally incorporated as an EC competence in the 1987 Single European Act (SEA).

The environment was a novel policy issue in the late 1960s, and the EP was among a number of national and international actors involved in seeking to shape the policy response.¹³ After decades of rapid economic growth, technological advances, and an expanding consumer society, the unpleasant and unhealthy side effects of these developments started to become issues of concern among Europe's more affluent, more educated and – in the wake of 1968 – more politically aware and critical societies. The new political concept of the environment included the more traditional concerns about nature conservation and the newly pressing problems of air and water pollution and waste. United States (US) legislation in the form of the 1970 National Environmental Policy Act and the Environmental Protection Act provided models and points of reference in terms of policy and terminology, domestically and internationally. Many EC member states were taking stock of what they now understood as environmental problems for the first time, as they produced reports for the first United Nations (UN) Conference on the Human Environment in Stockholm in 1972.¹⁴ The debate

⁹ Jacob Boersma (1969) Rede im Europäischen Parlament als Berichterstatter "Verordnung über die Rückstände von Schädlingsbekämpfungsmitteln auf und in Obst und Gemüse", Sitzung am Dienstag, 1. Juli 1969. *Amtsblatt der Europäischen Gemeinschaften*, Anhang (116), 104-106, 105.

¹⁰ Boersma, Bericht Binnengewässer.

¹¹ Hans Edgar Jahn (1971) Bericht im Auftrag des Ausschusses für Sozial- und Gesundheitsfragen über die Notwendigkeit einer Gemeinschaftsaktion zur Reinhaltung der Luft, 15. Dezember 1971, HAEP, PE0 AP RP ASOC.1967 0181/71, 1-31.

¹² Commission des affaires sociales et de la santé publique Parlement européen, Procès-verbal de la réunion du mardi 17 février 1970, HAEP, PE0 AP PV/ASOC.1967 ASOC-197002170010FR, 4, §4.

¹³ Jan-Henrik Meyer (2017) From Nature to Environment: International Organizations and Environmental Protection before Stockholm, in: Wolfram Kaiser and Jan-Henrik Meyer (eds) *International Organizations and Environmental Protection. Conservation and Globalization in the Twentieth Century*. New York: Berghahn, 31-73.

¹⁴ Kai F. Hünemörder (2005) 1972 - Epochenschwelle der Umweltgeschichte?, in: Franz-Josef Brüggemeier and Jens Ivo Engels (eds) *Natur- und Umweltschutz nach 1945. Konzepte, Konflikte, Kompetenzen*. Frankfurt: Campus, 125-144.

on the environment and the critique of growth culminated in 1972 with the equally shocking and controversial visions of the Club of Rome report *Limits to Growth*.¹⁵

Accounts on the history and politics of the EP have frequently focused on its role after the first direct elections in 1979.¹⁶ However, in recent years its role before 1979 has received increasing attention.¹⁷ Recent research has pointed to the relevance of the close linkages between national parliaments and the EP through the dual mandate, for example.¹⁸ The literature on the role of the EP in the development of environmental policy is even more limited. This is especially true for research on European environmental policy in the 1970s.¹⁹ Environmental historians in turn have increasingly started to adopt a European perspective,²⁰ but they usually mention the role of the EC or the EP in passing only. Moreover, among international organisations active in environmental policy, the EC was a latecomer in the early 1970s.²¹

This study focuses on the EP's role in the emergence of EC environmental policy in the 'long 1970s'. The eve of the 1970s marked a turning point both in the history of environmentalism and of European integration more generally. From the late 1960s, the environment turned into a political issue – including in the EP – and the summit of The Hague on 1-2 December 1969 constituted a new start in EC politics. Environmental concerns grew well into the 1980s, before the policy field was integrated into the EC in the 1987 SEA.

Drawing on a variety of archival sources, the study combines an analytical, source-based historical narrative with a more systematic analysis of the strategies used by the EP and MEPs to advance their cause. The two chapters following the introduction explore the role of the EP in the making of the new policy. Chapter 2 explains how the EP placed the environment, and water pollution in particular, on the agenda and pushed for establishing a new EC policy. Chapter 3 elucidates how activist MEPs inserted nature conservation into the scope of EC policy, by channelling public outrage about the hunting of migrant birds into the making of the 1979 Directive on the Conservation of Wild Birds, the so-called Birds Directive. Chapter 4 addresses in a more systematic manner the different strategies and instruments EP actors used to influence agenda-setting and policymaking in environmental policy, through entrepreneurial leadership, institutional strategies, cooperating with other actors and working with the media. The conclusion summarises key findings, highlights linkages and overlaps with other policy fields, and explores continuities, change and longer-term implications of EP activism in the 'long 1970s' for the subsequent history of the EP and European Union (EU) environmental policy.

¹⁵ Dennis Meadows, et al. (1972) *The Limits to Growth*, New York: Universe Books.

¹⁶ Desmond Dinan (2018) *Historiography of the European Parliament: Changing Perceptions of the Institution from the 1950s to Today*, PE 630.270, Brussels: EPRS.

¹⁷ Kiran Klaus Patel and Christian Salm (2021) The European Parliament during the 1970s and 1980s. An Institution on the Rise? Introduction, *Journal of European Integration History*, 27 (1), 5-19.

¹⁸ Paul Lukas Hähnel (2020) Parlamentarier für Europa – Die Vernetzung des Bundestags mit europäischen interparlamentarischen Körperschaften durch Doppelmandate (1950-1969/70), *Journal of European Integration History*, 26 (2), 325-344.

¹⁹ Marc Dorpema (2020) The Netherlands, the Environment, and European Integration in the Early 1970s. *Journal of European Integration History*, 26 (2), 229-246; Jan-Henrik Meyer (2021) Pushing for a Greener Europe. The European Parliament and Environmental Policy in the 1970s and 1980s, *Journal of European Integration History*, 27 (1), 57-78.

²⁰ Patrick Kupper and Anna Katharina Wöbse (2021) Introduction: Writing a European History of Environmental Protection, in: Anna Katharina Wöbse and Patrick Kupper (eds) *Greening Europe: Environmental Protection in the Long Twentieth Century – A Handbook*. Berlin: De Gruyter Oldenbourg, 1-14.

²¹ Wolfram Kaiser and Jan-Henrik Meyer (eds) (2017) *International Organizations and Environmental Protection. Conservation and Globalization in the Twentieth Century*, New York: Berghahn.

2. Water pollution, the Rhine and the construction of EC environmental policy

EC environmental policy apparently started with the formal publication of the Environmental Action Programme (EAP) in November 1973; or, in alternative accounts, with the Paris summit in October 1972 and the subsequent meeting of EC environmental ministers in Bonn.²² Many studies assume that summits and (from 1975 onwards) the European Council were the most important players shaping the agenda of the EC institutions as mere agents of the member state governments. They ignore the role of the supranational institutions and the much longer germination phase that led to the eventual decision to start a new policy. During this phase, multiple actors already discussed the core aspects of the subsequent policy and possible legal bases. Indeed, initially it was the formally weakest institution that actually placed the 'environment' on the EC agenda. The EP, its Committee on Social Affairs and Public Health, and some individual MEPs addressed the problems of air and water pollution. Highlighting the transnational implications of pollution, they called for a new Community policy on the environment and flagged some of the key problems in the nascent field.

Pollution slowly became an issue in the EP even before the Rhine fish kill. Initially, it featured only in EP questions, and the focus was primarily on water. One of the first occasions was in 1967, in a question from the Dutch Labour MEP (and later Commissioner) Henk Vredeling. He highlighted that the Commission had recently participated in a meeting on water pollution in the context of the UN Economic Commission for Europe and asked whether the Commission intended to take action on water pollution control, too. The Commission response confirmed that various international organisations worked on this issue, and that it had started to look into it by commissioning a comparative study on member states' water legislation.²³ Another social democrat, the German MEP Harri Bading, encouraged the Commission to enquire more deeply into the problem of water pollution, notably its economic implications. The Commission's response demonstrates that they were familiar with the much-debated implications of water legislation for international competition, including the desirability of uniform standards. Lower standards could mean a comparative advantage for some regions in international trade.²⁴

Until the summer of 1969, pollution rarely featured in EP plenary debates. Very few pioneers among the MEPs were flagging environmental problems, and they often approached the issue from the perspective of other policies, such as consumer protection. The Dutch Labour MEP Adriaan Oele, from the Economic Committee, pointed to the 'external cost' and 'detrimental effects' of air pollution. Oele complained that society was hardly aware of these problems that critical economists were highlighting at the time. Automobile companies were selling outdated car engines to consumers, and had successfully prevented the introduction of national regulation by creating the spectre of the distortion of competition and job losses.²⁵ As a trained engineer, Oele was familiar

²² See, for example, Christoph Knill and Duncan Liefferink (2013) *The Establishment of EU Environmental Policy*, in: Andrew Jordan and Camilla Adelle (eds) *Environmental Policy in the EU. Actors, institutions and processes*, 3rd Edition. Abingdon: Routledge, 13-31, 13.

²³ Henk Vredeling (1967) Schriftliche Anfrage Nr. 159/66 an die Kommission der Europäischen Wirtschaftsgemeinschaft, 3. März 1967, Kampf gegen die Gewässerverunreinigung, und Antwort, 19. April 1967. *Amtsblatt der Europäischen Gemeinschaften*, 10 (83, 28. April 1967), 1650-1650.

²⁴ Harri Bading (1967) Schriftliche Anfrage Nr. 129/67 an die Kommission der Europäischen Wirtschaftsgemeinschaft, 14. August 1967, Verunreinigung der Gewässer, und Antwort, 13. Oktober 1967. *Amtsblatt der Europäischen Gemeinschaften*, 10 (262, 28. Oktober 1967), 2-3.

²⁵ Adriaan Oele (1969b) Intervention, 21 janvier 1969, Renforcement de la position du consommateur dans le Marche commun. *Journal officiel des Communautés européennes. Annexe*. (110, January 1969), 10-13.

with such problems, and soon became one of the most vocal advocates of EC-level environmental action.

However, the EP only really started to set agendas for environmental policy with the plenary debate in Strasbourg on 1 July 1969, in the wake of the Rhine fish kill. On three different items of the July parliamentary session, MEPs engaged in linking the new issue to existing policies. First, the MEPs debated Euratom and its crisis-ridden Research Centre that was searching for a new purpose.²⁶ The Belgian socialist MEP Jozeph Ramaekers, a member of what was then the Committee on Public Health and Social Affairs, demanded that 'particular' research efforts should be undertaken in the 'battle against air and water pollution' problems more generally.²⁷

In a second item of debate, the discussion on the EP report on the European Commission's Report on the Social Situation of the Community,²⁸ MEPs did not just demand more research, but actual policy measures. Drafted by the French Gaullist Jacques Baumel, the EP report clearly argued for expanding the scope of EC tasks.²⁹ Until then, the Commission's report had only addressed radiation protection, based on the requirements of the 1957 Euratom treaty.³⁰ Instead, the EP report demanded that the Commission additionally include information on air, water and noise pollution in the future. It explicitly asked for joint European policy action, given that the member states were already active in this field.³¹ In the plenary debate on this item, the French socialist Marcel Brégégère,³² as well as Oele,³³ referred to the fish kill in the River Rhine to strengthen their argument.

The demand for EC action culminated in a third item of debate on that day, namely the issue of limits on traces of pesticides in fruit and vegetables. This provided an opportunity to link pollution problems to EC market regulation of chemicals and its implications for consumers' health and safety.³⁴ Rapporteur Boersma emphatically claimed that the Rhine disaster had just made visible a dangerously high level of pollution of all three environmental media: 'water, air and soil'.³⁵

In their debate, those MEPs advancing the issue outlined core aspects of the environmental debate at the time. What was at stake was human health and life, as 'the conditions of the natural environment' were 'rapidly deteriorating'.³⁶ From a socialist perspective, Boersma put an anti-capitalist spin on his argument, including a critique of growth. The German social democrat MEP

²⁶ Paul Bähr (1970) Was wird aus Euratom? Die Europäische Atomgemeinschaft in der Krisenzone, *Europa-Archiv*, 25 (3), 81-90.

²⁷ Jozef Ramaekers (1969) Intervention, 1 juillet 1969, sur Restructuration d'Euratom et du centre commun de recherche. *Journal officiel des Communautés européennes. Annexe* (116, July 1969), 47-50, 50.

²⁸ European Commission (1969) *Exposé sur l'évolution de la situation sociale dans la Communauté en 1968, (joint au Deuxième Rapport général sur l'activité des Communautés en application de l'article 172 du traité de Rome)*, Février 1969, Brussels : European Commission.

²⁹ Jacques Baumel, Bericht im Namen des Ausschusses für Sozial- und Gesundheitsfragen über den Bericht der Kommission der Europäischen Gemeinschaften über die Entwicklung der sozialen Lage in der Gemeinschaft im Jahr 1968 (Dok. 211/68), HAEP, PEO AP RP/ASOC.1967 068/69.

³⁰ Commission *Exposé sur l'évolution de la situation sociale en 1968*, 211-218.

³¹ Baumel, Bericht Entwicklung der sozialen Lage in der Gemeinschaft, 13 § 49.

³² Marcel Brégégère (1969) Intervention au nom du groupe socialiste, 1 juillet 1969, Situation sociale dans la Communauté en 1968. *Journal officiel des Communautés européennes. Annexe*. (116, July 1969), 93-95, 95.

³³ Oele, Intervention, 1 juillet 1969, Situation sociale dans la Communauté en 1968, 99.

³⁴ Jacob Boersma, Bericht im Namen des Ausschusses für Sozial- und Gesundheitsfragen über die Vorschläge der Kommission der Europäischen Gemeinschaften an den Rat (Dok. 175/68) für eine erste Verordnung zur Festlegung von Höchstgehalten für Rückstände von Schädlingsbekämpfungsmitteln auf und in Obst und Gemüse, 25. Juni 1969, HAEP, PEO AP RP/ASOC.1967 0060/69.

³⁵ Boersma, Rede, 1. Juli 1969, 105.

³⁶ Boersma, Rede, 1. Juli 1969, 105.

Wilhelm Dröscher shared the critical view regarding chemical residues and pollution and their health consequences. He invoked the apocalyptic vision of a 'silent spring',³⁷ with birds extinct, referring to Rachel Carson's 1962 book,³⁸ widely held to have paved the way for US environmentalism. Boersma and Dröscher followed up on the pesticide issue, jointly posing a parliamentary question to the Commission regarding a ban on DDT, the persistent pesticide criticised by Carson.³⁹

Clearly, the MEPs speaking on the issue were familiar with the state of the nascent environmental debate, as they took the issue to the European institutions. They used all the instruments of parliamentary agenda-setting: reports, resolutions, questions, and oral interventions on issues that they could relate to the environment. Oele, for instance, continued to pursue the problem of saline pollution of the Rhine by posing a parliamentary question to the Council on the issue, right after the plenary debate.⁴⁰ These questions, along with the Commission's and the Council's answers, served as raw material to argue for EC policy action, in an own initiative report on Rhine pollution.⁴¹ Boersma acted as rapporteur for the Environment Committee, seconded by Oele for the Economic Committee.⁴² The Committee on Public Health and Social Affairs conceived this report as part of a longer term strategy, with additional own initiative reports on environmental concerns, notably air and noise pollution.⁴³

Boersma's report on Rhine water pollution highlighted it as an environmental concern, but also related it to other problems that were within the scope of EC action – problems of public health, an issue familiar to the committee, and economic issues, given that water pollution had a negative economic impact across borders, including on downstream water users.⁴⁴ The report flagged three pollution problems that occurred elsewhere, too, but were most important on the Rhine: the risk of accidents in the transporting of dangerous substances, salt pollution by the salt mines in Alsace, and the anticipated problem of thermal pollution resulting from the construction of numerous nuclear power plants. The latter enlarged the scope of the issue from pollution to more traditional nature conservation concerns about fish and wildlife and foreshadowed the controversy over nuclear power in the 1970s.⁴⁵

Boersma and Oele were clearly aware that introducing a new policy required a Treaty base. They highlighted the most promising articles, including EEC treaty articles 100-102 on the approximation of laws, article 92 on subsidies, and articles 117-118 on social policy and the 'improvement of living and working conditions'. Boersma also referred to the residual powers of article 235. This treaty article allowed for action 'where this Treaty has not provided for the requisite powers'. Thus, article

³⁷ Wilhelm Dröscher (1969) Intervention, 1 juillet 1969, *Journal officiel des Communautés européennes. Annexe*. (116, July 1969), 105-106, 105.

³⁸ Rachel Carson (1962) *Silent Spring*, Greenwich: Fawcett.

³⁹ Jacob Boersma and Wilhelm Droeschler (1969) Schriftliche Anfrage No. 397/69, 12. Dezember 1969, an die Kommission: Verbot des Schädlingsbekämpfungsmittels DDT in der EWG, HAEP, PE0 AP QP/QE E-0397/69.

⁴⁰ Adriaan Oele (1969) Schriftliche Anfrage Nr. 182/69 an den Rat der Europäischen Gemeinschaften (3. Juli 1969). Betrifft: Verunreinigung des Rheins mit Industriesalzen und Antwort vom 16. September 1969. *Amtsblatt der Europäischen Gemeinschaften*, 12 (C 124, 23. September 1969), 3.

⁴¹ Boersma, Bericht Binnengewässer, 11-12.

⁴² Boersma, Bericht Binnengewässer.

⁴³ European Parliament (1970) EntschlieÙung zur Reinhaltung der Binnengewässer unter besonderer Berücksichtigung der Verunreinigung des Rheins, angenommen am 19. November 1970. *Amtsblatt der Europäischen Gemeinschaften* (C 143), 30-31, 29.

⁴⁴ Parliament EntschlieÙung zur Reinhaltung der Binnengewässer.

⁴⁵ Spiegel. Tod im Strom. Industrie Kernkraftwerke, *Der Spiegel*, 23. Februar 1970.

235 seemed promising, if it could be demonstrated – as the MEPs assumed – that the measures were 'necessary' and in line with 'one of the aims of the Community'. It required unanimous Council support and the welcome consultation of the EP.⁴⁶ The best, but – they believed – least likely solution was treaty change according to article 236. The Environment Committee also discussed the Euratom Treaty,⁴⁷ notably articles 35-38, which already obliged the member states to report on radioactivity to the Commission.⁴⁸

The report on air pollution – of which Boersma produced the first draft, before leaving the EP for Dutch politics – was only finalised and voted upon in the committee in November 1971.⁴⁹ At that point, the Commission had already presented its First Communication, to test the ground for the new policy. At that time, the new rapporteur, the German Christian democrat Hans Edgar Jahn,⁵⁰ had already started to work on the EP report on this communication. Subsequently, Jahn was also responsible for the parliamentary reports on the Commission documents that led to the EAP in 1972-1973.⁵¹

The Rhine and water pollution stayed on the agenda. Not only did the Commission, within the scope of the EAP, prioritise action on the Rhine and water pollution control through various directives in the second half of the 1970s, MEPs also continued to pose questions about different aspects of Rhine pollution. The German social democrat MEP Horst Seefeld, for instance, enquired about its pollution with mercury, a poisonous heavy metal.⁵² As the EC continued to rely on the rather ineffective International Commission for the Protection of the Rhine against Pollution (ICPRP), MEPs repeatedly addressed Rhine pollution issues to the Commission throughout the 1970s with questions and even a formal resolution in 1975.

Water pollution concerns extended beyond the Rhine, and MEPs continued to pose questions – for instance, regarding the pollution of the Mediterranean.⁵³ However, although the EC tried to induce member states to reduce water pollution through various directives from 1974 onwards, the EP

⁴⁶ (1957) Treaty establishing the European Economic Community, Rome, 25 March 1957, *Treaty establishing the European Economic Community and connected documents*. Luxembourg: Publishing Services of the European Communities, 5-183, art. 235.

⁴⁷ Commission des affaires sociales et de la santé publique Parlement européen (1970) Procès-verbal de la réunion du 4 novembre 1970, Palais des Congrès, Bruxelles. HAEP, PEO_AP_PV!ASOC.1967_ASOC-197011040010FR.

⁴⁸ Jacob Boersma, Bericht im Namen des Ausschusses für Sozial- und Gesundheitsfragen über die Reinhaltung der Binnengewässer unter besonderer Berücksichtigung der Verunreinigung des Rheins, 11. November 1970, HAEP, PEO AP RP/ASOC.1967 0161/70, 1-21, 13-16.

⁴⁹ Jahn, Bericht Reinhaltung der Luft.

⁵⁰ Jan-Henrik Meyer (2012) A good European. Hans Edgar Jahn - Anti-Bolshevist, Cold-Warrior, Environmentalist, in: Ann-Christina L. Knudsen and Karen Gram-Skjoldager (eds) *Living Political Biography. Narrating 20th Century European Lives*, Aarhus: Aarhus University Press, 137-159.

⁵¹ Hans Edgar Jahn (1972) Bericht im Namen des Ausschusses für Sozial- und Gesundheitsfragen über die Mitteilung der Kommission der Europäischen Gemeinschaften an den Rat (Dok. 26/72) über ein Umweltschutzprogramm der Europäischen Gemeinschaften nebst Entwürfen für Maßnahmen auf dem Gebiet des Umweltschutzes, 03. Juli 1972, HAEP, PEO AP RP ASOC.1967 0074/72; Hans Edgar Jahn (1973) Report on behalf of the Committee of Public Health and the Environment on the proposals of the Commission of the European Communities to the Council (Doc. 62/73) on the programme of environmental action of the European Communities together with proposed measures to be taken in this field, 27 June 1973, HAEP, PEO_AP_RP!ENVI.1973_A0-0106!730010EN), 1-59.

⁵² Horst Seefeld (1972) Schriftliche Anfrage Nr. 253/72 von Herrn Seefeld an die Kommission der Europäischen Gemeinschaften (8. August 1972), Verschmutzung des Rheins durch Quecksilber und Antwort der Kommission vom 25.08.1972). *Official Journal of the European Communities* (OJ) 15 (C 120, 17. November 1972), 10-11.

⁵³ See, for example, Dick Taverne (1973) Written Question No 272/73 to the Commission of the European Communities (8 August 1973) Subject: Pollution of the Mediterranean. OJ, 16 (C106, 6 December 1973), 7-8.

found it much harder to follow and scrutinise their implementation and impact given the highly technical nature of the issues at stake in the specific directives.⁵⁴

⁵⁴ See, for example, Augusto Premoli (1975) Report drawn up on behalf of the Committee on Public Health and the Environment on the proposal from the Commission of the European Communities to the Council (Doc. 507/74) for a directive relating to pollution of sea water and fresh water for bathing (quality objectives), 12 May 1975, HAEP, PE0.AP.ENVI.1973.RP//A0-0053/75/0010, 1-8.

3. Manufacturing a European policy: Bird protection

It was not self-evident in the late 1960s and early 1970s that bird conservation, notably the protection of small migratory birds, would become an EC concern. International and transnational aspects of nature conservation were traditionally the responsibility of the Council of Europe (CoE). This conventionally included bird protection,⁵⁵ which was one of the oldest environmentalist concerns. As early as the 19th century, farmers and foresters were fond of insect-eating birds as natural pesticides and had successfully demanded legislation and international agreements on the protection of birds 'useful for agriculture'.⁵⁶ Around the turn of the 20th century, ornithologists and bird lovers, many of them women, founded bird protection organisations, most prominent among them the Royal Society for the Protection of Birds (RSPB) in the United Kingdom (UK). In Northern Europe, hunting and eating small birds became a taboo, whereas chasing and eating songbirds continued locally in parts of Southern Europe.

The rise of environmentalism, along with the alarming vision of Carson's *Silent Spring*, reinforced the concern for birds in the 1960s. However, it was not so much the problem of pesticides that Carson had flagged, alongside the destruction of birds' habitats, but the issue of bird hunting, which stirred most public attention and moral outcry. For instance, changes in regional legislation in Italy relaxing rules on bird hunting gained much attention in the media, also because activists funnelled information to fellow groups in other countries. Since many small bird species are migratory, bird protection groups started to frame bird conservation as an issue for international organisations. In October 1967, the CoE issued two resolutions regarding the protection of birds' habitats and bird hunting.⁵⁷ In 1971, the Ramsar Convention on Wetlands of International Importance first defined habitat protection in legal language at the international level.⁵⁸

The EC's 1979 Directive on the Conservation of Wild Birds, the so-called Birds Directive, combined both elements – a restriction on hunting certain species and on the use of certain hunting methods, as well as the protection of habitats.⁵⁹ This combination reflects how the Directive came about, and the role the EP played in this process. Activist MEPs used the mobilising potential of the public outcry against bird hunting, and the political opportunity this public concern presented, to place the issue of bird conservation on the EC agenda, and thus establish far-reaching nature conservation legislation as part of EC environmental policy. They acted in close collaboration with European bird conservation groups.

The EP contributed to the making of the Birds Directive throughout different stages of the policy process, from agenda-setting to policy formulation, decision-making and implementation. During a first agenda-setting phase in 1971-1973, various MEPs aimed at getting bird protection included in the new environmental policy and the first EAP. A second phase from 1974 to 1976 continued and

⁵⁵ Liesbeth van de Grift and Wim P. van Meurs (2021) Europeanizing Biodiversity: International Organizations as Environmental Actors, in: Wöbse Anna-Katharina and Kupper Patrick (eds) *Greening Europe: Environmental Protection in the Long Twentieth Century – A Handbook*, Berlin: De Gruyter Oldenbourg, 419-446, 431.

⁵⁶ [1902. Convention for the Protection of Birds Useful to Agriculture, signed in Paris 19 March.](#)

⁵⁷ Council of Europe (1967b) Resolution (67) 25 - Various causes of the disappearance of Wild Life (adopted on 27 October 1967); Council of Europe (1967) Resolution (67) 24 - Birds in need of special protection (adopted on 27 October 1967).

⁵⁸ (1971) Convention on Wetlands of International Importance, especially as Waterfowl Habitat. Concluded at the International Conference on the Wetlands and Waterfowl at Ramsar, Iran, 2 February 1971, *United Nations Treaty Series*, 996 (I-14583), 246-250, 265-267.

⁵⁹ European Community (1979) Council Directive of 2 April 1979 on the Conservation of Wild Birds (79/409/EEC), OJ, 22 (L 103, 25 April 1979), 1-18.

intensified the agenda-setting efforts and led to a Commission proposal. In the subsequent third phase, in 1977, the EP attempted to influence policy formulation with its detailed report that suggested substantial amendments to the Commission proposal. In a fourth phase, the EP pushed for a decision by the member states, which posed numerous questions given that, at the time, the EP had no formal decision-making role in legislation. The fifth phase followed the 1979 direct elections, with the newly elected EP playing a key role by alerting the Commission to the slow and haphazard implementation in the member states – which some MEPs had anticipated. Until 1992, the EP posed some 500 questions on this issue.⁶⁰

Bird hunting was a particularly divisive cross-border issue. Many of the birds hunted in some European countries were migratory birds strictly protected in other states. The debate triggered much emotion, particularly in those countries where citizens considered the hunting of songbirds offensive and cruel.⁶¹ In the autumn of 1967, for instance, German, British and French bird protection organisations jointly protested in Brussels against Belgian bird hunting. They considered calling for boycotts against other countries where birds were hunted, such as Italy, and advising tourists not to travel there. Newspapers reported about these protests,⁶² and all of this induced MEPs to demand political action at the EC level.

Shortly after the CoE's resolutions and the protests in Brussels, in December 1967 the West German Christian democrat MEP Hans Richarts addressed the Commission with a parliamentary question. He highlighted the media reporting and stressed the cross-border nature of the issue, since rules on bird protection and bird hunting varied greatly between the member states. Concretely, he asked whether the Commission intended to harmonise – based on the EEC treaty – animal protection rules, including bird protection, or, alternatively, whether it could help facilitate intergovernmental agreements on this issue.⁶³ The Commission response was brief and negative: it was aware of the problem but did not consider itself competent. This was not a field covered by the treaty.⁶⁴

However, the EC's efforts to build an environmental policy in the early 1970s changed Commission views regarding treaty limits. In the first EP debate on the own initiative report on water and Rhine pollution in November 1970, the Dutch Commissioner for Agriculture Sicco Mansholt suggested that bird protection could be an issue for EC environmental policy, since birds crossed European borders. Like Richarts had done unsuccessfully before him, he advocated harmonising bird protection and hunting laws. The long-serving Commissioner even pointed to appropriate treaty bases: article 235 as well as article 43 for provisions in 'the general interest of agriculture'.⁶⁵

From 1971 onwards, MEPs from various member states addressed questions to the Commission regarding bird protection: in September 1971, the Luxembourg Christian democrat MEP Jean-Pierre

⁶⁰ Wouter P.J. Wils (1994) *The Birds Directive 15 Years Later. A Survey of the Case Law and Comparison with the Habitats Directive*, *Journal of Environmental Law*, 6 (2), 219-242, 241-242; European Commission (1993) Tenth annual report to the European Parliament on Commission monitoring of the application of Community law — 1992. OJ, 36 (C 233, 30 August 1993), 1-214, 43.

⁶¹ Stefan Bargheer (2018) *Moral entanglements: conserving birds in Britain and Germany*, Chicago: Chicago UP.

⁶² Protest gegen den Vogelfang. Lerchenpasteten in Dosen / Von einer Tagung in Frankfurt, *Frankfurter Allgemeine Zeitung*, 11. September 1967.

⁶³ Hans Richarts (1967) Written Question No. 254/67, 11 December 1967, to the Commission concerning the Harmonisation of Rules for Bird Protection, and answer, 1 March 1968, HAEP, PEO AP QP/QE E-0254/67, 1.

⁶⁴ Richarts Written Question No. 254/67.

⁶⁵ Sicco Mansholt (1970) Intervention, 19 November 1970, Lutte contre la pollution des eaux fluviales. *Journal officiel des Communautés européennes. Annexe* (130, November 1970), 165-166.

Glesener demanded EC legislation in order to stop the killing of birds in Belgium and Italy,⁶⁶ and he followed up on this six months later, in the spring of 1972.⁶⁷ Similarly, the German social democrat MEP Seefeld called for EC-level bird protection, emphatically referring to the 'murder of birds' that threatened 'the balance of nature'. Like Mansholt in 1970, he highlighted the venerable argument of birds as natural insecticides, and the growing need to use more pesticides due to dwindling bird populations.⁶⁸ In its response, the Commission cited Mansholt, who had repeated his views on the need for EC bird protection at the Conference on Industry and Society in Venice in April 1972, an event where the Commission presented its new industrial, social and consumer policies intended to demonstrate European added value to citizens. Environmental policy was part of these efforts.⁶⁹ It now indicated that it would consider 'if necessary, suitable measures to terminate the destruction of songbirds in the Community'.⁷⁰

Against this backdrop, MEPs were disappointed when bird protection did not feature in the first Commission communications outlining the future environmental policy. Only after substantial parliamentary pressure and a barrage of protest letters from non-governmental organisations (NGOs) and individuals addressed to the Commission⁷¹ was the issue included in its 1973 EAP proposal. The Commission accepted many of the claims made by bird protection groups, MEPs and the media: 'Hundreds of millions of migratory birds and songbirds are captured and killed in Europe every year', which meant 'a serious problem for the biological balance in Europe'.⁷² The proposal reiterated Mansholt's claims and argued that the decline in bird populations led to the 'use on a bigger scale of insecticides, which are sometimes harmful to man and to the natural environment'.⁷³ The proposal envisaged two measures to be implemented by 31 December 1974: common action by the member states 'in the Council of Europe and in other international organizations' and a study on the 'possible harmonization of national regulations' on the 'protection of animal species and especially migratory birds'.⁷⁴

The key advocate of bird protection within the EP was Jahn, rapporteur on various Commission communications and proposals that paved the way to the EAP. Initially, he wrote the reports on behalf of the Committee on Social Affairs and Public Health, which turned into the Committee on Public Health and the Environment, and became one of its vice-chairs.⁷⁵ Jahn's report on the EAP

⁶⁶ Jean-Pierre Glesener (1971) Written Question No. 285/71, 10.09.1971, to the Commission concerning killing of migratory birds in Belgium and Italy, OJ, 14, C119, 26 November 1971.

⁶⁷ Jean-Pierre Glesener (1972) Schriftliche Anfrage Nr. 624/71 an die Kommission der Europäischen Gemeinschaften betrifft: Harmonisierung der nationalen Tierschutzgesetzgebung, OJ, 15 (C 54, 29. Mai 1972), 8.

⁶⁸ Horst Seefeld, Schriftliche Anfrage Nr. 259/72, 14. August 1972, an die Kommission der Europäischen Gemeinschaften, Schutz der Singvögel, HAEP, PEO AP QP/QE E-0259/72.

⁶⁹ Groupe du Porte-Parole European Commission. 1972. [Conference on Industry and Society in the Community, organized by the Commission of the European Communities, to take place in Venice on 20-22 April 1972, Brussels, March 1972, Note d'Information](#), P-18, PP/500/72-E, 1-6.

⁷⁰ European Commission, Antwort auf die Schriftliche Anfrage 259/72 von Herrn Seefeld, HAEP, PEO AP QP/QE E-0259/72. [My translation].

⁷¹ European Commission (1973) Answer to Written Question No. 620/72 by Hans Edgar Jahn, 15 February 1973, concerning mass killing of migratory birds in Italy, 10 April 1973, OJ, 16 (C 39, 7 June 1973), 12.

⁷² European Commission (1973) Programme of environmental action of the European Communities. Draft Council Resolution on a Community environmental programme. Proposal for a Decision on information of the Commission on environmental matters (forwarded by the Commission to the Council on 17 April 1973), *Bulletin of the European Communities* (Supplement 3/73), 1-67, 42.

⁷³ Commission Programme of environmental action, Draft Council Resolution, 42.

⁷⁴ Commission Programme of environmental action, Draft Council Resolution, 42.

⁷⁵ Hans Edgar Jahn (1972) Written Question No. 620/72, 15 February 1973, concerning mass killing of migratory birds in Italy, OJ, 16 (C 39, 7 June 1973), 12.

was very critical of the proposed bird protection measures. Instead of relying on the CoE, which could not make binding laws, the committee advocated EC legislation, 'pursuant to Article 235 of the EEC Treaty, by putting forward a proposal for the prohibition of bird destruction throughout the Community'.⁷⁶

When the EAP finally only included the measures envisaged in the original proposal, the MEPs followed up on their implementation. While British Labour MEPs were still boycotting the EP until the 1975 referendum, Liberals and Conservatives asked the Commission about the planned study on the issue, and the former RSPB president Lord Chelwood recommended his organisation's expertise regarding bird conservation.⁷⁷ In response to their questions, the Commission informed the MEPs that the study was being prepared by the Frankfurt Zoological Society, directed by Bernhard Grzimek, the prominent German environmental networker, who at the time was also the adviser on environmental issues to the West German government.⁷⁸ However, two PhD students actually wrote the study, which suffered from methodological deficiencies, focused strongly on bird hunting, and uncritically adopted figures provided by bird protection activists.⁷⁹ As a result, the Commission hesitated to publish the study by the December 1974 deadline. Following various demands from the EP for the study to be publically available, it finally came out in German in 1976.⁸⁰ The Commission did fully live up to the second commitment deriving from the EAP, however: it issued a recommendation encouraging the member states to accede to the relevant international agreements on bird conservation, notably the 1971 Ramsar Convention on Wetlands.⁸¹

Dissatisfied with this course of events, Jahn and the Environment Committee continued their crusade for binding legislation. He used the opportunity provided by a petition that the radical ecological and bird protection group Stichting Mondiaal Alternatief – along with numerous bird and animal conservation groups from various European and overseas countries – had submitted to the EP as well as several international organisations in 1974. The petition warned against 'apocalyptic chaos in the Old World's ecology' due to the imminent extinction of insectivorous birds. This was very much along the lines of Carson's *Silent Spring* and Mansholt's arguments. Humanity was threatened by hunger or poisoning by insecticides. The group called for a conference on the issue,⁸² but Jahn had a better idea. He volunteered to produce an own initiative report on the issue, the most important instrument the EP had for agenda-setting. When drawing up his report, Jahn sent his draft to various bird protection and hunting NGOs for comments. Since late 1974, he regularly interacted with, and received information particularly from, those bird protection groups in the Netherlands, West Germany and Italy which had sponsored the petition.⁸³

⁷⁶ Jahn, Report on the proposals (Doc. 62/73) on the programme of environmental action, 33.

⁷⁷ See, for example, Lord O'Hagan (1974) Written question 666/73, 31 January 1974, on migratory birds, and Commission Answer (18 March 1974), OJ, 17 (C 49, 27 April 1974), 19.

⁷⁸ Thomas Lekan (2020) *Our Gigantic Zoo*, Oxford: OUP.

⁷⁹ Bargheer, *Moral entanglements*, 227.

⁸⁰ Wolfgang Poltz and Bernhard Conrad (1976) *Vogelschutz in Europa. Ein Situationsbericht über den Vogelschutz in den Staaten der Europäischen Gemeinschaft*, Luxemburg: Kommission der Europäischen Gemeinschaften.

⁸¹ European Commission (1974) Recommendation to Member States concerning the Protection of Birds and their Natural Habitats, 20 December 1974, OJ, 18 (L 21, 28 January 1975), 24-25.

⁸² Stichting Mondiaal Alternatief, Save the Migratory Birds. Petition to the Parliament, the Council and the Commission of the European Communities, 26 August 1974, Council of the European Union Archives, (CEUA), Liste rouge 2680.

⁸³ See, for example, various letters in: Hans Edgar Jahn, Archiv für Christlich-Demokratische Politik (ACDP), *Nachlaß Hans-Edgar Jahn*, 98/2.

The EP plenary debated Jahn's report and resolution in February 1975.⁸⁴ This debate resonated in the European public sphere. Not only did newspapers from all member states report about the EP's initiative on birds, it also constituted one of the main themes of the newspaper reporting on the EP session in February. It accounted on average for more than 14 per cent of the total reporting on this EP session, surpassed only by the policy areas of agriculture and energy.⁸⁵

Jahn's report explicitly demanded EC legislation regarding the hunting, trapping and sale of birds, and measures like 'the creation of bird reserves in which hunting is generally banned', for 'the safeguarding of a healthy environment' more generally, and for giving the issue 'due priority'.⁸⁶ In the plenary debate, responding on behalf of the Commission, the German liberal Commissioner for Energy and Research Guido Brunner was initially defensive. He referred to the measures already undertaken, the study that had been conducted, the recommendation, and the reminder to governments to sign the Ramsar Convention. Nevertheless, he took the EP demands seriously, and promised: 'We can assure you of one thing: if these recommendations fail to produce satisfactory results, the Commission will submit a proposal for a directive, as Mr Jahn asks. Then we shall have to harmonize the laws on bird protection.'⁸⁷

In order to procure more scientifically sound and politically convincing expertise for drafting the EC legislation that the EP and civil society actors were demanding, the Commission now commissioned a second study. The prominent British ornithologist and former diplomat Stanley Cramp produced a methodologically unassailable and more even-handed account.⁸⁸ The Commission also started to consult with experts from the member states' governments and with bird protection and hunting NGOs with a view to devising legislation.⁸⁹

For two years, the EP kept pushing for legislation until the Commission eventually submitted a draft proposal for a Council Directive on Bird Conservation in December 1976.⁹⁰ Jahn continued to remind the Commission of the issue and demanded action primarily through questions, in order to build up pressure – sometimes writing on behalf of the Environment Committee, sometimes mobilising the CD group, or both.⁹¹ Shortly after the debate on the own initiative report, for instance, in March 1975 Jahn enquired in writing to what extent member states had implemented the recommendation and ratified the Ramsar Convention,⁹² followed by an oral question. The Commissioner for the Environment, the Italian Christian democrat Carlo Scarascia-Mugnozza, was slightly less sanguine in his response in July 1975 than Brunner. He suggested that such legislation might be difficult for the member states to implement. Nevertheless, the Commission was considering legislation, if

⁸⁴ European Parliament (1975) Debate on Petition No. 8/74 Save the Migratory Birds, 21 February 1975. OJ, *Annex* (186, February 1975), 262-264.

⁸⁵ Own calculation, based on EP newspaper clipping collection in HAEU, CPPE 432.

⁸⁶ Hans Edgar Jahn, Report drawn up on behalf of the Committee on Public Health and the Environment on Petition No. 8/74 Save the Migratory Birds, 7 February 1975, HAEU, EU.HAEU/PE0.AP.ENVI.1973.RP//A0-0449/74/0010, 5.

⁸⁷ Parliament Debate on Petition No. 8/74, 21 February 1975, 264 (Intervention Guido Brunner).

⁸⁸ Stanley Cramp (1978 [1977]) *Schicksal und Zukunft der Vögel Europas [Bird conservation in Europe]*, Kilda: Greven.

⁸⁹ Various (copies of) exchanges of letters in: ACDP, Nachlaß Jahn 98/2.

⁹⁰ European Commission, Proposal for a Council Directive on Bird Conservation, 20 December 1976, COM (76) 676 final. CEUA, Liste Rouge 2772.

⁹¹ Berthold Küster Letter to Jahn, 21 July 1977, enclosed: Zusammenfassende Darstellung der Aktivitäten des EP im Bereich des Vogelschutzes (Summary Report on Activities of the EP on bird protection), compiled by EP DG Science and Documentation, Luxembourg. ACDP, Nachlaß Jahn, 98/3, i, 1-16, 9-13.

⁹² Hans Edgar Jahn, Schriftliche Anfrage Nr. 29/75 von Herrn Jahn an die Kommission der Europäischen Gemeinschaften (19 März 1975) Betrifft: Verwirklichung der Übereinkommen von Paris und Ramsar zum Schutze der Vögel und Antwort (22. Mai 1975), HAEU, PE0_AP_QP!QE_E-0029!750030DE_195064.

necessary: 'if [the recommendation] does not produce the practical results for which we hope, we will follow it with a more rigid legal instrument'.⁹³

In the face of a hesitant Commission, Jahn continued to demand EC legislation wherever he could, as in his report on the proposal for a second EAP in July 1976⁹⁴ and in his report on the Fourth Interparliamentary Conference on the Environment in Kingston, Jamaica, in April 1976.⁹⁵ On behalf of the Christian democrats and the Environment Committee, he asked the Commission in October 1976 when they were finally going to submit a proposal, and pointed to the numerous protest letters he had received.⁹⁶

Based on the legal expertise regarding bird protection conventions and their language by the Irish Legal Service official John Temple Lang (interview), the Commission eventually submitted draft legislation in December 1976. This addressed not only bird hunting but also habitat protection. Jahn was rapporteur on the proposal on behalf of the Environment Committee.⁹⁷ His report suggested concrete textual changes to strengthen the directive, such as shortening the deadline for implementation.⁹⁸

Despite Jahn's claims to speak on behalf of the EP when pushing for the directive, MEPs' views on bird protection diverged. The Italian socialist Vera Squarcialupi, for example, submitted amendments to the report to allow treating more species as game and having them hunted. She also demanded better information for citizens in areas where hunting was going to be restricted.⁹⁹ Like Commissioner Scarascia-Mugnozza, she apparently anticipated problems of local acceptability of EC legislation, which would make it hard for local politicians to defend and for governments to implement it. The Southern French socialist MEP André Guerlin proposed an amendment that highlighted the impact of pesticides, fertilisers and habitat loss, an argument that was ecologically perfectly sound. However, hunting groups frequently advanced this argument to avoid being blamed for declining bird populations, as staff in the EP administration working with Jahn on his report underlined.¹⁰⁰ In June 1977, the EP plenary debated and endorsed a resolution calling for

⁹³ European Parliament (1975b) Debate on: Oral question with debate tabled by Mr Jahn on behalf of the Committee on Public Health and the Environment to the Commission of the European Communities on inadequate EEC bird protection measures (Doc. 153/75), 11 July 1975, OJ, *Annex*, 18 (193), 284-286, 286 (Intervention Carlo Scarascia Mugnozza).

⁹⁴ European Parliament, Politique et programme matière d'environnement (PE 44.545/fin). *Rapports de la Commission de l'environnement, de la santé publique et de la protection des consommateurs*, HAEP, PEO-AP RP/ENVI 1976 AO-0215/76.

⁹⁵ Hans Edgar Jahn, Report drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection on the Outcome of the Fourth International Interparliamentary Conference on the Environment held in Kingston (Jamaica) from 12 to 14 April 1976, HAEP, PEO AP RP/ENVI.1976 0012/77, 1-27, 16-18.

⁹⁶ Helmut K. Artzinger, et al. (1976) Question orale O-58/76, avec débat conformément à l'article 47 du Règlement de MM. Jahn et al. au nom du groupe démocrate-chrétien ainsi qu'au nom de la commission de l'environnement, de la santé publique et de la protection des consommateurs à la Commission des Communautés européennes. Objet: Projet de directive de la Commission relative à la protection des oiseaux, PE 45.887 (first draft originally by Jahn in September), HAEP, EU.HAEU/PEO.AP.QP.QO.1976//O-0058/76/0010, 1-2.

⁹⁷ Hans Edgar Jahn, Report drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection on the proposal from the Commission to the Council (Doc. 512/76) for a directive on bird conservation, 31 May 1977, HAEP, EU.HAEU/PEO.AP.ENVI.1976.RP//AO-0113/77/0010, 1-27.

⁹⁸ European Parliament (1977) Resolution of the European Parliament on the Proposal of the Commission of the European Communities to the Council concerning a Directive on Bird Conservation, 14 June 1977, OJ, 21 (C 163, 11 July 1977), 28-32.

⁹⁹ Vera Squarcialupi (1977) Amendment 2-5 to draft report by Mr. Jahn, Committee on the Environment, Public Health and Consumer Protection, HAEP, EU.HAEU/PEO.AP.ENVI.1976.RP//AO-0113/77/0080), 1.

¹⁰⁰ André Guerlin (1977) Amendment No.1 to the draft report by Mr Jahn on bird conservation, 05.05.1977, HAEP EU.HAEU/PEO.AP.ENVI.1976.RP//AO-0113/77/0080, 1; Berthold Küster, Notiz für Herrn Jahn über den

stricter rules.¹⁰¹ The Commission subsequently revised its proposal to take on board some of the EP's amendments, such as inserting article 43 regarding agriculture, as Mansholt had already suggested, as a legal base in addition to article 235.¹⁰²

Throughout 1977-1978, the Council of Ministers discussed the draft directive, with governments finding it hard to reach agreement. Notably, the French government was opposed to the restrictions on hunting. They feared domestic opposition, particularly in regions where bird hunting was traditionally practiced. The French socialist Pierre Lagorce defended this view in the plenary during the last debate on the issue and tried to raise awareness of perceptions in France. Many French citizens were concerned that they might lose their hard-won and symbolically charged 'right to hunt', obtained from aristocratic landowners in the French Revolution.¹⁰³ However, a vocal majority formed in the EP in favour of cracking down on hunting via EC legislation, in conjunction and close cooperation with bird protection NGOs. By then, these groups had intensified their transnational cooperation, and coordinated their campaigns to massage their respective national government to support the directive. Jahn was closely involved in this transnational network, but he also met with hunting groups.¹⁰⁴

Jahn and other MEPs continued to push for acceptance by governments, with written and oral questions.¹⁰⁵ In July 1978, when introducing his oral question to both the Council and the Commission, Jahn dramatically quoted from a letter he had received from a Belgian bird protection group, demanding European agreement, and quite undiplomatically blaming France: 'It is absolutely unacceptable and positively incredible that a country like France, which has an international reputation as a civilized nation, should dare to give Europe such a retrograde and, for the great majority of our citizens, offensive example by allowing some 2 million huntsmen to destroy, legally and for no good reason, songbirds of this size and type'.¹⁰⁶

Ironically, in the face of all the efforts to put the issue before the EP plenary, the last debate on an oral question by Jahn demanding Council agreement on the directive did not take place. As neither Jahn nor his deputy were present, the chair moved to the next item on the agenda.¹⁰⁷ By that time, however, the directive was about to be agreed in the Council.

Richtlinienvorschlag der Kommission zur Erhaltung der Vogelarten, Generaldirektion Wissenschaft und Dokumentation, Straßburg, 13. Mai 1977, ACDP, Nachlaß Jahn 98/5, 1-5, 4.

¹⁰¹ European Parliament (1977) Debate on Directive on bird conservation, 14 June 1977, OJ, *Annex* (218, June 1977), 76-91.

¹⁰² European Commission (1977) Modification of the proposal for a Directive of the Council concerning the Conservation of Birds, doc COM (77) 379 final, 29 July 1977, Archive of the Economic and Social Committee (AESC), [340.145:591.615] 636.6.

¹⁰³ Pierre Lagorce (1978) Intervention Directive on bird conservation, oral question with debate, 5 July 1978, OJ, *Annex* (232), 184-185, 184.

¹⁰⁴ Hans Edgar Jahn, Notizen über die informelle Gesprächsrunde mit Vertretern europäischer Jagd- und Vogelschutzverbände am Donnerstag, 13. Mai 1977, 17 Uhr, in Straßburg. ACDP, *Nachlaß* Hans-Edgar Jahn, 98/5, 1-2.

¹⁰⁵ See, for example, Vera Squarzialupi, Question écrite no. 0393/78 à la Commission européenne: Adoption de la directive sur la protection des oiseaux, HAEP, EU.HAEU/PE0.AP.QP.QE.1978//E-0393/78/0010, 1; Marcel Vandewiele, Question écrite no. 0286/78 à la Commission européenne: Protection des oiseaux migrateurs euro-africains, HAEP, EU.HAEU/PE0.AP.QP.QE.1978//E-0286/78/0010, 1.

¹⁰⁶ Hans Edgar Jahn, Oral question (O-34/78) with debate by Mr Jahn on behalf of the Christian Democratic Group to the Commission. Subject: Imminent Prospect of the Commission's Proposal for a Directive on Bird Protection not being adopted, HAEP, PE0 AP QP!QO O-34/78; Hans Edgar Jahn (1978) Intervention Directive on bird conservation, oral question with debate, 5 July 1978, OJ, *Annex* (232), 181-183.

¹⁰⁷ Hans Edgar Jahn, et al. (1978) Oral question with debate to the Council on the imminent prospect of the Commission's proposal for a directive on bird conservation not being adopted (Doc 278/78); 13 September 1978, and reply by the Council, OJ, *Annex* (233), 179-180, 185.

4. EP strategies for shaping EC environmental policy

As the two cases of political and legislative action demonstrate, the EP played an important role in initiating, advancing and shaping the new EC environmental policy. However, what strategies and mechanisms did MEPs devise and employ in the absence of formal legislative (co-) decision powers? In the making of environmental policy, these included exercising entrepreneurial leadership, developing various institutional strategies, cooperating with other actors – within and beyond the EC institutions – and engaging with the media.

4.1. Providing entrepreneurial leadership

Actors and institutions that bring about policy change through strategic behaviour are often referred to as 'policy entrepreneurs'. Such entrepreneurs routinely utilise certain strategies: they are keen observers of public debates and political trends to use windows of opportunity; they frame and define problems in a manner that suits them, often by linking previously unrelated issues to advance arguments and build support; they create and maintain networks; and they also seek to lead by example.¹⁰⁸ The EP collectively may be considered a policy entrepreneur, and has often demonstrated substantial entrepreneurial action for purposes of self-empowerment.¹⁰⁹ In providing entrepreneurial leadership, the EP primarily used various institutional strategies to raise attention and address those EC actors that wielded formal legislative power.

Most prominent among the instruments used were own initiative reports. For such reports, the topic was not determined by Commission proposals, but of the EP's own choosing. Own initiative reports were very important in placing the issue of the environment on the EC agenda, starting with the one by Boersma on the Rhine and water pollution, and a second one on air pollution that Boersma started and Jahn completed. The EP used events like the 1969 fish kill, media reports and growing numbers of petitions from third parties on environmental issues¹¹⁰ as opportunities for own initiative reports to influence the scope of the new policy. In 1974, the year after the EAP was enacted, the Environment Committee produced two own initiative reports based on petitions on environmental problems. The EP used these to push the Commission and the Council to take action on bird protection and on the protection of the Mediterranean as priority issues. The petition by the Stichting Mondiaal Alternatief triggered Jahn's report on bird conservation to stop bird hunting. A petition by the communist member of the French Assemblée Nationale, Joseph Virgile Barel, on the Mediterranean induced the Italian liberal MEP Augusto Premoli to prepare a report on the issue.¹¹¹ Subsequently, the EP debated Mediterranean pollution intensely, with 10 MEPs and the Commissioner for the Environment, Scarascia-Mugnozza, participating in March 1975. Thus, petitions provided opportunities for the committee to maximise attention for an issue they deemed important.¹¹²

¹⁰⁸ Michael Mintrom and Phillipa Norman (2009) Policy Entrepreneurship and Policy Change, *Policy Studies Journal*, 37 (4), 649-667, 651.

¹⁰⁹ Mechthild Roos (2021) *The Parliamentary Roots of European Social Policy. Turning Talk into Power*, Cham: Palgrave; Adrienne Heritier et al. (2019) *European Parliament Ascendant. Parliamentary Strategies of Self-Empowerment in the EU*, Cham: Springer.

¹¹⁰ European Parliament (2009) *The citizen's appeal to the European Parliament – Petitions 1958-1979*, Luxembourg: Publications Office, 41-44.

¹¹¹ Premoli Report drawn up on petition No. 3/74 on the protection of the Mediterranean.

¹¹² European Parliament (1975) Debate on: Petition No 3/74: Protection of the Mediterranean, Debate on the report drawn up by Mr Premoli on behalf of the Committee on Public Health and the Environment (Doc. 386/74), 10 March 1975, OJ, *Annex*, (187), 15-27.

These reports, along with the reports on Commission policy documents and formal legislative proposals, were central to EP work. While one committee was in the lead, normally the Environment Committee for environmental issues, other committees were tasked by the EP to provide opinions (avis) that were then integrated by the lead committee. The rapporteur drafted the report and often drew on the support of the EP's administration from the then Directorate General for Research and Documentation.¹¹³ The respective committee intensely and often controversially discussed and altered draft reports. At times, such disagreement even made its way into the language of reports. The report on the draft Birds Directive, for instance, included the more ambitious views of a committee minority. This minority demanded to expand the powers of the planned comitology committee 'to act as a supervisory and control body', and to include alongside member state representatives 'members of representative hunting, environmental protection, nature conservancy, animal protection and bird conservation organizations'. The committee majority rejected this amendment but included a reference to this minority view in the report.¹¹⁴ The committee in the lead commented on the view of the other committees and, at times, re-asserted its views. For instance, in his report on the Rhine, Boersma dismissed the Economic Committee's critical views regarding the desirability of uniform rules in water pollution control.¹¹⁵ The reports thus provided arguments and evidence for the debate and vote on the EP resolution in the plenary.

Finally, parliamentary questions were an important instrument for MEPs, in two respects: first, for reasons of transparency, to obtain information; and second, to build up pressure and push for action, frequently in conjunction with other instruments. For instance, MEPs followed up the own initiative reports on the Mediterranean in 1975 and 1976 with numerous parliamentary questions.¹¹⁶ MEPs often asked leading questions, or they used the information obtained in the answer to a previous question to advance an issue. Routinely, MEPs referred to their own or other MEPs' questions to corroborate their cause. Often, they used Commissioners' statements in response to an earlier question, treated them as promises, and asked for more. In many ways, questions, reports and resolutions mutually supported each other, as part of a communicative construction of arguments, in performing as a Parliament, and thus making up for the lack of decision-making power. These mechanisms for exercising influence were part and parcel of what could be called the EP's communicative entrepreneurship.

The committees with a primary interest in environmental policy were the main policy entrepreneurs. They were especially active in propagating policy initiatives and the Europeanisation of this policy field. Initially the Committee on Social Affairs and Public Health took the lead; it subsequently became the Committee on Public Health and the Environment. It is thus not surprising that health concerns – such as pesticide residues – were initially among the focal points in the committee debates. Early on, the committee became an ardent advocate of EC environmental policy – well on its path towards 'saving the earth'.¹¹⁷ When the committee was in the lead on a dossier, the rapporteur openly voiced disagreement with what he perceived as views less focused on strict environmental protection by individual MEPs – such as on bird conservation – or by other committees that had other priorities. For instance, when the Committee on Energy, Research and

¹¹³ See, for example, Küster Notiz für Herrn Jahn über den Richtlinienvorschlag, 13. Mai 1977; Küster to Jahn, 21 July 1977.

¹¹⁴ Jahn, Report on the proposal for a directive on bird conservation, 31 May 1977.

¹¹⁵ Boersma, Bericht Reinhaltung der Binnengewässer.

¹¹⁶ Marcel Lemoine (1976) Schriftliche Anfrage Nr. 482/76 an die Kommission der Europäischen Gemeinschaften (27. September 1976), Betrifft: Gefahr chemischer Verschmutzung des Mittelmeers, und Antwort (15.10.1976), *Amtsblatt der Europäischen Gemeinschaften*, 19 (C 276, 22. November 1976), 42.

¹¹⁷ Charlotte Burns, et al. (2013) Still saving the earth? The European Parliament's environmental record. *Environmental Politics*, 22 (6), 935-954.

Technology prioritised energy security over environmental concerns in 1974, the Environment Committee advocated energy saving, the use of waste heat, fiscal incentives for energy saving and technological progress instead.¹¹⁸

Nevertheless, individuals also mattered, and it was not only members of the Environment Committee who asked environmental questions. For example, alarmed by a sunk ship loaded with chemicals, the French communist MEP Marcel Lemoine, member of the Agriculture Committee, posed a question about pollution in the Mediterranean.¹¹⁹ However, there were a number of key individuals, who advanced environmental policy, from among the 29 members of the Environment Committee, of whom only two were women in 1975.¹²⁰ One of the most active MEPs was Jahn, a vice-chair of the committee from 1976, and author of numerous reports and parliamentary questions.

At a time when the environment was still a nascent field with unclear boundaries MEPs like Jahn learned about environmental problems and became sensitive to the transnational dimensions of issues and problems in this policy field in different ways. Initially, media reporting about public scandals, such as the fish kill or practices like bird hunting, showed MEPs that these were issues not only of importance and public interest, but also of a cross-border nature and thus relevant for the EP as a transnational parliament. National parliamentary questions and debates played a role, too, and MEPs transferred issues from the national level to the EC. Media outlets reported expert statements in the public sphere; for instance, on water pollution the press reported the admonitions of the West German Federal Institute of Hydrology (Bundesanstalt für Gewässerkunde), on thermal pollution from nuclear power plants.¹²¹ Due to their dual mandate until 1979, MEPs were also aware of reports by national expert bodies, such as the Royal Commission on Environmental Pollution in the case of British MEPs.¹²²

Contacts with NGOs developed only slowly, at a time when the new environmental movement was only beginning to form and become more transnational. Nonetheless, Jahn worked intensely with bird protection NGOs, and reached out to them as he prepared his report. He interacted across a range of societal actors, including hunting organisations. Some contacts even emerged by coincidence; in the wake of a conversation with members of the protestant church in his constituency, for example, he received numerous protest letters.¹²³

Individuals specialised on issues that were meaningful to them for reasons of nationality or personal preferences. Certain path dependencies developed, as rapporteurs accumulated knowledge of a field in which they had engaged in earlier reports. Thus, the Italian liberal MEP Augusto Premoli

¹¹⁸ Hans Edgar Jahn Report drawn up on behalf of the Committee on Public Health and the Environment on the Outcome of the Third International Interparliamentary Conference on the Environment held in Nairobi from 8 to 10 April 1974, 2.12.1974, HAEP, PE0.AP.ENVI.1973.RP//A0-0361/74/0010, 1-20, 12, §9.

¹¹⁹ Lemoine Schriftliche Anfrage Nr. 482/76 an die Kommission.

¹²⁰ European Parliament (1975) Debates on 12 March 1975, Committee on Public Health and the Environment (Composition), OJ, *Annex* (188), 17.

¹²¹ Theo Löbsack, Wenn der Rhein dampft. Zu den geplanten Atommeilern darf nicht geschwiegen werden. *Die Zeit*, 24. April 1970.

¹²² Susan Owens (2015) *Knowledge, Policy, and Expertise: The UK Royal Commission on Environmental Pollution 1970–2011*, Oxford: OUP.

¹²³ Hartmut Kuhlmann (1975) to Kirchenkanzlei Ev. Kirche in Deutschland, Dr. Krapp, Massentötung von Vögeln in Italien und weiteren Ländern, Gespräch mit Hans-Edgar Jahn, Wolfenbüttel, 10.9.1975, and copy letter to Hartmut Oeser, response from Jahn, 12. September 1975. Evangelisches Zentralarchiv Berlin, EZA 2 (17887), 1-2.

produced reports on various water-related dossiers, having become something of an expert on the matter.

At the same time, it is difficult to know exactly to what extent personal motivations influenced individual actors. Clearly, some MEPs rode hobbyhorses. After he had written all the major reports on the Commission proposals on the EAP, Jahn was so well established in the field that he was able to promote bird protection as his particular interest. He rightly considered it a popular issue, and such public appeal mattered in the nascent field. MEPs engaging in this field believed in the early 1970s that environmental protection was one of those policies that would make the EC popular and 'would find the acclaim of large parts of the population'.¹²⁴

Jahn actively engaged in public relations regarding environmental policy, and made use of the emotional appeal of the bird issue. He had a professional background in propaganda and public relations. As a committed National Socialist, he had studied communications in Berlin and worked as a propaganda officer during the Second World War. After the war, he created a government-funded PR organisation to lobby for European integration and West German rearmament. When the German left-leaning magazine *Der Stern* disclosed in the spring of 1979 that he had authored an anti-semitic book during the Nazi period, he grudgingly relinquished his mandate directly after the elections.¹²⁵

When he was an MEP, Jahn was already in his early sixties. He was a conservative Christian democrat, and both facets mattered for how he approached the issue of bird protection. Like Mansholt, who was of the same generation, Jahn framed birds in a very traditional manner as useful assistants against bugs and pests. He thus argued for an alliance with agriculture. Scientific ornithologists, instead, rightly blamed intensive farming for loss of bird habitat, an issue the directive did not explicitly address.¹²⁶ Hence, with his framing, Jahn did not confront important economic interests such as the farmers, who constituted an important electoral constituency of the Christian democrats. His more confrontational approach towards hunters, who were also strongly represented among the Christian democrats, was limited to the issue of hunting of small birds. This did not matter to German hunters, who did not hunt these species anyway. Jahn stuck to his more traditional, anti-hunting framing, even when the ecologically informed Stichting Mondiaal Alternatief that had submitted the original petition started exploring if they could find some common ground with hunting organisations on habitat protection.¹²⁷

4.2. Devising institutional strategies

In the early 1970s, environmental issues were a common concern across the political spectrum. Party politics and ideological divisions did not matter much. Jahn mobilised his fellow Christian democrats for parliamentary questions on bird conservation in 1978, while Mansholt from the Dutch Labour Party had advanced the same issue.

¹²⁴ Adriaan Oele (1972) Schriftliche Anfrage Nr. 113/72 an die Kommission der Europäischen Gemeinschaften (5. Mai 1972) Betrifft: Konferenz „Industrie und Gesellschaft in der Europäischen Gemeinschaft und Antwort (3. Juli 1972), OJ, 16 (C 78, 19 July 1972), 24-25.

¹²⁵ Meyer, *A good European*.

¹²⁶ Gerhard Thielcke, Letter to Jahn, Betrifft Ihren Leserbrief an Hörzu: Bericht: Rettet die Vögel - wir brauchen sie, ACDP, Nachlaß Jahn, 50/1, 1-3.

¹²⁷ Stichting Mondiaal Alternatief, An Dr. Hans Edgar Jahn, Betr. Zusammenarbeit SMA/Jägern, Zandvoort, 23 October 1977, ACDP, Nachlaß Jahn, 50/3, 3.

The main dividing line was between committees. The relative importance of economic versus ecological perspectives differed between committees. This showed, for example, in the viewpoints on the relative importance of energy security versus environmental protection of the Energy and Environment committees in the EP report on the Nairobi conference. Similarly, the extent to which uniform rules should apply regarding emission norms and quality standards, or whether these should be adapted to local conditions, was controversial between the Environment and Economic committees. The Economic Committee advocated that different rules should apply: higher standards should be in place for the Rhine than for less polluted areas, thus granting the latter an advantage that perhaps compensated for their more remote location.¹²⁸

Regarding bird protection, there was disagreement between the Environment and Agriculture committees on the need to establish breeding grounds as habitats. Again, this controversy reflected the varying importance of economic considerations. The Agriculture Committee argued against the active creation of habitats given the high cost of such measures. Instead, the EC should address hunting as notionally the main cause of the decline of bird species: 'Environmental protection measures are costly enough as it is and the first requirement is to establish priorities to avoid too great a strain on public and private resources. Establishing breeding grounds for birds should scarcely rank as a priority environmental protection measure, besides which it is quite senseless as long as millions of birds continue to be killed in Italy every year'.¹²⁹ By contrast, the Environment Committee was not concerned about possible costs and argued that EC policy should 'include provision for encouraging the establishment of breeding grounds for the birds'.¹³⁰

Individual MEPs and sometimes groups of MEPs hailing from the same country also shared policy preferences and advocated the uploading of policy instruments from their own country to the EP and the EC. Three examples illustrate this phenomenon. Dutch and German MEPs flagged the importance of the polluter pays principle. This economic instrument of environmental policy, advocated particularly by the Organisation of Economic Cooperation and Development (OECD) and inserted by the member states among the key principles of environmental policy in October 1972,¹³¹ was a central element of the 1971 West German Environmental Programme.¹³² German government officials emphatically advocated it as the 'categorical imperative of environmental protection'.¹³³ It was also a key principle in Dutch water legislation in the early 1970s.¹³⁴ In the negotiations for the EAP, the Dutch government consequently supported the inclusion of the principle.¹³⁵

The Dutch Labour MEP Oele already advocated adopting this principle in the first report on Rhine pollution in 1970.¹³⁶ He and other Dutch and German MEPs – both social democrats and Christian democrats – posed parliamentary questions on the issue at various points. At the time when the EAP was devised, Oele and his Christian democrat compatriot Harrij Notenboom lobbied not only for

¹²⁸ Boersma Bericht Reinhaltung der Binnengewässer, 13, 15-16, 20.

¹²⁹ Jahn, Report on the proposals (Doc. 62/73) on the programme of environmental action, 47.

¹³⁰ Jahn, Report on the proposals (Doc. 62/73) on the programme of environmental action, 57.

¹³¹ Jan-Henrik Meyer (2017b) Who should pay for pollution? The OECD, the European Communities and the emergence of environmental policy in the early 1970s. *European Review of History*, 24 (3), 377-398.

¹³² Bundeskanzler (1971) Umweltprogramm der Bundesregierung, Bonn, 14.10.1971. *Bundestagsdrucksache*, VI (2710), 1-65.

¹³³ Bernd Delmhorst (1972) Das Verursacherprinzip: Der kategorische Imperativ des Umweltschutzes, *Die Neue Gesellschaft*, 19 (10), 759-762.

¹³⁴ Harald H. Bungarten (1978) *Umweltpolitik in Westeuropa. EG, internationale Organisationen und nationale Umweltpolitiken*, Bonn: Europa Union, 28-30, 83, 347.

¹³⁵ Dorpema, The Netherlands, the Environment, and European Integration, 245.

¹³⁶ Boersma, Bericht Reinhaltung der Binnengewässer, 14, 19.

having this principle included, they also sought to hold the member states to account where they deviated from the polluter pays principle. In the agreement between the member states of the ICPRP in Bonn in 1972, governments had accepted to pay the polluter, the French saltworks, to stop the pollution, and the EAP accepted this compromise. Oele criticised this decision for turning the polluter pays principle on its head.¹³⁷ MEPs continued to ask questions on this issue when more concrete legislation was devised to implement the principle.¹³⁸ Clearly, Dutch and German MEPs were pushing the Commission to commit to and honour the principle that was already in force in their countries. Uploading it to the EC level mattered for fundamental reasons, since only its uniform application across the member states could prevent the distortion of competition. This was important to them because countries with advanced national legislation otherwise stood to suffer economically.

Two other examples involve the defence of national legislation. Here, MEPs sought to prevent the uploading to the EC level of member states' national legislation. On the Bathing Water Directive, for example, British Conservative MEPs spoke out to defend the traditional British approach to water pollution control. For the longest time, there was a consensus among British governments and experts that discharging raw sewage into the sea was the most cost-efficient method of sewage disposal, and that the traditional light-touch regulation of bathing water based simply on on-site inspections was the most adequate procedure. British Conservative MEPs maintained that rules for Northern beaches could differ, where water was cold and people were less likely to stay in it for long and get infected. Scottish Conservative MEP John Corrie even asked the Commission to confirm this position in a question.¹³⁹ In the plenary, the Conservative Group (consisting of British and Danish MEPs) opposed the report and draft resolution prepared by Environment Committee.¹⁴⁰ They demanded changes and sought to delay and challenge the resolution by asking for the consultation of the Legal Committee. Yet, a majority in the plenary voted their demands and suggestions down.¹⁴¹ Domestic party politics may have mattered in this case, too, since the Labour government was about to grudgingly accept this piece of legislation in the Council.

In many ways, bird protection was a policy uploaded by MEPs from Northern European countries, where bird hunting was no longer practiced, and the idea itself caused major public alarm, becoming a big issue in the media and domestic politics. In West Germany, for example, in early 1971 a Christian democrat member of the Bundestag, Werner Picard, posed a question to the Federal Government whether 'in the framework of the EEC it would be possible to ban the hunting of songbirds' or 'at least the import of canned songbirds could be prevented'.¹⁴² By contrast, in the last EP plenary debate on the Birds Directive in 1978, the French socialist Pierre Lagorce defended the French government's opposition to the Birds Directive at the time. He said that blaming hunting for the decline in bird populations ignored the role of habitat loss and pesticides. Referring to the attitudes in his region, he tried to help fellow MEPs understand that the French government responded to the grudges of its voters, particularly in regions like the Gironde, where locals

¹³⁷ Oele Written No 553/72 [Bonn conference on Rhine].

¹³⁸ Hans Edgar Jahn (1974) Written Question No 702/73 to the Commission of the European Communities (19 February 1974) Subject: Commission proposal on the application of the 'polluter pays' principle and answer by the Commission, 2 April 1974, OJ, 17 (C 53/ 9 May 1974), 26-27.

¹³⁹ John Corrie (1975) Written No 306/75 by Mr Corrie to the Commission of the European Communities (29 July 1975), Subject: Differences in sea temperatures, and Answer (2 October 1975), OJ, 18 (C 268, 22 November 1975), 4.

¹⁴⁰ Premoli Report for a directive relating to pollution of sea water and fresh water for bathing.

¹⁴¹ European Parliament (1975) Debates on Directive on the pollution of water for bathing, Strasbourg, 13 May 1975, OJ, Annex: *Proceedings of the European Parliament*, (191), 46-53.

¹⁴² Frage über Singvogel-Konserven, *Frankfurter Allgemeine Zeitung*, 6. April 1971.

emphatically defended their right to hunt birds. With this rationale, Lagorce sought to prevent the uploading of more Northern European attitudes and practices to EC legislation.¹⁴³

4.3. Cooperating with other actors

The EP collectively, and individual MEPs and groups cooperated with a broad range of actors in the policy field. The committee and individual members exchanged information via letters and meetings with a variety of individuals, groups and institutions. A lot of this is hard to trace. However, Jahn's private papers provide some evidence. He exchanged information, for instance, with the Commission's Claus Stuffmann, the official in charge of the Birds Directive in the unit responsible for environment and consumer policy, the Service for the Environment and Consumer (SEPC).¹⁴⁴ Jahn obtained information from Stuffmann and from the West German Federal Ministry of Agriculture, for instance, on the state of play on the dossier.¹⁴⁵

Most importantly, Jahn was part of an informal coalition around the Stichting Mondiaal Alternatief, and its German partners Komitee gegen den Vogelmord and Grzimek's Zoological Society, who cooperated against bird hunting and staged public campaigns. He primarily received information, which was very useful for both sides, since he then utilised what he had obtained as arguments for his work – most explicitly in the letter he read to the plenary in 1978.¹⁴⁶ As part of this cooperation, Jahn also helped distribute information, press releases and letters to the members of his EP committee. In one case, he even had such protest letters printed as an official EP document. This amplified their visibility and their potential impact within European institutions.¹⁴⁷

Jahn also forwarded information about his activities to the German Ministry of Agriculture,¹⁴⁸ one of the relevant players in EC decision-making in the Council. The ministry clearly took EP questions and activities on bird protection seriously and already used them as arguments in support of the draft directive in June 1976.¹⁴⁹ Within the ministry, the unit on nature conservation was responsible for the dossier on bird conservation. The ministries' hunting unit resented this and shadowed all the activities. It tried to insert the view of the hunting groups, with whom this unit entertained particularly cordial relations, as their exchanges of letters demonstrate. When writing to Jahn, the hunting association sent a copy to the ministry, as a matter of course.¹⁵⁰

¹⁴³ Lagorce Intervention Directive on bird conservation, oral question with debate, 5 July 1978, 184.

¹⁴⁴ Claus Stuffmann, Letter to Jahn 19 January 1978, ACDP, Nachlaß Jahn, 98/3, 1.

¹⁴⁵ See, for example, Landwirtschaft und Forsten Bundesministerium für Ernährung (1976b) Betr. Entwurf der EG-Kommission für eine Richtlinie über den Schutz wildlebender Vogelarten (Stand: 21. Mai 1976). Einleitende Erklärung der Deutschen Delegation zu Protokoll, Bonn, 9.6.1976 und Anlagen, ACDP, Nachlaß Jahn 98/5, 1-2.

¹⁴⁶ Jahn, Oral question (O-34/78) with debate, 26 June 1978; Jahn, Intervention Directive on bird conservation, oral question with debate, 5 July 1978.

¹⁴⁷ Committee on the Environment, Public Health and Consumer Protection (1976) Notice to Members. Subject: Inadequate measures in the Commission draft directive on the protection of birds. For information, extracts from statements by bird protection organizations and the press on the topic, 16 September 1976, HAEP, PEO.AP.ENVI.1976.RP//A0-0113/77/0085, 1-7.

¹⁴⁸ Hans Edgar Jahn, An Bundesministerium für Ernährung, Landwirtschaft, Forsten, Anlage: Verhandlungen des EP, Ausführliche Sitzungsberichte, 15. Oktober 1976, 275-277] Bundesarchiv Koblenz (BK), B 116/38203.

¹⁴⁹ Bundesministerium für Ernährung, Landwirtschaft und Forsten, Betr. Entwurf der EG-Kommission für eine Richtlinie über den Schutz wildlebender Vogelarten (Stand: 21. Mai 1976). Einleitende Erklärung der Deutschen Delegation zu Protokoll, Bonn, 9.6.1976. BK B 116/38203, 1-2.

¹⁵⁰ Joachim Graf Schönborg, An die Herren Mitglieder des DJV Vorstands sowie Bundesministerium für Ernährung, Landwirtschaft und Forsten. Betr.: EG-Richtlinie für den Vogelschutz. hier: Behandlung im Europa-Parlament, 25. Februar 1977, Anlage: Brief an Jahn, 24. Februar 1977, von Dr. G. Frank, MDL, DJV Vizepräsident, BK, B 116/38204, 1-2, Anlage.

Jahn's relations with the hunters were conflict-ridden. Whereas he claimed that the Commission had only consulted the hunters when drawing up the proposal in October 1976, the official in the Federal Ministry of Agriculture's hunting unit scribbled on the margins of the printed version of Jahn's plenary speech that the opposite was the case and that the hunters had not been consulted.¹⁵¹ Jahn also received critical letters from the German hunting associations on the scientific quality of his arguments regarding the impact of hunting on bird populations.¹⁵² Jahn subsequently met with representatives of the hunting organisations in Brussels in May 1977, and took a more conciliatory stance.¹⁵³

Interestingly, there is no evidence that Jahn, as a member of the German Bundestag, played a significant role in the West German Parliament's resolution on the Birds Directive. He did not seem to use inter-parliamentary cooperation as a strategy to advance his cause. This is surprising, since others, like the social democrat member of the Bundestag Richard Müller, enquired with the German government about bird hunting shortly before the draft directive was published in 1976.¹⁵⁴ Generally, in the Bundestag the proposal proved not to be as salient as in the EP. The Bundestag also produced a report and resolution on the Birds Directive and suggested numerous changes. Here, the Agriculture Committee and its social democrat member Brigitte Erler were in charge. This committee was much closer to the views of hunting interests. In its call for amendments, the Bundestag committee thus stressed the care and protection of game, notably during breeding periods, with a view to maintaining sufficient stocks. In fact, the MPs intended to upload this traditional idea to the EC level, as an instrument against declining bird populations.¹⁵⁵

4.4. Working with media

In the 1970s, the European public sphere of the media was generally much weaker and less developed than from the late 1980s onwards, and the EC featured relatively little in national media.¹⁵⁶ However, the 'environmental revolution' of the 1970s largely took place in public debates and protests,¹⁵⁷ and environmental issues quickly became a mainstay in the media. Television (TV) shows – such as the one hosted by Grzimek – raised awareness of such issues. MEPs also considered public pressure an important ally for advancing environmental policy.

For MEPs, the media, and newspapers in particular, played a crucial role as sources of information and indicators of public concerns, at a time when printed media were still dominant in political communication. MEPs frequently pointed to media reporting when raising parliamentary questions or intervening in parliamentary debates. As members of national parliaments until 1979, they were closely connected to national debates and followed current politics in the national media.

¹⁵¹ Jahn, An Bundesministerium für Ernährung, Landwirtschaft, Forsten, Dr. Hans Edgar Jahn MdB überreicht diese Anlage mit freundlichen Grüßen.

¹⁵² Joachim Graf Schönburg, An die Herren Mitglieder des DJV Vorstands sowie Bundesministerium für Ernährung, 25. Februar 1977.

¹⁵³ Hans Edgar Jahn, Notizen informelle Gesprächsrunde mit Vertretern europäischer Jagd- und Vogelschutzverbände, 13. Mai 1977.

¹⁵⁴ Richard Müller (1976) Frage von Abg. Müller (Bayreuth, SPD) Nr. 25 zum Singvogelfangverbot, Fragen gemäß §11 der Geschäftsordnung für September 1976, *Drucksache des Deutschen Bundestages* (7/5825, 25. Oktober 1976), 22-23.

¹⁵⁵ Brigitte Erler (1977) Beschlußempfehlung und Bericht des Ausschusses für Ernährung, Landwirtschaft und Forsten (10. Ausschluß) zu der Unterrichtung durch die Bundesregierung. Vorschlag einer Richtlinie des Rates über die Erhaltung der Vogelarten - Drucksache 8/41 - Bonn, den 27. Mai 1977. *Bundestagsdrucksache*, 8 (523), 1-19.

¹⁵⁶ Jan-Henrik Meyer (2010) *The European Public Sphere. Media and Transnational Communication in European Integration 1969-1991*, Stuttgart: Franz Steiner.

¹⁵⁷ Max Nicholson (1970) *The Environmental Revolution. A Guide for the New Masters of the World*, London: Penguin.

Mainstream media picked up Commission press releases on environmental issues – such as bird protection – on a regular basis.¹⁵⁸ In contrast, for MEPs to become visible in the media required more skill and effort. Jahn's files give some insights into his media-related activities. As a former propaganda and PR professional, he was hardly representative among MEPs, however. For most of them, media work must have been even more difficult at a time when media attention towards the EP was minimal. Jahn also benefited from the fact that bird protection was a newsworthy, highly emotional issue in the media. With his own initiative report on birds, Jahn triggered ample media coverage on the EP's efforts concerning this issue. The EP's newspaper clippings for the February 1975 session include 69 newspaper articles on bird protection across all member states – ranging from 19 articles in Belgian newspapers and 17 in West German ones to only one each in the UK and Luxembourg, where there was less reporting on the EP session in general, however.¹⁵⁹

Journalists and activists routinely illustrated their claims with emotionally touching images of canned bird, or birds caught up in nets, in newspapers, magazines and on TV, and occasionally also highlighted the EC dimension. Nevertheless, even for Jahn it was difficult to insert his and the EP's views in printed media. There is no evidence in his files that he appeared on TV on this issue. At a time when there were only two or three public TV channels, chances for TV appearances were anyhow limited.

Jahn sent press releases to major newspapers such as the *Frankfurter Allgemeine Zeitung*, and responded to an ongoing debate about European bird protection in this newspaper.¹⁶⁰ However, this did not result in articles in which his work featured.¹⁶¹ In other cases, he was more successful. One article in the Munich-based *Süddeutsche Zeitung* about the Birds Directive highlighted the work of the EP and mentioned him alongside other MEPs from Luxembourg and the UK.¹⁶²

Jahn also wrote letters to the editor, and publicly defended his views. When the mass-circulation West German TV guide *Hörzu*, which sold more than four million copies at the time, ran a campaign to 'Save the birds', he took the opportunity to intervene.¹⁶³ Grzimek and Gerhard Thielcke, a leading ornithologist, had started this campaign to get media attention after launching the newly founded environmental NGO Federation for Environment and Nature Protection (BUND). Jahn's letter appeared in the letters to the editors section. He not only identified himself as the responsible EP rapporteur, but also reiterated his claims regarding the centrality of hunting to the decline of bird populations, a view that Thielcke and other mainstream environmentalists did not share.¹⁶⁴

¹⁵⁸ See, for example, Jak Veltman (1975) Welche beschermende maatregelen treffen? EG slaakt noodkreet om verdwenen vogels. *De Standaard*, 30 January 1975. In: Dossier de presse thématique relatif à la l'écologie en Europe. Documents from [1973] to [1977], Groupe de porte-parole, Historical Archives of the European Union (HAEU) BAC-154/1980 (1357), 11.

¹⁵⁹ Own calculation, based on EP newspaper clipping collection in HAEU, CPPE 432.

¹⁶⁰ Starting with: Jürgen Eick. Kein Urlaubsort, wo Vogelmord Oder: Wie weit darf Tierliebe gehen, *Frankfurter Allgemeine Zeitung*, 1. Oktober 1977.

¹⁶¹ Hans Edgar Jahn, Letter to *Frankfurter Allgemeine Zeitung*, 19 October 1977, Ende des Vogelmords in Sicht. EG-Richtlinie zur Erhaltung der Vogelarten harrt der Verabschiedung durch die Mitgliedstaaten, ACDP. Nachlaß Jahn, 50/1,, 1-2.

¹⁶² Christian Schütze, Mit Gift und Flinte gegen ganz Europas Eigentum. EG-Richtlinie zum Schutz der Zugvögel bringt Umweltminister erneut in die Schußlinie der Jäger, *Süddeutsche Zeitung*, 10 June 1978, ACDP. Nachlaß Jahn, 093/1.

¹⁶³ Hans Edgar Jahn, Letter to the editor. Großes Echo auf die Hörzu-Aktion Rettet unsere Vögel - wir brauchen sie! Schluß mit dem Mord in Italien! *Hörzu* 12-18 November 1977, 185, ACDP. Nachlaß Jahn, 093-1.

¹⁶⁴ Großes Echo auf die Hörzu-Aktion Rettet unsere Vögel - wir brauchen sie! Schluß mit dem Mord in Italien! [Letters to the Editor]. *Hörzu*, 12-18. November 1977.

Together with the movement opposed to hunting birds, Jahn hosted events in his constituency in Braunschweig,¹⁶⁵ and thus created newsworthy material that was covered not only by the local newspaper in the constituency where he stood as a candidate,¹⁶⁶ but also by the national business newspaper *Handelsblatt*, for example.¹⁶⁷ The electoral logic clearly encouraged Jahn's working with the media, as he hoped to continue his political career in the EP after the first direct elections.

In the late 1970s, the perspective of direct elections and the need to reach out to citizens informed the activities not only of individual MEPs. The EP's Secretariat that supported the MEPs was also starting to think in electoral terms. Writing to Jahn in July 1977, an official from the Directorate General for Research and Documentation highlighted, for example, that publicising the activities of the MEPs on bird conservation 'to the wider public' could prove useful 'in preparation of the direct elections to the EP'.¹⁶⁸

¹⁶⁵ Inge Jaffke, Letter to Küster, Gesprächsrunde am 18. März 1978 in Braunschweig, Hamburg 6 March 1978, ACDP, Nachlaß Jahn, 50/1.

¹⁶⁶ Experten für den Vogelschutz tagen, Braunschweiger Zeitung, 15. März 1978, ACDP, Nachlaß Jahn, 93/1.

¹⁶⁷ Vogelschutz europaweit, *Handelsblatt*, 27. März 1978, ACDP, Nachlaß Jahn 93/1.

¹⁶⁸ Küster, Letter to Jahn, 21 July 1977, enclosed: Zusammenfassende Darstellung.

5. Conclusion

Today, the environment is a flagship policy of the EU – with the European Commission President's promise of a 'Green Deal'.¹⁶⁹ The emergence of EC environmental policy some 50 years ago cannot be explained, however, without examining the contribution of what was then its formally weakest institution. Unelected and without legislative decision-making powers, the EP nonetheless contributed in crucial ways to the rise of environmental policy in the 'long 1970s', without even a clear treaty base. This study has demonstrated how the EP managed to place the environment on the EC agenda, sought to influence the contents and scope of the policy and pushed the other institutions to produce binding legislation on these issues. In these different ways, the EP made a significant difference.

Different actors within the EP contributed to this success. The EP collectively issued resolutions in its plenary. It was primarily its committee responsible for environmental issues, however, that transferred the nascent topic from the international and domestic levels and demanded that the EC address the issue. The committee developed a deliberately step-by-step strategy: by first addressing water pollution, followed by air pollution and then waste, the committee intended to convince the Commission and the member states of the necessity of introducing a new policy. To be sure, the EP benefited from a receptive Commission. Moreover, member states understood the economic and trade implications of diverging national environmental policies, an aspect the committee reports had duly flagged, and thus accepted common EC policymaking before the policy field was formally integrated in the 1987 SEA.

Individuals mattered, too. The Dutch MEPs Boersma and Oele used the public outcry and the emotions stirred by the Rhine fish kill to flag the pollution issue for the first time, as did Jahn later regarding bird protection, a similarly emotional issue. Jahn was also very stubborn in pushing for this issue, and he formed alliances beyond the committee, including within his political group.

Unlike today, however, the environment was not initially a controversial issue of party politics; MEPs from all political parties pushed for its establishment. Notable differences existed between committees, though. These reflected the preferences of relevant constituencies, who articulated them as agricultural versus habitat protection issues, for instance, or were driven by ideology and interests, for example regarding the need for uniform pollution standards. On some issues, nationality mattered – regarding bird hunting, for instance, between Northern and Southern European MEPs, or on water pollution control, where British Conservative MEPs defended national traditions of discharging raw sewage into the sea as the most cost-effective solution, relying on what they considered the limitless self-cleaning capacity of the ocean. On both issues, MEPs relied on arguments that were already scientifically outdated at the time. Many of them, like Jahn, overestimated the contribution of bird hunting to the decline of species. The British MEPs, in turn, underestimated the impact of what the sea was able to take without harm. Nevertheless, these arguments were politically convenient, as they were popular with relevant constituencies.

The EP, its groups and members used different strategies to shape policymaking. Lacking a formal right of initiative, they used own initiative reports to flag issues they deemed relevant. They also used parliamentary questions not only to obtain information, but also to push for action, and to collect evidence, arguments, and statements. They could then use such information for what this study has called 'communicative entrepreneurship' – rhetorical action to appeal, persuade and

¹⁶⁹ Vincent Gengnagel and Katharina Zimmermann (2022) The European Green Deal as a Moonshot – Caring for a Climate-Neutral Yet Prospering Continent?, *Historical Social Research*, 47 (4), 267-302.

convince other institutions. MEPs used windows of opportunity provided by newsworthy events such as the Rhine fish kill or the apparent mass killing of birds through hunting. They also used institutional opportunities, such as petitions submitted to the EC, which they turned into arguments through own initiative reports. MEPs cooperated closely with often like-minded actors throughout the EC institutions, member states and with the growing environmentalist NGOs that increasingly became aware of the importance of EC-level action. Using the media, however, proved more difficult at a time when media attention towards the EC was negligible and haphazard.

The EP had a concrete, traceable impact on the scope and content of environmental policy. By focusing on the Rhine and water pollution, and subsequently air pollution, the EP's own initiative reports advanced two central planks of the EAP and of EC environmental legislation. In this way, the EP mediated topics that were already being addressed and prioritised internationally and in the member states. Nevertheless, with its recurrent efforts to flag up the importance of the polluter pays principle, for instance, the EP highlighted key instruments that became a cornerstone of the EP's environmental policy and later, of EC policy in this field.

In the case of the Birds Directive, the issue would likely never have been addressed by the EC had it not been for the EP's, and particularly Jahn's, persistent efforts. The issue also serves to illustrate the impact of the incipient electoral connection. Jahn likely genuinely considered bird hunting cruel and outrageous. At the same time, he skilfully and strategically used the emotional appeal and moral outrage over bird hunting to push for a law on a popular issue, and to benefit from this success in the direct elections. What counted for him was the popular appeal, not the scientific quality of the argument, and it was primarily due to the efforts of the Commission that habitat protection was also included. This is characteristic of some of the EP's environmental initiatives in the 'long 1970s' at least. In the face of the institutional obstacles and veto points that their initiatives faced, they opted for those aspects of environmental policy where they were most likely to mobilise the widest support, while meeting least resistance. Bird protection with a focus on hunting bans is clearly a case in point.

Today's conditions for environmental policymaking are different, just as the EU is very different from the EC in the 1970s. In the wake of numerous enlargements, the EP has become much more internally diverse. Following the enlargements since 2004, the Environment Committee's almost uniform commitment 'to save the earth' during the 1990s¹⁷⁰ has given way to a committee in which environmentalist voices exist alongside those who prefer to scale back environmental commitments. With right-wing populism on the rise, which often goes along with climate and environmental scepticism, this balance could change even further. Party groups are keenly aware of the importance of the decisions prepared by the committee, such as the control of pesticides. In this case, the electoral connection could play out to the detriment of the environmental objectives of environmental policy. More generally, in the face of recent crises, the political priorities of parties and voters are changing, at times very quickly.¹⁷¹ Researchers have observed quite pessimistically that recent EU claims to prioritise environmental issues have sometimes been characterised by cheap talk, rather than a real commitment.¹⁷²

¹⁷⁰ David Judge (1992) 'Predestined to save the earth': The environment committee of the European parliament, *Environmental Politics*, 1 (4), 186-212.

¹⁷¹ Jeffrey Rosamond (2023) The slow-burning climate emergence and the European Green Deal: prospects and pitfalls in the polycrisis era, in: Mechthild Roos and Daniel Schade (eds) *The EU under Strain? Current Crises Shaping European Union Politics*, Berlin: De Gruyter, 275-292.

¹⁷² Christoph Knill, et al. (2020) Hypocrisy as a crisis response? Assessing changes in talk, decisions, and actions of the European Commission in EU environmental policy, *Public Administration*, 98 (2), 363-377.

At the same time, the environment as a policy field is much more firmly embedded in the treaties than in the 1970s. The EP acquired co-legislative powers for this area in the 1992 Maastricht Treaty, which were generalised to many other policy fields in the Lisbon Treaty. The relevant committee representatives negotiate on a par with the Council and the Commission in the trilogue, which, however, has reduced the involvement of individual committee members and their opportunities to influence policymaking.¹⁷³

Hence, the EP no longer has to rely on own initiative reports and questions to influence the agenda. Still, it continues to use these instruments, such as in its resolution on soil protection of 28 April 2021, which in turn led to a Commission Proposal for a Directive on Soil Monitoring and Resilience in 2023. In fact, Boersma had flagged the issue of soil protection as early as 1969. It was not picked up for 50 years, probably not least because it was always likely to antagonise important economic interests, notably those of Europe's farmers. As in the 1970s, however, MEPs used a special opportunity, now created by the Green Deal, and finally called for action. Policy evolution sometimes takes a long time. In any case, without the EP's early activism, the Europeanisation of environmental protection would have taken place later and been much less comprehensive.

¹⁷³ Christine Reh (2014) Is informal politics undemocratic? Trilogues, early agreements and the selection model of representation, *Journal of European Public Policy*, 21 (6), 822-841.

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Drawing on a wide array of sources and literature, this study examines the role of the European Parliament in the establishment of the European Community's environmental policy. It argues that Parliament played a key role in placing this nascent policy issue on the agenda. It influenced the definition of what the policy should include, what it should focus on, and which instruments should be used to address environmental problems. In this process, Parliament filtered ideas, issues and political objectives from national and international debates into the European Community.

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